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Session Law 85-116

Florida Senate & House of Representatives

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By the Committee on Education and Senators Peterson, Castor, Neal,
Weinstein and Mann-

304-1724-85

CS for SB 848

This publication was produced at an average cost of 1.5 cents per page for the information of members of the Legislature and the public.

1 A bill to be entitled
2 An act relating to educational facilities;
3 amending ss. 235.001, 235.002, 235.011,
4 235.014, 235.04, 235.054, 235.055, 235.06,
5 235.15, 235.195, 235.196, 235.197, 235.211,
6 235.212, 235.26, 235.30, 235.31, 235.32,
7 235.33, 235.34, 235.41, 235.42, 235.435, F.S.;
8 repealing ss. 235.065, 235.193(4), F.S.;
9 amending the short title; providing legislative
10 intent; providing definitions; providing for
11 functions of the Office of Educational
12 Facilities of the Department of Education;
13 amending the minimum utilization rate for
14 postsecondary classrooms; providing for the
15 disposal of real property by certain
16 educational boards; providing procedures for
17 proposed purchases of real property by certain
18 boards; authorizing certain construction on
19 short-term leased property by the Board of
20 Regents; providing for safety and sanitation
21 standards and inspection of public educational
22 and ancillary plants; deleting provision which
23 empowered a local governing body to reject
24 residential development plans under certain
25 circumstances; providing for the cooperative
26 development and use of facilities by two or
27 more boards under certain circumstances;
28 providing procedures and requirements for
29 requests for moneys to construct certain
30 community educational facilities; amending
31 provisions relating to the use of relocatable

1 facilities and providing for the transfer of
2 title of such facilities; deleting provisions
3 requiring that the state board develop and
4 provide certain prototype design criteria;
5 providing for use of designs for natural or
6 natural and low-energy; usage mechanical
7 ventilation in certain new educational
8 facilities under certain circumstances;
9 providing for the adoption of a state uniform
10 building code for educational and ancillary
11 plants; requiring conformity of certain plans
12 to the code; providing for enforcement;
13 providing for the awarding of certain
14 contracts; requiring inspection of certain
15 facilities prior to occupancy or final payment
16 to the contractor, prohibiting local
17 legislation amending the uniform building code
18 after a certain date; providing for supervision
19 and inspection of certain construction;
20 increasing the maximum amount a project may
21 cost to be done on a day-labor basis; deleting
22 certain provisions relating to the advertising
23 and awarding of contracts and prequalification
24 of contractors; requiring contractors to
25 furnish a performance and payment bond;
26 authorizing the expenditure of funds for
27 certain roads and traffic control devices;
28 amending provisions relating to legislative
29 capital outlay budget requests; revising the
30 sources which comprise the Public Education
31 Capital Outlay and Debt Service Trust Fund;

1 revising the method for allocating moneys from
2 the fund; repealing provision relating to
3 maintenance and operation of educational
4 plants; reviving and adopting certain
5 provisions scheduled for repeal; providing for
6 the future repeal of certain provisions;
7 providing a retroactive effective date.
8

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

10
11 Section 1. Section 235.001, Florida Statutes, is
12 amended to read:

13 235.001 Short title.--This act shall be known and
14 cited as the "Educational Facilities Act of 1981."

15 Section 2. Subsections (1) and (4) of section 235.002,
16 Florida Statutes, are amended to read:

17 235.002 Intent.--The intent of the Legislature is:

18 (1) To provide ~~guarantee to~~ each student in the public
19 education system the availability of an educational
20 environment appropriate to his educational needs which is
21 substantially equal to that available to any similar student,
22 notwithstanding geographic differences and varying local
23 economic factors, and to provide facilities for the Florida
24 School for the Deaf and the Blind and other educational
25 institutions and agencies as may be defined by law.

26 (4) To provide a systematic plan for educational
27 construction whereby sites may be acquired, educational
28 requirements formulated, and construction documents
29 ~~architectural plans and specifications~~ developed so as to
30 proceed immediately with the construction of educational
31 facilities when funds are made available.

1 Section 3. Section 235.011, Florida Statutes, is
2 amended to read:

3 235.011 Definitions.--Notwithstanding the provisions
4 of s. 228.041, the following terms shall be defined as follows
5 for the purpose of this chapter:

6 (1) "Ancillary plant" is comprised of the building,
7 site, and site improvements necessary to provide such
8 facilities as vehicle maintenance, warehouses, maintenance, or
9 administrative buildings necessary to provide support services
10 to an educational program.

11 (2) "Auxiliary facility" means the spaces located at
12 educational plants which are not designed for student occupant
13 stations.

14 ~~(3)(1)~~ "Board," unless otherwise specified, means a
15 district school board, a community college board of trustees,
16 or the Board of Trustees for the Florida School for the Deaf
17 and the Blind. The term "board" does not include the State
18 Board of Education.

19 ~~(4)(2)~~ "Capital project," for the purpose of s.
20 9(a)(2), Art. XII of the State Constitution, as amended, means
21 sums of money appropriated from the Public Education Capital
22 Outlay and Debt Service Trust Fund to the state system of
23 public education and other educational agencies as authorized
24 by the Legislature.

25 ~~(3)--"Educational-capital-outlay-needs" means the sum~~
26 ~~of the following estimated factors:~~

27 ~~(a)--Construction costs;~~

28 ~~(b)--Legal and administrative costs;~~

29 ~~(c)--Architectural fees;~~

30 ~~(d)--Student capacity; program; auxiliary; and~~
31 ~~ancillary needs;~~

1 ~~(e)--The cost of new furniture and equipment for new~~
2 construction;

3 ~~(f)--The cost of site improvement; and~~

4 ~~(g)--The cost of site acquisition;~~

5 (5)(4) "Educational facilities" means the buildings
6 and equipment that are built, installed, or established to
7 serve educational purposes and which may lawfully be used.

8 (6)(5) "Educational plant" comprises the buildings,
9 equipment, site and site improvements and grounds necessary to
10 accommodate students, faculty, administrators, staff, and the
11 activities of the educational program of each plant.

12 (7)(6) "Educational plant survey" means a systematic
13 study of present educational and ancillary plants and the
14 determination of future needs to provide an appropriate
15 educational program and services for each student.

16 (8) "Feasibility study" means the examination and
17 analysis of information related to projected educational
18 facilities to determine whether they are reasonable and
19 possible.

20 (9) "Long-range planning" means devising a systematic
21 method based on educational information and needs, carefully
22 analyzed, to provide the facilities to meet the goals and
23 objectives of the educational agency.

24 ~~(7)--"Improved educational environment"--means the~~
25 ~~improvements to existing educational plants, such as altering;~~
26 ~~remodeling; improving; renovating; or repairing;~~

27 (10)(8) "Low-energy usage features" means engineering
28 features or devices which supplant or minimize the consumption
29 of fossil fuels by heating equipment and cooling equipment.
30 Such features may include, but are not limited to, high
31 efficiency chillers and boilers, thermal storage tanks, solar

1 energy systems, waste heat recovery systems, and facility load
2 management systems.

3 (11)+9+ "Maintenance and repair" means the upkeep of
4 educational and ancillary plants property-or-equipment,
5 including, but not limited to, roof or roofing replacement
6 short of complete replacement of membrane or structure,
7 repainting of interior or exterior surfaces; resurfacing of
8 floors; repair or replacement of glass; repair of hardware,
9 furniture, equipment, electrical fixtures, and plumbing
10 fixtures; and repair or resurfacing of parking lots and
11 walkways site-improvement

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

17 (13)+10+ "New construction" means any construction of
18 a building or unit of a building in which the entire work is
19 new or an entirely new addition connected to an existing
20 building.

21 (14)+11+ "Office" means the Office of Educational
22 Facilities of the Department of Education.

23 (15)+12+ "Passive design elements" means architectural
24 features which minimize heat gain, heat loss, and the use of
25 heating and cooling equipment when ambient conditions are
26 extreme and which permit use of the facility without heating
27 or air conditioning when ambient conditions are moderate.
28 Such features may include, but are not limited to, building
29 orientation, landscaping, earth bermings, insulation, thermal
30 windows and doors, overhangs, skylights, thermal chimneys, and
31 other design arrangements.

By the Committee on Education and Senators Peterson, Castor, Neal, Weinstein and Mann-

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16 or the Board of Trustees for the Florida School for the Deaf
17 and the Blind. The term "board" does not include the State
18 Board of Education.

19 (4)(2) "Capital project," for the purpose of s.
20 9(a)(2), Art. XII of the State Constitution, as amended, means
21 sums of money appropriated from the Public Education Capital
22 Outlay and Debt Service Trust Fund to the state system of
23 public education and other educational agencies as authorized
24 by the Legislature.

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- 29 ~~(c)--Architectural fees;~~
- 30 ~~(d)--Student capacity; program; auxiliary; and~~
31 ~~ancillary needs;~~

1 ~~(e) -- The cost of new furniture and equipment for new~~
2 construction;

3 ~~(f) -- The cost of site improvement; and~~

4 ~~(g) -- The cost of site acquisition;~~

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11 activities of the educational program of each plant.

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17 analysis of information related to projected educational
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23 objectives of the educational agency.

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31 efficiency chillers and boilers, thermal storage tanks, solar

1 energy systems, waste heat recovery systems, and facility load
2 management systems.

3 (11)~~(9)~~ "Maintenance and repair" means the upkeep of
4 educational and ancillary plants property-or-equipment,
5 including, but not limited to, roof or roofing replacement
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8 floors, repair or replacement of glass; repair of hardware,
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10 fixtures; and repair or resurfacing of parking lots and
11 walkways site-improvement.

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13 types and amounts of educational facilities necessary to
14 accommodate the educational programs, student population,
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16 services of an educational agency.

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18 a building or unit of a building in which the entire work is
19 new or an entirely new addition connected to an existing
20 building.

21 (14)~~(11)~~ "Office" means the Office of Educational
22 Facilities of the Department of Education.

23 (15)~~(12)~~ "Passive design elements" means architectural
24 features which minimize heat gain, heat loss, and the use of
25 heating and cooling equipment when ambient conditions are
26 extreme and which permit use of the facility without heating
27 or air conditioning when ambient conditions are moderate.
28 Such features may include, but are not limited to, building
29 orientation, landscaping, earth bermings, insulation, thermal
30 windows and doors, overhangs, skylights, thermal chimneys, and
31 other design arrangements.

1 ~~(13)~~--"Relocatable facility" means an educational
2 facility which has been designed to incorporate the following
3 elements:

4 ~~(a)~~--Portability;

5 ~~(b)~~--Reconstructibility;

6 ~~(c)~~--Demountability;

7 ~~(d)~~--Durability of components;

8 ~~(e)~~--Simplicity of components;

9 ~~(f)~~--Flexibility of interior spatial relationships;

10 ~~(g)~~--Adaptability to solar energy systems;

11 ~~(h)~~--Minimum foundation work;

12 ~~(i)~~--Interfaceability with existing, conventional
13 construction; and

14 ~~(j)~~--Maximum recoverability of components when the
15 facility is relocated:

16 (16)~~(14)~~ "Remodeling" means the changing of existing
17 facilities by rearrangement of spaces and their use and
18 includes, but is not limited to, the conversion of two
19 classrooms to a science laboratory or the conversion of a
20 closed plan arrangement to an open plan configuration

21 (17)~~(15)~~ "Renovation" means the upgrading of existing
22 facilities by installation or replacement of materials and
23 equipment and includes, but is not limited to, air-
24 conditioning, heating, or ventilating equipment; fire alarm
25 systems; emergency lighting; electrical systems; and complete
26 roofing or roof replacement, including replacement of membrane
27 or structure.

28 (18)~~(16)~~ "Satisfactory educational facility" means a
29 facility which has been recommended for continued use by an
30 educational plant survey or which has been classified as
31

1 satisfactory in the state inventory of educational facilities.

2 (19) "Site" means a space of ground occupied or to be
3 occupied by an educational facility or program.

4 (20) "Site development" means work that must be
5 performed on an unimproved site in order to make it usable for
6 the desired purpose; or, work incidental to new construction
7 or to make an addition usable.

8 (21) "Site improvement" means work that must be
9 performed on an existing site to improve its utilization,
10 correct health and safety deficiencies, meet special program
11 needs or provide additional service areas.

12 (22) "Site improvement incident to construction" means
13 the work that must be performed on a site as an accompaniment
14 to the construction of an educational facility.

15 Section 4 Section 235.014, Florida Statutes, is
16 amended to read:

17 235.014 Functions of the office.--The functions of the
18 office shall include, but not be limited to, the following; it
19 shall:

20 ~~{1}--Require of boards, including the Board of Regents,~~
21 ~~the development and submission of long-range plans for~~
22 ~~educational plants:~~

23 {1}{2} Establish minimum and maximum square footage
24 requirements for different functions and areas and the
25 procedures for determining the gross square footage for each
26 educational facility to be funded in whole or in part by the
27 state standards for all educational space, including public
28 broadcasting stations but excluding postsecondary special
29 purpose laboratory space.

30 {2}{3} Establish equitably uniform utilization
31 standards for all types of like space, regardless of the level

1 of education. These standards shall also establish a minimum
 2 utilization rate of 90 85 percent of all postsecondary
 3 classrooms, based on 65 58 hours per week, Monday through
 4 Saturday.

5 (3)47 On behalf of a board, including the Board of
 6 Regents, Authorize and request, when there is a clear and
 7 present danger to life and safety, county and municipal
 8 governments, ~~in cooperation with boards, including the Board~~
 9 ~~of Regents,~~ to construct and maintain sidewalks or bicycle
 10 trails within a 2-mile radius of each educational facility
 11 within the jurisdiction of the local government.

12 (4)45 Evaluate the plan for educational facilities of
 13 each public school board for inclusion in the integrated,
 14 comprehensive budget request.

15 (5)46 Require of the boards, including the Board of
 16 Regents, the submission of other educational plant inventories
 17 data and statistical data or information relevant to
 18 construction and capital improvements.

19 (6)47 Require from each board, including the Board of
 20 Regents, all agencies of the state, and other appropriate
 21 agencies complete and accurate financial data as to the
 22 amounts of funds from all sources that are available for
 23 construction and capital improvements. ~~Each board, including~~
 24 ~~the Board of Regents, shall include in its budget request the~~
 25 ~~amounts of funds from all sources that were spent for capital~~
 26 ~~outlay projects, excluding transportation, for the previous 10~~
 27 ~~years, which data shall be updated annually.~~ The commissioner
 28 shall prescribe the format and the date for the submission of
 29 this data and any other educational facilities data. If any
 30 district does not submit the expenditure data, or any other
 31 required educational facilities fiscal data, by the prescribed

1 date, the commissioner shall notify the district school board
2 of this fact and, if appropriate action is not taken to
3 immediately submit the required report, the school board shall
4 be directed to proceed pursuant to the provisions of s.
5 230.23(11)(b). If any community college or university does
6 not submit ~~the expenditure data or any other~~ required
7 educational facilities fiscal data by the prescribed date, the
8 same policy prescribed above for school districts shall be
9 implemented.

10 ~~(7)(8)~~ Administer, under the supervision of the
11 commissioner, the Public Education Capital Outlay and Debt
12 Service Trust Fund.

13 ~~(8)(9)~~ Approve or disapprove, for reasons shown, sites
14 and facilities to be purchased or lease purchased for the
15 purchase of, or the lease purchase of, sites suitable to be
16 used for educational and ancillary purposes by educational
17 agencies ~~the boards and plans and specifications for new~~
18 ~~educational facilities construction or the improvement of~~
19 ~~existing structures on sites as submitted.~~

20 ~~(9)(10)~~ Determine the roles of the different state and
21 local government agencies, including planning commissions, in
22 the planning, design, and construction of educational
23 facilities and improvements, to ensure inclusion of services
24 and programs for community centers that can appropriately be
25 provided on a single site for the purpose of meeting current
26 and future needs of the community to be served.

27 ~~(10)(11)~~ Develop, review, update, and revise a
28 mandatory, uniform building code for facilities construction
29 and capital improvement by boards.

30 ~~(11)(12)~~ Ensure as far as practicable that there be as
31 much participation as possible by local personnel in

1 determining programs and activities. Local initiative should
 2 be encouraged and utilized in order that the needs of local
 3 communities be met, as far as practicable, when constructing
 4 new educational facilities or making additions or improvements
 5 to existing facilities in the community.

6 (12) Approve educational and ancillary plant
 7 specifications and construction documents for remodeling,
 8 renovations or new construction of educational plants or
 9 ancillary facilities to determine compliance with rules and
 10 statutes, except that the Board of Regents shall approve
 11 specifications and construction documents for the State
 12 University System.

13 ~~(13)--Approve plans and specifications for new~~
 14 ~~educational facilities construction or the improvement of~~
 15 ~~existing structures, except that the Board of Regents shall~~
 16 ~~approve plans for the State University System.~~

17 (13)(14) Coordinate educational plant surveys and
 18 document the determination of future needs.

19 (14)(15) Make available to boards, including the Board
 20 of Regents, technical assistance relating to maintenance and
 21 operation of educational plants; custodial and maintenance
 22 training; educational facilities specifications; product
 23 specifications and evaluations; safety; security and risk
 24 management; and plant services.

25 (15) Provide annually to the State Board of Community
 26 Colleges and the Board of Regents an estimate of the funds
 27 available to that board for developing their required 3-year
 28 priority list. This amount shall be based upon the average
 29 percentage, for the 3 prior years, of funds appropriated by
 30 the Legislature for fixed capital outlay to each level of
 31

1 education: public schools, community colleges, and the state
2 university system.

3 (16) Perform any other functions that may be involved
4 in educational facilities construction and capital improvement
5 which shall ensure that the intent of the Legislature is
6 implemented.

7 Section 5. Subsection (1) of section 235.04, Florida
8 Statutes, is amended to read:

9 235.04 Disposal of property.--

10 (1) REAL PROPERTY.--Subject to rules of the state
11 board, a board may dispose of any land or real property which
12 is, by resolution of such board, determined to be unnecessary
13 for educational purposes as recommended in an educational
14 plant survey. A board shall take diligent measures to dispose
15 of educational property only in the best interests of the
16 public. However, appraisals may be obtained by the board
17 prior to or simultaneously with the receipt of authorization
18 ~~for-advertisement-for bids.~~

19 Section 6. Section 235.054, Florida Statutes, is
20 amended to read:

21 235.054 Proposed purchase of real property by a school
22 board; confidentiality of records; procedure.--

23 (1)(a) In any case in which a school board, pursuant
24 to the provisions of this chapter, seeks to acquire by
25 purchase any real property for educational purposes, every
26 appraisal, offer, or counteroffer must be in writing and is
27 exempt from the provisions of chapter 119 until an option
28 contract is executed or, if no option contract is executed,
29 until 30 days before a contract or agreement for purchase is
30 considered for approval by the school board. If a contract or
31 agreement for purchase is not submitted to the school board

1 for approval, the exemption from chapter 119 will expire 30
2 days after the termination of negotiations. The school board
3 shall maintain complete and accurate records of every such
4 appraisal, offer, and counteroffer. For the purposes of this
5 section, the term "option contract" means an agreement by the
6 school board to purchase a piece of property, subject to the
7 approval of the school board at a public meeting after 30
8 days' public notice.

9 (b) The school board will not be under any obligation
10 to exercise the option unless the option contract is approved
11 by the school board at the public hearing specified in this
12 section. If this procedure is utilized, the school board
13 shall obtain at least one appraisal by an appraiser who is a
14 member of an appraisal organization listed in s. 253.025(7)(b)
15 for each purchase in an amount of not more than \$500,000. For
16 each purchase in an amount in excess of \$500,000, the school
17 board shall obtain at least two appraisals by appraisers who
18 are members of appraisal organizations listed in s.
19 253.025(7)(b). If the agreed purchase price exceeds the
20 average appraised price of the two appraisals, the school
21 board is required to approve the purchase by an extraordinary
22 vote. The school board may, by ordinary vote, exempt a
23 purchase in an amount of \$100,000 or less from the requirement
24 for an appraisal.

25 (2) Nothing in this section shall be interpreted as
26 providing an exemption from, or an exception to, s. 286.011.

27 (3) This section is repealed on October 1, 1995 ~~1988~~.

28 Section 7. Subsection (2) and (3) of section 235.055,
29 Florida Statutes, are amended to read.

30 235.055 Construction of facilities on leased property;
31 conditions.--

1 (2) A board, including the Board of Regents, is
2 authorized, when such action is approved by the office, to
3 enter into a short-term lease for the use of land owned by any
4 of the entities enumerated in subsection (1), on which
5 temporary or relocatable facilities are to be utilized.

6 (3) Pursuant to state board rules, a board, including
7 the Board of Regents, is authorized to enter into a short-term
8 lease for the use of land and buildings on which capital
9 improvements may be made.

10 Section 8. Section 235.06, Florida Statutes, is
11 amended to read:

12 235.06 Safety and sanitation standards and inspection
13 of property.--The State Board of Education is empowered and
14 directed to adopt and administer rules prescribing standards
15 for the safety and health of occupants of educational and
16 ancillary plants as a part of the State Uniform Building Code
17 for Public Educational Facilities Construction as provided in
18 s. 235.26, the provisions of chapter 633 to the contrary
19 notwithstanding. These standards shall be used by all public
20 agencies when inspecting public educational and ancillary
21 plants facilities. In accordance with such standards, each
22 board shall prescribe policies and procedures establishing a
23 comprehensive program of safety and sanitation for the
24 protection of occupants of public educational and ancillary
25 plants facilities. Such policies shall contain procedures for
26 periodic inspections as prescribed herein and for withdrawal
27 of any educational and ancillary plant, or portion thereof,
28 from use until unsafe or unsanitary conditions are corrected
29 or removed.

30 (1) PERIODIC INSPECTION OF PROPERTY BY THE BOARD.--
31

1 (a) Each board shall provide for periodic inspection
2 of each educational and ancillary plant at least once during
3 each fiscal year to determine compliance with standards of
4 sanitation and casualty safety prescribed in the rules of the
5 state board. Such inspection shall be conducted by persons
6 certified by the office, ~~and, for firesafety inspections, by~~
7 ~~persons certified by the State Fire Marshal. Annual~~
8 ~~firesafety inspections shall be conducted by the Division of~~
9 ~~State Fire Marshal of the Department of Insurance.~~

10 (b) Firesafety inspections shall be made annually of
11 each educational and ancillary plant by the Department of
12 Insurance by persons certified by that agency to be eligible
13 to conduct firesafety inspections in public educational and
14 ancillary plants. If the Division of State Fire Marshal is
15 unable to conduct any firesafety inspection, upon approval of
16 the division, such inspection shall be conducted by a local
17 fire department official or board employee who has
18 successfully completed the required training courses and has
19 been certified by the Division of State Fire Marshal as a
20 firesafety inspector. ~~A copy of each inspection report shall~~
21 ~~be forwarded from the board to the commissioner. A copy of~~
22 ~~the firesafety inspection report only shall be forwarded from~~
23 ~~the board to the State Fire Marshal. Each report~~

24 (c) Copies of all reports shall be submitted to the
25 commissioner by the end of each fiscal year. In each report
26 the board shall include a plan of action and a schedule for
27 the correction of each deficiency. If immediate life-
28 threatening major deficiencies are noted in any inspection,
29 the board shall either take action to promptly correct such
30 deficiencies or withdraw the educational or ancillary plant
31 from use until such time as the deficiencies are corrected.

1 The State Board of Education shall be responsible for the
2 enforcement of this subsection.

3 (2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC
4 AGENCIES.--A safety or sanitation inspection of any
5 educational or ancillary plant may be made at any time by the
6 Department of Education or any other state or local agency
7 authorized or required to conduct such inspections by either
8 general or special law. Such inspections shall be conducted
9 by staff members of the agency or by local personnel certified
10 by the office, and inspections for firesafety shall be
11 conducted by persons certified by the State Fire Marshal.
12 Each agency conducting inspections shall use the standards
13 adopted by the State Board of Education in lieu of, and to the
14 exclusion of, any other inspection standards prescribed either
15 by statute or administrative rule, the provisions of chapter
16 633 to the contrary notwithstanding. The agency shall submit
17 a copy of the inspection report to the board, and the board
18 shall forward copies as required in paragraph subsection
19 (1)(c).

20 (3) CORRECTIVE ACTION.--Upon failure of the board to
21 take corrective action within a reasonable time, the agency
22 making the inspection may request the commissioner to:

23 (a) Order that appropriate action be taken to correct
24 all deficiencies in accordance with a schedule determined
25 jointly by the inspecting authority and the board; in the
26 development of such schedule, consideration shall be given to
27 the seriousness of the deficiencies and the ability of the
28 board to obtain the necessary funds; or

29 (b) After 30 calendar days' notice to the board, order
30 all or a portion of the educational or ancillary plant
31 withdrawn from use until the deficiencies are corrected.

1 Section 9. Section 235.15, Florida Statutes, is
2 amended to read:

3 235.15 Educational plant survey required.--At least
4 every 5 years, each board, including the Board of Regents,
5 shall arrange for an educational plant survey, to aid in
6 formulating plans for housing the educational program and
7 student population, faculty, administrators, staff, and
8 auxiliary and ancillary services of the district or campus.
9 Each survey shall be conducted by the Department of Education
10 or an agency approved by the commissioner. Surveys conducted
11 by agencies other than the Department of Education shall be
12 reviewed and approved by the commissioner. The survey report
13 shall include at least an inventory of existing educational
14 and ancillary plants; recommendations for existing educational
15 and ancillary plants; recommendations for new educational or
16 ancillary plants, including the general location of each; and
17 such other information as may be required by the rules of the
18 State Board of Education. An official copy of each survey
19 report shall be filed by the board with the office. This
20 report may be amended, if conditions warrant, at the request
21 of the board or commissioner.

22 Section 10. Subsection (4) of section 235.193, Florida
23 Statutes, is hereby repealed.

24 Section 11. Section 235.195, Florida Statutes, 1984
25 Supplement, is amended to read:

26 235.195 Cooperative development and use of facilities
27 by two or more boards.--

28 (1) Two or more boards, including district school
29 boards, community college boards of trustees, the Board of
30 Trustees for the Florida School for the Deaf and the Blind,
31

1 and the Board of Regents, desiring to cooperatively establish
2 a common educational facility to accommodate students shall:

3 (a) Jointly request a formal assessment by the
4 commissioner, State Board of Community Colleges, or Board of
5 Regents, as appropriate, of the academic program need and the
6 need to build new joint-use facilities to house approved
7 programs. Completion of the assessment and approval of the
8 project by the Board of Regents, the State Board of Community
9 Colleges, or the Commissioner of Education, as appropriate,
10 should be done prior to conducting an educational facilities
11 survey.

12 (b) Demonstrate the need for construction of new
13 joint-use facilities involving postsecondary institutions by
14 those institutions presenting evidence of the presence of
15 sufficient actual full-time equivalent enrollments in the
16 locale in leased, rented, or borrowed spaces, to justify the
17 requested facility for the programs identified in the formal
18 assessment rather than using projected or anticipated future
19 full-time equivalent enrollments as justification. If the
20 decision is made to construct new facilities to meet this
21 demonstrated need, then building plans should consider full-
22 time equivalent enrollment growth facilitated by this new
23 construction and subsequent new program offerings made
24 possible by the existence of the new facilities.

25 (c)† Adopt and submit to the commissioner a joint
26 resolution of the participating boards indicating their
27 commitment to the utilization of the requested facility and
28 designating the locale of the proposed facility. The joint
29 resolution shall contain a statement of determination by the
30 participating boards that alternate options, including the use
31 of leased, rented, or borrowed space, were considered and

1 found less appropriate than construction of the proposed
2 facility. The joint resolution shall contain assurance that
3 the development of the proposed facility has been examined in
4 conjunction with the programs offered by neighboring public
5 educational facilities offering instruction at the same level.
6 The joint resolution also shall contain assurance that each
7 participating board shall provide for continuity of
8 educational progression. All joint resolutions shall be
9 submitted to the commissioner by August 1 for consideration of
10 funding by the subsequent Legislature.

11 (d) Submit requests for funding of joint-use
12 facilities projects involving state universities and community
13 colleges for approval by the Board of Regents, or the State
14 Board of Community Colleges, as appropriate. The respective
15 boards shall determine the priority for funding these projects
16 in relation to the priority of all other capital outlay
17 projects under their consideration. To be eligible for
18 funding from the Public Education Capital Outlay and Debt
19 Service Trust Fund under the provisions of this section,
20 projects involving both state universities and community
21 colleges should appear on both the Board of Regents and State
22 Board of Community Colleges 3-year capital outlay priority
23 list required by s. 235.435(5) or on both lists. Projects
24 involving a state university, community college, and a public
25 school, and in which the larger share of the proposed facility
26 is for the use of the state university or the community
27 college, should appear on the Board of Regents or State Board
28 of Community Colleges 3-year capital outlay priority list, as
29 appropriate.

30 (e) Include in their joint resolution for the joint-
31 use facilities, comprehensive plans for the operation and

1 management of the facility upon completion. Institutional
2 responsibilities for specific functions shall be identified,
3 including designation of one participating board as sole owner
4 of the facility. Operational funding arrangements shall be
5 clearly defined.

6 (f)(b) Request the commissioner to have an educational
7 plant survey conducted by the office to determine the need.

8 ~~(c)--Designate-the-exact-location-of-the-educational~~
9 ~~plant-and-which-board-is-to-assume-responsibility-for-the~~
10 ~~operation,-maintenance,-and-control-of-the-proposed-plant-~~

11 (2) The commissioner shall cause the requested
12 educational plant survey to be conducted within 90 days after
13 receiving the joint resolution and substantiating data and
14 shall evaluate the findings of the survey in terms of the
15 benefits to be obtained, the programs to be offered, and the
16 estimated cost of the proposed plant. Upon completion of the
17 educational plant survey, the participating boards may include
18 the recommended projects in their plan as provided in s.

19 235.16. Upon approval of the project by the commissioner, he
20 shall include the project in the legislative capital outlay
21 budget request as provided in s. 235.41 for educational plants
22 as follows:

23 (a) For those facilities to be constructed by
24 educational institutions offering differing levels of
25 instruction on a site remote from any existing public
26 educational campus or center, state matching funds from the
27 Public Education Capital Outlay and Debt Service Trust Fund
28 shall be provided in the same percent of the total cost as the
29 Office of Educational Facilities determines that portion of
30 the proposed facility to be for actual joint-use of the
31 participating institutions;

1 (b) For those facilities to be constructed by
 2 educational institutions offering differing levels of
 3 instruction on an existing public educational campus or center
 4 where significant existing ancillary services are to be used
 5 on a joint basis, state matching funds from the Public
 6 Education Capital Outlay and Debt Service Trust Fund shall be
 7 provided for up to 50 percent of the total cost of the
 8 proposed facility; and

9 (c) For those facilities to be constructed by
 10 educational institutions offering instruction at the same
 11 level, such as multi-county high schools, state matching funds
 12 from the Public Education Capital Outlay and Debt Service
 13 Trust Fund shall be provided in the same percent as that
 14 portion of the proposed facility is determined by the Office
 15 of Educational Facilities to be for actual joint-use of the
 16 participating institutions, up to a maximum of 50 percent of
 17 the total cost of the proposed facility,

18
 19 The participating boards must include in their joint
 20 resolution a commitment to finance the remaining funds to
 21 construct the facility, ~~including an estimated cost for~~
 22 ~~completing each project not to exceed 50 percent of the cost~~
 23 ~~of the site, site development, and the facility after the~~
 24 ~~participating boards have made the necessary commitment to~~
 25 ~~finance the remaining one-half.~~ Funds from the Public
 26 Education Capital Outlay and Debt Service Trust Fund may not
 27 be expended on any project unless specifically authorized by
 28 the Legislature.

29 (3) Included in all proposals for joint-use facilities
 30 which result in the creation of one or more new campuses for
 31 public postsecondary educational institutions must be

1 documentation that the proposed campus has been reviewed by
2 the Postsecondary Education Planning Commission, recommended
3 to the State Board of Education, and has been formally
4 requested for authorization by the Legislature in accordance
5 with s. 240.147(7). The use of modular and relocatable
6 facilities shall be considered, where appropriate, in all
7 facilities established pursuant to this section.

8 Section 12. Section 235.196, Florida Statutes, 1984
9 Supplement, is amended to read:

10 235.196 Community educational facilities.--

11 (1) Each district school board district, the State
12 Board of Community Colleges on behalf of a community college
13 board of trustees, or the Board of Regents on behalf of a
14 state university may submit, prior to November 1 of each year,
15 a request to the commissioner for funds from the trust fund to
16 construct a community educational facility. No district board
17 or institution may apply for more than one facility per year.

18 Such request shall contain the following provisions:

19 (a) A detailed statement of the site, the site
20 development necessary for new construction or the
21 accomplishment of the project, and the facility to be
22 constructed. The facility shall be located on a site owned by
23 the education agencies, or a site leased to the education
24 agencies for a period of not less than 40 years or life
25 expectancy of the proposed facility, whichever is longer.

26 ~~Such statement shall include an analysis of the relationship~~
27 ~~of educational and community use of the facility.~~

28 (b) A detailed description and analysis of the
29 educational programs to be offered and the benefits that will
30 accrue to the students through their regularly scheduled
31 instructional program upon completion of the facility.

1 (c) A detailed description of the community use of the
2 facility, the benefits to be derived by the community and the
3 relationship between the educational use and the community use
4 of the facility.

5 (d)(b) The estimated number of full-time students
6 whose regularly scheduled daily instructional program will
7 utilize the facility and the estimated number of community
8 residents who are to utilize the facility on a regular basis.

9 (e)(c) The estimated cost of the facility, ~~site,~~ and
10 site development. If a site must be acquired, the estimated
11 cost of the site shall be provided.

12 (f)(d) A resolution or other appropriate indication of
13 intent to participate in the funding and utilization of the
14 educational facility from a noneducational governmental
15 agency, including community, public, or educational
16 broadcasting stations. Such indication shall include a
17 commitment by such governmental agency to provide at least
18 one-half of the cost of the site, should a site need to be
19 acquired, site development, and the facility. The value of
20 the site may be included in the total cost estimate only if a
21 new site must be purchased for the purpose of constructing the
22 community educational facility. Funds from the Public
23 Education Capital Outlay and Debt Service Trust Fund may not
24 be expended on any project unless specifically authorized by
25 the Legislature.

26 (g) The designation as to which agency is to assume
27 responsibility for the operation, maintenance, and control of
28 the proposed community educational facility.

29 (h) Documentation by the educational agency that a
30 long-term lease for the use of the community educational
31 facility for a period of not less than 40 years or the life

1 expectancy of the permanent facility constructed thereon,
2 whichever is longer, has been obtained from the noneducational
3 governmental agency if the facility is to be constructed on
4 land owned by the noneducational governmental agency. If a
5 community educational facility is to be constructed on land
6 owned by the educational agency, then documentation shall be
7 provided which shows that the noneducational governmental
8 agency has obtained a long-term lease for the use of the
9 community educational facility for a period of not less than
10 40 years or the life expectancy of the permanent facility
11 constructed thereon, whichever is longer.

12 (2) Each district school board district, the State
13 Board of Community Colleges on behalf of each community
14 college board of trustees, or the Board of Regents on behalf
15 of each state university may submit a request to the
16 commissioner for funds from the trust fund to remodel or
17 renovate a community educational facility. Such request shall
18 contain the following provisions:

19 (a) A detailed statement, including floor plans, of
20 the community educational facility to be remodeled or
21 renovated on property owned by the educational agency listed
22 above. Such statement shall include an analysis of the
23 relationship of current educational and community use of the
24 facility and any anticipated changes in the utilization of the
25 facility after completion of the remodeling or renovation.

26 (b) The number of students and community residents who
27 are currently utilizing the facility and the estimated number
28 of students and community residents to utilize the facility
29 after completion of the remodeling or renovation.

30 (c) The estimated cost of the remodeling or
31 renovation.

1 (d) A resolution or other appropriate indication of
2 intent to participate in the funding and utilization of the
3 educational facility to be remodeled or renovated from a
4 noneducational governmental agency, including community,
5 public, and educational broadcasting stations. Such
6 indication shall include a commitment by such governmental
7 agency to provide at least one-half of the cost of the
8 remodeling or renovation of the educational facility. Public
9 Education Capital Outlay and Debt Service Trust Fund moneys
10 may not be expended on any project unless specifically
11 authorized by the Legislature.

12 (3) Each district school board, the State Board of
13 Community Colleges on behalf of a district, community college
14 board of trustees, or the Board of Regents on behalf of a
15 state university may submit a request to the commissioner for
16 funds from the trust fund for a project which would constitute
17 a combination of the projects described in subsections (1) and
18 (2).

19 (4) The commissioner shall review any such request for
20 allocation; and, upon determining compliance with the
21 requirements of subsection (1), subsection (2), or subsection
22 (3) and such other provisions as are deemed appropriate and
23 after determining whether that the project is substantially
24 beneficial to the educational system, if he approves the
25 project he shall include up to one-half of the cost of the
26 project in his recommendations in the legislative capital
27 outlay budget request, as provided in s. 235.41, for the joint
28 funding of capital outlay projects involving both educational
29 and noneducational governmental agencies. In determining the
30 amount of funds to recommend, the commissioner shall consider
31

1 the percent of the operating time, up to one-half, the
 2 facility will be used solely for educational purposes.

3 Section 13. Section 235.197, Florida Statutes, is
 4 amended to read:

5 235.197 Relocatable facilities.--

6 ~~{1}--Upon the request of a board, the commissioner may~~
 7 ~~provide state-owned relocatable educational facilities for use~~
 8 ~~at centers where there is an immediate need or where there is~~
 9 ~~reason to believe that the student populations will not remain~~
 10 ~~stable in the near future years.--The commissioner shall make~~
 11 ~~an agreement with the boards for the use of the relocatable~~
 12 ~~facilities.--The agreement shall contain provisions to allow~~
 13 ~~the commissioner to give highest priority to providing~~
 14 ~~relocatable facilities to districts that have space needs~~
 15 ~~caused by unforeseen circumstances that bring about emergency~~
 16 ~~conditions;~~

17 ~~{2}--The ownership of such facilities shall rest with~~
 18 ~~the state board, and they shall be loaned to boards for use as~~
 19 ~~instructional facilities on the basis of need.--Requests for~~
 20 ~~use of these facilities shall be based on the relative numbers~~
 21 ~~of students in excess of capacity and shall be granted on the~~
 22 ~~basis of availability and recommendations of a survey~~
 23 ~~conducted by the office;~~

24 ~~{3}--As student populations stabilize, and as the need~~
 25 ~~for these facilities for instructional purposes decreases for~~
 26 ~~whatever reason, the commissioner is authorized to approve~~
 27 ~~their relocation within the district or to other boards as~~
 28 ~~provided in subsection (2).--The State Board of Education~~
 29 ~~shall pay all costs for moving the state-owned relocatable~~
 30 ~~facilities from the jurisdiction of one board to that of~~

1 another. ~~The costs of relocating within the jurisdiction of a~~
 2 ~~board shall be paid by that board.~~

3 ~~{4}--The office may require that relocatable facilities~~
 4 ~~be provided at educational centers where there is reason to~~
 5 ~~believe that student populations are unstable or where student~~
 6 ~~populations are projected to decline in future years.~~

7 ~~{5}--Should any of these facilities no longer be needed~~
 8 ~~for educational purposes, The State Board of Education is~~
 9 ~~authorized to sell, lease, transfer title, or otherwise~~
 10 ~~dispose of state-owned relocatable such facilities to boards,~~
 11 ~~other state agencies, or others, to the best possible~~
 12 ~~advantage of the state. Funds accruing from the sale or lease~~
 13 ~~of these facilities shall become part of the Public Education~~
 14 ~~Capital Outlay and Debt Service Trust Fund. Requests for~~
 15 ~~transfer of title of these relocatables to boards shall be~~
 16 ~~granted on the basis of need caused by students in excess of~~
 17 ~~capacity, the availability and recommendations of a survey~~
 18 ~~conducted by the office.~~

19 Section 14. Section 235.211, Florida Statutes, is
 20 amended to read:

21 235.211 Educational facilities design and construction
 22 techniques and financing mechanisms.--

23 ~~{1}--PROTOTYPE DESIGN CRITERIA TO BE PROVIDED--The~~
 24 ~~state board shall provide prototype design criteria for the~~
 25 ~~development of educational facilities for the purpose of~~
 26 ~~providing school boards, boards of trustees, and the Board of~~
 27 ~~Regents with the means of constructing sound educational~~
 28 ~~facilities more rapidly.~~

29 ~~{a}--The office is empowered and directed to develop~~
 30 ~~prototype design criteria. The design criteria shall be~~
 31 ~~developed for the following groups:~~

1 ~~1--Elementary schools and kindergartens;~~

2 ~~2--Middle or junior high schools;~~

3 ~~3--Senior high schools;~~

4 ~~4--Vocational technical facilities;~~

5 ~~5--Community colleges; and~~

6 ~~6--Universities;~~

7 ~~(b)--The design criteria shall include, but not be~~

8 ~~limited to, the following items for each group:~~

9 ~~1--Minimum and maximum square footage requirements for~~

10 ~~different functions and areas and the procedures for~~

11 ~~determining the gross square footage for each educational~~

12 ~~facility to be funded in whole or in part by the state;~~

13 ~~2--Minimum construction quality standards for the~~

14 ~~educational facility;~~

15 ~~3--Minimum performance criteria for all systems;~~

16 ~~including mechanical, electrical, heating, cooling,~~

17 ~~ventilating, plumbing, and structural systems, which for the~~

18 ~~Board of Regents shall be prescribed by the Department of~~

19 ~~General Services;~~

20 ~~4--Energy efficiency and energy conservation~~

21 ~~requirements, which for the Board of Regents shall be~~

22 ~~prescribed by the Department of General Services;~~

23 ~~5--Prototype design and criteria relating specifically~~

24 ~~to the structural design, strength, and quality of materials~~

25 ~~proposed to be used;~~

26 ~~(c)--The office shall biennially review, revise,~~

27 ~~update, and improve the state board approved design criteria;~~

28 ~~based upon the latest educational, technological, and~~

29 ~~construction developments, so that the prototypes shall be~~

30 ~~representative of the most advanced procedures available.--The~~

31 ~~office shall biennially provide each board, including the~~

1 Board of Regents, with a copy of the updated prototype design
2 criteria for each program grade group.

3 ~~(2)~~ (2) ~~CONSTRUCTION TECHNIQUES AND FINANCING~~

4 ~~MECHANISMS~~ -- Pursuant to rules of the state board, the office
5 shall require boards to employ procedures for the design and
6 construction of new facilities, or major additions to
7 existing facilities, that will include, but not be limited to,
8 the latest developments in construction, in order to ensure
9 that educational facilities are constructed rapidly and
10 economically. The following concepts may be included in the
11 requirements of the office:

12 (1) ~~(a)~~ SYSTEMS BUILDING PROCESS. -- An approach to
13 construction that combines the organization and programming,
14 planning, design, financing, manufacturing, construction, and
15 evaluation of buildings under single or highly coordinated
16 management into an efficient total process. A total building
17 system is an interdependent group of building subsystems
18 forming a unified whole. The systems building process
19 requires the standardization and multiple reuse of building
20 subsystems for maximum compatibility and interfaceability of
21 different structures and facilities.

22 (2) ~~(b)~~ FAST-TRACK CONSTRUCTION SCHEDULING. -- A method
23 which involves the bidding and awarding of certain building
24 subsystems after approval of preliminary design, and before
25 final document completion. Fast-track construction reduces
26 construction time by overlapping design development and
27 construction of various subsystems. It can improve cost and
28 price control and eliminates extensive design development time
29 by planners and designers.

30 (3) ~~(c)~~ CONSTRUCTION MANAGEMENT. -- A process whereby a
31 single or highly coordinated authority is responsible for all

1 scheduling and coordination in both design and construction
 2 phases and is generally responsible for the successful,
 3 timely, and economical completion of the construction project.

4 (4)(d) TURNKEY BIDDING.--A method whereby the
 5 contractor agrees to complete construction to the user's
 6 specifications and requirements at a previously agreed cost.

7 (5)(e) DESIGN AND BUILD BIDDING.--A procedure which
 8 requires that an architect, contractor, or engineer bid the
 9 entire design and construction of a project and which requires
 10 that the owner hire a single source for the project completion
 11 and be responsible for the development of performance
 12 specifications and technical criteria.

13 (6)(f) USE OF COMPONENTS.--The use of modular,
 14 prefabricated, and standardized components.

15
 16 Notwithstanding anything above, a board shall be authorized
 17 to utilize its own procedures, designs, construction
 18 techniques, and materials upon a showing to the office that
 19 such proposal will result in equivalent educational facilities
 20 without an increase in cost or a delay in construction.

21 Section 15. Section 235.212, Florida Statutes, is
 22 amended to read:

23 235.212 Low-energy use design; solar energy systems;
 24 swimming pool heaters.--

25 (1)(a) Passive design elements and low-energy usage
 26 features shall be included in the design and construction of
 27 new educational facilities. Design for natural or natural and
 28 low-energy usage mechanical ventilation ~~Natural-ventilation~~
 29 that will permit the satisfactory use of the facilities
 30 without air conditioning or heating when ambient conditions
 31 are moderate is required in the design of student-occupied

1 facilities, except in auxiliary facilities, music rooms, gyms,
2 locker and shower rooms, special laboratories requiring
3 special climate control, and other large group instruction
4 areas having a capacity of more than 100 persons.

5 (b) In the remodeling and renovation of educational
6 facilities which have, existing natural ventilation, adequate
7 or-equivalent sources of natural ventilation and-natural-light
8 or-their-equivalent shall be retained, or a combination of
9 natural and low energy usage mechanical equipment shall be
10 provided that will permit the use of the facility without air
11 conditioning or heat when ambient conditions are moderate,
12 except as provided in paragraph (a) above.; However, the
13 Commissioner of Education is authorized to waive this
14 requirement when environmental conditions, particularly noise
15 and pollution factors, preclude the effective use of natural
16 ventilation ~~and-light~~.

17 (2) Each new educational facility for which the
18 projected demand for hot water exceeds 1,000 gallons a day
19 shall be constructed, whenever economically and physically
20 feasible, with a solar energy system as the primary energy
21 source for the domestic hot water system of the facility. The
22 solar energy system shall be sized so as to provide at least
23 65 percent of the estimated needs of the facility. Sizing
24 shall be determined by generally recognized simulation models,
25 such as F-chart and SOLCOST, or by sizing tables generated by
26 the Florida Solar Energy Center.

27 (3) If swimming and wading pools constructed as an
28 integral part of an educational facility or plant are heated,
29 such pools shall, whenever feasible, be heated by either a
30 waste heat recovery system or a solar energy system.

31

1 Section 16. Section 235.26, Florida Statutes, is
2 amended to read:

3 235.26 State Uniform Building Code for Public
4 Educational Facilities Construction.--The State Board of
5 Education commissioner shall adopt a uniform statewide
6 building code for planning and construction of public
7 educational and ancillary plants except for Board of Regents
8 facilities. The code shall be entitled the State Uniform
9 Building Code for Public Educational Facilities Construction.
10 Included in this code shall be recommend-and-the-state-board
11 shall-adopt;-as-part-of-the-State-Uniform-Building-Code-for
12 public-school-construction; flood plain management criteria in
13 compliance with the rules and regulations in at 44 24 C.F.R.,
14 Parts 59 and 60 1989-1925, established by the Federal
15 Emergency Management Agency United-States-Department-of
16 Housing-and-Urban-Development-pursuant-to-42-U.S.C.-ssr-4001-
17 4128. Wherever the words "Uniform Building Code" appear, they
18 shall mean the "State Uniform Building Code for Public
19 Educational Facilities Construction." It shall not be the
20 intent of the Uniform Building Code to inhibit the use of new
21 materials or innovative techniques; nor shall it specify or
22 prohibit materials by brand names. The code shall be flexible
23 enough to cover all phases of construction which will afford
24 reasonable protection for public safety, health, and general
25 welfare. The office may secure the service of other state
26 agencies or such other assistance as it may find desirable in
27 the revision of the code.

28 (1) UNIFORM BUILDING CODE.--All public educational and
29 ancillary plants facilities constructed by a board, except the
30 Board of Regents, shall conform to incorporate the State
31 Uniform Building Code for Public Educational Facilities

1 Construction; and they are exempt from all other state,
2 county, district, municipal, or local building codes,
3 interpretations, building permits, and assessments of fees for
4 building permits, ordinances, and impact fees or service
5 availability fees. Any inspection by local or state
6 government shall be based on the Uniform Building Code as
7 prescribed by rule. Each board shall provide for periodic
8 inspection of the proposed educational plant during each phase
9 of construction to determine compliance with the Uniform
10 Building Code. ~~The Uniform Building Code shall incorporate as~~
11 ~~part of its minimum standards the applicable provisions of the~~
12 ~~State Minimum Building Codes.~~

13 (2) CONFORMITY TO UNIFORM BUILDING CODE STANDARDS
14 REQUIRED FOR APPROVAL.--A board shall not approve any plans
15 for the construction, erection, renovation, remodeling repair,
16 or demolition of any educational or ancillary plants facility
17 unless these plans conform to the requirements of the Uniform
18 Building Code. It shall also be the responsibility of the
19 office to develop, as a part of the Uniform Building Code,
20 standards relating to:

21 (a) Prefabricated or factory-built facilities which
22 are designed to be portable, relocatable, demountable, or
23 reconstructible; are used primarily as classrooms; and do not
24 fall under the provisions of ss. 320.822-320.866 ~~ss. 320.822-~~
25 ~~320.832.~~

26 (b) The sanitation of educational and ancillary plants
27 and the health of occupants of educational and ancillary
28 plants.

29 (c) The safety of occupants of educational and
30 ancillary plants as provided in s. 235.06.

31 (d) The physically handicapped.

1 (e) An energy performance index which shall be a
2 number describing the energy requirements at the building
3 boundary of a facility, per square foot of floor space, under
4 defined internal and external ambient conditions over an
5 annual cycle. As experience develops on the energy
6 performance achieved by the facility, the energy performance
7 index will serve as a measure of building performance with
8 respect to energy consumption and as a guide for the revision
9 of the energy performance index used in the design of future
10 facilities. The energy performance index will consider the
11 energy efficiency of the facility so as to minimize the
12 consumption of energy used in the operation and maintenance of
13 the facility. The office may adopt standards for the energy
14 performance index or portions thereof already established by
15 the Department of General Services under ss. 255.251-255.256.

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

19 1. The life-cycle cost analysis shall be the sum of:

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

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

26 2. For computation of the life-cycle costs, the office
27 shall develop standards that shall include, but not be limited
28 to:

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

31

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

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

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

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

12 3. Such standards shall be based on the best currently
13 available methods of analysis, including such methods as those
14 of the National Bureau of Standards, the Department of Housing
15 and Urban Development, and other federal agencies and
16 professional societies and materials developed by the
17 Department of General Services and the office. Provisions
18 shall be made for an annual updating of standards as required.

19 (3) ENFORCEMENT BY BOARD.--It is the responsibility of
20 each board to ensure that all plans and educational and
21 ancillary plants meet the standards of the Uniform Building
22 Code and to provide for the enforcement of this code in the
23 areas of its jurisdiction. Each board shall provide for the
24 proper supervision and inspection of the work. Each board is
25 authorized to employ a chief building official or inspector
26 and such other inspectors and personnel as may be necessary to
27 administer and enforce the provisions of this code. Boards
28 may also utilize local building department inspectors who are
29 certified to enforce this code. Plans or facilities that fail
30 to meet the standards of the Uniform Building Code shall not
31 be approved.

1 (4) ENFORCEMENT BY OFFICE OF EDUCATIONAL FACILITIES.--

2 As a further means of ensuring that all educational and
3 ancillary facilities hereafter constructed or materially
4 altered or added to conform to the Uniform Building Code
5 standards, each board which undertakes the construction,
6 ~~erection; alteration;~~ renovation, remodeling repair,
7 purchasing, lease purchase, or leasing of any educational
8 plant or ancillary facility, the cost of which exceeds
9 \$100,000, shall submit plans to the office and receive the
10 approval of the office, except plans for all relocatables
11 which shall be submitted to the office for review and approval
12 regardless of the amount of construction cost. No public
13 educational funds may legally be expended for the
14 construction, ~~erection; alteration;~~ renovation, remodeling
15 repair, purchasing, lease purchase, or leasing of any
16 educational or ancillary plant unless the provisions of this
17 section are observed and until a written statement has been
18 issued from the office, within the time limits and cost
19 limitation as provided in this section, that approval has been
20 granted.

21 (5) OFFICE APPROVAL.--

22 (a) Before a contract has been let for the
23 construction, a board shall require the superintendent or
24 president to submit to the office, in accordance with state
25 board rules, two copies each of:

- 26 1. Educational and ancillary plant specifications.
27 2. Phase I documents, to include schematic drawings
28 and proposals.
29 3. Phase II documents, to include:
30 a. Preliminary drawings and proposals;
31 b. Preliminary specifications;

- 1 c. Energy efficiency studies; and
2 d. Life-cycle cost analysis.
3 4. Phase III documents, to include completed
4 construction contract documents.
5

6 The board may not proceed with the opening of bids for any
7 proposed construction until the written approval of phase III
8 documents has been received from the office. The office
9 shall, in writing, approve, disapprove, make recommendations,
10 or otherwise act on the educational and ancillary plant
11 specifications and phase documents submitted by a board within
12 30 calendar days of the official receipt of each set of phase
13 documents by the office. If the board does not receive
14 written notice within the prescribed time, then it may ~~shall~~
15 proceed with the opening of bids as if written approval had
16 been received. The State Board of Education is empowered and
17 directed to adopt rules providing for exceptions to the steps
18 required for approval for state board-approved prototype
19 design criteria, reuse of previously approved district plans,
20 and other plans and proposed minor renovations or construction
21 projects which do not necessarily require detailed
22 documentation and intense review by the office. Approval of
23 phase III documents shall be effective for a 1-year 3-year
24 period after the date of such approval. A board may award a
25 contract during the 1-year period for construction on the site
26 for which plans were approved or reuse the plans on another
27 site reuse-phase-iii-documents within the same district or
28 community college board jurisdiction, provided the
29 construction documents have been updated to comply with the
30 Uniform Building Code and any laws relating to firesafety,
31 health and sanitation, casualty safety, and requirements for

1 the physically handicapped which are in effect at the time a
2 construction contract is to be awarded.

3 (b) In reviewing plans for approval, the office shall
4 take into consideration:

- 5 1. The ~~desirability~~ and need for the new facility.
- 6 2. The educational and ancillary plant planning.
- 7 3. The ~~functional~~ and architectural and engineering
8 planning.
- 9 4. The location on the site.
- 10 5. Plans for future expansion.
- 11 6. The type of construction.
- 12 7. Sanitary provisions.
- 13 8. Conformity to Uniform Building Code standards.
- 14 9. The structural design and strength of materials
15 proposed to be used.
- 16 10. The mechanical design of any heating, air-
17 conditioning, plumbing, or ventilating system.
- 18 11. The electrical design of educational plants.
- 19 12. The energy efficiency and conservation of the
20 design.
- 21 13. Life-cycle cost considerations.
- 22 14. The design to accommodate construction of special
23 facilities for physically handicapped persons.
- 24 15. The ratio of net to gross square footage.
- 25 16. The proposed construction cost per gross square
26 foot.

27 (c) The boards shall not occupy a facility until the
28 project has been inspected by the office to verify compliance
29 with statutes, rules, and codes affecting the health and
30 safety of the occupants.
31

1 (6) STATE BOARD OF APPEALS.--The State Board of
2 Education shall be the final board of appeals for all
3 questions, disputes, or interpretations involving the Uniform
4 Building Code; and any board shall prepare in writing its
5 reasons for objecting to decisions made by the inspectors or
6 the office.

7 (7) BIENNIAL REVIEW AND UPDATE; DISSEMINATION.--The
8 office is authorized to biennially review, update, and revise
9 the Uniform Building Code. The office shall publish and make
10 available to each board at no cost copies of the code and each
11 amendment and revision thereto. The office shall make
12 additional copies available to all interested persons at a
13 price sufficient to recover costs.

14 (8) FALLOUT SHELTERS.--

15 (a) After the effective date of this act, a board may
16 require the architect concerned in the initial design, stages
17 of design, and construction of new educational facilities to
18 apply for technical advice and counsel on fallout shelter
19 slanting and cost-reduction techniques available without cost
20 through the Department of Community Affairs.

21 (b) When the board concerned determines the
22 application of fallout shelter slanting and cost-reduction
23 techniques to be feasible and economical for the inclusion of
24 a fallout shelter in the proposed educational facility, the
25 design and construction of such educational facility may
26 include fallout protection which meets the minimum standards
27 for such protection as prescribed by the Department of
28 Community Affairs.

29 (c) Educational authorities of the state and its
30 political subdivisions are authorized to modify existing
31 educational structures to incorporate fallout shelters, and

1 the Department of Community Affairs shall make available to
 2 such authorities the same professional services as set forth
 3 in paragraph (a). Such authorities are further authorized to
 4 participate in such federal assistance programs as may be
 5 available to assist local authorities in providing fallout
 6 protection in educational facilities.

7 (9) LEGAL EFFECT OF CODE.--The State Uniform Building
 8 Code for Public Educational Facilities Construction shall have
 9 the force and effect of law and shall supersede any other code
 10 adopted by a board or any other building code or ordinance for
 11 the construction of educational and ancillary plants
 12 ~~facilities~~, whether at the local, county, or state level, and
 13 whether adopted by rule or legislative enactment. All special
 14 acts or general laws of local application are hereby repealed
 15 to the extent that they conflict with this section.

16 (10) LOCAL LEGISLATION PROHIBITED.--After June 30,
 17 ~~1985~~ 1981, pursuant to s. 11(a)(21), Art. III of the State
 18 Constitution, there shall not be enacted any special act or
 19 general law of local application which proposes to amend,
 20 alter, or contravene any provisions of the State Building Code
 21 adopted under the authority of this section.

22 Section 17. Section 235.30, Florida Statutes, is
 23 amended to read:

24 235.30 Supervision and inspection.--Before the
 25 construction, remodeling, renovation, demolition or alteration
 26 of, or addition to, any building is started, the board shall
 27 provide for the proper supervision and necessary inspection of
 28 the work. Supervisory requirements for threshold buildings
 29 shall be provided as prescribed in s. 553.79(5).

30 Section 18. Section 235.31, Florida Statutes, 1984
 31 Supplement, is amended to read:

1 235.31 Advertising and awarding contracts; day-labor
2 projects; prequalification of contractor.--

3 (1)(a) As soon as practicable after any bond issue has
4 been voted upon and authorized or funds have been made
5 available for the construction, remodeling, renovation,
6 demolition repair, or alteration, or otherwise for the
7 improvement, of any educational or ancillary plant, and after
8 plans for the work have been approved by the office, the
9 board, after advertising the same in the manner prescribed by
10 law or rule, shall award the contract for such building or
11 improvements to the lowest responsible bidder. However, the
12 board may, within its discretion, reject all bids received, if
13 it deems the same expedient, and may readvertise, calling for
14 new bids. For constructing, renovating, or remodeling, or
15 otherwise improving, educational facilities at a cost not
16 exceeding \$100,000 ~~\$50,000~~, the board may arrange for the work
17 to be done on a day-labor basis. For renovating or remodeling
18 only, at a cost of over \$100,000 ~~\$50,000~~ but not exceeding
19 \$200,000 ~~\$100,000~~, if no bids are received after advertising
20 the same in the manner prescribed by law, the work may be done
21 on a day-labor basis.

22 (b) As an option, any county, municipality, community
23 college, or district school board may set aside up to 10
24 percent of the total amount of funds allocated for the purpose
25 of entering into construction capital project contracts with
26 minority business enterprises, as defined in s. 287.094. Such
27 contracts shall be competitively bid only among minority
28 business enterprises. Such set-aside shall be used to redress
29 present effects of past discriminatory practices and shall be
30 subject to periodic reassessment to account for changing needs
31 and circumstances.

1 (2) ~~(a)~~ -- ~~As an option to the provisions prescribed~~
 2 ~~above,~~ Boards may elect to come under the rules prescribed by
 3 the State Board of Education for the prequalification of
 4 bidders of educational facilities construction.

5 ~~(b) -- As another option, boards may negotiate with~~
 6 ~~contractors in accordance with the provisions of this~~
 7 ~~subsection only for construction associated with the extensive~~
 8 ~~repair, alteration, remodeling, renovation, or improvement of~~
 9 ~~any existing educational plant, but not for the expansion of~~
 10 ~~the facility.~~

11 ~~(c) -- If any board elects either or both of the above~~
 12 ~~options, it shall publish for at least 30 days a notice of the~~
 13 ~~board's intent to elect such option in a local newspaper~~
 14 ~~having general circulation throughout its district, after~~
 15 ~~which a public hearing shall be held.~~

16 ~~(d) -- The board shall adopt rules to implement the state~~
 17 ~~board rules with regard to the prequalification of bidders.~~
 18 ~~The board shall submit a copy of the rules and procedures~~
 19 ~~adopted to the office, and these shall be approved by it.~~

20 ~~(e) -- The board shall not adopt, nor shall the office~~
 21 ~~approve, any procedure or requirement for the prequalification~~
 22 ~~or certification of contractors which may operate to restrict~~
 23 ~~responsible competition or to prevent the submission of a bid~~
 24 ~~by, or prohibit the consideration of a bid submitted by, any~~
 25 ~~responsible contractor, whether resident or nonresident of the~~
 26 ~~district where the work is to be performed. -- Such rules~~
 27 ~~shall operate only to limit competition to parties able to~~
 28 ~~promptly perform the conditions of the contract and to respond~~
 29 ~~in damages in case of default.~~

30 ~~(f) -- As an option, any county, municipality, community~~
 31 ~~college, or district school board may set aside up to 10~~

1 ~~percent or more of the total amount of allocated funds for the~~
 2 ~~purpose of entering into construction capital project~~
 3 ~~contracts with minority business enterprises, as defined in S~~
 4 ~~287.094; -- Such contracts shall be competitively bid only among~~
 5 ~~minority business enterprises; -- Such set aside shall be used~~
 6 ~~to redress present effects of past discriminatory practices~~
 7 ~~and shall be subject to periodic reassessment to account for~~
 8 ~~changing needs and circumstances;~~

9 (3)(a) ~~The board may negotiate a contract with a~~
 10 ~~contractor for services, as provided in subsection (2), at~~
 11 ~~compensation which the board determines is fair, competitive,~~
 12 ~~and reasonable; -- In making such determination, the board shall~~
 13 ~~conduct a detailed analysis of the cost of the services~~
 14 ~~required; in addition to considering their scope and~~
 15 ~~complexity; -- For all lump sum or negotiated contracts~~
 16 ~~estimated to cost over \$100,000, the board shall require the~~
 17 ~~contractor receiving the award to execute a truth in~~
 18 ~~negotiation certificate stating that wage rates and other~~
 19 ~~factual unit costs supporting the compensation are accurate,~~
 20 ~~complete, and current at the time of contracting; -- Any~~
 21 ~~contract under which such a certificate is required shall~~
 22 ~~contain a provision that the original contract price and any~~
 23 ~~additions thereto shall be adjusted to exclude any significant~~
 24 ~~sums when the board determines the contract price was~~
 25 ~~increased due to inaccurate, incomplete, or noncurrent wage~~
 26 ~~rates and other factual unit costs; -- Any such contract~~
 27 ~~adjustment shall be made within a year following the end of~~
 28 ~~the contract;~~

29 (b) ~~If the board is unable to negotiate a satisfactory~~
 30 ~~contract with the contractor first considered to be qualified~~
 31 ~~at a price the board determines to be fair, competitive, and~~

1 reasonable; negotiations with that contractor shall be
 2 formally terminated. -- The board shall then undertake
 3 negotiations with another qualified contractor. -- Failing
 4 accord with the next qualified contractor, the board shall
 5 terminate negotiations. -- The board shall then undertake
 6 negotiations with another qualified contractor until its
 7 original list is exhausted or a selection is made.
 8 (c) -- If the board is unable to negotiate a satisfactory
 9 contract with any of the originally selected contractors, it
 10 may select additional contractors and continue negotiations in
 11 accordance with this subsection until an agreement is reached.
 12 (d) -- Any person or firm desiring to bid or negotiate
 13 for the performance of any contract which the board proposes
 14 to let must first be certified by the board as qualified
 15 pursuant to law and rules of the State Board of Education.
 16 The board shall be required to act upon the application for
 17 qualification within 30 days after the application is
 18 presented. -- Upon receipt of such application, the
 19 superintendent or president acting on behalf of the board
 20 shall cause the application to be examined and the statements
 21 therein to be verified and, after obtaining whatever technical
 22 assistance is needed, shall determine whether the applicant
 23 shall be recommended for certification to the board. -- If the
 24 applicant is found to possess the prescribed qualifications,
 25 the superintendent or president shall recommend to the board
 26 that a certificate of qualification be issued. -- The board,
 27 acting on the recommendation of the superintendent or
 28 president, may issue a certificate of qualification valid for
 29 such period of time as it shall prescribe, but not to exceed 1
 30 year; however, the board may revoke such certificate of
 31 qualification for cause.

1 (5)--The board shall require all applicants to furnish
2 the superintendent or president a statement under oath, on
3 such forms as the board may prescribe, setting forth detailed
4 information with respect to the applicant's competence, past
5 performance record, experience, financial resources, and
6 capability, in conformity with state board rules, together
7 with such other information as the board may deem necessary.
8 The state board rules may require that the application be
9 accompanied by a current financial statement prepared by a
10 public accountant certified in the state and in accordance
11 with standard reporting requirements prescribed by the state
12 board. Financial information as may be required by such rules
13 shall remain confidential and shall not be disclosed to anyone
14 except members of the board and its staff who may elect to
15 adopt such rules as hereinafter provided.

16 (6)--The certificate of qualification shall contain a
17 statement fixing the actual amount of work, in terms of
18 estimated cost, which the applicant will be permitted to have
19 on contract with the board and not completed at any one time
20 and may contain a statement limiting such applicant to the
21 submission of bids, or to negotiation, upon a certain class of
22 work. Subject to the foregoing restrictions, the certificate
23 of qualification shall authorize the holder to bid on all work
24 on which bids are taken, or negotiate on all work on which
25 contracts are negotiated, by the board during the period of
26 time therein specified.

27 (7)--Any applicant for a certificate of qualification
28 aggrieved by the action of the board may, within 10 days after
29 receiving notification of such action, request in writing a
30 reconsideration by the board of the application and submit
31 additional evidence of qualification. The board shall

1 thereupon reconsider the application and may adhere to;
 2 modify, or reverse its original action;--The board shall act
 3 upon any request for reconsideration within 30 days after the
 4 fixing thereof and shall immediately notify the applicant of
 5 the action taken;

6 ~~(8)--No contractor shall be qualified to bid or~~
 7 ~~negotiate when an investigation by an agent or designee of the~~
 8 ~~board discloses that such contractor is delinquent on a~~
 9 ~~contract previously awarded by the board, and, in such case,~~
 10 ~~the certificate of qualification may be suspended or revoked~~
 11 ~~by the board;--The board may suspend, for a specified period~~
 12 ~~of time, or revoke for good cause any certificate of~~
 13 ~~qualification;--Any person or firm found delinquent on a~~
 14 ~~contract or whose certificate is revoked or suspended shall be~~
 15 ~~given the same benefit of appeal and reconsideration as~~
 16 ~~provided in the case of an applicant refused an original~~
 17 ~~certificate;~~

18 ~~(9)--All general laws, population acts, special acts,~~
 19 ~~or local acts authorizing the exercise of power in conflict~~
 20 ~~with the provisions of this section are hereby repealed;~~

21 Section 19. Section 235.32, Florida Statutes, is
 22 amended to read:

23 235.32 Substance of contract; contractors to give
 24 bond; penalties.--Upon accepting a satisfactory bid, the board
 25 shall enter into a contract with the party or parties whose
 26 bid has been accepted; and such contract shall contain the
 27 drawings and specifications of the work to be done or the
 28 material to be furnished, the time limit in which the
 29 construction is to be completed, the time and method by which
 30 payments are to be made upon the contract, and the penalty to
 31 be paid by the contractor for any failure to comply with the

1 terms of the contract. The contractor shall furnish the board
 2 with a performance and payment bond as set forth in s.
 3 255.05(1), ~~issued by a surety company licensed to do business~~
 4 ~~in this state, for 100 percent of the contract price for a~~
 5 ~~project for which the contract price exceeds \$25,000. For a~~
 6 ~~project for which the contract price is \$25,000 or less, a~~
 7 ~~performance bond may be required in accordance with s.~~
 8 255.05(1). ~~The contractor shall also furnish a payment bond~~
 9 ~~in accordance with s. 255.05, as a guaranty against the~~
 10 ~~involvement of the board in actions to obtain payment for~~
 11 ~~materials, supplies, or labor used directly or indirectly by~~
 12 ~~contractors or subcontractors. Notwithstanding any other~~
 13 ~~provision of this section, if 25 percent or more of the costs~~
 14 ~~of any construction project is paid out of a trust fund~~
 15 ~~established pursuant to 31 U.S.C. s. 1243(a)(1), laborers and~~
 16 ~~mechanics employed by contractors or subcontractors on such~~
 17 ~~construction will be paid wages not less than those prevailing~~
 18 ~~on similar construction projects in the locality, as~~
 19 ~~determined by the Secretary of Labor in accordance with the~~
 20 ~~Davis-Bacon Act, as amended. Any and all persons, firms, or~~
 21 ~~corporations who shall construct any part of any educational~~
 22 ~~plant, or addition thereto, on the basis of any unapproved~~
 23 ~~plans or in violation of any plans approved in accordance with~~
 24 ~~the provisions of this chapter and rules of the State Board of~~
 25 ~~Education relating to building standards or specifications~~
 26 ~~shall be subject to forfeiture of bond and unpaid compensation~~
 27 ~~in an amount sufficient to reimburse the board for any costs~~
 28 ~~which will need to be incurred in making any changes necessary~~
 29 ~~to assure that all requirements are met and shall also be~~
 30 ~~guilty of a misdemeanor of the second degree, punishable as~~
 31

1 provided in s. 775.082 or s. 775.083, for each separate
2 violation.

3 Section 20. Section 235.33, Florida Statutes, is
4 amended to read:

5 235.33 Payments.--

6 (1) The final payment to the contractor shall not be
7 made until the construction project building has been
8 inspected by the architect or other person designated by the
9 board for that purpose and until he has issued a written
10 certificate that the project building has been constructed in
11 accordance with the approved plans and specifications and
12 approved change orders and until the board, acting on these
13 recommendations, has accepted the project building. After
14 acceptance by the board, a duplicate copy of this written
15 certificate, duly certified as having been accepted by the
16 board, shall be filed with the office.

17 (2) Boards shall have full authority and
18 responsibility for all decisions regarding educational and
19 ancillary plant construction contracts, change orders, and
20 payments.

21 Section 21. Section 235.34, Florida Statutes, is
22 amended to read:

23 235.34 Expenditures authorized.--

24 (1) School boards, boards of trustees, the Board of
25 Regents, boards of county commissioners, municipal boards, and
26 other agencies and boards of the state may shall expend funds,
27 separately or collectively, by contract or agreement, for the
28 placement, paving, or maintaining of any road, byway, or
29 sidewalk contiguous adjacent to or running through the
30 property of any educational plant or for the maintenance or
31 improvement of the property of any educational plant or of any

1 facility on such property. Expenditures may also be made for
2 sanitary and utility improvements and for the installation,
3 operation, and maintenance of traffic control and safety
4 devices upon, or contiguous to ~~in the vicinity of~~, any
5 existing or proposed educational plant. The boards of county
6 commissioners, municipal boards, and other agencies and boards
7 of the state may plant or maintain trees, flowers, shrubbery,
8 and beautifying plants upon the grounds of any educational
9 plant, upon approval of the superintendent or president or the
10 designee of either of them. Payment by a board for any
11 improvement set forth in this section shall be authorized in
12 any amounts agreed to by the board. Any payments so
13 authorized to be made shall not be mandatory unless the
14 specific improvement and costs have been agreed to prior to
15 the improvement's being made.

16 (2) The provisions of any law, municipal ordinance, or
17 county ordinance to the contrary notwithstanding, the
18 provisions of this section shall regulate the levying of
19 assessments for special benefits on school or community
20 college districts and the directing of the payment thereof.
21 Any municipal ordinance or county ordinance making provision
22 to the contrary is void and shall be of no effect.

23 Section 22. Section 235.41, Florida Statutes, is
24 amended to read:

25 235.41 Legislative capital outlay budget request.--

26 (1) The commissioner shall develop a procedure deemed
27 appropriate in arriving at the amounts required to fund
28 projects as reflected in the integrated, comprehensive budget
29 request required by this section. The official estimates for
30 funds accruing to the Public Education Capital Outlay and Debt
31 Service Trust Fund made by the revenue estimating conference

1 shall be used in determining the budget request pursuant to
2 this section.

3 (2) The commissioner shall submit to the Legislature
4 an integrated, comprehensive budget request for educational
5 facilities construction and fixed capital outlay needs for all
6 boards, including the Board of Regents, pursuant to the
7 provisions of s. 235.435 and applicable provisions of chapter
8 216. Each board, including the Board of Regents, shall submit
9 to the commissioner a 3-year ~~long-range~~ plan and data required
10 in the development of the annual capital outlay budget. No
11 further disbursements shall be made from the Public Education
12 Capital Outlay and Debt Service Trust Fund to a board that
13 fails to timely submit the required data until such board
14 submits the data.

15 (3) The commissioner shall submit an integrated,
16 comprehensive budget request to the Executive Office of the
17 Governor and to the Legislature no later than 45 days prior to
18 the legislative session each fiscal year. Notwithstanding the
19 provisions of s. 216.043, the integrated, comprehensive budget
20 request shall include:

21 (a) For the Public Education Capital Outlay and Debt
22 Service Trust Fund and all sinking and investment accounts
23 which are in receipt of any portion of the revenue sources
24 listed in s. 235.42(2)(a) ~~and for all district funds for~~
25 ~~capital outlay excluding transportation from all sources,~~
26 ~~including federal funds and capital outlay and debt service~~
27 ~~trust funds;~~

28 1. A schedule for each fund showing the actual
29 beginning cash balance for each of the 2 prior fiscal years
30 and showing for the current fiscal year the estimated
31

1 beginning cash balance and a listing of all disbursements and
2 receipts.

3 2. For the budget fiscal year for each fund, the
4 projected beginning cash balance, a monthly projection of all
5 receipts, and a monthly projection of all disbursements.

6 3. For the budget fiscal year the office shall be
7 furnished necessary forecasting data to enable the
8 commissioner to prepare and the commissioner shall submit, a
9 monthly gross receipts tax forecast, a monthly bond proceeds
10 estimate, the interest rate assumption used in the bond
11 proceeds estimate, a monthly interest earnings forecast, and
12 the interest rate assumption used in the calculation of
13 interest to be received on the idle balances invested and any
14 other reports as deemed necessary by the Legislature.

15 (b) For all capital outlay funds listed in paragraph
16 (a) in the current fiscal year:

17 1. Actual capital outlay fund balances brought forward
18 from the 2 prior fiscal years, listed separately as encumbered
19 and unencumbered.

20 2. Estimated encumbrances to be made in the current
21 fiscal year from actual capital outlay fund balances brought
22 forward from the preceding fiscal year as unencumbered.

23 3. Capital outlay appropriations made from current
24 fiscal year revenues, listed separately to indicate those
25 appropriations that will be encumbered throughout the current
26 fiscal year and those that will remain unencumbered at the end
27 of the current fiscal year.

28 4. Estimated capital outlay funds to be disbursed in
29 the current fiscal year from:

30 a. Fund balances brought forward from the preceding
31 fiscal year.

- 1 b. Appropriations made from the current fiscal year
2 revenues.
- 3 5. Estimated undisbursed capital outlay funds
4 remaining at the end of the current fiscal year from:
- 5 a. Fund balances brought forward from the preceding
6 fiscal year, listed separately as encumbered and unencumbered.
- 7 b. Appropriations made from the current fiscal year
8 revenues, listed separately as encumbered and unencumbered.
- 9 (c) For the capital outlay fund for the budget fiscal
10 year:
- 11 1. Estimated capital outlay fund balances to be
12 carried forward from the current fiscal year, listed
13 separately as encumbered and unencumbered.
- 14 2. Estimated encumbrances to be made in the budget
15 fiscal year from estimated capital outlay fund balances
16 carried forward from the current fiscal year as unencumbered.
- 17 3. Requested capital outlay appropriations to be made
18 from the projected revenues for the budget fiscal year, listed
19 separately to indicate those requested appropriations that
20 will be encumbered throughout the budget fiscal year and those
21 that will remain unencumbered at the end of the budget fiscal
22 year.
- 23 4. Estimated capital outlay funds to be disbursed in
24 the budget fiscal year from:
- 25 a. Fund balances brought forward from the current
26 fiscal year.
- 27 b. Requested appropriations to be made from the
28 projected revenues from the budget fiscal year.
- 29 5. Estimated undisbursed capital outlay funds
30 remaining at the end of the budget fiscal year from:
31

1 a. Fund balances brought forward from the current
2 fiscal year, listed separately as encumbered and unencumbered.

3 b. Requested appropriations to be made from the
4 revenues projected for the budget fiscal year, listed
5 separately as encumbered and unencumbered.

6 (d) Recommendations for the priority of expenditure of
7 funds in the state system of public education, with reasons
8 for the recommended priorities, and other recommendations
9 which relate to the effectiveness of the educational
10 facilities construction program.

11
12 All items in s. 235.435 shall be part of the legislative
13 budget request submitted by the commissioner.

14 Section 23. Section 235.42, Florida Statutes, is
15 amended to read:

16 235.42 Educational and ancillary plant plants
17 construction funds; Public Education Capital Outlay and Debt
18 Service Trust Fund; allocation of funds.--

19 (1) The commissioner, through the office, shall
20 administer the Public Education Capital Outlay and Debt
21 Service Trust Fund. The commissioner shall allocate or
22 reallocate funds as authorized by the Legislature. Copies of
23 each allocation or reallocation shall be provided to members
24 of the State Board of Education and to the chairmen of the
25 House of Representatives and Senate Appropriations Committees.

26 The commissioner shall provide for timely encumbrances of
27 funds for duly authorized projects. The commissioner shall
28 provide for the timely disbursement of moneys necessary to
29 meet the encumbrance authorizations of the boards, including
30 the Board of Regents, ~~to plan, construct, and equip facilities~~
31 ~~which have been approved by the State Board of Education.~~

1 Records shall be maintained by the office to identify
 2 legislative appropriations, State-Board-of-Education
 3 allocations, encumbrance authorizations, disbursements,
 4 transfers, investments, sinking funds, and revenue receipts by
 5 source. The Department of Education shall pay the
 6 administrative costs of the Public Education Capital Outlay
 7 and Debt Service Trust Fund from the funds which comprise the
 8 trust fund.

9 (2)(a) The Public Education Capital Outlay and Debt
 10 Service Trust Fund shall be comprised of the following
 11 sources, which are hereby appropriated to the trust fund:

12 1. Proceeds, premiums, and accrued interest from the
 13 sale of public education bonds and that portion of the
 14 revenues accruing from the gross receipts tax as provided by
 15 s. 9(a)(2), Art. XII of the State Constitution, as amended,
 16 interest on investments, and federal interest subsidies.

17 2. All student building fees and capital improvement
 18 fees collected, or to be collected, by the Board of Regents,
 19 except that portion that may be required for debt service and
 20 reserve requirements. Funds for such fees not required to pay
 21 prior lien amounts at each university for debt service
 22 administration pursuant to previous bond resolutions shall be
 23 deposited in the Public Education Capital Outlay and Debt
 24 Service Trust Fund within 30 days after collection.

25 3. General revenue funds appropriated to the fund for
 26 educational capital outlay purposes. ~~That portion of federal~~
 27 ~~revenue-sharing funds appropriated for educational facilities~~
 28 ~~construction;~~

29 ~~4. Any other funds for educational facilities~~
 30 ~~construction, including all federal grants and donations;~~

1 4.5: All capital outlay funds previously appropriated
2 and certified forward pursuant to s. 216.301.

3 (b) There is hereby appropriated from the trust fund
4 all certifications forward to this fund and all previous
5 allocations by the Board of Regents from student building and
6 capital improvement fees. All future allocations, transfers,
7 or increases for projects funded from student building and
8 capital improvement fees shall be by legislative
9 appropriation.

10
11 However, any funds required by law to be segregated or
12 maintained in separate accounts shall be segregated or
13 maintained in such manner that the relationship between
14 program and revenue source is retained. Nothing in this
15 subsection shall be construed so as to limit the use by the
16 Public Education Capital Outlay and Debt Service Trust Fund of
17 the resources of funds so segregated or maintained.

18 (3) Upon the request of each board, the office shall
19 distribute to the board an amount sufficient to cover capital
20 outlay disbursements anticipated from encumbrance
21 authorizations for the following month. For projects costing
22 in excess of \$50,000, contracts shall be approved and signed
23 before any disbursements are authorized.

24 (4) The office may authorize each board to enter into
25 contracts for a period exceeding 1 year, within amounts
26 appropriated and budgeted for fixed capital outlay needs; but
27 any contract so made shall be executory only for the value of
28 the services to be rendered, or agreed to be paid for, in
29 succeeding fiscal years. This subsection shall be
30 incorporated verbatim in all executory contracts of a board.

31

1 (5) No board shall, during any fiscal year, expend any
2 money, incur any liability, or enter into any contract which,
3 by its terms, involves expenditure of money in excess of the
4 amounts appropriated and budgeted or in excess of the cash
5 that will be available to meet the disbursement requirements.
6 Prior to entering into an executory, or any other, contract, a
7 board shall obtain certification from the office that moneys
8 will be available to meet the disbursement requirements. Any
9 contract, verbal or written, made in violation of this
10 subsection shall be null and void, and no payment shall be
11 made thereon.

12 (6) The State Board of Administration is authorized to
13 invest the trust funds of any state-supported retirement
14 system, and any other state funds available for loans, to the
15 trust fund at a rate of interest that is no less favorable
16 than would have been received had such moneys been invested in
17 accordance with authorized practices.

18 (7) Boards authorized to participate in the trust fund
19 are district school boards, the community college district
20 boards of trustees, the Trustees of the Florida School for the
21 Deaf and the Blind, the Board of Regents, and other units of
22 the state system of public education, and other educational
23 purposes authorized by the Legislature.

24 (8)(a) The office shall make a monthly report, by
25 project, of requests for encumbrance authorization from each
26 agency. Each project shall be tracked in the following
27 manner:

- 28 1. The date the request is received;
- 29 2. The anticipated encumbrance date requested by the
30 agency;

31

1 3. The date the project is eligible for encumbrance
2 authorization; and

3 4. The date the encumbrance authorization is issued.
4

5 In addition, the office shall make a monthly report of the
6 amount of cash disbursed to the agency from each appropriated
7 allocation and the amount of cash disbursed by the agency to
8 vendors or contractors from each appropriated allocation, by
9 month.

10 (b) In addition, the office shall make a monthly
11 report showing updated adjustments to the budget fiscal year
12 forecast for appropriations, encumbrances, disbursements, and
13 cash available for encumbrance status.

14 Section 24. Paragraph (d) of subsection (1), paragraph
15 (c) of subsection (2), and paragraph (a) of subsection (3) of
16 section 235.435, Florida Statutes, are amended to read:

17 235.435 Funds for comprehensive educational plant
18 needs.--Allocations from the Public Education Capital Outlay
19 and Debt Service Trust Fund to the various boards for capital
20 outlay projects shall be determined as follows:

21 (1)

22 (d) Each board, including the Board of Regents, shall
23 maintain its effort for expenditures for remodeling,
24 renovation, maintenance, repair, and site improvement in the
25 operating budget for the budget fiscal year at not less than
26 the percent level included in the approved operating budget
27 for the current fiscal year.

28 (2)

29 (c) The committee shall review the requests submitted
30 from the districts, evaluate the projects' ability to relieve
31 critical needs, and rank the requests in priority order. The

1 committee shall subtract from the total amount of the project
2 the total amount of funds generated by the requesting district
3 from all sources including the 1.5-mill ~~2-mill~~ levy for the
4 next 3 fiscal years. The resultant sum shall be the amount
5 eligible to be funded by the Legislature. This statewide
6 priority list for special facilities construction shall be
7 submitted to the Legislature in the legislative budget request
8 at least 45 days prior to the legislative session.

9 (3)(a)~~1~~: Each district school board shall receive an
10 amount from the Public Education Capital Outlay and Debt
11 Service Trust Fund to be calculated by computing the capital
12 outlay full-time equivalent membership by grade levels as
13 determined by the office. The capital outlay full-time
14 equivalent membership shall be determined for kindergarten
15 through the twelfth grade and for vocational-technical centers
16 by averaging the unweighted full-time equivalent student
17 membership for the second and third surveys and comparing the
18 results on a school-by-school basis with the Florida Inventory
19 for School Houses. The capital outlay full-time equivalent
20 membership by grade level organization shall be used in making
21 the following calculations: The capital outlay full-time
22 equivalent membership by grade level organization for the
23 1977-1978 fiscal year shall be computed as the base year. The
24 capital outlay full-time equivalent membership by grade level
25 for the 1982-1983 fiscal year shall be computed with the
26 positive increase over the base year constituting growth, and
27 the capital outlay full-time equivalent membership by grade
28 level organization for the fiscal year 1984-1985 shall be
29 computed with the positive increase over 1982-1983
30 constituting new growth. From the total amount appropriated
31 by the Legislature pursuant to this subsection, an equal

1 amount shall be allocated among the base capital outlay full-
 2 time equivalent membership, growth capital outlay full-time
 3 equivalent membership, and new growth capital outlay full-time
 4 equivalent membership. The allocation within each of the
 5 three groups shall be prorated to the districts based upon
 6 each district's percentage of base, growth, and new growth
 7 capital outlay full-time membership. The most recent 7-year
 8 capital outlay full-time equivalent membership data shall be
 9 used in each subsequent year's calculation for the allocation
 10 of funds pursuant to this subsection. If the growth or new
 11 growth capital outlay full-time equivalent membership for a
 12 district declines in any year used in their calculations after
 13 the initial allocation pursuant to this subsection, no
 14 allocation for growth or new growth capital outlay full-time
 15 equivalent memberships shall be made for any subsequent year
 16 until the number of capital outlay full-time equivalent
 17 memberships have exceeded the number for which an allocation
 18 has already been made. If a change, correction, or
 19 recomputation of data during any year results in a reduction
 20 or increase of the calculated amount previously allocated to a
 21 district, the allocation to that district shall be adjusted
 22 correspondingly. If such recomputation results in an increase
 23 or decrease of the calculated amount, such additional or
 24 reduced amounts shall be added to or reduced from the
 25 district's future appropriations. However, no change,
 26 correction, or recomputation of data shall be made subsequent
 27 to 2 years following the initial annual allocation.
 28 ~~instruction-units-as-defined-in-sr-236-602(i);--the-number-of~~
 29 ~~base-units-as-of-fiscal-year-1967-1968-shall-be-computed;--the~~
 30 ~~number-of-growth-units-up-to-and-including-fiscal-year-1978-~~
 31 ~~1979-shall-be-computed;--and-the-number-of-new-growth-units~~

1 from fiscal year 1979-1980 through the prior fiscal year shall
 2 be computed;--From the total amount appropriated by the
 3 legislature pursuant to this subsection, an equal amount shall
 4 be allocated to base units, growth units, and new growth
 5 units;--The allocation for each of the three groups shall be
 6 prorated among the districts in the same percentage that a
 7 district's units for each group are to the total units for
 8 that group for all district school boards;--Each district
 9 school board shall receive the sum of all three calculations
 10 of instructional units;--Effective July 1, 1985, language in
 11 this subparagraph is hereby repealed;

12 2. --Effective July 1, 1985, each district school board
 13 shall receive an amount from the Public Education Capital
 14 Outlay and Debt Service Trust Fund to be calculated by
 15 computing instructional units as defined in s. 236.602(1);--The
 16 district allocation to participate in the Capital Outlay
 17 Equalization Program shall be calculated as follows:

18 a. --The base year for calculation of replacement units
 19 is the year 2 years prior to the fiscal year for which the
 20 allocation is being determined;

21 b. --The number of units existing in the prior fiscal
 22 year shall be computed;

23 c. --The increase in prior year (sub-subparagraph b.)
 24 units compared to 2 prior year (sub-subparagraph a.) units is
 25 defined as "growth units";

26 d. --The Office of Educational Facilities shall annually
 27 compute for each district the current year's housing index;

28 e. --The Office of Educational Facilities shall annually
 29 determine the average statewide cost of constructing a
 30 classroom;

31

1 f. -- The number of growth units shall be multiplied by
 2 the district housing index, and the product obtained shall be
 3 multiplied by the average cost of constructing a classroom.
 4 g. -- The number of replacement units shall be multiplied
 5 by 2 percent of the average cost of constructing a classroom.
 6 h. -- The Office of Educational Facilities, in
 7 cooperation with the Executive Office of the Governor, shall
 8 annually compute for each district the current year's
 9 construction cost differential.
 10 i. -- The sum of the products obtained in sub-
 11 subparagraphs f. and g. shall be multiplied by the
 12 construction cost differential. -- The product thus obtained
 13 shall be known as the "construction cost entitlement."
 14 j. -- The required local effort for participation in the
 15 Capital Outlay Equalization Program shall be the amount
 16 computed by applying 1.5 mills to 95 percent of the most
 17 recent tax roll data for the appropriate year as provided in
 18 s. 236.081(4). -- The required local effort may be a combination
 19 of millage voted under the provisions of s. 9(b) or s. 12,
 20 Art. VII of the State Constitution and millage levied as
 21 authorized by s. 236.25(2)(a).
 22 k. -- The required local effort shall be subtracted from
 23 the construction cost entitlement to obtain the district
 24 allocation. -- In the event the legislative appropriation is
 25 insufficient to fund all district allocations, each district
 26 shall receive the percentage of the available funds that is
 27 equal to its share of the state total of all district
 28 allocations.
 29 l. -- In the event a school district declines to
 30 participate in the Capital Outlay Equalization Program, its
 31 allocation from the Public Education Capital Outlay and Debt

1 ~~Service-Trust-Fund-shall-be-allocated-to-all-participating~~
2 ~~districts-pro-rata:~~

3 Section 25. Section 235.065, Florida Statutes, is
4 hereby repealed.

5 Section 26. Notwithstanding the provisions of chapter
6 81-223, Laws of Florida, as amended, chapter 82-137, Laws of
7 Florida, chapter 82-240, Laws of Florida, and chapter 83-326,
8 Laws of Florida, sections 235.001, 235.002, 235.01, 235.011,
9 235.014, 235.018, 235.02, 235.04, 235.05, 235.055, 235.056,
10 235.06, 235.09, 235.14, 235.149, 235.15, 235.155, 235.16,
11 235.18, 235.19, 235.193, 235.195, 235.196, 235.197, 235.211,
12 235.212, 235.222, 235.26, 235.30, 235.31, 235.32, 235.321,
13 235.33, 235.34, 235.40, 235.42, and 235.435, Florida Statutes,
14 are not repealed on July 1, 1985 as scheduled by said acts,
15 but said sections as amended by this act are hereby revived
16 and readopted.

17 Section 27. Sections 235.001, 235.002, 235.01,
18 235.011, 235.014, 235.018, 235.02, 235.04, 235.05, 235.055,
19 235.056, 235.06, 235.09, 235.14, 235.149, 235.15, 235.155,
20 235.16, 235.18, 235.19, 235.193, 235.195, 235.196, 235.197,
21 235.211, 235.212, 235.222, 235.26, 235.30, 235.31, 235.32,
22 235.321, 235.33, 235.34, 235.40, and 235.435, Florida
23 Statutes, are repealed effective July 1, 1995 and shall be
24 reviewed by the Legislature prior to such date.

25 Section 28. This act shall take effect upon becoming a
26 law. However, if this act does not become a law until after
27 July 1, 1985, it shall operate retroactively to that date.
28
29
30
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR SENATE BILL 848

In addition to numerous technical changes, the committee substitute: reestablishes the authority of education agencies to enter into lease or lease-purchase agreements for education facilities, requires a prospective joint-use facility to appear on the project priority lists of all postsecondary agencies party to the agreement, deletes the requirement that the State Board of Education approve the establishment of college or university centers, requires plans for all relocatable classroom structures to be approved by the Office of Education Facilities, empowers the Commissioner of Education to allocate or reallocate Public Education Capital Outlay and Debt Service Trust Funds as authorized by the Legislature, authorizes agreements of more than two educational agencies to participate in a joint-use facility, and changes the requirement in the bill that a community use facility be on land owned by an education agency or contiguous to a school plant to a requirement that the facility be on land owned or leased by the education agency.

By: Senators Peterson, Castor, Neal, Thomas and Mann-

This publication was produced at an average cost of 1.5 cents per page for the information of members of the Legislature and the public.

1 A bill to be entitled
 2 An act relating to educational facilities;
 3 amending ss. 235.001, 235.002, 235.011,
 4 235.014, 235.04, 235.054, 235.055, 235.06,
 5 235.15, 235.195, 235.196, 235.197, 235.211,
 6 235.212, 235.26, 235.30, 235.31, 235.32,
 7 235.33, 235.34, 235.41, 235.42, 235.435, F.S.;
 8 repealing ss. 235.056(2), 235.065, 235.193(4),
 9 F.S.; amending the short title; providing
 10 legislative intent; providing definitions;
 11 providing for functions of the Office of
 12 Educational Facilities of the Department of
 13 Education; amending the minimum utilization
 14 rate for postsecondary classrooms; providing
 15 for the disposal of real property by certain
 16 educational boards; providing procedures for
 17 proposed purchases of real property by certain
 18 boards; authorizing certain construction on
 19 short-term leased property by the Board of
 20 Regents; deleting certain provisions relating
 21 to lease and lease-purchase of educational
 22 facilities by a school board; providing for
 23 safety and sanitation standards and inspection
 24 of public educational and ancillary plants,
 25 deleting provision which empowered a local
 26 governing body to reject residential
 27 development plans under certain circumstances,
 28 providing for the cooperative development and
 29 use of facilities by two or more boards under
 30 certain circumstances; providing procedures and
 31 requirements for requests for moneys to

1 construct certain community educational
2 facilities; amending provisions relating to the
3 use of relocatable facilities and providing for
4 the transfer of title of such facilities;
5 deleting provisions requiring that the state
6 board develop and provide certain prototype
7 design criteria; providing for use of designs
8 for natural or natural and low-energy usage
9 mechanical ventilation in certain new
10 educational facilities under certain
11 circumstances; providing for the adoption of a
12 state uniform building code for educational and
13 ancillary plants; requiring conformity of
14 certain plans to the code; providing for
15 enforcement; providing for the awarding of
16 certain contracts, requiring inspection of
17 certain facilities prior to occupancy or final
18 payment to the contractor; prohibiting local
19 legislation amending the uniform building code
20 after a certain date; providing for supervision
21 and inspection of certain construction;
22 increasing the maximum amount a project may
23 cost to be done on a day-labor basis; deleting
24 certain provisions relating to the advertising
25 and awarding of contracts and prequalification
26 of contractors; requiring contractors to
27 furnish a performance and payment bond;
28 authorizing the expenditure of funds for
29 certain roads and traffic control devices,
30 amending provisions relating to legislative
31 capital outlay budget requests; revising the

1 sources which comprise the Public Education
2 Capital Outlay and Debt Service Trust Fund;
3 revising the method for allocating moneys from
4 the fund; repealing provision relating to
5 maintenance and operation of educational
6 plants; reviving and adopting certain
7 provisions scheduled for repeal; providing for
8 the future repeal of certain provisions;
9 providing a retroactive effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Section 235.001, Florida Statutes, is
14 amended to read:

15 235.001 Short title.--This act shall be known and
16 cited as the "Educational Facilities Act ~~of 1981~~."

17 Section 2. Subsections (1) and (4) of section 235.002,
18 Florida Statutes, are amended to read:

19 235.002 Intent.--The intent of the Legislature is:

20 (1) To provide guarantee to each student in the public
21 education system the availability of an educational
22 environment appropriate to his educational needs which is
23 substantially equal to that available to any similar student,
24 notwithstanding geographic differences and varying local
25 economic factors, and to provide facilities for the Florida
26 School for the Deaf and the Blind and other educational
27 institutions and agencies as may be defined by law.

28 (4) To provide a systematic plan for educational
29 construction whereby sites may be acquired, educational
30 requirements formulated, and construction documents
31 ~~architectural plans and specifications~~ developed so as to

1 proceed immediately with the construction of educational
2 facilities when funds are made available.

3 Section 3. Section 235.011, Florida Statutes, is
4 amended to read:

5 235.011 Definitions.--Notwithstanding the provisions
6 of s. 228.041, the following terms shall be defined as follows
7 for the purpose of this chapter:

8 (1) "Ancillary plant" is comprised of the building,
9 site, and site improvements necessary to provide such
10 facilities as vehicle maintenance, warehouses, maintenance, or
11 administrative buildings necessary to provide support services
12 to an educational program.

13 (2) "Auxiliary facility" means the spaces located at
14 educational plants which are not designed for student occupant
15 stations

16 (3)† "Board," unless otherwise specified, means a
17 district school board, a community college board of trustees,
18 or the Board of Trustees for the Florida School for the Deaf
19 and the Blind. The term "board" does not include the State
20 Board of Education.

21 (4)† "Capital project," for the purpose of s.
22 9(a)(2), Art. XII of the State Constitution, as amended, means
23 sums of money appropriated from the Public Education Capital
24 Outlay and Debt Service Trust Fund to the state system of
25 public education and other educational agencies as authorized
26 by the Legislature.

27 † ~~"Educational capital outlay needs" means the sum~~
28 ~~of the following estimated factors:~~

29 † ~~(a) Construction costs;~~

30 † ~~(b) Legal and administrative costs;~~

31 † ~~(c) Architectural fees;~~

1 ~~(d) -- Student capacity, program, auxiliary, and~~
2 ~~ancillary needs;~~

3 ~~(e) -- The cost of new furniture and equipment for new~~
4 ~~construction;~~

5 ~~(f) -- The cost of site improvement; and~~

6 ~~(g) -- The cost of site acquisition.~~

7 (5)(4) "Educational facilities" means the buildings
8 and equipment that are built, installed, or established to
9 serve educational purposes and which may lawfully be used.

10 (6)(5) "Educational plant" comprises the buildings,
11 equipment, site and site improvements and grounds necessary to
12 accommodate students, faculty, administrators, staff, and the
13 activities of the educational program of each plant.

14 (7)(6) "Educational plant survey" means a systematic
15 study of present educational and ancillary plants and the
16 determination of future needs to provide an appropriate
17 educational program and services for each student.

18 (8) "Feasibility study" means the examination and
19 analysis of information related to projected educational
20 facilities to determine whether they are reasonable and
21 possible.

22 (9) "Long-range planning" means devising a systematic
23 method based on educational information and needs, carefully
24 analyzed, to provide the facilities to meet the goals and
25 objectives of the educational agency.

26 ~~(7) -- "Improved educational environment" means the~~
27 ~~improvements to existing educational plants, such as altering,~~
28 ~~remodeling, improving, renovating, or repairing;~~

29 (10)(8) "Low-energy usage features" means engineering
30 features or devices which supplant or minimize the consumption
31 of fossil fuels by heating equipment and cooling equipment.

1 Such features may include, but are not limited to, high
2 efficiency chillers and boilers, thermal storage tanks, solar
3 energy systems, waste heat recovery systems, and facility load
4 management systems.

5 (11)~~(9)~~ "Maintenance and repair" means the upkeep of
6 educational and ancillary plants property-or-equipment,
7 including, but not limited to, roof or roofing replacement
8 short of complete replacement of membrane or structure;
9 repainting of interior or exterior surfaces; resurfacing of
10 floors, repair or replacement of glass; repair of hardware,
11 furniture, equipment, electrical fixtures, and plumbing
12 fixtures; and repair or resurfacing of parking lots and
13 walkways site-improvement.

14 (12) "Need determination" means the identification of
15 types and amounts of educational facilities necessary to
16 accommodate the educational programs, student population,
17 faculty, administrators, staff, and auxiliary and ancillary
18 services of an educational agency.

19 (13)~~(10)~~ "New construction" means any construction of
20 a building or unit of a building in which the entire work is
21 new or an entirely new addition connected to an existing
22 building.

23 (14)~~(11)~~ "Office" means the Office of Educational
24 Facilities of the Department of Education.

25 (15)~~(12)~~ "Passive design elements" means architectural
26 features which minimize heat gain, heat loss, and the use of
27 heating and cooling equipment when ambient conditions are
28 extreme and which permit use of the facility without heating
29 or air conditioning when ambient conditions are moderate
30 Such features may include, but are not limited to, building
31 orientation, landscaping, earth bermings, insulation, thermal

1 windows and doors, overhangs, skylights, thermal chimneys, and
 2 other design arrangements.

3 ~~(13)--"Relocatable facility" means an educational~~
 4 ~~facility which has been designed to incorporate the following~~
 5 ~~elements:~~

6 ~~(a)--Portability;~~

7 ~~(b)--Reconstructibility;~~

8 ~~(c)--Demountability;~~

9 ~~(d)--Durability of components;~~

10 ~~(e)--Simplicity of components;~~

11 ~~(f)--Flexibility of interior spatial relationships;~~

12 ~~(g)--Adaptability to solar energy systems;~~

13 ~~(h)--Minimum foundation work;~~

14 ~~(i)--Interfaceability with existing, conventional~~

15 ~~construction; and~~

16 ~~(j)--Maximum recoverability of components when the~~
 17 ~~facility is relocated.~~

18 (16)(14) "Remodeling" means the changing of existing
 19 facilities by rearrangement of spaces and their use and
 20 includes, but is not limited to, the conversion of two
 21 classrooms to a science laboratory or the conversion of a
 22 closed plan arrangement to an open plan configuration.

23 (17)(15) "Renovation" means the upgrading of existing
 24 facilities by installation or replacement of materials and
 25 equipment and includes, but is not limited to, air-
 26 conditioning, heating, or ventilating equipment; fire alarm
 27 systems; emergency lighting; electrical systems; and complete
 28 roofing or roof replacement, including replacement of membrane
 29 or structure.

30 (18)(16) "Satisfactory educational facility" means a
 31 facility which has been recommended for continued use by an

1 educational plant survey or which has been classified as
2 satisfactory in the state inventory of educational facilities.

3 (19) "Site" means a space of ground occupied or to be
4 occupied by an educational facility or program.

5 (20) "Site development" means work that must be
6 performed on an unimproved site in order to make it usable for
7 the desired purpose; or, work incidental to new construction
8 or to make an addition usable.

9 (21) "Site improvement" means work that must be
10 performed on an existing site to improve its utilization,
11 correct health and safety deficiencies, meet special program
12 needs or provide additional service areas.

13 (22) "Site improvement incident to construction" means
14 the work that must be performed on a site as an accompaniment
15 to the construction of an educational facility.

16 Section 4. Section 235.014, Florida Statutes, is
17 amended to read:

18 235.014 Functions of the office.--The functions of the
19 office shall include, but not be limited to, the following, it
20 shall:

21 ~~1) Require of boards, including the Board of Regents,~~
22 ~~the development and submission of long-range plans for~~
23 ~~educational plants.~~

24 (1)+2) Establish minimum and maximum square footage
25 requirements for different functions and areas and the
26 procedures for determining the gross square footage for each
27 educational facility to be funded in whole or in part by the
28 state standards for all educational space, including public
29 broadcasting stations but excluding postsecondary special
30 purpose laboratory space.

1 (2)(3) Establish equitably uniform utilization
 2 standards for all types of like space, regardless of the level
 3 of education. These standards shall also establish a minimum
 4 utilization rate of 90 85 percent of all postsecondary
 5 classrooms, based on 65 50 hours per week, Monday through
 6 Saturday.

7 (3)(4) On behalf of a board, including the Board of
 8 Regents, authorize and request, when there is a clear and
 9 present danger to life and safety, county and municipal
 10 governments, ~~in cooperation with boards, including the Board~~
 11 ~~of Regents,~~ to construct and maintain sidewalks or bicycle
 12 trails within a 2-mile radius of each educational facility
 13 within the jurisdiction of the local government.

14 (4)(5) Evaluate the plan for educational facilities of
 15 each public school board for inclusion in the integrated,
 16 comprehensive budget request.

17 (5)(6) Require of the boards, including the Board of
 18 Regents, the submission of other educational plant inventories
 19 data and statistical data or information relevant to
 20 construction and capital improvements.

21 (6)(7) Require from each board, including the Board of
 22 Regents, all agencies of the state, and other appropriate
 23 agencies complete and accurate financial data as to the
 24 amounts of funds from all sources that are available for
 25 construction and capital improvements. ~~Each board, including~~
 26 ~~the Board of Regents, shall include in its budget request the~~
 27 ~~amounts of funds from all sources that were spent for capital~~
 28 ~~outlay projects, excluding transportation, for the previous 10~~
 29 ~~years, which data shall be updated annually.~~ The commissioner
 30 shall prescribe the format and the date for the submission of
 31 this data and any other educational facilities data. If any

1 district does not submit ~~the expenditure data, or any other~~
 2 required educational facilities fiscal data, by the prescribed
 3 date, the commissioner shall notify the district school board
 4 of this fact and, if appropriate action is not taken to
 5 immediately submit the required report, the school board shall
 6 be directed to proceed pursuant to the provisions of s.
 7 230.23(11)(b). If any community college or university does
 8 not submit ~~the expenditure data or any other~~ required
 9 educational facilities fiscal data by the prescribed date, the
 10 same policy prescribed above for school districts shall be
 11 implemented.

12 (7)+8+ Administer, under the supervisor of the
 13 commissioner, the Public Education Capital Outlay and Debt
 14 Service Trust Fund.

15 (8)+9+ Approve or disapprove, for reasons shown, sites
 16 and facilities to be purchased or lease purchased for the
 17 purchase of, or the lease purchase of, sites suitable to be
 18 used for educational and ancillary purposes by educational
 19 agencies the boards and plans and specifications for new
 20 educational facilities construction or the improvement of
 21 existing structures on sites as submitted.

22 (9)+10+ Determine the roles of the different state and
 23 local government agencies, including planning commissions, in
 24 the planning, design, and construction of educational
 25 facilities and improvements, to ensure inclusion of services
 26 and programs for community centers that can appropriately be
 27 provided on a single site for the purpose of meeting current
 28 and future needs of the community to be served.

29 (10)+11+ Develop, review, update, and revise a
 30 mandatory, uniform building code for facilities construction
 31 and capital improvement by boards.

1 ~~(11)~~~~(12)~~ Ensure as far as practicable that there be as
2 much participation as possible by local personnel in
3 determining programs and activities. Local initiative should
4 be encouraged and utilized in order that the needs of local
5 communities be met, as far as practicable, when constructing
6 new educational facilities or making additions or improvements
7 to existing facilities in the community.

8 (12) Approve educational and ancillary plant
9 specifications and construction documents for remodeling,
10 renovations or new construction of educational plants or
11 ancillary facilities to determine compliance with rules and
12 statutes, except that the Board of Regents shall approve
13 specifications and construction documents for the State
14 University System.

15 ~~(13) -- Approve plans and specifications for new~~
16 ~~educational facilities construction or the improvement of~~
17 ~~existing structures, except that the Board of Regents shall~~
18 ~~approve plans for the State University System.~~

19 (13)~~(14)~~ Coordinate educational plant surveys and
20 document the determination of future needs.

21 (14)~~(15)~~ Make available to boards, including the Board
22 of Regents, technical assistance relating to maintenance and
23 operation of educational plants; custodial and maintenance
24 training, educational facilities specifications; product
25 specifications and evaluations; safety; security and risk
26 management; and plant services.

27 (15) Provide annually to the State Board of Community
28 Colleges and the Board of Regents an estimate of the funds
29 available to that board for developing their required 3-year
30 priority list. This amount shall be based upon the average
31 percentage, for the 3 prior years, of funds appropriated by

1 the Legislature for fixed capital outlay to each level of
2 education: public schools, community colleges, and the state
3 university system.

4 (16) Perform any other functions that may be involved
5 in educational facilities construction and capital improvement
6 which shall ensure that the intent of the Legislature is
7 implemented.

8 Section 5. Subsection (1) of section 235.04, Florida
9 Statutes, is amended to read:

10 235.04 Disposal of property.--

11 (1) REAL PROPERTY --Subject to rules of the state
12 board, a board may dispose of any land or real property which
13 is, by resolution of such board, determined to be unnecessary
14 for educational purposes as recommended in an educational
15 plant survey. A board shall take diligent measures to dispose
16 of educational property only in the best interests of the
17 public. However, appraisals may be obtained by the board
18 prior to or simultaneously with the receipt of authorization
19 ~~for advertisement for bids.~~

20 Section 6. Section 235.054, Florida Statutes, is
21 amended to read:

22 235.054 Proposed purchase of real property by a school
23 board; confidentiality of records; procedure.--

24 (1)(a) In any case in which a school board, pursuant
25 to the provisions of this chapter, seeks to acquire by
26 purchase any real property for educational purposes, every
27 appraisal, offer, or counteroffer must be in writing and is
28 exempt from the provisions of chapter 19 until an option
29 contract is executed or, if no option contract is executed,
30 until 30 days before a contract or agreement for purchase is
31 considered for approval by the school board. If a contract or

1 agreement for purchase is not submitted to the school board
 2 for approval, the exemption from chapter 119 will expire 30
 3 days after the termination of negotiations. The school board
 4 shall maintain complete and accurate records of every such
 5 appraisal, offer, and counteroffer. For the purposes of this
 6 section, the term "option contract" means an agreement by the
 7 school board to purchase a piece of property, subject to the
 8 approval of the school board at a public meeting after 30
 9 days' public notice.

10 (b) The school board will not be under any obligation
 11 to exercise the option unless the option contract is approved
 12 by the school board at the public hearing specified in this
 13 section. If this procedure is utilized, the school board
 14 shall obtain at least one appraisal by an appraiser who is a
 15 member of an appraisal organization listed in s. 253.025(7)(b)
 16 for each purchase in an amount of not more than \$500,000. For
 17 each purchase in an amount in excess of \$500,000, the school
 18 board shall obtain at least two appraisals by appraisers who
 19 are members of appraisal organizations listed in s.
 20 253.025(7)(b). If the agreed purchase price exceeds the
 21 average appraised price of the two appraisals, the school
 22 board is required to approve the purchase by an extraordinary
 23 vote. The school board may, by ordinary vote, exempt a
 24 purchase in an amount of \$100,000 or less from the requirement
 25 for an appraisal.

26 (2) Nothing in this section shall be interpreted as
 27 providing an exemption from, or an exception to, s. 286.011

28 (3) This section is repealed on October 1, 1995 ~~1988~~.

29 Section 7 Subsection (2) and (3) of section 235.055,
 30 Florida Statutes, are amended to read.

31

1 235.055 Construction of facilities on leased property,
2 conditions.--

3 (2) A board, including the Board of Regents, is
4 authorized, when such action is approved by the office, to
5 enter into a short-term lease for the use of land owned by any
6 of the entities enumerated in subsection (1), on which
7 temporary or relocatable facilities are to be utilized.

8 (3) Pursuant to state board rules, a board, including
9 the Board of Regents, is authorized to enter into a short-term
10 lease for the use of land and buildings on which capital
11 improvements may be made.

12 Section 8. Subsection (2) of section 235.056, Florida
13 Statutes, is hereby repealed.

14 Section 9. Section 235.06, Florida Statutes, is
15 amended to read

16 235.06 Safety and sanitation standards and inspection
17 of property.--The State Board of Education is empowered and
18 directed to adopt and administer rules prescribing standards
19 for the safety and health of occupants of educational and
20 ancillary plants as a part of the State Uniform Building Code
21 for Public Educational Facilities Construction as provided in
22 s. 235.26, the provisions of chapter 633 to the contrary
23 notwithstanding. These standards shall be used by all public
24 agencies when inspecting public educational and ancillary
25 plants facilities. In accordance with such standards, each
26 board shall prescribe policies and procedures establishing a
27 comprehensive program of safety and sanitation for the
28 protection of occupants of public educational and ancillary
29 plants facilities. Such policies shall contain procedures for
30 periodic inspections as prescribed herein and for withdrawal
31 of any educational and ancillary plant, or portion thereof,

1 from use until unsafe or unsanitary conditions are corrected
2 or removed.

3 (1) PERIODIC INSPECTION OF PROPERTY BY THE BOARD --

4 (a) Each board shall provide for periodic inspection
5 of each educational and ancillary plant at least once during
6 each fiscal year to determine compliance with standards of
7 sanitation and casualty safety prescribed in the rules of the
8 state board. Such inspection shall be conducted by persons
9 certified by the office, ~~and for firesafety inspections; by~~
10 ~~persons certified by the State Fire Marshal;--Annual~~
11 ~~firesafety inspections shall be conducted by the Division of~~
12 ~~State Fire Marshal of the Department of Insurance;~~

13 (b) Firesafety inspections shall be made annually of
14 each educational and ancillary plant by the Department of
15 Insurance by persons certified by that agency to be eligible
16 to conduct firesafety inspections in public educational and
17 ancillary plants. If the Division of State Fire Marshal is
18 unable to conduct any firesafety inspection, upon approval of
19 the division, such inspection shall be conducted by a local
20 fire department official or board employee who has
21 successfully completed the required training courses and has
22 been certified by the Division of State Fire Marshal as a
23 firesafety inspector. ~~A copy of each inspection report shall~~
24 ~~be forwarded from the board to the commissioner;--A copy of~~
25 ~~the firesafety inspection report only shall be forwarded from~~
26 ~~the board to the State Fire Marshal;--Each report~~

27 (c) Copies of all reports shall be submitted to the
28 commissioner by the end of each fiscal year. In each report
29 the board shall include a plan of action and a schedule for
30 the correction of each deficiency. If immediate life-
31 threatening major deficiencies are noted in any inspection,

1 the board shall either take action to promptly correct such
2 deficiencies or withdraw the educational or ancillary plant
3 from use until such time as the deficiencies are corrected.
4 The State Board of Education shall be responsible for the
5 enforcement of this subsection.

6 (2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC
7 AGENCIES.--A safety or sanitation inspection of any
8 educational or ancillary plant may be made at any time by the
9 Department of Education or any other state or local agency
10 authorized or required to conduct such inspections by either
11 general or special law. Such inspections shall be conducted
12 by staff members of the agency or by local personnel certified
13 by the office, and inspections for firesafety shall be
14 conducted by persons certified by the State Fire Marshal.
15 Each agency conducting inspections shall use the standards
16 adopted by the State Board of Education in lieu of, and to the
17 exclusion of, any other inspection standards prescribed either
18 by statute or administrative rule, the provisions of chapter
19 633 to the contrary notwithstanding. The agency shall submit
20 a copy of the inspection report to the board, and the board
21 shall forward copies as required in paragraph subsection
22 (1)(c).

23 (3) CORRECTIVE ACTION.--Upon failure of the board to
24 take corrective action within a reasonable time, the agency
25 making the inspection may request the commissioner to.

26 (a) Order that appropriate action be taken to correct
27 all deficiencies in accordance with a schedule determined
28 jointly by the inspecting authority and the board; in the
29 development of such schedule, consideration shall be given to
30 the seriousness of the deficiencies and the ability of the
31 board to obtain the necessary funds; or

1 (b) After 30 calendar days' notice to the board, order
2 all or a portion of the educational or ancillary plant
3 withdrawn from use until the deficiencies are corrected.

4 Section 10. Section 235.15, Florida Statutes, is
5 amended to read:

6 235.15 Educational plant survey required.--At least
7 every 5 years, each board, including the Board of Regents,
8 shall arrange for an educational plant survey, to aid in
9 formulating plans for housing the educational program and
10 student population, faculty, administrators, staff, and
11 auxiliary and ancillary services of the district or campus.
12 Each survey shall be conducted by the Department of Education
13 or an agency approved by the commissioner. Surveys conducted
14 by agencies other than the Department of Education shall be
15 reviewed and approved by the commissioner. The survey report
16 shall include at least an inventory of existing educational
17 and ancillary plants; recommendations for existing educational
18 and ancillary plants; recommendations for new educational or
19 ancillary plants, including the general location of each; and
20 such other information as may be required by the rules of the
21 State Board of Education. An official copy of each survey
22 report shall be filed by the board with the office. This
23 report may be amended, if conditions warrant, at the request
24 of the board or commissioner.

25 Section 11. Subsection (4) of section 235.193, Florida
26 Statutes, is hereby repealed.

27 Section 12. Section 235.195, Florida Statutes, 1984
28 Supplement, is amended to read:

29 235.195 Cooperative development and use of facilities
30 by two or more boards.--

31

1 (1) Two or more boards, including district school
2 boards, community college boards of trustees, the Board of
3 Trustees for the Florida School for the Deaf and the Blind,
4 and the Board of Regents, desiring to cooperatively establish
5 a common educational facility to accommodate students shall.

6 (a) Jointly request a formal assessment by the
7 commissioner, State Board of Community Colleges, or Board of
8 Regents, as appropriate, of the academic program need and the
9 need to build new joint-use facilities to house approved
10 programs. Completion of the assessment and approval of the
11 project by the Board of Regents, the State Board of Community
12 Colleges, or the Commissioner of Education, as appropriate,
13 should be done prior to conducting an educational facilities
14 survey.

15 (b) Demonstrate the need for construction of new
16 joint-use facilities involving postsecondary institutions by
17 those institutions presenting evidence of the presence of
18 sufficient actual enrollments in the locale in leased, rented,
19 or borrowed spaces, to justify the requested facility for the
20 programs identified in the formal assessment rather than using
21 projected or anticipated future enrollments as justification.
22 If the decision is made to construct new facilities to meet
23 this demonstrated need, then building plans should consider
24 enrollment growth facilitated by this new construction and
25 subsequent new program offerings made possible by the
26 existence of the new facilities.

27 (c) Adopt and submit to the commissioner a joint
28 resolution of the participating boards indicating their
29 commitment to the utilization of the requested facility and
30 designating the exact location of the proposed facility. The
31 joint resolution shall contain a statement of determination by

1 the participating boards that alternate options, including the
 2 use of leased, rented, or borrowed space, were considered and
 3 found less appropriate than construction of the proposed
 4 facility. The joint resolution shall contain assurance that
 5 the development of the proposed facility has been examined in
 6 connection with the programs offered by neighboring public
 7 educational facilities offering instruction at the same level.
 8 The joint resolution also shall contain assurance that each
 9 participating board shall provide for continuity of
 10 educational progression. All joint resolutions shall be
 11 submitted to the commissioner by August 1 for consideration of
 12 funding by the subsequent Legislature.

13 (d) Submit requests for funding of joint-use
 14 facilities projects involving state universities and community
 15 colleges for approval by the Board of Regents, or the State
 16 Board of Community Colleges, as appropriate. The respective
 17 boards shall determine the priority for funding these projects
 18 in relation to the priority of all other capital outlay
 19 projects under their consideration. To be eligible for
 20 funding from the Public Education Capital Outlay and Debt
 21 Service Trust Fund under the provisions of this section,
 22 projects involving both state universities and community
 23 colleges should appear on either the Board of Regents or State
 24 Board of Community Colleges 3-year capital outlay priority
 25 list required by s. 235.435(5) or on both lists. Projects
 26 involving a state university or community college and a public
 27 school, and in which a majority of the proposed facility is
 28 for the use of the state university or the community college,
 29 should appear on the Board of Regents or State Board of
 30 Community Colleges 3-year capital outlay priority list, as
 31 appropriate.

1 (e) Include in their joint resolution for the joint-
 2 use facilities, comprehensive plans for the operation and
 3 management of the facility upon completion. Institutional
 4 responsibilities for specific functions shall be identified,
 5 including designation of one participating board as sole owner
 6 of the facility. Operational funding arrangements shall be
 7 clearly defined.

8 ~~(f)~~^(b) Request the commissioner to have an educational
 9 plant survey conducted by the office to determine the need.

10 ~~(c)~~ --Designate the exact location of the educational
 11 plant and ~~watch board is to assume responsibility for the~~
 12 ~~operator, maintenance, and control of the proposed plant.~~

13 (2) The commissioner shall cause the requested
 14 educational plant survey to be conducted within 90 days after
 15 receiving the joint resolution and substantiating data and
 16 shall evaluate the findings of the survey in terms of the
 17 benefits to be obtained, the programs to be offered, and the
 18 estimated cost of the proposed plant. Upon completion of the
 19 educational plant survey, the participating boards may include
 20 the recommended projects in their plan as provided in s.
 21 235.16. Upon approval of the project by the commissioner, he
 22 shall include the project in the legislative capital outlay
 23 budget request as provided in s. 235.41 for educational plants
 24 as follows:

25 (a) For those facilities to be constructed by
 26 educational institutions offering differing levels of
 27 instruction on a site remote from any existing public
 28 educational campus or center, state matching funds from the
 29 Public Education Capital Outlay and Debt Service Trust Fund
 30 shall be provided in the same percent of the total cost as the
 31 Office of Educational Facilities determines that portion of

1 the proposed facility to be for actual joint-use of the
 2 participating institutions;

3 (b) For those facilities to be constructed by
 4 educational institutions offering differing levels of
 5 instruction on an existing public educational campus or center
 6 where significant existing ancillary services are to be used
 7 on a joint basis, state matching funds from the Public
 8 Education Capital Outlay and Debt Service Trust Fund shall be
 9 provided for up to 50 percent of the total cost of the
 10 proposed facility; and

11 (c) For those facilities to be constructed by
 12 educational institutions offering instruction at the same
 13 level, such as multi-county high schools, state matching funds
 14 from the Public Education Capital Outlay and Debt Service
 15 Trust Fund shall be provided in the same percent as that
 16 portion of the proposed facility is determined by the Office
 17 of Educational Facilities to be for actual joint-use of the
 18 participating institutions, up to a maximum of 50 percent of
 19 the total cost of the proposed facility.

20
 21 The participating boards must include in their joint
 22 resolution a commitment to finance the remaining funds to
 23 construct the facility, including an estimated cost for
 24 completing each project not to exceed 50 percent of the cost
 25 of the site, site development, and the facility after the
 26 participating boards have made the necessary commitment to
 27 finance the remaining one-half. Funds from the Public
 28 Education Capital Outlay and Debt Service Trust Fund may not
 29 be expended on any project unless specifically authorized by
 30 the Legislature.
 31

1 (3) Included in all proposals for joint-use facilities
 2 which result in the creation of one or more new campuses or
 3 centers for public postsecondary educational institutions must
 4 be documentation that the proposed campus or center has been
 5 reviewed by the Postsecondary Education Planning Commission,
 6 recommended to the State Board of Education, and has been
 7 formally requested for authorization by the Legislature in
 8 accordance with s. 240.147(1). Pre-use-of-modular-and
 9 relocatable-facilities-shall-be-considered, where appropriate,
 10 in all facilities established pursuant to this section-

11 Section 13. Section 235.196, Florida Statutes, 1984
 12 Supplement, is amended to read:

13 235.196 Community educational facilities.--

14 (1) Each district school board district, the State
 15 Board of Community Colleges on behalf of a community college
 16 board of trustees, or the Board of Regents on behalf of a
 17 state university may submit, prior to November 1 of each year,
 18 a request to the commissioner for funds from the trust fund to
 19 construct a community educational facility. No district board
 20 or institution may apply for more than one facility per year.

21 Such request shall contain the following provisions:

22 (a) A detailed statement of the site, the site
 23 development necessary for new construction or the
 24 accomplishment of the project, and the facility to be
 25 constructed. The facility shall be located on the site of an
 26 educational plant owned by the educational agency or
 27 contiguous to the site of an educational plant owned by the
 28 educational agency if the proposed facility is to be
 29 constructed on a site owned by a noneducational governmental
 30 agency. Such statement shall include an analysis of the

31

1 ~~relationship-of-educational-and-community-use-of-the-facility.~~

2 (b) A detailed description and analysis of the
3 educational programs to be offered and the benefits that will
4 accrue to the students through their regularly scheduled
5 instructional program upon completion of the facility.

6 (c) A detailed description of the community use of the
7 facility, the benefits to be derived by the community and the
8 relationship between the educational use and the community use
9 of the facility.

10 (d)+b) The estimated number of full-time students
11 whose regularly scheduled daily instructional program will
12 utilize the facility; and the estimated number of community
13 residents who are to utilize the facility on a regular basis.

14 (e)+e) The estimated cost of the facility, site, and
15 site development. If a site must be acquired, the estimated
16 cost of the site shall be provided.

17 (f)+d) A resolution or other appropriate indication of
18 intent to participate in the funding and utilization of the
19 educational facility from a noneducational governmental
20 agency, including community, public, or educational
21 broadcasting stations. Such indication shall include a
22 commitment by such governmental agency to provide at least
23 one-half of the cost of the site, should a site need to be
24 acquired, site development, and the facility. The value of
25 the site may be included in the total cost estimate only if a
26 new site must be purchased for the purpose of constructing the
27 community educational facility. Funds from the Public
28 Education Capital Outlay and Dept Service Trust Fund may not
29 be expended on any project unless specifically authorized by
30 the Legislature.

31

1 (g) The designator as to which agency is to assume
 2 responsibility for the operation, maintenance, and control of
 3 the proposed community educational facility.

4 (h) Documentation by the educational agency that a
 5 long-term lease for the use of the community educational
 6 facility for a period of not less than 40 years or the life
 7 expectancy of the permanent facility constructed thereon,
 8 whichever is longer, has been obtained from the noneducational
 9 governmental agency if the facility is to be constructed on
 10 land owned by the noneducational governmental agency. If a
 11 community educational facility is to be constructed on land
 12 owned by the educational agency, then documentation shall be
 13 provided which shows that the noneducational governmental
 14 agency has obtained a long-term lease for the use of the
 15 community educational facility for a period of not less than
 16 40 years or the life expectancy of the permanent facility
 17 constructed thereon, whichever is longer.

18 (2) Each district school board district, the State
 19 Board of Community Colleges on behalf of each community,
 20 college board of trustees, or the Board of Regents on behalf
 21 of each state university may submit a request to the
 22 commissioner for funds from the trust fund to remodel or
 23 renovate a community educational facility. Such request shall
 24 contain the following provisions:

25 (a) A detailed statement, including floor plans, of
 26 the community educational facility to be remodeled or
 27 renovated on property owned by the educational agency listed
 28 above. Such statement shall include an analysis of the
 29 relationship of current educational and community use of the
 30 facility and any anticipated changes in the utilization of the
 31 facility after completion of the remodeling or renovation.

1 (b) The number of students and community residents who
2 are currently utilizing the facility and the estimated number
3 of students and community residents to utilize the facility
4 after completion of the remodeling or renovation

5 (c) The estimated cost of the remodeling or
6 renovation.

7 (d) A resolution or other appropriate indication of
8 intent to participate in the funding and utilization of the
9 educational facility to be remodeled or renovated from a
10 noneducational governmental agency, including community,
11 public, and educational broadcasting stations. Such
12 indication shall include a commitment by such governmental
13 agency to provide at least one-half of the cost of the
14 remodeling or renovation of the educational facility. Public
15 Education Capital Outlay and Debt Service Trust Fund moneys
16 may not be expended on any project unless specifically
17 authorized by the Legislature.

18 (3) Each district school board, the State Board of
19 Community Colleges on behalf of a district, community college
20 board of trustees, or the Board of Regents on behalf of a
21 state university may submit a request to the commissioner for
22 funds from the trust fund for a project which would constitute
23 a combination of the projects described in subsections (1) and
24 (2).

25 (4) The commissioner shall review any such request for
26 allocation; and, upon determining compliance with the
27 requirements of subsection (1), subsection (2), or subsection
28 (3) and such other provisions as are deemed appropriate and
29 after determining whether ~~that~~ the project is substantially
30 beneficial to the educational system, if he approves the
31 project he shall include up to one-half of the cost of the

1 project in his recommendations in the legislative capital
 2 outlay budget request, as provided in s. 235 41, for the joint
 3 funding of capital outlay projects involving both educational
 4 and noneducational governmental agencies. In determining the
 5 amount of funds to recommend, the commissioner shall consider
 6 the percent of the operating time, up to one-half, the
 7 facility will be used solely for educational purposes.

8 Section 14 Section 235.197, Florida Statutes, is
 9 amended to read:

10 235.197 Relocatable facilities.--

11 ~~(1) Upon the request of a board, the commissioner may~~
 12 ~~provide state-owned relocatable educational facilities for use~~
 13 ~~at centers where there is an immediate need or where there is~~
 14 ~~reason to believe that the student populations will not remain~~
 15 ~~stable in the near future years.-- The commissioner shall make~~
 16 ~~an agreement with the boards for the use of the relocatable~~
 17 ~~facilities.-- The agreement shall contain provisions to allow~~
 18 ~~the commissioner to give highest priority to providing~~
 19 ~~relocatable facilities to districts that have space needs~~
 20 ~~caused by unforeseen circumstances that bring about emergency~~
 21 ~~conditions:~~

22 ~~(2) The ownership of such facilities shall rest with~~
 23 ~~the state board, and they shall be loaned to boards for use as~~
 24 ~~instructional facilities on the basis of need.-- Requests for~~
 25 ~~use of these facilities shall be based on the relative numbers~~
 26 ~~of students in excess of capacity and shall be granted on the~~
 27 ~~basis of availability and recommendations of a survey~~
 28 ~~conducted by the office:~~

29 ~~(3) As student populations stabilize, and as the need~~
 30 ~~for these facilities for instructional purposes decreases for~~
 31 ~~whatever reason, the commissioner is authorized to approve~~

1 their relocation within the district or to other boards as
 2 provided in subsection (2). The State Board of Education
 3 shall pay all costs for moving the state-owned relocatable
 4 facilities from the jurisdiction of one board to that of
 5 another. The costs of relocating within the jurisdiction of a
 6 board shall be paid by that board.

7 (4) The office may require that relocatable facilities
 8 be provided at educational centers where there is reason to
 9 believe that student populations are unstable or where student
 10 populations are projected to decline in future years.

11 (5) Should any of these facilities no longer be needed
 12 for educational purposes, The State Board of Education is
 13 authorized to sell, lease, transfer title, or otherwise
 14 dispose of state-owned relocatable such facilities to boards,
 15 other state agencies, or others, to the best possible
 16 advantage of the state. Funds accruing from the sale or lease
 17 of these facilities shall become part of the Public Education
 18 Capital Outlay and Debt Service Trust Fund. Requests for
 19 transfer of title of these relocatables to boards shall be
 20 granted on the basis of need caused by students in excess of
 21 capacity, the availability and recommendations of a survey
 22 conducted by the office.

23 Section 15. Section 235.211, Florida Statutes, is
 24 amended to read:

25 235.211 Educational facilities ~~design and~~ construction
 26 techniques and financing mechanisms.

27 (1) ~~PROTOTYPE DESIGN CRITERIA TO BE PROVIDED.~~ The
 28 state board shall provide prototype design criteria for the
 29 development of educational facilities for the purpose of
 30 providing school boards, boards of trustees, and the Board of
 31

1 Regents with the means of constructing sound educational
 2 facilities more rapidly;

3 (a) ~~The office is empowered and directed to develop~~
 4 ~~prototype design criteria; The design criteria shall be~~
 5 ~~developed for the following groups:~~

6 1. ~~Elementary schools and kindergartens;~~
 7 2. ~~Middle or junior high schools;~~
 8 3. ~~Senior high schools;~~
 9 4. ~~Vocational technical facilities;~~
 10 5. ~~Community colleges; and~~
 11 6. ~~Universities;~~

12 (b) ~~The design criteria shall include, but not be~~
 13 ~~limited to, the following items for each group:~~

14 1. ~~Minimum and maximum square footage requirements for~~
 15 ~~different functions and areas and the procedures for~~
 16 ~~determining the gross square footage for each educational~~
 17 ~~facility to be funded in whole or in part by the state;~~

18 2. ~~Minimum construction quality standards for the~~
 19 ~~educational facility;~~

20 3. ~~Minimum performance criteria for air systems,~~
 21 ~~including mechanical, electrical, heating, cooling,~~
 22 ~~ventilating, plumbing, and structural systems, which for the~~
 23 ~~Board of Regents shall be prescribed by the Department of~~
 24 ~~General Services;~~

25 4. ~~Energy efficiency and energy conservation~~
 26 ~~requirements, which for the Board of Regents shall be~~
 27 ~~prescribed by the Department of General Services;~~

28 5. ~~Prototype design and criteria relating specifically~~
 29 ~~to the structural design, strength, and quality of materials~~
 30 ~~proposed to be used;~~

31

1 (c) ~~--The office shall biennially review, revise,~~
 2 ~~update, and improve the state board approved design criteria,~~
 3 ~~based upon the latest educational, technological, and~~
 4 ~~construction developments, so that the prototypes shall be~~
 5 ~~representative of the most advanced procedures available.--The~~
 6 ~~office shall biennially provide each board, including the~~
 7 ~~Board of Regents, with a copy of the updated prototype design~~
 8 ~~criteria for each program grade group--~~

9 (2) ~~--CONSTRUCTION TECHNIQUES AND FINANCING~~

10 ~~MECHANISMS---Pursuant to rules of the state board, the office~~
 11 ~~shall require boards to employ procedures for the design and~~
 12 ~~construction of new facilities, or major additions to~~
 13 ~~existing facilities, that will include, but not be limited to,~~
 14 ~~the latest developments in construction, in order to ensure~~
 15 ~~that educational facilities are constructed rapidly and~~
 16 ~~economically. The following concepts may be included in the~~
 17 ~~requirements of the office:~~

18 (1) ~~(a)~~ SYSTEMS BUILDING PROCESS.--An approach to
 19 construction that combines the organization and programming,
 20 planning, design, financing, manufacturing, construction, and
 21 evaluation of buildings under single or highly coordinated
 22 management into an efficient total process. A total building
 23 system is an interdependent group of building subsystems
 24 forming a unified whole. The systems building process
 25 requires the standardization and multiple reuse of building
 26 subsystems for maximum compatibility and interfaceability of
 27 different structures and facilities.

28 (2) ~~(b)~~ FAST-TRACK CONSTRUCTION SCHEDULING.--A method
 29 which involves the bidding and awarding of certain building
 30 subsystems after approval of preliminary design, and before
 31 final document completion. Fast-track construction reduces

1 construction time by overlapping design development and
 2 construction of various subsystems. It can improve cost and
 3 price control and eliminates extensive design development time
 4 by planners and designers.

5 (3)+e+ CONSTRUCTION MANAGEMENT.--A process whereby a
 6 single or highly coordinated authority is responsible for all
 7 scheduling and coordination in both design and construction
 8 phases and is generally responsible for the successful,
 9 timely, and economical completion of the construction project

10 (4)+d+ TURNKEY BIDDING.--A method whereby the
 11 contractor agrees to complete construction to the user's
 12 specifications and requirements at a previously agreed cost

13 (5)+e+ DESIGN AND BUILD BIDDING.--A procedure which
 14 requires that an architect, contractor, or engineer bid the
 15 entire design and construction of a project and which requires
 16 that the owner hire a single source for the project completion
 17 and be responsible for the development of performance
 18 specifications and technical criteria.

19 (6)+f+ USE OF COMPONENTS.--The use of modular,
 20 prefabricated, and standardized components.

21
 22 Notwithstanding anything above, a board shall be authorized
 23 to utilize its own procedures, designs, construction
 24 techniques, and materials upon a showing to the office that
 25 such proposal will result in equivalent educational facilities
 26 without an increase in cost or a delay in construction

27 Section 16. Section 235.212, Florida Statutes, is
 28 amended to read.

29 235.212 Low-energy use design; solar energy systems,
 30 swimming pool heaters.--

31

1 (1)(a) Passive design elements and low-energy usage
 2 features shall be included in the design and construction of
 3 new educational facilities. Design for natural or natural and
 4 low-energy usage mechanical ventilation Natural-ventilation
 5 that will permit the satisfactory use of the facilities
 6 without air conditioning or heating when ambient conditions
 7 are moderate is required in the design of student-occupied
 8 facilities, except in auxiliary facilities, music rooms, gyms,
 9 locker and shower rooms, special laboratories requiring
 10 special climate control, and other large group instruction
 11 areas having a capacity of more than 100 persons.

12 (b) In the remodeling and renovation of educational
 13 facilities which have existing natural ventilation, adequate
 14 or-equivalent sources of natural ventilation and-natural-light
 15 or-their-equivalent shall be retained, or a combination of
 16 natural and low energy usage mechanical equipment shall be
 17 provided that will permit the use of the facility without air
 18 conditioning or heat when ambient conditions are moderate,
 19 except as provided in paragraph (a) above. However, the
 20 Commissioner of Education is authorized to waive this
 21 requirement when environmental conditions, particularly noise
 22 and pollution factors, preclude the effective use of natural
 23 ventilation and-light

24 (2) Each new educational facility for which the
 25 projected demand for hot water exceeds 1,000 gallons a day
 26 shall be constructed, whenever economically and phys.cally
 27 feasible, with a solar energy system as the primary energy
 28 source for the domestic hot water system of the facility. The
 29 solar energy system shall be sized so as to provide at least
 30 65 percent of the estimated needs of the facility. Sizing
 31 shall be determined by generally recognized simulation models,

1 such as F-chart and SOLCOST, or by sizing tables generated by
2 the Florida Solar Energy Center.

3 (3) If swimming and wading pools constructed as an
4 integral part of an educational facility or plant are heated,
5 such pools shall, whenever feasible, be heated by either a
6 waste heat recovery system or a solar energy system.

7 Section 17 Section 235.26, Florida Statutes, is
8 amended to read:

9 235.26 State Uniform Building Code for Public
10 Educational Facilities Construction.--The State Board of
11 Education commissioner shall adopt a uniform statewide
12 building code for planning and construction of public
13 educational and ancillary plants except for Board of Parents
14 facilities. The code shall be entitled the State Uniform
15 Building Code for Public Educational Facilities Construction.
16 Included in this code shall be recommend-and-the-state-board
17 shall-adopt,-as-part-of-the-State-uniform-Building-Code-for
18 public-school-construction; flood plain management criteria in
19 compliance with the rules and regulations in at 44 C.F.R.
20 Parts 59 and 60 1909-1925, established by the Federa-
21 Emergency Management Agency United-States-Department-of
22 Housing-and-Urban-Development-pursuant-to-42-U-S-C-557-4401-
23 4128. Wherever the words "Uniform Building Code" appear, they
24 shall mean the "State Uniform Building Code for Public
25 Educational Facilities Construction " It shall not be the
26 intent of the Uniform Building Code to inhibit the use of new
27 materials or innovative techniques; nor shall it specify or
28 prohibit materials by brand names. The code shall be flexible
29 enough to cover all phases of construction which will afford
30 reasonable protection for public safety, health, and general
31 welfare. The office may secure the service of other state

1 agencies or such other assistance as it may find desirable in
2 the revision of the code

3 (1) UNIFORM BUILDING CODE.--All public educational and
4 ancillary plants facilities constructed by a board except the
5 Board of Regents, shall conform to incorporate the State
6 Uniform Building Code for Public Educational Facilities
7 Construction; and they are exempt from all other state,
8 county, district, municipal, or local building codes,
9 interpretations, building permits, and assessments of fees for
10 building permits, ordinances, and impact fees or service
11 availability fees. An inspection by local or state
12 government shall be based on the Uniform Building Code as
13 prescribed by rule. Each board shall provide for periodic
14 inspection of the proposed educational plant during each phase
15 of construction to determine compliance with the Uniform
16 Building Code. ~~The Uniform Building Code shall incorporate as~~
17 ~~part of its minimum standards the applicable provisions of the~~
18 ~~State Minimum Building Codes.~~

19 (2) CONFORMITY TO UNIFORM BUILDING CODE STANDARDS
20 REQUIRED FOR APPROVAL.--A board shall not approve any plans
21 for the construction, erection, renovation, remodeling repair,
22 or demolition of any educational or ancillary plants facility
23 unless these plans conform to the requirements of the Uniform
24 Building Code. It shall also be the responsibility of the
25 office to develop, as a part of the Uniform Building Code,
26 standards relating to:

27 (a) Prefabricated or factory-built facilities which
28 are designed to be portable, relocatable, demountable, or
29 reconstructible; are used primarily as classrooms; and do not
30 fall under the provisions of ss 300.822-320.866 ss 329.622-
31 329.832.

1 (b) The sanitation of educational and ancillary plants
2 and the health of occupants of educational and ancillary
3 plants.

4 (c) The safety of occupants of educational and
5 ancillary plants as provided in s. 235.06.

6 (d) The physically handicapped.

7 (e) An energy performance index which shall be a
8 number describing the energy requirements at the building
9 boundary of a facility, per square foot of floor space, under
10 defined internal and external ambient conditions over an
11 annual cycle. As experience develops on the energy
12 performance achieved by the facility, the energy performance
13 index will serve as a measure of building performance with
14 respect to energy consumption and as a guide for the revision
15 of the energy performance index used in the design of future
16 facilities. The energy performance index will consider the
17 energy efficiency of the facility so as to minimize the
18 consumption of energy used in the operation and maintenance of
19 the facility. The office may adopt standards for the energy
20 performance index or portions thereof already established by
21 the Department of General Services under ss. 255.251-255.256.

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

25 1. The life-cycle cost analysis shall be the sum of:

26 a. The reasonably expected fuel costs, over the life
27 of the building, that are required to maintain illumination,
28 water heating, temperature, humidity, ventilation, and all
29 other energy-consuming equipment in a facility, and
30
31

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

3 2. For computation of the life-cycle costs the office
4 shall develop standards that shall include, but not be limited
5 to.

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

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

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

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

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

19 3. Such standards shall be based on the best currently
20 available methods of analysis, including such methods as those
21 of the National Bureau of Standards, the Department of Housing
22 and Urban Development, and other federal agencies and
23 professional societies and materials developed by the
24 Department of General Services and the office. Provisions
25 shall be made for an annual updating of standards as required.

26 (3) ENFORCEMENT BY BOARD.--It is the responsibility of
27 each board to ensure that all plans and educational and
28 ancillary plants meet the standards of the Uniform Building
29 Code and to provide for the enforcement of this code in the
30 areas of its jurisdiction. Each board shall provide for the
31 proper supervision and inspection of the work. Each board is

1 authorized to employ a chief building official or inspector
 2 and such other inspectors and personnel as may be necessary, to
 3 administer and enforce the provisions of this code. Boards
 4 may also utilize local building department inspectors who are
 5 certified to enforce this code. Plans or facilities that fail
 6 to meet the standards of the Uniform Building Code shall not
 7 be approved.

8 (4) ENFORCEMENT BY OFFICE OF EDUCATIONAL FACILITIES --

9 As a further means of ensuring that all educational and
 10 ancillary facilities hereafter constructed or materially
 11 altered or added to conform to the Uniform Building Code
 12 standards, each board which undertakes the construction,
 13 ~~erection, alteration,~~ renovation, remodeling repair,
 14 purchasing, lease purchase, or leasing of any educational
 15 plant or ancillary facility, the cost of which exceeds
 16 \$100,000, shall submit plans to the office and receive the
 17 approval of the office. No public educational funds may
 18 legally be expended for the construction, ~~erection,~~
 19 ~~alteration,~~ renovation, remodeling repair, purchasing, lease
 20 purchase, or leasing of any educational or ancillary plant
 21 unless the provisions of this section are observed and until a
 22 written statement has been issued from the office, within the
 23 time limits and cost limitation as provided in this section,
 24 that approval has been granted.

25 (5) OFFICE APPROVAL.--

26 (a) Before a contract has been let for the
 27 construction, a board shall require the superintendent or
 28 president to submit to the office, in accordance with state
 29 board rules, two copies each of:

- 30 1. Educational and ancillary plant specifications.
 31

1 2. Phase I documents, to include schematic drawings
2 and proposals

3 3. Phase II documents, to include

4 a. Preliminary drawings and proposals;

5 b. Preliminary specifications;

6 c. Energy efficiency studies; and

7 d. Life-cycle cost analysis.

8 4. Phase III documents, to include completed
9 construction contractual documents.

10
11 The board may not proceed with the opening of bids for any
12 proposed construction until the written approval of phase III
13 documents has been received from the office. The office
14 shall, in writing, approve, disapprove, make recommendations,
15 or otherwise act on the educational and ancillary plant
16 specifications and phase documents submitted by a board within
17 30 calendar days of the official receipt of each set of phase
18 documents by the office. If the board does not receive
19 written notice within the prescribed time, then it may shall
20 proceed with the opening of bids as if written approval had
21 been received. The State Board of Education is empowered and
22 directed to adopt rules providing for exceptions to the steps
23 required for approval for state board-approved prototype
24 design criteria, reuse of previously approved district plans,
25 and other plans and proposed minor renovations or construction
26 projects which do not necessarily require detailed
27 documentation and intense review by the office. Approval of
28 phase III documents shall be effective for a 1-year 3-year
29 period after the date of such approval. A board may award a
30 contract during the 1-year period for construction on the site
31 for which plans were approved or reuse the plans on another

1 ~~site reuse-phase-iff-documents~~ within the same district or
2 community college board jurisdiction, provided the
3 construction documents have been updated to comply with the
4 Uniform Building Code and any laws relating to firesafety,
5 health and sanitation, casualty safety, and requirements for
6 the physically handicapped which are in effect at the time a
7 construction contract is to be awarded.

8 (b) In reviewing plans for approval, the office shall
9 take into consideration:

- 10 1. The ~~desirability~~ and need for the new facility.
- 11 2. The educational and ancillary plant planning.
- 12 3. The ~~functional~~ and architectural and engineering
13 planning.
- 14 4. The location on the site.
- 15 5. Plans for future expansion.
- 16 6. The type of construction.
- 17 7. Sanitary provisions
- 18 8. Conformity to Uniform Building Code standards.
- 19 9. The structural design and strength of materials
20 proposed to be used.
- 21 10. The mechanical design of any heating, air-
22 conditioning, plumbing, or ventilating system.
- 23 11. The electrical design of educational plants.
- 24 12. The energy efficiency and conservation of the
25 design.
- 26 13. Life-cycle cost considerations.
- 27 14. The design to accommodate construction-of-special
28 ~~facilities-for~~ physically handicapped persons.
- 29 15. The ratio of net to gross square footage.
- 30 16. The proposed construction cost per gross square
31 foot.

1 (c) The boards shall not occupy a facility or make
2 final payment to a contractor until the project has been
3 inspected by the office to verify compliance with statutes,
4 rules, and codes affecting the health and safety of the
5 occupants.

6 (6) STATE BOARD OF APPEALS.--The State Board of
7 Education shall be the final board of appeals for all
8 questions, disputes, or interpretations involving the Uniform
9 Building Code; and any board shall prepare in writing its
10 reasons for objecting to decisions made by the inspectors or
11 the office.

12 (7) BIENNIAL REVIEW AND UPDATE, DISSEMINATION --The
13 office is authorized to biennially review, update, and revise
14 the Uniform Building Code. The office shall publish and make
15 available to each board at no cost copies of the code and each
16 amendment and revision thereto. The office shall make
17 additional copies available to all interested persons at a
18 price sufficient to recover costs.

19 (8) FALLOUT SHELTERS --

20 (a) After the effective date of this act, a board may
21 require the architect concerned in the initial design, stages
22 of design, and construction of new educational facilities to
23 apply for technical advice and counsel on fallout shelter
24 slanting and cost-reduction techniques available without cost
25 through the Department of Community Affairs.

26 (b) When the board concerned determines the
27 application of fallout shelter slanting and cost-reduction
28 techniques to be feasible and economical for the inclusion of
29 a fallout shelter in the proposed educational facility, the
30 design and construction of such educational facility may
31 include fallout protection which meets the minimum standards

1 for such protection as prescribed by the Department of
2 Community Affairs.

3 (c) Educational authorities of the state and its
4 political subdivisions are authorized to modify existing
5 educational structures to incorporate fallout shelters, and
6 the Department of Community Affairs shall make available to
7 such authorities the same professional services as set forth
8 in paragraph (a). Such authorities are further authorized to
9 participate in such federal assistance programs as may be
10 available to assist local authorities in providing fallout
11 protection in educational facilities.

12 (9) LEGAL EFFECT OF CODE.--The State Uniform Building
13 Code for Public Educational Facilities Construction shall have
14 the force and effect of law and shall supersede any other code
15 adopted by a board or any other building code or ordinance for
16 the construction of educational and ancillary plants
17 ~~facilities~~, whether at the local, county, or state level, and
18 whether adopted by rule or legislative enactment. All special
19 acts or general laws of local application are hereby repealed
20 to the extent that they conflict with this section.

21 (10) LOCAL LEGISLATION PROHIBITED.--After June 30,
22 1985 ~~1981~~, pursuant to s. 1-(a)(21), Art. III of the State
23 Constitution, there shall not be enacted any special act or
24 general law of local application which proposes to amend,
25 alter, or contravene any provisions of the State Building Code
26 adopted under the authority of this section.

27 Section 18. Section 235.30, Florida Statutes, is
28 amended to read:

29 235.30 Supervision and inspection.--Before the
30 construction, remodeling, renovation, demolition or alteration
31 of, or addition to, any building is started, the board shall

1 provide for the proper supervision and necessary inspection of
 2 the work Supervisory requirements for threshold buildings
 3 shall be provided as prescribed in s. 553.79(5).

4 Section 19 Section 235.31, Florida Statutes, 1984
 5 Supplement, is amended to read:

6 235.31 Advertising and awarding contracts; day-labor
 7 projects; prequalification of contractor --

8 (1)(a) As soon as practicable after any bond issue has
 9 been voted upon and authorized or funds have been made
 10 available for the construction, remodeling, renovation,
 11 demolition, repair, or alteration, or otherwise for the
 12 improvement, of any educational or ancillary plant, and after
 13 plans for the work have been approved by the office, the
 14 board, after advertising the same in the manner prescribed by
 15 law or rule, shall award the contract for such building or
 16 improvements to the lowest responsible bidder. However, the
 17 board may, within its discretion, reject all bids received, if
 18 it seems the same expedient, and may readvertise, calling for
 19 new bids. For constructing, renovating, or remodeling, or
 20 otherwise improving, educational facilities at a cost not
 21 exceeding \$100,000 ~~\$50,000~~, the board may arrange for the work
 22 to be done on a day-labor basis. For renovating or remodeling
 23 only, at a cost of over \$100,000 ~~\$50,000~~ but not exceeding
 24 \$200,000 ~~\$100,000~~, if no bids are received after advertising
 25 the same in the manner prescribed by law, the work may be done
 26 on a day-labor basis.

27 (b) As an option, any county, municipality, community
 28 college, or district school board may set aside up to 10
 29 percent of the total amount of funds allocated for the purpose
 30 of entering into construction capital project contracts with
 31 minority business enterprises, as defined in s. 287.094. Such

1 contracts shall be competitively bid only among minority,
 2 business enterprises. Such set-aside shall be used to redress
 3 present effects of past discriminatory practices and shall be
 4 subject to periodic reassessment to account for changing needs
 5 and circumstances.

6 (2) ~~(a) -- As an option to the provisions prescribed~~
 7 ~~above, Boards may elect to come under the rules prescribed by~~
 8 ~~the State Board of Education for the prequalification of~~
 9 ~~bidders of educational facilities construction.~~

10 ~~(b) -- As another option, boards may negotiate with~~
 11 ~~contractors in accordance with the provisions of this~~
 12 ~~subsection only for construction associated with the extensive~~
 13 ~~repair, alteration, remodeling, renovation, or improvement of~~
 14 ~~any existing educational plant, but not for the expansion of~~
 15 ~~the facility.~~

16 ~~(c) -- If any board elects either or both of the above~~
 17 ~~options, it shall publish for at least 30 days a notice of the~~
 18 ~~board's intent to elect such option in a local newspaper~~
 19 ~~having general circulation throughout its district, after~~
 20 ~~which a public hearing shall be held.~~

21 ~~(d) -- The board shall adopt rules to implement the state~~
 22 ~~board rules with regard to the prequalification of bidders.~~
 23 ~~The board shall submit a copy of the rules and procedures~~
 24 ~~adopted to the office, and these shall be approved by it.~~

25 ~~(e) -- The board shall not adopt, nor shall the office~~
 26 ~~approve, any procedure or requirement for the prequalification~~
 27 ~~or certification of contractors which may operate to restrict~~
 28 ~~responsible competition or to prevent the submission of a bid~~
 29 ~~by, or prohibit the consideration of a bid submitted by, any~~
 30 ~~responsible contractor, whether resident or nonresident of the~~
 31 ~~district where the work is to be performed. -- Such rules~~

1 shall operate only to limit competition to parties able to
 2 promptly perform the conditions of the contract and to respond
 3 to damages in case of default;

4 +5+--As an option, any county, municipality, community
 5 college, or district school board may set aside up to 10
 6 percent or more of the total amount of allocated funds for the
 7 purpose of entering into construction capital project
 8 contracts with minority business enterprises, as defined in S.
 9 287-094--Such contracts shall be competitively bid only among
 10 minority business enterprises--Such set aside shall be used
 11 to redress present effects of past discriminatory practices
 12 and shall be subject to periodic reassessment to account for
 13 changing needs and circumstances-

14 +3+4+--The board may negotiate a contract with a
 15 contractor for services, as provided in subsection +2+7, at
 16 compensation which the board determines is fair, competitive,
 17 and reasonable;--In making such determination, the board shall
 18 conduct a detailed analysis of the cost of the services
 19 required;--In addition to considering their scope and
 20 complexity;--For all lump sum or negotiated contracts
 21 estimated to cost over \$100,000, the board shall require the
 22 contractor receiving the award to execute a truth-in-
 23 negotiation certificate stating that wage rates and other
 24 factual unit costs supporting the compensation are accurate,
 25 complete, and current at the time of contracting;--Any
 26 contract under which such a certificate is required shall
 27 contain a provision that the original contract price and any
 28 additions thereto shall be adjusted to exclude any significant
 29 sums when the board determines the contract price was
 30 increased due to inaccurate, incomplete, or noncurrent wage
 31 rates and other factual unit costs;--Any such contract

~~shall operate only to limit competition to parties able to promptly perform the conditions of the contract and to respond to damages in case of default;~~

~~+f) As an option, any county, municipality, community college, or district school board may set aside up to 10 percent or more of the total amount of allocated funds for the purpose of entering into construction capital project contracts with minority business enterprises, as defined in S. 287-894. Such contracts shall be competitively bid only among minority business enterprises. Such set aside shall be used to redress present effects of past discriminatory practices and shall be subject to periodic reassessment to account for changing needs and circumstances.~~

~~+3+a) The board may negotiate a contract with a contractor for services, as provided in subsection +2+7, at compensation which the board determines is fair, competitive and reasonable. In making such determination, the board shall conduct a detailed analysis of the cost of the services required, in addition to considering their scope and complexity. For all lump sum or negotiated contracts estimated to cost over \$100,000, the board shall require the contractor receiving the award to execute a truth-in-negotiation certificate stating that wage rates and other factual unit costs supporting the compensation are accurate, complete, and current at the time of contracting. Any contract under which such a certificate is required shall contain a provision that the original contract price and any additions thereto shall be adjusted to exclude any significant sums when the board determines the contract price was increased due to inaccurate, incomplete, or noncurrent wage rates and other factual unit costs. Any such contract~~

1 adjustment shall be made within a year following the end of
2 the contract:

3 (b) -- If the board is unable to negotiate a satisfactory
4 contract with the contractor first considered to be qualified
5 at a price the board determines to be fair, competitive, and
6 reasonable, negotiations with that contractor shall be
7 formally terminated. -- The board shall then undertake
8 negotiations with another qualified contractor. -- Failing
9 accord with the next qualified contractor, the board shall
10 terminate negotiations. -- The board shall then undertake
11 negotiations with another qualified contractor until its
12 original list is exhausted or a selection is made:

13 (c) -- If the board is unable to negotiate a satisfactory
14 contract with any of the originally selected contractors, it
15 may select additional contractors and continue negotiations in
16 accordance with this subsection until an agreement is reached:

17 (d) -- Any person or firm desiring to bid or negotiate
18 for the performance of any contract which the board proposes
19 to let must first be certified by the board as qualified
20 pursuant to law and rules of the State Board of Education.
21 The board shall be required to act upon the application for
22 qualification within 30 days after the application is
23 presented. -- Upon receipt of such application, the
24 superintendent or president acting on behalf of the board
25 shall cause the application to be examined and the statements
26 therein to be verified and, after obtaining whatever technical
27 assistance is needed, shall determine whether the applicant
28 shall be recommended for certification to the board. -- If the
29 applicant is found to possess the prescribed qualifications,
30 the superintendent or president shall recommend to the board
31 that a certificate of qualification be issued. -- The board,

1 acting on the recommendation of the superintendent or
 2 president, may issue a certificate of qualification valid for
 3 such period of time as to shall prescribe but not to exceed 1
 4 year; however, the board may revoke such certificate of
 5 qualification for cause.

6 +5+--The board shall require all applicants to furnish
 7 the superintendent or president a statement under oath, on
 8 such forms as the board may prescribe, setting forth detailed
 9 information with respect to the applicant's competence, past
 10 performance record, experience, financial resources, and
 11 capability, in conformity with state board rules; together
 12 with such other information as the board may deem necessary.
 13 The state board rules may require that the application be
 14 accompanied by a current financial statement prepared by a
 15 public accountant certified in the state and in accordance
 16 with standard reporting requirements prescribed by the state
 17 board. Financial information as may be required by such rules
 18 shall remain confidential and shall not be disclosed to anyone
 19 except members of the board and its staff who may elect to
 20 adopt such rules as hereinafter provided.

21 +6+--The certificate of qualification shall contain a
 22 statement fixing the actual amount of work, in terms of
 23 estimated cost, which the applicant will be permitted to have
 24 on contract with the board and not completed at any one time
 25 and may contain a statement limiting such applicant to the
 26 submission of bids, or to negotiation, upon a certain class of
 27 work. Subject to the foregoing restrictions, the certificate
 28 of qualification shall authorize the holder to bid on all work
 29 on which bids are taken, or negotiate on all work on which
 30 contracts are negotiated, by the board during the period of
 31 time therein specified.

1 (7)--Any applicant for a certificate of qualification
2 aggrieved by the action of the board may, within 10 days after
3 receiving notification of such action, request in writing a
4 reconsideration by the board of the application and submit
5 additional evidence of qualification. The board shall
6 thereupon reconsider the application and may adhere to,
7 modify, or reverse its original action. The board shall act
8 upon any request for reconsideration within 30 days after the
9 filing thereof and shall immediately notify the applicant of
10 the action taken.

11 (8)--No contractor shall be qualified to bid or
12 negotiate when an investigation by an agent or designee of the
13 board discloses that such contractor is delinquent on a
14 contract previously awarded by the board, and, in such case,
15 the certificate of qualification may be suspended or revoked
16 by the board. The board may suspend, for a specified period
17 of time, or revoke for good cause any certificate of
18 qualification. Any person or firm found delinquent on a
19 contract or whose certificate is revoked or suspended shall be
20 given the same benefit of appeal and reconsideration as
21 provided in the case of an applicant refused an original
22 certificate.

23 (9)--All general laws, population acts, special acts,
24 or local acts authorizing the exercise of power in conflict
25 with the provisions of this section are hereby repealed.

26 Section 20. Section 235.32, Florida Statutes, is
27 amended to read:

28 235.32 Substance of contract; contractors to give
29 bond; penalties.--Upon accepting a satisfactory bid, the board
30 shall enter into a contract with the party or parties whose
31 bid has been accepted; and such contract shall contain the

1 drawings and specifications of the work to be done or the
 2 material to be furnished, the time limit in which the
 3 construction is to be completed, the time and method by which
 4 payments are to be made upon the contract, and the penalty to
 5 be paid by the contractor for any failure to comply with the
 6 terms of the contract. The contractor shall furnish the board
 7 with a performance and payment bond as set forth in s.
 8 255.05(1), ~~issued by a surety company licensed to do business~~
 9 ~~in this state, for 100 percent of the contract price for a~~
 10 ~~project for which the contract price exceeds \$25,000; For a~~
 11 ~~project for which the contract price is \$25,000 or less, a~~
 12 ~~performance bond may be required in accordance with s.~~
 13 ~~255.05(1). The contractor shall also furnish a payment bond~~
 14 ~~in accordance with s. 255.05, as a guaranty against the~~
 15 ~~involvement of the board in actions to obtain payment for~~
 16 ~~materials, supplies, or labor used directly or indirectly by~~
 17 ~~contractors or subcontractors. Notwithstanding any other~~
 18 ~~provision of this section, if 25 percent or more of the costs~~
 19 ~~of any construction project is paid out of a trust fund~~
 20 ~~established pursuant to B. J. S. C. s. 124C.01(1), laborers and~~
 21 ~~mechanics employed by contractors or subcontractors on such~~
 22 ~~construction will be paid wages not less than those prevailing~~
 23 ~~on similar construction projects in the locality, as~~
 24 ~~determined by the Secretary of Labor in accordance with the~~
 25 ~~Davis-Bacon Act, as amended. Any and all persons, firms, or~~
 26 ~~corporations who shall construct any part of any educational~~
 27 ~~plant, or addition thereto, on the basis of any unapproved~~
 28 ~~plans or in violation of any plans approved in accordance with~~
 29 ~~the provisions of this chapter and rules of the State Board of~~
 30 ~~Education relating to building standards or specifications~~
 31 ~~shall be subject to forfeiture of bond and unpaid compensation~~

1 in an amount sufficient to reimburse the board for any costs
2 which will need to be incurred in making any changes necessary
3 to assure that all requirements are met and shall also be
4 guilty of a misdemeanor of the second degree, punishable as
5 provided in s. 775.082 or s. 775.083, for each separate
6 violation.

7 Section 21. Section 235.33, Florida Statutes, is
8 amended to read:

9 235.33 Payments.--

10 (1) The final payment to the contractor shall not be
11 made until the construction project building has been
12 inspected by the architect or other person designated by the
13 board for that purpose and until he has issued a written
14 certificate that the project building has been constructed in
15 accordance with the approved plans and specifications and
16 approved change orders and until the board, acting on these
17 recommendations, has accepted the project building. After
18 acceptance by the board, a duplicate copy of this written
19 certificate, duly certified as having been accepted by the
20 board, shall be filed with the office.

21 (2) Boards shall have full authority and
22 responsibility for all decisions regarding educational and
23 ancillary plant construction contracts, change orders, and
24 payments

25 Section 22. Section 235.34, Florida Statutes, is
26 amended to read:

27 235.34 Expenditures authorized.--

28 (1) School boards, boards of trustees, the Board of
29 Regents, boards of county commissioners, municipal boards, and
30 other agencies and boards of the state may ~~shall~~ expend funds,
31 separately or collectively, by contract or agreement, for the

1 placement, paving, or maintaining of any road, by-way, or
 2 sidewalk contiguous ~~adja-cent~~ to or running through the
 3 property of any educational plant or for the maintenance or
 4 improvement of the property of any educational plant or of any
 5 facility or such property. Expenditures may also be made for
 6 sanitary and utility improvements and for the installation,
 7 operation, and maintenance of traffic control and safety
 8 devices upon, or contiguous to ~~in-the-vicinity-of~~, any
 9 existing or proposed educational plant. The boards of county
 10 commissioners, municipal boards, and other agencies and boards
 11 of the state may plant or maintain trees, flowers, shrubbery,
 12 and beautifying plants upon the grounds of any educational
 13 plant, upon approval of the superintendent or president or the
 14 designee of either of them. Payment by a board for any
 15 improvement set forth in this section shall be authorized in
 16 any amounts agreed to by the board. Any payments so
 17 authorized to be made shall not be mandatory unless the
 18 specific improvement and costs have been agreed to prior to
 19 the improvement's being made.

20 (2) The provisions of any law, municipal ordinance, or
 21 county ordinance to the contrary notwithstanding, the
 22 provisions of this section shall regulate the levying of
 23 assessments for special benefits on school or community
 24 college districts and the directing of the payment thereof.
 25 Any municipal ordinance or county ordinance making provision
 26 to the contrary is void and shall be of no effect.

27 Section 23. Section 235 41, Florida Statutes, is
 28 amended to read:

29 235 4. Legislative capital outlay budget request.--

30 (1) The commissioner shall develop a procedure deemed
 31 appropriate in arriving at the amounts required to fund

1 projects as reflected in the integrated, comprehensive budget
 2 request required by this section. The official estimates for
 3 funds accruing to the Public Education Capital Outlay and Debt
 4 Service Trust Fund made by the revenue estimating conference
 5 shall be used in determining the budget request pursuant to
 6 this section.

7 (2) The commissioner shall submit to the Legislature
 8 an integrated, comprehensive budget request for educational
 9 facilities construction and fixed capital outlay needs for all
 10 boards, including the Board of Regents, pursuant to the
 11 provisions of s. 235.435 and applicable provisions of chapter
 12 216. Each board, including the Board of Regents, shall submit
 13 to the commissioner a 3-year long-range plan and data required
 14 in the development of the annual capital outlay budget. No
 15 further disbursements shall be made from the Public Education
 16 Capital Outlay and Debt Service Trust Fund to a board that
 17 fails to timely submit the required data until such board
 18 submits the data.

19 (3) The commissioner shall submit an integrated,
 20 comprehensive budget request to the Executive Office of the
 21 Governor and to the Legislature no later than 45 days prior to
 22 the legislative session each fiscal year. Notwithstanding the
 23 provisions of s. 216.043, the integrated, comprehensive budget
 24 request shall include:

25 (a) For the Public Education Capital Outlay and Debt
 26 Service Trust Fund and all sinking and investment accounts
 27 which are in receipt of any portion of the revenue sources
 28 listed in s. 235.42(2)(a), ~~and for all district funds for~~
 29 ~~capital outlay excluding transportation from all sources,~~
 30 ~~including federal funds and capital outlay and debt service~~
 31 ~~trust funds;~~

1 1 A schedule for each fund showing the actual
2 beginning cash balance for each of the 2 prior fiscal years
3 and showing for the current fiscal year the estimated
4 beginning cash balance and a listing of all disbursements and
5 receipts

6 2. For the budget fiscal year for each fund, the
7 projected beginning cash balance, a monthly projection of all
8 receipts, and a monthly projection of all disbursements

9 3. For the budget fiscal year the office shall be
10 furnished necessary forecasting data to enable the
11 commissioner to prepare and the commissioner shall submit, a
12 monthly gross receipts tax forecast, a monthly bond proceeds
13 estimate, the interest rate assumption used in the bond
14 proceeds estimate, a monthly interest earnings forecast, and
15 the interest rate assumption used in the calculation of
16 interest to be received on the idle balances invested and any
17 other reports as deemed necessary by the Legislature

18 (b) For all capital outlay funds listed in paragraph
19 (a) in the current fiscal year:

20 1. Actual capital outlay fund balances brought forward
21 from the 2 prior fiscal years, listed separately as encumbered
22 and unencumbered

23 2. Estimated encumbrances to be made in the current
24 fiscal year from actual capital outlay fund balances brought
25 forward from the preceding fiscal year as unencumbered.

26 3. Capital outlay appropriations made from current
27 fiscal year revenues, listed separately to indicate those
28 appropriations that will be encumbered throughout the current
29 fiscal year and those that will remain unencumbered at the end
30 of the current fiscal year.

31

- 1 4 Estimated capital outlay funds to be disbursed in
- 2 the current fiscal year from:
- 3 a. Fund balances brought forward from the preceding
- 4 fiscal year.
- 5 b. Appropriations made from the current fiscal year
- 6 revenues
- 7 5. Estimated undisbursed capital outlay funds
- 8 remaining at the end of the current fiscal year from:
- 9 a. Fund balances brought forward from the preceding
- 10 fiscal year, listed separately as encumbered and unencumbered.
- 11 b Appropriations made from the current fiscal year
- 12 revenues, listed separately as encumbered and unencumbered.
- 13 (c) For the capital outlay fund for the budget fiscal
- 14 year:
- 15 1. Estimated capital outlay fund balances to be
- 16 carried forward from the current fiscal year, listed
- 17 separately as encumbered and unencumbered.
- 18 2. Estimated encumbrances to be made in the budget
- 19 fiscal year from estimated capital outlay fund balances
- 20 carried forward from the current fiscal year as unencumbered
- 21 3. Requested capital outlay appropriations to be made
- 22 from the projected revenues for the budget fiscal year, listed
- 23 separately to indicate those requested appropriations that
- 24 will be encumbered throughout the budget fiscal year and those
- 25 that will remain unencumbered at the end of the budget fiscal
- 26 year.
- 27 4. Estimated capital outlay funds to be disbursed in
- 28 the budget fiscal year from:
- 29 a. Fund balances brought forward from the current
- 30 fiscal year.
- 31

1 b. Requested appropriations to be made from the
2 projected revenues from the budget fiscal year.

3 5 Estimated undisbursed capital outlay funds
4 remaining at the end of the budget fiscal year from:

5 a. Fund balances brought forward from the current
6 fiscal year, listed separately as encumbered and unencumbered

7 b. Requested appropriations to be made from the
8 revenues projected for the budget fiscal year, listed
9 separately as encumbered and unencumbered.

10 (c) Recommendations for the priority of expenditure of
11 funds in the state system of public education, with reasons
12 for the recommended priorities, and other recommendations
13 which relate to the effectiveness of the educational
14 facilities construction program

15
16 All items in s. 235.435 shall be part of the legislative
17 budget request submitted by the commissioner

18 Section 24. Section 235.42, Florida Statutes, is
19 amended to read:

20 235.42 Educational and ancillary plant plants
21 construction funds, Public Education Capital Outlay and Debt
22 Service Trust Fund, allocation of funds.--

23 (1) The commissioner, through the office, shall
24 administer the Public Education Capital Outlay and Debt
25 Service Trust Fund. The commissioner shall provide for timely
26 encumbrances of funds for duly authorized projects. The
27 commissioner shall provide for the timely disbursement of
28 moneys necessary to meet the encumbrance authorizations of the
29 boards, including the Board of Regents, to plan, construct,
30 and equip facilities which have been approved by the State
31 Board of Education. Records shall be maintained by the office

1 to identify legislative appropriations, State Board of
 2 Education allocations, encumbrance authorizations,
 3 disbursements, transfers, investments, sinking funds, and
 4 revenue receipts by source. The Department of Education shall
 5 pay the administrative costs of the Public Education Capital
 6 Outlay and Debt Service Trust Fund from the funds which
 7 comprise the trust fund.

8 (2)(a) The Public Education Capital Outlay and Debt
 9 Service Trust Fund shall be comprised of the following
 10 sources, which are hereby appropriated to the trust fund:

11 1. Proceeds, premiums, and accrued interest from the
 12 sale of public education bonds and that portion of the
 13 revenues accruing from the gross receipts tax as provided by
 14 s. 9(a)(2), Art. XII of the State Constitution, as amended,
 15 interest on investments, and federal interest subsidies.

16 2. All student building fees and capital improvement
 17 fees collected, or to be collected, by the Board of Regents,
 18 except that portion that may be required for debt service and
 19 reserve requirements. Funds for such fees not required to pay
 20 prior lien amounts at each university for debt service
 21 administration pursuant to previous bond resolutions shall be
 22 deposited in the Public Education Capital Outlay and Debt
 23 Service Trust Fund within 30 days after collection.

24 3. General revenue funds appropriated to the fund for
 25 educational capital outlay purposes. ~~That portion of federal~~
 26 ~~revenue-sharing funds appropriated for educational facilities~~
 27 ~~construction-~~

28 ~~4--Any other funds for educational facilities~~
 29 ~~construction--including all federal grants and donations;~~

30 4.5~~7~~ All capital outlay funds previously appropriated
 31 and certified forward pursuant to s. 216.301.

1 (10) There is hereby appropriated from the trust fund
 2 all certifications forward to this fund and all previous
 3 allocations by the Board of Regents from student building and
 4 capital improvement fees. All future allocations, transfers,
 5 or increases for projects funded from student building and
 6 capital improvement fees shall be by legislative
 7 appropriation.

8
 9 However, any funds required by law to be segregated or
 10 maintained in separate accounts shall be segregated or
 11 maintained in such manner that the relationship between
 12 program and revenue source is retained. Nothing in this
 13 subsection shall be construed so as to limit the use by the
 14 Public Education Capital Outlay and Debt Service Trust Fund of
 15 the resources of funds so segregated or maintained.

16 (3) Upon the request of each board, the office shall
 17 distribute to the board an amount sufficient to cover capital
 18 outlay disbursements anticipated from encumbrance
 19 authorizations for the following month. For projects costing
 20 in excess of \$50,000, contracts shall be approved and signed
 21 before any disbursements are authorized.

22 (4) The office may authorize each board to enter into
 23 contracts for a period exceeding 1 year, within amounts
 24 appropriated and budgeted for fixed capital outlay needs; but
 25 any contract so made shall be executory only for the value of
 26 the services to be rendered, or agreed to be paid for, in
 27 succeeding fiscal years. This subsection shall be
 28 incorporated verbatim in all executory contracts of a board.

29 (5) No board shall, during any fiscal year, expend any
 30 money, incur any liability, or enter into any contract which,
 31 by its terms, involves expenditure of money in excess of the

1 amounts appropriated and budgeted or in excess of the cash
2 that will be available to meet the disbursement requirements.
3 Prior to entering into an executory, or any other, contract, a
4 board shall obtain certification from the office that moneys
5 will be available to meet the disbursement requirements. Any
6 contract, verbal or written, made in violation of this
7 subsection shall be null and void, and no payment shall be
8 made thereon.

9 (6) The State Board of Administration is authorized to
10 invest the trust funds of any state-supported retirement
11 system, and any other state funds available for loans, to the
12 trust fund at a rate of interest that is no less favorable
13 than would have been received had such moneys been invested in
14 accordance with authorized practices.

15 (7) Boards authorized to participate in the trust fund
16 are district school boards, the community college district
17 boards of trustees, the Trustees of the Florida School for the
18 Deaf and the Blind, the Board of Regents, and other units of
19 the state system of public education, and other educational
20 purposes authorized by the Legislature.

21 (8)(a) The office shall make a monthly report, by
22 project, of requests for encumbrance authorization from each
23 agency. Each project shall be tracked in the following
24 manner:

- 25 1. The date the request is received,
 - 26 2. The anticipated encumbrance date requested by the
27 agency;
 - 28 3. The date the project is eligible for encumbrance
29 authorization; and
 - 30 4. The date the encumbrance authorization is issued.
- 31

1
2 In addition, the office shall make a monthly report of the
3 amount of cash disbursed to the agency from each appropriated
4 allocation and the amount of cash disbursed by the agency to
5 vendors or contractors from each appropriated allocation, by
6 month.

7 (b) In addition, the office shall make a monthly
8 report showing updated adjustments to the budget fiscal year
9 forecast for appropriations, encumbrances, disbursements, and
10 cash available for encumbrance status.

11 Section 25 Paragraph (d) of subsection (1), paragraph
12 (c) of subsection (2), and paragraph (a) of subsection (3) of
13 section 235.435, Florida Statutes, are amended to read

14 235.435 Funds for comprehensive educational plant
15 needs.--Allocations from the Public Education Capital Outlay
16 and Debt Service Trust Fund to the various boards for capital
17 outlay projects shall be determined as follows.

18 (1)

19 (d) Each board, including the Board of Regents, shall
20 maintain its effort for expenditures for remodeling,
21 renovation, maintenance, repair, and site improvement in the
22 operating budget for the budget fiscal year at not less than
23 the percent level included in the approved operating budget
24 for the current fiscal year

25 (2)

26 (c) The committee shall review the requests submitted
27 from the districts, evaluate the projects' ability to relieve
28 critical needs, and rank the requests in priority order. The
29 committee shall subtract from the total amount of the project
30 the total amount of funds generated by the requesting district
31 from all sources including the 1.5-mil ~~2-mil~~ levy for the

1 next 3 fiscal years. The resultant sum shall be the amount
 2 eligible to be funded by the Legislature. This statewide
 3 priority list for special facilities construction shall be
 4 submitted to the Legislature in the legislative budget request
 5 at least 45 days prior to the legislative session.

6 (3)(a) Each district school board shall receive an
 7 amount from the Public Education Capital Outlay and Debt
 8 Service Trust Fund to be calculated by computing the capital
 9 outlay full-time equivalent membership by grade levels as
 10 determined by the office. The capital outlay full-time
 11 equivalent membership shall be determined for kindergarten
 12 through the twelfth grade and for vocational-technical centers
 13 by averaging the unweighted full-time equivalent student
 14 membership for the second and third surveys and comparing the
 15 results on a school-by-school basis with the Florida Inventory
 16 for School Houses. The capital outlay full-time equivalent
 17 membership by grade level organization shall be used in making
 18 the following calculations: The capital outlay full-time
 19 equivalent membership by grade level organization for the
 20 1977-1978 fiscal year shall be computed as the base year. The
 21 capital outlay full-time equivalent membership by grade level
 22 for the 1982-1983 fiscal year shall be computed with the
 23 positive increase over the base year constituting growth, and
 24 the capital outlay full-time equivalent membership by grade
 25 level organization for the fiscal year 1984-1985 shall be
 26 computed with the positive increase over 1982-1983
 27 constituting new growth. From the total amount appropriated
 28 by the Legislature pursuant to this subsection, an equa-
 29 amount shall be allocated among the base capital outlay full-
 30 time equivalent membership, growth capital outlay full-time
 31 equivalent membership, and new growth capital outlay full-time

1 equivalent membership. The allocation within each of the
 2 three groups shall be prorated to the districts based upon
 3 each district's percentage of base, growth, and new growth
 4 capital outlay full-time membership. The most recent 7-year
 5 capital outlay full-time equivalent membership data shall be
 6 used in each subsequent year's calculation for the allocation
 7 of funds pursuant to this subsection. If the growth or new
 8 growth capital outlay full-time equivalent membership for a
 9 district declines in any year used in their calculations after
 10 the initial allocation pursuant to this subsection, no
 11 allocation for growth or new growth capital outlay full-time
 12 equivalent memberships shall be made for any subsequent year
 13 until the number of capital outlay full-time equivalent
 14 memberships have exceeded the number for which an allocation
 15 was already been made. If a change, correction, or
 16 recomputation of data during any year results in a reduction
 17 or increase of the calculated amount previously allocated to a
 18 district, the allocation to that district shall be adjusted
 19 correspondingly. If such recomputation results in an increase
 20 or decrease of the calculated amount, such additional or
 21 reduced amounts shall be added to or reduced from the
 22 district's future appropriations. However, no change,
 23 correction, or recomputation of data shall be made subsequent
 24 to 2 years following the initial annual allocation.

25 ~~instruction-units-as-defined-in-sr-236-602(1)---The-number-of~~
 26 ~~base-units-as-of-fiscal-year-1967-1968-shall-be-computed;the~~
 27 ~~number-of-growth-units-up-to-and-including-fiscal-year-1978-~~
 28 ~~1979-shall-be-computed;and-the-number-of-new-growth-units~~
 29 ~~from-fiscal-year-1979-1980-through-the-prior-fiscal-year-shall~~
 30 ~~be-computed---From-the-total-amount-appropriated-by-the~~
 31 ~~legislature-pursuant-to-this-subsection,-an-equal-amount-shall~~

1 be allocated to base units, growth units, and new growth
 2 units. The allocation for each of the three groups shall be
 3 prorated among the districts in the same percentage that a
 4 district's units for each group are to the total units for
 5 that group for all district school boards. Each district
 6 school board shall receive the sum of all three calculations
 7 of instructional units. Effective July 17, 1985, language in
 8 this subparagraph is hereby repealed.

9 2. Effective July 17, 1985, each district school board
 10 shall receive an amount from the Public Education Capital
 11 Outlay and Debt Service Trust Fund to be calculated by
 12 computing instruction units as defined in s. 236.602(1). The
 13 district allocation to participate in the Capital Outlay
 14 Equalization Program shall be calculated as follows:

15 a. The base year for calculation of replacement units
 16 is the year 2 years prior to the fiscal year for which the
 17 allocation is being determined.

18 b. The number of units existing in the prior fiscal
 19 year shall be computed:

20 c. The increase in prior year (sub-subparagraph b.)
 21 units compared to 2 prior year (sub-subparagraph a.) units is
 22 defined as "growth units."

23 d. The Office of Educational Facilities shall annually
 24 compute for each district the current year's housing index:

25 e. The Office of Educational Facilities shall annually
 26 determine the average statewide cost of constructing a
 27 classroom:

28 f. The number of growth units shall be multiplied by
 29 the district housing index, and the product obtained shall be
 30 multiplied by the average cost of constructing a classroom.

g--The number of replacement units shall be multiplied by 2 percent of the average cost of constructing a classroom;

h--The Office of Educational Facilities, in cooperation with the Executive Office of the Governor, shall annually compute for each district the current year's construction cost differential;

i--The sum of the products obtained in subparagraphs f, and g, shall be multiplied by the construction cost differential--The product thus obtained shall be known as the "construction cost entitlement";

j--The required local effort for participation in the Capital Outlay Equalization Program shall be the amount computed by applying 1.5 mills to 95 percent of the most recent tax roll data for the appropriate year as provided in s. 236-38144+. The required local effort may be a combination of millage voted under the provisions of s. 9-b or s. 27 Art. VII of the State Constitution and millage levied as authorized by s. 236-25424+;

k--The required local effort shall be subtracted from the construction cost entitlement to obtain the district allocation--In the event the legislative appropriation is insufficient to fund all district allocations, each district shall receive the percentage of the available funds that is equal to its share of the state total of all district allocations-

l--In the event a school district declines to participate in the Capital Outlay Equalization Program, its allocation from the Public Education Capital Outlay and Best Service Trust Fund shall be allocated to all participating districts pro-rata;

1 Section 26 Section 235.065, Florida Statutes, is
2 hereby repealed.

3 Section 27 Notwithstanding the provisions of chapter
4 81-223, Laws of Florida, as amended, chapter 82-137, Laws of
5 Florida, chapter 82-240, Laws of Florida, and chapter 83-326,
6 Laws of Florida, sections 235 001, 235 002, 235 01, 235 011,
7 235.014, 235.018, 235.02, 235.04, 235.05, 235.055, 235.056,
8 235.06, 235.09, 235.14, 235.149, 235.15, 235.155, 235.16,
9 235.18, 235.19, 235.193, 235.195, 235.196, 235.197, 235 211,
10 235.212, 235.222, 235.26, 235.30, 235 31, 235.32, 235 321,
11 235.33, 235.34, 235.40, 235.42, and 235.435, Florida Statutes,
12 are not repealed on July 1, 1985 as scheduled by said acts,
13 but said sections as amended by this act are hereby revived
14 and readopted.

15 Section 28 Sections 235.001, 235.002, 235.01,
16 235.011, 235.014, 235.018, 235.02, 235.04, 235.05, 235.055,
17 235.056, 235.06, 235.09, 235.14, 235.149, 235 15, 235.155,
18 235.16, 235.18, 235 19, 235.193, 235 195, 235.196, 235 197,
19 235.211, 235.212, 235.222, 235.26, 235.30, 235 31, 235.32,
20 235.321, 235.33, 235.34, 235.40, and 235.435, Florida
21 Statutes, are repealed effective July 1, 1995 and shall be
22 reviewed by the Legislature prior to such date.

23 Section 29 This act shall take effect upon becoming a
24 law. However, if this act does not become a law until after
25 July 1, 1985, it shall operate retroactively to that date

27 *****

28 SENATE SUMMARY

29 Amends various provisions relating to educational
30 facilities. Revives and readopts provisions scheduled
31 for repeal. See bills for details

By Committee on Appropriations and Representative Bell

... publication was produced at an average cost of 15 cents per page. Single page in compliance with the Rules and for the information of members of the Legislature and the public.

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A bill to be entitled
An act relating to educational facilities;
amending ss. 235.001, 235.002, 235.011,
235.014, 235.04, 235.054, 235.055, 235.06,
235.15, 235.193, 235.197, 235.211, 235.212,
235.26, 235.30, 235.31, 235.32, 235.33, 235.34,
235.41, 235.42, 235.435, F.S.; amending the
short title, providing legislative intent,
providing definitions; providing for functions
of the Office of Educational Facilities of the
Department of Education; providing for the
disposal of real property by certain
educational boards; providing procedures for
proposed purchases of real property by certain
boards; authorizing certain construction on
short-term leased property by the Board of
Regents; providing for safety and sanitation
standards and inspection of public educational
and ancillary plants; deleting provision which
empowered a local governing body to reject
residential development plans under certain
circumstances; amending provisions relating to
the use of relocatable facilities and providing
for the transfer of title of such facilities;
deleting provisions requiring that the state
board develop and provide certain prototype
design criteria; providing for use of designs
for natural or natural and low-energy usage
mechanical ventilation in certain new
educational facilities under certain
circumstances, providing for the adoption of a

1	state uniform building code for educational and	1.19
2	ancillary plants; requiring conformity of	
3	certain plans to the code; providing for	1.21
4	enforcement; providing for the awarding of	
5	certain contracts; requiring inspection of	
6	certain facilities prior to occupancy or final	1.22
7	payment to the contractor; prohibiting local	
8	legislation amending the uniform building code	1.23
9	after a certain date; providing for supervision	
10	and inspection of certain construction;	1.24
11	authorizing certain set-aside for minority	
12	business enterprises; increasing the maximum	1.25
13	amount a project may cost to be done on a day-	
14	labor basis; deleting certain provisions	1.26
15	relating to the advertising and awarding of	
16	contracts and prequalification of contractors;	1.27
17	requiring contractors to furnish a performance	
18	and payment bond; requiring expenditure of	1.28
19	funds for certain roads and traffic control	
20	devices; amending provisions relating to	1.29
21	legislative capital outlay budget requests;	
22	revising the sources which comprise the Public	1.30
23	Education Capital Outlay and Debt Service Trust	
24	Fund; revising the method for allocating moneys	1.31
25	from the fund; authorizing and providing	
26	funding for specified public educational	1.32
27	capital outlay projects; repealing s. 235.065,	
28	F.S., relating to maintenance and operation of	1.33
29	educational plants; reviving and readopting	1.34
30	certain provisions scheduled for repeal;	1.3
31		

1	providing for future review and repeal;	1.36
2	providing an effective date.	
3		
4	Be It Enacted by the Legislature of the State of Florida:	1:enc
5		
6	Section 1. Section 235.001, Florida Statutes, is	1.38
7	amended to read:	
8	235.001 Short title.--This act shall be known and	1.39
9	cited as the "Educational Facilities Act of 1981."	1.40
10	Section 2. Section 235.002, Florida Statutes, is	1.41
11	amended to read:	
12	235.002 Intent.--The intent of the Legislature is:	1.42
13	(1) To <u>provide guarantee</u> to each student in the public	1.43
14	education system the availability of an educational	1.46
15	environment appropriate to his educational needs which is	1.48
16	substantially equal to that available to any similar student,	
17	notwithstanding geographic differences and varying local	1.49
18	economic factors, and to provide facilities for the Florida	1.50
19	School for the Deaf and the Blind and other educational	
20	institutions and agencies as may be defined by law.	1.51
21	(2) To utilize, as far as practicable, innovative	1.52
22	designs, construction techniques, and financing mechanisms in	1.53
23	building educational <u>and ancillary</u> facilities for the purpose	1:lus
24	of reducing costs, creating a more satisfactory educational	1.55
25	environment, and reducing the amount of time necessary for	1.56
26	design and construction to fill unmet needs.	1.57
27	(3) To provide a systematic mechanism whereby	1.58
28	educational facilities construction plans can meet the current	1.59
29	and projected needs of the public education system population	1.60
30	as quickly as possible by building uniform, sound educational	1.62
31		

1	environments and to provide a sound base for planning for	1.64
2	educational facilities needs.	
3	(4) To provide a systematic plan for educational	1.65
4	construction whereby sites may be acquired, educational	1.66
5	requirements formulated, and <u>construction documents</u>	1.67
6	<u>architectural plans and specifications</u> developed so as to	1.68
7	proceed immediately with the construction of educational	1.69
8	facilities when funds are made available.	1.70
9	Section 3. Section 235.011, Florida Statutes, is	1.71
10	amended to read:	
11	235.011 Definitions.--Notwithstanding the provisions	1.72
12	of s. 228.041, the following terms shall be defined as follows	1.73
13	for the purpose of this chapter:	1.75
14	<u>(1) "Ancillary plant" is comprised of the building,</u>	1:lus
15	<u>site, and site improvements necessary to provide such</u>	1.77
16	<u>facilities as bus garages, warehouses, maintenance, or</u>	1.79
17	<u>administrative buildings necessary to provide support services</u>	
18	<u>to an educational program.</u>	1.80
19	<u>(2) "Auxiliary facility" means the spaces located at</u>	1:lus
20	<u>educational plants which are not designed for student occupant</u>	1.82
21	<u>stations.</u>	
22	<u>(3)†† "Board," unless otherwise specified, means a</u>	2.2
23	district school board, a community college board of trustees,	
24	or the Board of Trustees for the Florida School for the Deaf	2.4
25	and the Blind. The term "board" does not include the State	2.5
26	Board of Education.	2.6
27	<u>(4)†† "Capital project," for the purpose of s</u>	2.7
28	9(a)(2), Art. XII of the State Constitution, as amended, means	2.8
29	sums of money appropriated from the Public Education Capital	2.9
30	Outlay and Debt Service Trust Fund to the state system of	2.12
31		

1	public education and other educational agencies as authorized	
2	by the Legislature.	2.13
3	(3)--"Educational capital-outlay-needs" means the sum	2.15
4	of the following estimated factors:	2.16
5	(a)--Construction costs;	1:10s
6	(b)--Legal and administrative costs;	1:10s
7	(c)--Architectural fees;	1:10s
8	(d)--Student capacity, program, auxiliary, and	1:10s
9	ancillary needs;	2.21
10	(e)--The cost of new furniture and equipment for new	1:10s
11	construction;	2.23
12	(f)--The cost of site improvement; and	1:10s
13	(g)--The cost of site acquisition.	1:10s
14	<u>(5)(4)</u> "Educational facilities" means the buildings	1:1us
15	and equipment that are built, installed, or established to	2.28
16	serve educational purposes and which may lawfully be used.	2.29
17	<u>(6)(5)</u> "Educational plant" comprises the buildings,	1:1us
18	equipment, <u>site, and site improvements and grounds</u> necessary	2.31
19	to accommodate students, faculty, administrators, staff, and	2.33
20	the activities of the educational program of each plant.	2.34
21	<u>(7)(6)</u> "Educational plant survey" means a systematic	2.36
22	study of present educational <u>and ancillary</u> plants and the	
23	determination of future needs to provide an appropriate	2.39
24	educational program and services for each student	2.40
25	<u>(8)</u> "Feasibility study" means the examination and	1:1us
26	<u>analysis of information related to projected educational</u>	2.42
27	<u>facilities to determine whether they are reasonable and</u>	
28	<u>possible.</u>	2.43
29	<u>(9)</u> "Long-range planning" means devising a systematic	1:1us
30	<u>method based on educational information and needs, carefully</u>	2.45
31		

1	<u>analyzed, to provide the facilities to meet the goals and</u>	2.46
2	<u>objectives of the educational agency.</u>	
3	(7) -- "Improved educational environment" --means the	1:10s
4	improvements to existing educational plants, such as siting,	2.50
5	remodeling, improving, renovating, or repairing;	2.51
6	<u>(10)</u> (8) "Low-energy usage features" means engineering	1:1us
7	features or devices which supplant or minimize the consumption	2.53
8	of fossil fuels by heating equipment and cooling equipment.	2.55
9	Such features may include, but are not limited to, high	2.56
10	efficiency chillers and boilers, thermal storage tanks, solar	2.57
11	energy systems, waste heat recovery systems, and facility load	
12	management systems.	2.58
13	<u>(11)</u> (9) "Maintenance and repair" means the upkeep of	2.60
14	<u>educational and ancillary plants property or equipment,</u>	2.61
15	including, but not limited to, roof or roofing replacement	2.62
16	short of complete replacement of membrane or structure;	2.63
17	repainting of interior or exterior surfaces; resurfacing of	
18	floors; repair or replacement of glass; repair of hardware,	2.65
19	furniture, equipment, electrical fixtures, and plumbing	
20	fixtures; and <u>repair or resurfacing of parking lots and</u>	2.67
21	<u>walkways site improvement.</u>	2.68
22	<u>(12)</u> "Need determination" means the identification of	1:1us
23	<u>types and amounts of educational facilities necessary to</u>	2.70
24	<u>accommodate the educational programs, student population,</u>	
25	<u>faculty, administrators, staff, and auxiliary and ancillary</u>	2.71
26	<u>services of an educational agency.</u>	2.72
27	<u>(13)</u> (10) "New construction" means any construction of	2.74
28	a building or unit of a building in which the entire work is	
29	new or an entirely new addition connected to an existing	2.75
30	building.	
31		

1	<u>(14)</u> (12) "Office" means the Office of Educational	2.77
2	Facilities of the Department of Education.	
3	<u>(15)</u> (12) "Passive design elements" means architectural	1 lus
4	features which minimize heat gain, heat loss, and the use of	2.80
5	heating and cooling equipment when ambient conditions are	
6	extreme and which permit use of the facility without heating	2.81
7	or air conditioning when ambient conditions are moderate.	2 82
8	Such features may include, but are not limited to, building	2.83
9	orientation, landscaping, earth bermings, insulation, thermal	2.84
10	windows and doors, overhangs, skylights, thermal chimneys, and	
11	other design arrangements.	3.1
12	(13)--"Relocatable facility" means an educational	1:10s
13	facility which has been designed to incorporate the following	3.3
14	elements:	3.4
15	(a)--Portability;	1:10s
16	(b)--Reconstructibility;	1:10s
17	(c)--Remountability;	1:10s
18	(d)--Durability of components;	3.9
19	(e)--Simplicity of components;	1:10s
20	(f)--Flexibility of interior spatial relationships;	3.12
21	(g)--Adaptability to solar energy systems;	1:10s
22	(h)--Minimum foundation work;	3.15
23	(i)--Interfaceability with existing conventional	1:10s
24	construction; and	
25	(j)--Maximum recoverability of components when the	1:10s
26	facility is relocated.	3.18
27	<u>(16)</u> (14) "Remodeling" means the changing of existing	3.20
28	facilities by rearrangement of spaces and their use and	
29	includes, but is not limited to, the conversion of two	3.21
30	classrooms to a science laboratory or the conversion of a	
31	closed plan arrangement to an open plan configuration.	3.23

1	<u>(17)</u> (15) "Renovation" means the upgrading of existing	1:lus
2	facilities by installation or replacement of materials and	3 26
3	equipment and includes, but is not limited to, air-	3.27
4	conditioning, heating, or ventilating equipment; fire alarm	
5	systems; emergency lighting; electrical systems; and complete	3.28
6	roofing or roof replacement, including replacement of membrane	
7	or structure.	3.29
8	<u>(18)</u> (16) "Satisfactory educational facility" means a	3.31
9	facility which has been recommended for continued use by an	3.34
10	educational plant survey or which has been classified as	
11	satisfactory in the state inventory of educational facilities.	3.38
12	<u>(19) "Site" means a space of ground occupied or to be</u>	1:lus
13	<u>occupied by an educational facility or program.</u>	3.40
14	<u>(20) "Site development" means work that must be</u>	1:lus
15	<u>performed on an unimproved site in order to make it usable for</u>	3.42
16	<u>the desired purpose; or, work incidental to new construction</u>	
17	<u>or to make an addition usable.</u>	3.43
18	<u>(21) "Site improvement" means work that must be</u>	1:lus
19	<u>performed on an existing site to improve its utilization,</u>	3.45
20	<u>correct health and safety deficiencies, meet special program</u>	
21	<u>needs, or provide additional service areas.</u>	3.46
22	<u>(22) "Site improvement incident to construction" means</u>	1:lus
23	<u>the work that must be performed on a site as an accompaniment</u>	3.48
24	<u>to the construction of an educational facility.</u>	3.49
25	Section 4. Section 235.014, Florida Statutes, is	3.49
26	amended to read:	
27	235.014 Functions of the office.--The functions of the	3.51
28	office shall include, but not be limited to, the following; it	
29	shall:	
30		
31		

1	(1) --Require of boards, including the Board of Regents,	1:105
2	the development and submission of long-range plans for	3 53
3	educational plants.	
4	(1) (2) Establish <u>minimum and maximum square footage</u>	1:105
5	<u>requirements for different functions and areas and the</u>	3.55
6	<u>procedures for determining the gross square footage for each</u>	3.56
7	<u>educational facility to be funded in whole or in part by the</u>	
8	<u>state standards for all educational space</u> , including public	3.59
9	broadcasting stations but excluding postsecondary special	3.60
10	purpose laboratory space.	3.61
11	(2) (3) Establish equitably uniform utilization	1:105
12	standards for all types of like space, regardless of the level	3.63
13	of education. These standards shall also establish a minimum	3.64
14	utilization rate of 85 percent of all postsecondary	
15	classrooms, based on 50 hours per week, Monday through	3.65
16	Saturday.	
17	(3) (4) Authorize and request, when there is a clear	3.67
18	and present danger to life and safety, county and municipal	3.69
19	governments, in cooperation with boards, including the Board	3.70
20	of Regents, to construct and maintain sidewalks or bicycle	3.71
21	trails within a 2-mile radius of each educational facility	3.73
22	within the jurisdiction of the local government.	3.74
23	(4) (5) Evaluate the plan for educational facilities of	1:105
24	each public school board for inclusion in the integrated,	3.78
25	comprehensive budget request.	
26	(5) (6) Require of the boards, including the Board of	1:105
27	Regents, the submission of other educational plant inventories	3.81
28	data and statistical data or information relevant to	3.83
29	construction and capital improvements.	
30	(6) (7) Require from each board, including the Board of	1:105
31	Regents, all agencies of the state, and other appropriate	4.3

1	agencies complete and accurate financial data as to the	
2	amounts of funds from all sources that are available for	4.4
3	construction and capital improvements. Each board, including	1:10s
4	the Board of Regents, shall include in its budget request the	
5	amounts of funds from all sources that were spent for capital	4.8
6	outlay projects, excluding transportation, for the previous 10	4.9
7	years, which data shall be updated annually. The commissioner	4.10
8	shall prescribe the format and the date for the submission of	
9	this data and any other educational facilities data. If any	4.13
10	district does not submit <u>the expenditure data, or any other</u>	4.14
11	required educational facilities fiscal data, by the prescribed	4.16
12	date, the commissioner shall notify the district school board	
13	of this fact and, if appropriate action is not taken to	4.17
14	immediately submit the required report, the school board shall	4.18
15	be directed to proceed pursuant to the provisions of s.	
16	230.23(11)(b). If any community college or university does	4.19
17	not submit <u>the expenditure data or any other</u> required	4.20
18	educational facilities fiscal data by the prescribed date, the	4.21
19	same policy prescribed above for school districts shall be	4.22
20	implemented.	
21	(7)(8) Administer, under the supervision of the	4.24
22	commissioner, the Public Education Capital Outlay and Debt	4.25
23	Service Trust Fund.	
24	(8)(9) Approve or disapprove, for reasons shown, <u>sites</u>	1:1us
25	<u>and facilities to be purchased or lease-purchased for the</u>	
26	<u>purchase of, or the lease-purchase of, sites suitable to be</u>	4.29
27	<u>used for educational and ancillary purposes by educational</u>	1:1us
28	<u>agencies the boards and plans and specifications for new</u>	4.32
29	<u>educational facilities construction or the improvement of</u>	
30	<u>existing structures on sites as submitted.</u>	4.33
31		

1	(9) (10) Determine the roles of the different state and	1:1us
2	local government agencies, including planning commissions, in	4.36
3	the planning, design, and construction of educational	4.37
4	facilities and improvements, to ensure inclusion of services	
5	and programs for community centers that can appropriately be	4.39
6	provided on a single site for the purpose of meeting current	4.40
7	and future needs of the community to be served.	4.41
8	(10) (11) Develop, review, update, and revise a	4.43
9	mandatory, uniform building code for facilities construction	
10	and capital improvement by boards.	4.44
11	(11) (12) Ensure as far as practicable that there be as	4.46
12	much participation as possible by local personnel in	4.47
13	determining programs and activities. Local initiative should	4.50
14	be encouraged and utilized in order that the needs of local	4.51
15	communities be met, as far as practicable, when constructing	
16	new educational facilities or making additions or improvements	4.54
17	to existing facilities in the community.	
18	(12) <u>Approve educational and ancillary plant</u>	1:1us
19	<u>specifications and construction documents for remodeling,</u>	4.56
20	<u>renovations, or new construction of educational plants or</u>	
21	<u>ancillary facilities to determine compliance with rules and</u>	4.57
22	<u>statutes, except that the Board of Regents shall approve</u>	4.58
23	<u>specifications and construction documents for the State</u>	
24	<u>University System.</u>	
25	(13)--Approve plans and specifications for new	1:1os
26	educational facilities construction or the improvement of	4.61
27	existing structures; except that the Board of Regents shall	4.62
28	approve plans for the State University System;	4.63
29	(13) (14) Coordinate educational plant surveys and	1:1us
30	document the determination of future needs.	4.66
31		

1	(14)(15) Make available to boards, including the Board	4.68
2	of Regents, technical assistance relating to maintenance and	4.69
3	operation of educational plants; custodial and maintenance	
4	training; educational facilities specifications; product	4.70
5	specifications and evaluations; safety; security and risk	4.71
6	management; and plant services.	4.72
7	(15)(16) Perform any other functions that may be	4.75
8	involved in educational facilities construction and capital	4.76
9	improvement which shall ensure that the intent of the	4.77
10	Legislature is implemented.	4.78
11	Section 5. Section 235.04, Florida Statutes, is	4.79
12	amended to read:	
13	235.04 Disposal of property.--	4.80
14	(1) REAL PROPERTY.--Subject to rules of the state	4.81
15	board, a board may dispose of any land or real property which	4.82
16	is, by resolution of such board, determined to be unnecessary	4.84
17	for educational purposes as recommended in an educational	5.1
18	plant survey. A board shall take diligent measures to dispose	5.2
19	of educational property only in the best interests of the	5.4
20	public. However, appraisals may be obtained by the board	5.5
21	prior to or simultaneously with the <u>receipt of authorization</u>	1:1us
22	for-advertisement-for bids.	5.7
23	(2) TANGIBLE PERSONAL PROPERTY.--Tangible personal	5.9
24	property which has been properly classified as surplus by a	5.10
25	board shall be disposed of in accordance with the procedure	5.12
26	established by chapter 274. However, the provisions of	5.14
27	chapter 274 shall not be applicable to a motor vehicle used in	
28	driver education to which title is obtained for a token amount	5.15
29	from an automobile dealer or manufacturer. In such cases, the	5.17
30	disposal of the vehicle shall be as prescribed in the	5.18
31		

1	contractual agreement between the automotive agency or	5.19
2	manufacturer and the board.	
3	Section 6. Section 235.054, Florida Statutes, 1984	5.20
4	Supplement, is amended to read.	
5	235.054 Proposed purchase of real property by a school	5.21
6	board; confidentiality of records; procedure --	5.22
7	(1)(a) In any case in which a school board, pursuant	5.25
8	to the provisions of this chapter, seeks to acquire by	5.28
9	purchase any real property for educational purposes, every	
10	appraisal, offer, or counteroffer must be in writing and is	5.29
11	exempt from the provisions of chapter 119 until an option	5.30
12	contract is executed or, if no option contract is executed,	
13	until 30 days before a contract or agreement for purchase is	5.31
14	considered for approval by the school board If a contract or	5.33
15	agreement for purchase is not submitted to the school board	
16	for approval, the exemption from chapter 119 will expire 30	5.35
17	days after the termination of negotiations The school board	5.36
18	shall maintain complete and accurate records of every such	
19	appraisal, offer, and counteroffer. For the purposes of this	5.39
20	section, the term "option contract" means an agreement by the	
21	school board to purchase a piece of property, subject to the	5.43
22	approval of the school board at a public meeting after 30	5.45
23	days' public notice	
24	(b) The school board will not be under any obligation	5.46
25	to exercise the option unless the option contract is approved	5.49
26	by the school board at the public hearing specified in this	5.51
27	section. If this procedure is utilized, the school board	5.52
28	shall obtain at least one appraisal by an appraiser who is a	5.54
29	member of an appraisal organization listed in s. 253.025(7)(b)	
30	for each purchase in an amount of not more than \$500,000. For	5.57
31	each purchase in an amount in excess of \$500,000, the school	

1	board shall obtain at least two appraisals by appraisers who	5.60
2	are members of appraisal organizations listed in s.	
3	253.025(7)(b). If the agreed purchase price exceeds the	5.61
4	average appraised price of the two appraisals, the school	1:10s
5	board is required to approve the purchase by an extraordinary	5.64
6	vote. The school board may, by ordinary vote, exempt a	5.65
7	purchase in an amount of \$100,000 or less from the requirement	5.67
8	for an appraisal.	5.68
9	(2) Nothing in this section shall be interpreted as	5.69
10	providing an exemption from, or an exception to, s. 286.011.	5.70
11	(3) This section is repealed on October 1, 1988.	5.71
12	Section 7. Section 235.055, Florida Statutes, is	5.72
13	amended to read:	
14	235.055 Construction of facilities on leased property;	5.73
15	conditions.--	5.74
16	(1) Boards, including the Board of Regents, are	5.75
17	authorized, when such action is approved by the State Board of	5.76
18	Education, to construct educational facilities on land which	5.77
19	is owned by a federal, state, county, or municipal	5.78
20	governmental agency, after the board has acquired from the	5.79
21	owner of the land a long-term lease for the use of this land	5.81
22	for a period of not less than 40 years or the life expectancy	
23	of the permanent facilities constructed thereon, whichever is	5.82
24	longer.	
25	(2) <u>A board, including the Board of Regents,</u> is	5.84
26	authorized, when such action is approved by the office, to	6.2
27	enter into a short-term lease for the use of land owned by any	6.6
28	of the entities enumerated in subsection (1), on which	6.3
29	temporary or relocatable facilities are to be utilized.	6.4
30	(3) Pursuant to state board rules, a <u>board, including</u>	
31	<u>the Board of Regents,</u> is authorized to enter into a short-term	6.7

1	lease for the use of land and buildings on which capital	
2	improvements may be made.	6.8
3	Section 8. Section 235.06, Florida Statutes, is	6.9
4	amended to read:	
5	235.06 Safety and sanitation standards and inspection	6.11
6	of property.--The State Board of Education is empowered and	6.12
7	directed to adopt <u>and administer</u> rules prescribing standards	6.13
8	for the safety and health of occupants of educational <u>and</u>	6.15
9	<u>ancillary</u> plants as a part of the State Uniform Building Code	6.17
10	for Public Educational Facilities Construction as provided in	6.18
11	s. <u>235.26, the provisions of Chapter 633 to the contrary</u>	6.19
12	<u>notwithstanding</u> . These standards shall be used by all public	6.20
13	agencies when inspecting public educational <u>and ancillary</u>	6.21
14	<u>plants facilities</u> . In accordance with such standards, each	6.22
15	board shall prescribe policies and procedures establishing a	6.25
16	comprehensive program of safety and sanitation for the	6.26
17	protection of occupants of public educational <u>and ancillary</u>	
18	<u>plants facilities</u> . Such policies shall contain procedures for	6.28
19	periodic inspections as prescribed herein and for withdrawal	6.29
20	of any educational <u>and ancillary</u> plant, or portion thereof,	6.31
21	from use until unsafe or unsanitary conditions are corrected	
22	or removed.	
23	(1) PERIODIC INSPECTION OF PROPERTY BY THE BOARD.--	6.33
24	<u>(a)</u> Each board shall provide for periodic inspection	6.34
25	of each educational <u>and ancillary</u> plant at least once during	6.36
26	each fiscal year to determine compliance with standards of	6.38
27	sanitation and <u>casualty</u> safety prescribed in the rules of the	6.39
28	state board. Such inspection shall be conducted by persons	6.40
29	certified by the office, and for firesafety inspections by	6.43
30	persons certified by the State Fire Marshal.--Annual	6.44
31		

1	firesafety inspections shall be conducted by the Division of	
2	State Fire Marshal of the Department of Insurance:	6.45
3	<u>(b) Firesafety inspections shall be made annually of</u>	1:1us
4	<u>each educational and ancillary plant by the Department of</u>	6.47
5	<u>Insurance by persons certified by that agency to be eligible</u>	
6	<u>to conduct firesafety inspections in public educational and</u>	6.48
7	<u>ancillary plants.</u> If the Division of State Fire Marshal is	6.49
8	unable to conduct any firesafety inspection, upon approval of	6.52
9	the division, such inspection shall be conducted by a local	
10	fire department official who has successfully completed the	6.53
11	required training courses and has been certified by the	
12	Division of State Fire Marshal as a firesafety inspector. A	1:1os
13	copy of each inspection report shall be forwarded from the	
14	board to the commissioner. -- A copy of the firesafety	6.57
15	inspection report only shall be forwarded from the board to	
16	the State Fire Marshal. -- Each report	6.59
17	<u>(c) Copies of all inspection and firesafety inspection</u>	1:1us
18	<u>reports shall be submitted to the commissioner by the end of</u>	6.61
19	<u>each fiscal year. In each report the board shall include a</u>	6.63
20	plan of action and a schedule for the correction of each	6.64
21	deficiency. If <u>immediate life-threatening</u> major deficiencies	6.66
22	are noted in any inspection, the board shall either take	6.70
23	action to promptly correct such deficiencies or withdraw the	
24	educational <u>or ancillary</u> plant from use until such time as the	6.72
25	deficiencies are corrected. The State Board of Education	6.73
26	shall be responsible for the enforcement of this subsection.	6.74
27	(2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC	6.76
28	AGENCIES. -- A safety or sanitation inspection of any	6.78
29	educational <u>or ancillary</u> plant may be made at any time by the	6.80
30	Department of Education or any other state or local agency	
31	authorized or required to conduct such inspections by either	6.81

1	general or special law. Such inspections shall be conducted	6.82
2	by staff members of the agency or by local personnel certified	6.83
3	by the office, and inspections for firesafety shall be	
4	conducted by persons certified by the State Fire Marshal.	7.1
5	Each agency conducting inspections shall use the standards	7.2
6	adopted by the State Board of Education in lieu of, and to the	7.3
7	exclusion of, any other inspection standards prescribed either	7.4
8	by statute or administrative <u>rule, the provisions of chapter</u>	
9	<u>633 to the contrary notwithstanding</u> , The agency shall submit	7.6
10	a copy of the inspection report to the board, and the board	
11	shall forward copies as required in <u>paragraph subsection</u>	7.7
12	(1)(c).	7.8
13	<u>(3) CORRECTIVE ACTION.--Upon</u> failure of the board to	1:1us
14	take corrective action within a reasonable time, the agency	7.12
15	<u>making the inspection</u> may request the commissioner to:	
16	(a) Order that appropriate action be taken to correct	7.13
17	all deficiencies in accordance with a schedule determined	7.14
18	jointly by the inspecting authority and the board; in the	7.16
19	development of such schedule, consideration shall be given to	
20	the seriousness of the deficiencies and the ability of the	7.17
21	board to obtain the necessary funds; or	7.19
22	(b) After 30 calendar days' notice to the board, order	7.21
23	all or a portion of the educational <u>or ancillary</u> plant	7.22
24	withdrawn from use until the deficiencies are corrected.	7.24
25	Section 9. Section 235.15, Florida Statutes, is	7.25
26	amended to read:	
27	235.15 Educational plant survey required.--At least	7.27
28	every 5 years, each board, including the Board of Regents,	
29	shall arrange for an educational plant survey, to aid in	7.28
30	formulating plans for housing the educational program and	7.29
31	student population, faculty, administrators, staff, and	7.30

1	auxiliary and ancillary services of the district or campus.	
2	Each survey shall be conducted by the Department of Education	7.32
3	or an agency approved by the commissioner. Surveys conducted	7.34
4	by agencies other than the Department of Education shall be	
5	reviewed and approved by the commissioner. The survey report	7.36
6	shall include at least an inventory of existing educational	7.37
7	<u>and ancillary</u> plants; recommendations for existing educational	7.38
8	<u>and ancillary</u> plants; recommendations for new educational or	1:1us
9	<u>ancillary</u> plants, including the general location of each; and	7.41
10	such other information as may be required by the rules of the	
11	State Board of Education. An official copy of each survey	7.43
12	report shall be filed by the board with the office. This	7.45
13	report may be amended, if conditions warrant, at the request	7.46
14	of the board or commissioner.	7.47
15	Section 10. Section 235.193, Florida Statutes, is	7.48
16	amended to read:	7.49
17	235.193 Coordination of planning with local governing	
18	bodies.--	7.50
19	(1) It is hereby declared to be the policy of this	7.52
20	state to require the coordination of planning between the	7.53
21	school boards and local governing bodies to ensure that plans	7.54
22	for the construction and opening of public educational	
23	facilities are coordinated in time and place with plans for	7.55
24	residential development, concurrently with other necessary	7.56
25	services. Such planning shall include the consideration of	7.57
26	allowing students to attend the school located nearest their	7.58
27	homes when a new housing development is constructed near a	
28	county boundary and it is more feasible to transport the	7.59
29	students a short distance to an existing facility in an	
30	adjacent county than to construct a new facility or transport	7.61
31	students longer distances in their county of residence.	7.60

1	(2) A school board, upon the request of a local	7.62
2	governing body within its district, shall submit in writing to	7.63
3	the local governing body an official statement clearly showing	7.64
4	the capability, or lack thereof, of the existing public school	
5	facilities in an area being considered for development,	7.66
6	redevelopment, or additional development to absorb additional	7.67
7	students without overcrowding such facilities.	
8	(3) If there are no public school facilities in	7.68
9	existence in the area of proposed development, the school	7.69
10	board is required to provide the local governing body with the	7.70
11	projected delivery date of such facilities in that area.	
12	(4) -- The local governing body is empowered to reject	7.71
13	development plans when public school facilities made necessary	7.72
14	by the proposed development are not available in the area	7.73
15	which is proposed for development or are not planned to be	7.74
16	constructed in such area concurrently with the development.	7.75
17	Section 11. Section 235.197, Florida Statutes, is	7.76
18	amended to read:	
19	235.197 Relocatable facilities.--	7.77
20	(1) -- Upon the request of a board, the commissioner may	7.78
21	provide state-owned relocatable educational facilities for use	7.79
22	at centers where there is an immediate need or where there is	
23	reason to believe that the student populations will not remain	7.81
24	stable in the near future years. -- The commissioner shall make	7.82
25	an agreement with the boards for the use of the relocatable	
26	facilities. -- The agreement shall contain provisions to allow	7.83
27	the commissioner to give highest priority to providing	7.84
28	relocatable facilities to districts that have space needs	
29	caused by unforeseen circumstances that bring about emergency	8.2
30	conditions.	
31		

1	{2}--The ownership of such facilities shall rest with	8.4
2	the state board, and they shall be loaned to boards for use as	
3	instructional facilities on the basis of need. --Requests for	8.6
4	use of these facilities shall be based on the relative numbers	
5	of students in excess of capacity and shall be granted on the	8.7
6	basis of availability and recommendations of a survey	
7	conducted by the office.	8.8
8	{3}--As student populations stabilize, and as the need	8.10
9	for these facilities for instructional purposes decreases for	
10	whatever reason, the commissioner is authorized to approve	8.11
11	their relocation within the district or to other boards as	
12	provided in subsection {2}. --The State Board of Education	8.13
13	shall pay all costs for moving the state-owned relocatable	
14	facilities from the jurisdiction of one board to that of	8.15
15	another. --The costs of relocating within the jurisdiction of a	8.16
16	board shall be paid by that board.	8.17
17	{4}--The office may require that relocatable facilities	1:10s
18	be provided at educational centers where there is reason to	8.19
19	believe that student populations are unstable or where student	8.20
20	populations are projected to decline in future years.	
21	{5}--Should any of these facilities no longer be needed	8.24
22	for educational purposes, The State Board of Education is	
23	authorized to sell, lease, <u>transfer title</u>, or otherwise	8.26
24	dispose of <u>state-owned relocatable</u> such facilities to boards,	8.27
25	other state agencies, or others, to the best possible	8.28
26	advantage of the state. Funds accruing from the sale or lease	8.29
27	of these facilities shall become part of the Public Education	
28	Capital Outlay and Debt Service Trust Fund. <u>Requests for</u>	1:lus
29	<u>transfer of title of these relocatables to boards shall be</u>	
30	<u>granted on the basis of need caused by students in excess of</u>	8.32
31		

1	<u>capacity and on the basis of recommendations of a survey</u>	
2	<u>conducted by the office.</u>	8.33
3	Section 12 Section 235.211, Florida Statutes, is	8.34
4	amended to read:	
5	235.211 Educational facilities design and construction	8.35
6	<u>techniques and financing mechanisms</u> --	1.105
7	(1)--PROTOTYPE-DESIGN-CRITERIA-TO-BE-PROVIDED;--The	8.38
8	state-board-shall-provide-prototype-design-criteria-for-the	8.40
9	development-of-educational-facilities-for-the-purpose-of	
10	providing-school-boards,-boards-of-trustees,-and-the-Board-of	8.41
11	Regents-with-the-means-of-constructing-sound-educational	8.42
12	facilities-more-rapidly;	8.43
13	(a)--The-office-is-empowered-and-directed-to-develop	1.105
14	prototype-design-criteria;--The-design-criteria-shall-be	8.45
15	developed-for-the-following-groups:	
16	1.--Elementary-schools-and-kindergartens;	1.105
17	2.--Middle-or-junior-high-schools;	8.48
18	3.--Senior-high-schools;	1.105
19	4.--Vocational-technical-facilities;	8.51
20	5.--Community-colleges,-and	8.53
21	6.--Universities;	1.105
22	(b)--The-design-criteria-shall-include,-but-not-be	8.54
23	limited-to,-the-following-items-for-each-group:	8.55
24	1.--Minimum-and-maximum-square-footage-requirements-for	8.58
25	different-functions-and-areas-and-the-procedures-for	8.59
26	determining-the-gross-square-footage-for-each-educational	8.60
27	facility-to-be-funded-in-whole-or-in-part-by-the-state;	8.61
28	2.--Minimum-construction-quality-standards-for-the	1.105
29	educational-facility;	8.63
30	3.--Minimum-performance-criteria-for-all-systems;	1.105
31	including-mechanical,-electrical,-heating,-cooling;	8.65

1	ventilating, plumbing, and structural systems, which for the	8.66
2	Board of Regents shall be prescribed by the Department of	8.67
3	General Services;	
4	4.--Energy efficiency and energy conservation	8.68
5	requirements, which for the Board of Regents shall be	8.70
6	prescribed by the Department of General Services;	
7	5.--Prototype design and criteria relating specifically	8.72
8	to the structural design, strength, and quality of materials	8.73
9	proposed to be used:	
10	(c)--The office shall biennially review, revise,	1:10s
11	update, and improve the state board approved design criteria;	8.76
12	based upon the latest educational, technological, and	8.80
13	construction developments, so that the prototypes shall be	
14	representative of the most advanced procedures available.--The	8.82
15	office shall biennially provide each board, including the	
16	Board of Regents, with a copy of the updated prototype design	8.83
17	criteria for each program grade group.	8.84
18	(2)--CONSTRUCTION TECHNIQUES AND FINANCING	1:10s
19	MECHANISMS--Pursuant to rules of the state board, the office	9.3
20	shall require boards to employ procedures for the design and	9.4
21	construction of new facilities, or major additions to existing	9.5
22	facilities, that will include, but not be limited to, the	9.7
23	latest developments in construction, in order to ensure that	9.9
24	educational facilities are constructed rapidly and	9.10
25	economically. The following concepts may be included in the	9.13
26	requirements of the office:	
27	(1)(a) SYSTEMS BUILDING PROCESS.--An approach to	9.15
28	construction that combines the organization and programming,	9.17
29	planning, design, financing, manufacturing, construction, and	9.19
30	evaluation of buildings under single or highly coordinated	9.22
31	management into an efficient total process. A total building	9.23

1	system is an interdependent group of building subsystems	
2	forming a unified whole. The systems building process	9.26
3	requires the standardization and multiple reuse of building	9.29
4	subsystems for maximum compatibility and interfaceability of	
5	different structures and facilities.	9.30
6	<u>(2)</u> (b) FAST-TRACK CONSTRUCTION SCHEDULING.--A method	9.33
7	which involves the bidding and awarding of certain building	9.34
8	subsystems after approval of preliminary design, and before	9.35
9	final document completion. Fast-track construction reduces	9.36
10	construction time by overlapping design development and	
11	construction of various subsystems. It can improve cost and	9.39
12	price control and eliminates extensive design development time	
13	by planners and designers.	9.40
14	<u>(3)</u> (c) CONSTRUCTION MANAGEMENT.--A process whereby a	9.43
15	single or highly coordinated authority is responsible for all	
16	scheduling and coordination in both design and construction	9.44
17	phases and is generally responsible for the successful,	9.46
18	timely, and economical completion of the construction project.	
19	<u>(4)</u> (d) TURNKEY BIDDING.--A method whereby the	9.48
20	contractor agrees to complete construction to the user's	9.49
21	specifications and requirements at a previously agreed cost.	9.52
22	<u>(5)</u> (e) DESIGN AND BUILD BIDDING.--A procedure which	9.54
23	requires that an architect, contractor, or engineer bid the	9.56
24	entire design and construction of a project and which requires	9.57
25	that the owner hire a single source for the project completion	9.59
26	and be responsible for the development of performance	
27	specifications and technical criteria.	9.60
28	<u>(6)</u> (f) USE OF COMPONENTS.--The use of modular,	9.62
29	prefabricated, and standardized components.	9.64
30		
31		

1	Notwithstanding anything above, a board shall be authorized to	9.66
2	utilize its own procedures, designs, construction techniques,	9.67
3	and materials upon a showing to the office that such proposal	9.69
4	will result in equivalent educational facilities without an	9.70
5	increase in cost or a delay in construction.	
6	Section 13. Section 235.212, Florida Statutes, is	9.71
7	amended to read:	
8	235.212 Low-energy use design; solar energy systems;	9.73
9	swimming pool heaters.--	
10	(1)(a) Passive design elements and low-energy usage	9.75
11	features shall be included in the design and construction of	
12	new educational facilities. <u>Design for natural or natural and</u>	1:1us
13	<u>low-energy usage mechanical ventilation</u> Natural-ventilation	1:1os
14	that will permit the satisfactory use of the facilities	
15	<u>without air conditioning or heating</u> when ambient conditions	9.80
16	are moderate is required <u>in the design of student-occupied</u>	
17	<u>facilities, except in auxiliary facilities, music rooms, gyms,</u>	9.81
18	<u>locker and shower rooms, special laboratories requiring</u>	9.82
19	<u>special climate control, and other large group instruction</u>	9.84
20	<u>areas having a capacity of more than 100 persons.</u>	
21	(b) In the remodeling and renovation of educational	10.1
22	facilities <u>which have, existing natural ventilation, adequate</u>	1:1us
23	<u>or-equivalent sources of natural ventilation and-natural-light</u>	10.5
24	<u>or-their-equivalent shall be retained, or a combination of</u>	10.6
25	<u>natural and low-energy usage mechanical equipment shall be</u>	
26	<u>provided that will permit the use of the facility without air</u>	10 7
27	<u>conditioning or heat when ambient conditions are moderate,</u>	10.8
28	<u>except as provided in paragraph (a) above.;</u> However, the	10.9
29	Commissioner of Education is authorized to waive this	
30	requirement when environmental conditions, particularly noise	10.11
31		

1	and pollution factors, preclude the effective use of natural	10.12
2	ventilation and light .	
3	(2) Each new educational facility for which the	10.15
4	projected demand for hot water exceeds 1,000 gallons a day	
5	shall be constructed, whenever <u>economically and physically</u>	10.16
6	<u>feasible</u> , with a solar energy system as the primary energy	10.18
7	source for the domestic hot water system of the facility. The	10.22
8	solar energy system shall be sized so as to provide at least	
9	65 percent of the estimated needs of the facility. Sizing	10.24
10	shall be determined by generally recognized simulation models,	
11	such as F-chart and SOLCOST, or by sizing tables generated by	10.25
12	the Florida Solar Energy Center.	
13	(3) If swimming and wading pools constructed as an	10.27
14	integral part of an educational facility or plant are heated,	
15	such pools shall, whenever feasible, be heated by either a	10.28
16	waste heat recovery system or a solar energy system.	10.29
17	Section 14. Section 235.26, Florida Statutes, is	10.30
18	amended to read:	
19	235.26 State Uniform Building Code for Public	10.31
20	Educational Facilities Construction.--The <u>State Board of</u>	10.32
21	<u>Education commissioner</u> shall <u>adopt a uniform statewide</u>	10.34
22	<u>building code for planning and construction of public</u>	10.34
23	<u>educational and ancillary plants except for Board of Regents</u>	
24	<u>facilities. The code shall be entitled the State Uniform</u>	10.35
25	<u>Building Code for Public Educational Facilities Construction.</u>	10.36
26	<u>Included in this code shall be recommend-and-the-state-board</u>	10.37
27	<u>shall-adopt,-as-part-of-the-State-Uniform-Building-Code-for</u>	10.39
28	<u>public-school-construction; flood plain management criteria in</u>	10.40
29	compliance with the rules and regulations <u>in at 44 24 C.F.R.,</u>	10.43
30	Parts <u>59 and 60, 1989-1925, established by the Federal</u>	10.43
31	<u>Emergency Management Agency United-States-Department-of</u>	10.44

1	Housing and Urban Development pursuant to 42 U.S.C. ss. 4001-	10.45
2	4128. Wherever the words "Uniform Building Code" appear, they	10.46
3	shall mean the "State Uniform Building Code for Public	1:qq
4	Educational Facilities Construction." It shall not be the	10.48
5	intent of the Uniform Building Code to inhibit the use of new	10.49
6	materials or innovative techniques; nor shall it specify or	
7	prohibit materials by brand names. The code shall be flexible	10.51
8	enough to cover all phases of construction which will afford	10.52
9	reasonable protection for public safety, health, and general	
10	welfare. The office may secure the service of other state	10.53
11	agencies or such other assistance as it may find desirable in	10.54
12	the revision of the code.	10.55
13	(1) UNIFORM BUILDING CODE.--All <u>public educational and</u>	1:lus
14	<u>ancillary plants</u> facilities constructed by a <u>board, except the</u>	10.57
15	<u>Board of Regents</u> , shall <u>conform to</u> incorporate the State	10.59
16	Uniform Building Code for Public Educational Facilities	10.60
17	Construction; and they are exempt from all other state,	10.61
18	county, district, municipal, or local building codes,	
19	interpretations, building permits, and assessments of fees for	10 63
20	building permits, ordinances, and impact fees or service	
21	availability fees. Any inspection by local or state	10.64
22	government shall be based on the Uniform Building Code as	10.65
23	prescribed by rule. Each board shall provide for periodic	10.66
24	inspection of the proposed educational plant during each phase	10.67
25	of construction to determine compliance with the Uniform	10.68
26	Building Code. The Uniform Building Code shall incorporate as	10.70
27	part of its minimum standards the applicable provisions of the	10.71
28	State Minimum Building Codes.	
29	(2) CONFORMITY TO UNIFORM BUILDING CODE STANDARDS	10.71
30	REQUIRED FOR APPROVAL.--A board shall not approve any plans	10.74
31	for the construction, erection, renovation, <u>remodeling</u> repair,	1:lus

1	or demolition of any educational <u>or ancillary plants</u> facility	10.76
2	unless these plans conform to the requirements of the Uniform	10.78
3	Building Code. It shall also be the responsibility of the	10.79
4	office to develop, as a part of the Uniform Building Code,	10.80
5	standards relating to:	10.81
6	(a) Prefabricated or factory-built facilities which	10.82
7	are designed to be portable, relocatable, demountable, or	10.83
8	reconstructible; are used primarily as classrooms; and do not	10.84
9	fall under the provisions of <u>ss 320 822-320 866</u> ss 320-822-	1:10s
10	320-832.	
11	(b) The sanitation of educational <u>and ancillary</u> plants	11 2
12	and the health of occupants of educational <u>and ancillary</u>	11.4
13	plants.	
14	(c) The safety of occupants of educational <u>and</u>	11.6
15	<u>ancillary</u> plants as provided in s. 235.06.	
16	(d) The physically handicapped	11.7
17	(e) An energy performance index which shall be a	11.7
18	number describing the energy requirements at the building	11.8
19	boundary of a facility, per square foot of floor space, under	11.9
20	defined internal and external ambient conditions over an	11.10
21	annual cycle. As experience develops on the energy	11.11
22	performance achieved by the facility, the energy performance	11.13
23	index will serve as a measure of building performance with	
24	respect to energy consumption and as a guide for the revision	11.14
25	of the energy performance index used in the design of future	11.16
26	facilities. The energy performance index will consider the	11.17
27	energy efficiency of the facility so as to minimize the	11.18
28	consumption of energy used in the operation and maintenance of	11.19
29	the facility. The office may adopt standards for the energy	11.20
30	performance index or portions thereof already established by	11.21
31		

1	the Department of General Services under ss. 255.251-255.256.	11.22
2	(f) The performance of life-cycle cost analyses on	11.22
3	alternative architectural and engineering designs to evaluate	11.23
4	their energy efficiencies.	
5	1. The life-cycle cost analysis shall be the sum of:	11.24
6	a. The reasonably expected fuel costs, over the life	11.25
7	of the building, that are required to maintain illumination,	11.26
8	water heating, temperature, humidity, ventilation, and all	11.28
9	other energy-consuming equipment in a facility; and	
10	b. The reasonable costs of probable maintenance,	11.30
11	including labor and materials, and operation of the building.	11.31
12	2. For computation of the life-cycle costs, the office	11.33
13	shall develop standards that shall include, but not be limited	
14	to:	
15	a. The orientation and integration of the facility	11.33
16	with respect to its physical site.	11.34
17	b. The amount and type of glass employed in the	11.35
18	facility and the directions of exposure.	
19	c. The effect of insulation incorporated into the	11.36
20	facility design and the effect on solar utilization of the	11.37
21	properties of external surfaces.	
22	d. The variable occupancy and operating conditions of	11.38
23	the facility and subportions of the facility	11.39
24	e. An energy consumption analysis of the major	11.39
25	equipment of the facility's heating, ventilating, and cooling	11.40
26	system, lighting system, and hot water system and all other	11.41
27	major energy-consuming equipment and systems as appropriate.	11.42
28	3. Such standards shall be based on the best currently	11.42
29	available methods of analysis, including such methods as those	11.43
30	of the National Bureau of Standards, the Department of Housing	11.44
31	and Urban Development, and other federal agencies and	11.45

1	professional societies and materials developed by the	
2	Department of General Services and the office. Provisions	11.47
3	shall be made for an annual updating of standards as required.	
4	(3) ENFORCEMENT BY BOARD.--It is the responsibility of	11.49
5	each board to ensure that all plans and educational <u>and</u>	
6	<u>ancillary</u> plants meet the standards of the Uniform Building	11.51
7	Code and to provide for the enforcement of this code in the	11.52
8	areas of its jurisdiction. Each board shall provide for the	11.53
9	proper supervision and inspection of the work. Each board is	11.56
10	authorized to employ a chief building official or inspector	11.57
11	and such other inspectors and personnel as may be necessary to	11.58
12	administer and enforce the provisions of this code. Boards	11.60
13	may also utilize local building department inspectors who are	11.62
14	certified to enforce this code Plans or facilities that fail	11.64
15	to meet the standards of the Uniform Building Code shall not	11.65
16	be approved.	
17	(4) ENFORCEMENT BY OFFICE OF EDUCATIONAL FACILITIES.--	11.66
18	As a further means of ensuring that all educational <u>and</u>	11.67
19	<u>ancillary</u> facilities hereafter constructed or materially	11.69
20	altered or added to conform to the Uniform Building Code	
21	standards, each board which undertakes the construction,	11.70
22	erection; alteration; renovation, <u>remodeling repair,</u>	11.80
23	purchasing, lease purchase, or leasing of any educational	
24	plant <u>or ancillary facility,</u> the cost of which exceeds	11.73
25	\$100,000, shall <u>submit plans to the office and</u> receive the	11.75
26	approval of the office. <u>However, plans for all relocatables</u>	11.81
27	<u>shall be submitted to the office for review and approval</u>	
28	<u>regardless of the amount of construction cost.</u> No public	11.78
29	educational funds may legally be expended for the	11.80
30	construction, erection; alteration; renovation, <u>remodeling</u>	11.81
31	repair, purchasing, lease purchase, or leasing of any	11.82

1	educational <u>or ancillary</u> plant unless the provisions of this	11 84
2	section are observed and until a written statement has been	
3	issued from the office, within the time limits <u>and cost</u>	12.1
4	<u>limitation</u> as provided in this section, that approval has been	12.2
5	granted.	
6	(5) OFFICE APPROVAL --	12.3
7	(a) Before a contract has been let for the	12.4
8	construction, a board shall require the superintendent or	12.6
9	president to submit to the office, in accordance with state	12.7
10	board rules, two copies each of:	
11	1. Educational <u>and ancillary plant</u> specifications.	12.8
12	2. Phase I documents, to include schematic drawings	12.11
13	and proposals.	
14	3. Phase II documents, to include:	12.11
15	a. Preliminary drawings and proposals,	12.13
16	b. Preliminary specifications;	12.14
17	c. Energy efficiency studies; and	12.15
18	d. Life-cycle cost analysis.	12.16
19	4. Phase III documents, to include completed	12.18
20	<u>construction contract</u> documents.	
21		
22	The board may not proceed with the opening of bids for any	12.19
23	proposed construction until the written approval of phase III	12.20
24	documents has been received from the office. The office	12.21
25	shall, in writing, approve, disapprove, make recommendations,	
26	or otherwise act on the educational <u>and ancillary plant</u>	12.22
27	specifications and phase documents submitted by a board within	12.25
28	30 calendar days of the official receipt of each set of phase	12.26
29	documents by the office. If the board does not receive	12.27
30	written notice within the prescribed time, then it <u>may shall</u>	12.28
31	proceed with the opening of bids as if written approval had	12.30

1	been received. The State Board of Education is empowered and	12.33
2	directed to adopt rules providing for exceptions to the steps	12.36
3	required for approval for state board-approved prototype	12.38
4	design criteria, reuse of previously approved district plans,	12.39
5	and other plans and proposed minor renovations or construction	12.41
6	projects which do not necessarily require detailed	12.43
7	documentation and intense review by the office. Approval of	12.44
8	phase III documents shall be effective for a <u>1-year 3-year</u>	1:10s
9	period after the date of such approval. A board may <u>award a</u>	12.47
10	<u>contract during the 1-year period for construction on the site</u>	
11	<u>for which plans were approved or reuse the plans on another</u>	12.48
12	<u>site reuse-phase-III documents</u> within the same district <u>or</u>	12.50
13	<u>community college board jurisdiction</u> , provided the	
14	construction documents have been updated to comply with the	12.51
15	Uniform Building Code and any laws relating to firesafety,	12.52
16	health and sanitation, casualty safety, and requirements for	
17	the physically handicapped which are in effect at the time a	12.53
18	construction contract is to be awarded.	12.54
19	(b) In reviewing plans for approval, the office shall	12.55
20	take into consideration:	12.56
21	1. The desirability and need for the new facility.	12.56
22	2. The educational <u>and ancillary plant</u> planning.	12.57
23	3. The functional and architectural <u>and engineering</u>	12.58
24	planning.	
25	4. The location on the site.	12.59
26	5. Plans for future expansion.	12.60
27	6. The type of construction.	12.62
28	7. Sanitary provisions.	12.63
29	8. Conformity to Uniform Building Code standards.	12.65
30	9. The structural design and strength of materials	12.67
31	proposed to be used.	

1	10. The mechanical design of any heating, air-	12.68
2	conditioning, plumbing, or ventilating system.	
3	11. The electrical design of educational plants.	12.70
4	12. The energy efficiency and conservation of the	12.71
5	design.	
6	13. Life-cycle cost considerations.	12.72
7	14. The <u>design to accommodate construction of special</u>	12.72
8	facilities for physically handicapped persons.	12.74
9	15. The ratio of net to gross square footage.	12.75
10	16. The proposed construction cost per gross square	12.76
11	foot.	
12	<u>(c) The board shall not occupy a facility until the</u>	12.78
13	<u>project has been inspected by the office to verify compliance</u>	
14	<u>with statutes, rules, and codes affecting the health and</u>	12.79
15	<u>safety of the occupants.</u>	
16	(6) STATE BOARD OF APPEALS.--The State Board of	12.80
17	Education shall be the final board of appeals for all	12.81
18	questions, disputes, or interpretations involving the Uniform	12.82
19	Building Code; and any board shall prepare in writing its	12.84
20	reasons for objecting to decisions made by the inspectors or	
21	the office.	13.1
22	(7) BIENNIAL REVIEW AND UPDATE; DISSEMINATION.--The	13.1
23	office is authorized to biennially review, update, and revise	13.3
24	the Uniform Building Code. The office shall publish and make	13.5
25	available to each board at no cost copies of the code and each	13.7
26	amendment and revision thereto. The office shall make	13.8
27	additional copies available to all interested persons at a	13.9
28	price sufficient to recover costs.	
29	(8) FALLOUT SHELTERS.--	13.10
30	(a) After the effective date of this act, a board may	13.11
31	require the architect concerned in the initial design, stages	13.13

1	of design, and construction of new educational facilities to	
2	apply for technical advice and counsel on fallout shelter	13.14
3	slanting and cost-reduction techniques available without cost	13.15
4	through the Department of Community Affairs.	
5	(b) When the board concerned determines the	13.16
6	application of fallout shelter slanting and cost-reduction	13.18
7	techniques to be feasible and economical for the inclusion of	13.19
8	a fallout shelter in the proposed educational facility, the	13.20
9	design and construction of such educational facility may	
10	include fallout protection which meets the minimum standards	13.21
11	for such protection as prescribed by the Department of	13.22
12	Community Affairs.	
13	(c) Educational authorities of the state and its	13.24
14	political subdivisions are authorized to modify existing	
15	educational structures to incorporate fallout shelters, and	13.27
16	the Department of Community Affairs shall make available to	
17	such authorities the same professional services as set forth	13.28
18	in paragraph (a) Such authorities are further authorized to	13.29
19	participate in such federal assistance programs as may be	13.30
20	available to assist local authorities in providing fallout	
21	protection in educational facilities	13 31
22	(9) LEGAL EFFECT OF CODE.--The State Uniform Building	13.32
23	Code for Public Educational Facilities Construction shall have	13.33
24	the force and effect of law and shall supersede any other code	13.34
25	adopted by a board or any other building code or ordinance for	13.35
26	the construction of educational <u>and ancillary plants</u>	13.36
27	<u>facilities</u> , whether at the local, county, or state level, and	13.37
28	whether adopted by rule or legislative enactment. All special	13.39
29	acts or general laws of local application are hereby repealed	
30	to the extent that they conflict with this section.	13.40
31		

1	(10) LOCAL LEGISLATION PROHIBITED.--After June 30,	13.42
2	<u>1985</u> 1981 , pursuant to s. 11(a)(21), Art. III of the State	13.44
3	Constitution, there shall not be enacted any special act or	
4	general law of local application which proposes to amend,	13.45
5	alter, or contravene any provisions of the State Building Code	13.46
6	adopted under the authority of this section.	
7	Section 15. Section 235.30, Florida Statutes, is	13.47
8	amended to read:	
9	235.30 Supervision and inspection.--Before the	13.49
10	<u>construction, remodeling, renovation, demolition or alteration</u>	
11	<u>of, or addition to,</u> any building is started, the board shall	13.51
12	provide for the proper supervision and necessary inspection of	13.52
13	the work. <u>Supervisory requirements for threshold buildings</u>	13.53
14	<u>shall be provided as prescribed in s. 553.79(5).</u>	13.54
15	Section 16 Section 235.31, Florida Statutes, 1984	13.55
16	Supplement, is amended to read:	
17	235.31 Advertising and awarding contracts; day-labor	13.56
18	projects; prequalification of contractor.--	13.57
19	(1)(a) As soon as practicable after any bond issue has	13.60
20	been voted upon and authorized or funds have been made	
21	available for the construction, <u>remodeling, renovation, or</u>	13.61
22	<u>demolition repair,</u> or alteration, or otherwise for the	13.63
23	improvement, of any educational <u>or ancillary</u> plant, and after	13.64
24	plans for the work have been approved by the office, the	13.67
25	board, after advertising the same in the manner prescribed by	13.69
26	law <u>or rule,</u> shall award the contract for such building or	
27	improvements to the lowest responsible bidder. However, the	13.71
28	board may, within its discretion, reject all bids received, if	13.72
29	it deems the same expedient, and may readvertise, calling for	13.73
30	new bids. For constructing, renovating, or remodeling, or	13.75
31	otherwise improving, educational facilities at a cost not	13.76

1	exceeding <u>\$100,000</u> \$50,000 , the board may arrange for the work	13.77
2	to be done on a day-labor basis. For renovating or remodeling	13.79
3	only, at a cost of over <u>\$100,000</u> \$50,000 but not exceeding	1:10s
4	<u>\$200,000</u> \$100,000 , if no bids are received after advertising	13.82
5	the same in the manner prescribed by law, the work may be done	
6	on a day-labor basis.	13.83
7	<u>(b) As an option, any county, municipality, community</u>	1:1us
8	<u>college, or district school board may set aside up to 10</u>	14.1
9	<u>percent of the total amount of funds allocated for the purpose</u>	
10	<u>of entering into construction capital project contracts with</u>	14.2
11	<u>minority business enterprises, as defined in s. 287.094. Such</u>	14.4
12	<u>contracts shall be competitively bid only among minority</u>	
13	<u>business enterprises. Such set-aside shall be used to redress</u>	14.5
14	<u>present effects of past discriminatory practices and shall be</u>	14.6
15	<u>subject to periodic reassessment to account for changing needs</u>	
16	<u>and circumstances.</u>	
17	(2)(a)--As an option to the provisions prescribed	14.7
18	above, Boards may elect to come under the rules prescribed by	14.9
19	the State Board of Education for the prequalification of	14.10
20	bidders of educational facilities construction.	
21	(b)--As another option, boards may negotiate with	14.12
22	contractors in accordance with the provisions of this	14.13
23	subsection only for construction associated with the extensive	14.14
24	repair, alteration, remodeling, renovation, or improvement of	14.15
25	any existing educational plant, but not for the expansion of	14.17
26	the facility.	
27	(c)--if any board elects either or both of the above	14.19
28	options, it shall publish for at least 30 days a notice of the	14.20
29	board's intent to elect such option in a local newspaper	14.21
30	having general circulation throughout its district, after	14.22
31	which a public hearing shall be held.	14.23

1	{d} --The board shall adopt rules to implement the state	14.26
2	board rules with regard to the prequalification of bidders.	14.28
3	The board shall submit a copy of the rules and procedures	14.32
4	adopted to the office, and these shall be approved by it.	14.33
5	{e} --The board shall not adopt, nor shall the office	14.35
6	approve, any procedure or requirement for the prequalification	14.36
7	or certification of contractors which may operate to restrict	14.37
8	responsible competition or to prevent the submission of a bid	14.39
9	by, or prohibit the consideration of a bid submitted by, any	14.40
10	responsible contractor, whether resident or nonresident of the	14.41
11	district wherein the work is to be performed;--Such rules	14.45
12	shall operate only to limit competition to parties able to	14.48
13	promptly perform the conditions of the contract and to respond	
14	in damages in case of default.	14.49
15	{f} --As an option, any county, municipality, community	14.51
16	college, or district school board may set aside up to 10	
17	percent or more of the total amount of allocated funds for the	14.53
18	purpose of entering into construction capital project	
19	contracts with minority business enterprises, as defined in S.	14.54
20	287.094.--Such contracts shall be competitively bid only among	14.55
21	minority business enterprises.--Such set aside shall be used	14.56
22	to redress present effects of past discriminatory practices	
23	and shall be subject to periodic reassessment to account for	14.57
24	changing needs and circumstances.	14.58
25	{3}{a} --The board may negotiate a contract with a	14.61
26	contractor for services, as provided in subsection {2}, at	14.62
27	compensation which the board determines is fair, competitive,	14.64
28	and reasonable.--In making such determination, the board shall	14.65
29	conduct a detailed analysis of the cost of the services	14.67
30	required, in addition to considering their scope and	14.68
31	complexity.--For all lump sum or negotiated contracts	14.69

1	estimated to cost over \$100,000, the board shall require the	14.70
2	contractor receiving the award to execute a truth-in-	14.71
3	negotiation certificate stating that wage rates and other	14.72
4	factual unit costs supporting the compensation are accurate,	14.73
5	complete, and current at the time of contracting. Any	14.75
6	contract under which such a certificate is required shall	
7	contain a provision that the original contract price and any	14.76
8	additions thereto shall be adjusted to exclude any significant	14.77
9	sums when the board determines the contract price was	14.78
10	increased due to inaccurate, incomplete, or noncurrent wage	14.80
11	rates and other factual unit costs. Any such contract	14.81
12	adjustment shall be made within 1 year following the end of	14.82
13	the contract.	
14	(b) If the board is unable to negotiate a satisfactory	15.1
15	contract with the contractor first considered to be qualified	
16	at a price the board determines to be fair, competitive, and	15.3
17	reasonable, negotiations with that contractor shall be	
18	formally terminated. The board shall then undertake	15.4
19	negotiations with another qualified contractor. Failing	15.6
20	accord with the next qualified contractor, the board shall	15.7
21	terminate negotiations. The board shall then undertake	15.8
22	negotiations with another qualified contractor until its	15.9
23	original list is exhausted or a selection is made.	15.10
24	(c) If the board is unable to negotiate a satisfactory	15.12
25	contract with any of the originally selected contractors, it	15.13
26	may select additional contractors and continue negotiations in	15.15
27	accordance with this subsection until an agreement is reached.	
28	(4) Any person or firm desiring to bid or negotiate	15.10s
29	for the performance of any contract which the board proposes	15.17
30	to let must first be certified by the board as qualified	15.19
31	pursuant to law and rules of the State Board of Education.	15.20

1	The board shall be required to act upon the application for	15.23
2	qualification within 30 days after the application is	
3	presented;--Upon receipt of such application, the	15.25
4	superintendent or president acting on behalf of the board	15.26
5	shall cause the application to be examined and the statements	15.27
6	therein to be verified and, after obtaining whatever technical	15.28
7	assistance is needed, shall determine whether the applicant	15.29
8	shall be recommended for certification to the board;--if the	15.30
9	applicant is found to possess the prescribed qualifications,	
10	the superintendent or president shall recommend to the board	15.31
11	that a certificate of qualification be issued;--The board,	15.34
12	acting on the recommendation of the superintendent or	15.36
13	president, may issue a certificate of qualification valid for	15.37
14	such period of time as it shall prescribe, but not to exceed 1	15.38
15	year; however, the board may revoke such certificate of	15.40
16	qualification for cause.	
17	(5)--The board shall require all applicants to furnish	15.43
18	the superintendent or president a statement under oath, on	15.44
19	such forms as the board may prescribe, setting forth detailed	15.45
20	information with respect to the applicant's competence, past	15.47
21	performance record, experience, financial resources, and	15.48
22	capability, in conformity with state board rules, together	15.49
23	with such other information as the board may deem necessary;	15.51
24	The state board rules may require that the application be	15.52
25	accompanied by a current financial statement prepared by a	15.54
26	public accountant certified in the state and in accordance	15.55
27	with standard reporting requirements prescribed by the state	15.56
28	board;--Financial information as may be required by such rules	15.59
29	shall remain confidential and shall not be disclosed to anyone	15.60
30	except members of the board and its staff who may elect to	15.62
31	adopt such rules as hereinafter provided.	15.63

1	(6) --The certificate of qualification shall contain a	15 65
2	statement fixing the actual amount of work, in terms of	15.66
3	estimated cost, which the applicant will be permitted to have	15 68
4	on contract with the board and not completed at any one time	
5	and may contain a statement limiting such applicant to the	15.69
6	submission of bids, or to negotiation, upon a certain class of	15.70
7	work.--Subject to the foregoing restrictions, the certificate	15 71
8	of qualification shall authorize the holder to bid on all work	15.72
9	on which bids are taken, or negotiate on all work on which	15.73
10	contracts are negotiated, by the board during the period of	15.74
11	time therein specified.	
12	(7) --Any applicant for a certificate of qualification	1.105
13	aggrieved by the action of the board may, within 10 days after	15.78
14	receiving notification of such action, request in writing a	15.79
15	reconsideration by the board of the application and submit	15 80
16	additional evidence of qualification.--The board shall	15.81
17	thereupon reconsider the application and may adhere to,	
18	modify, or reverse its original action.--The board shall act	15.83
19	upon any request for reconsideration within 30 days after the	15.84
20	fixing thereof and shall immediately notify the applicant of	16 1
21	the action taken.	
22	(8) --No contractor shall be qualified to bid or	16.3
23	negotiate when an investigation by an agent or designee of the	16.4
24	board discloses that such contractor is delinquent on a	16.6
25	contract previously awarded by the board, and, in such case,	
26	the certificate of qualification may be suspended or revoked	16.7
27	by the board.--The board may suspend, for a specified period	16.8
28	of time, or revoke for good cause any certificate of	16.9
29	qualification.--Any person or firm found delinquent on a	16.10
30	contract or whose certificate is revoked or suspended shall be	16.11
31	given the same benefit of appeal and reconsideration as	16.12

1	provided in the case of an applicant refused an original	16.13
2	certificate:	
3	(9) All general laws, population acts, special acts,	16.10s
4	or local acts authorizing the exercise of power in conflict	16.16
5	with the provisions of this section are hereby repealed:	16.17
6	Section 17. Section 235.32, Florida Statutes, is	16.18
7	amended to read:	
8	235.32 Substance of contract, contractors to give	16.19
9	bond; penalties.--Upon accepting a satisfactory bid, the board	16.20
10	shall enter into a contract with the party or parties whose	16.22
11	bid has been accepted; and such contract shall contain the	16.23
12	drawings and specifications of the work to be done or the	16.25
13	material to be furnished, the time limit in which the	
14	construction is to be completed, the time and method by which	16.26
15	payments are to be made upon the contract, and the penalty to	16.27
16	be paid by the contractor for any failure to comply with the	16.29
17	terms of the contract. The contractor shall furnish the board	16.31
18	with a performance <u>and payment</u> bond <u>as set forth in s.</u>	16.32
19	<u>255.05(1),</u> issued by a surety company licensed to do business	16.34
20	in this state, for 100 percent of the contract price for a	
21	project for which the contract price exceeds \$25,000.--For a	16.36
22	project for which the contract price is \$25,000 or less, a	
23	performance bond may be required in accordance with s-	16.37
24	255.05(1).--The contractor shall also furnish a payment bond	16.39
25	in accordance with s-255.05, as a guaranty against the	16.40
26	involvement of the board in actions to obtain payment for	16.42
27	materials, supplies, or labor used directly or indirectly by	16.43
28	contractors or subcontractors. Notwithstanding any other	16.44
29	provision of this section, if 25 percent or more of the costs	16.45
30	of any construction project is paid out of a trust fund	16.46
31	established pursuant to 31 U.S.C. s. 1243(a)(1), laborers and	16.47

1 mechanics employed by contractors or subcontractors on such
2 construction will be paid wages not less than those prevailing 16.48
3 on similar construction projects in the locality, as 16.50
4 determined by the Secretary of Labor in accordance with the
5 Davis-Bacon Act, as amended. Any and all persons, firms, or 16.52
6 corporations who shall construct any part of any educational 16.53
7 plant, or addition thereto, on the basis of any unapproved 16.55
8 plans or in violation of any plans approved in accordance with 16.56
9 the provisions of this chapter and rules of the State Board of 16.57
10 Education relating to building standards or specifications
11 shall be subject to forfeiture of bond and unpaid compensation 16.59
12 in an amount sufficient to reimburse the board for any costs 16.61
13 which will need to be incurred in making any changes necessary 16.64
14 to assure that all requirements are met and shall also be 16.65
15 guilty of a misdemeanor of the second degree, punishable as
16 provided in s. 775.082 or s. 775.083, for each separate 16.67
17 violation.

18 Section 18. Section 235.33, Florida Statutes, is 16.68
19 amended to read:

20 235.33 Payments.-- 16.69

21 (1) The final payment to the contractor shall not be 16.70
22 made until the construction project building has been 16.71
23 inspected by the architect or other person designated by the 16.73
24 board for that purpose and until he has issued a written 16.74
25 certificate that the project building has been constructed in 16.76
26 accordance with the approved plans and specifications and
27 approved change orders and until the board, acting on these 16.77
28 recommendations, has accepted the project building. After 16.79
29 acceptance by the board, a duplicate copy of this written
30 certificate, duly certified as having been accepted by the 16.81
31 board, shall be filed with the office.

1	(2) Boards shall have full authority and	16.84
2	responsibility for all decisions regarding educational <u>and</u>	
3	<u>ancillary</u> plant construction <u>contracts, change orders, and</u>	17.2
4	payments.	
5	Section 19. Section 235.34, Florida Statutes, is	17.3
6	amended to read:	
7	235.34 Expenditures authorized.--	17.4
8	(1) School boards, boards of trustees, the Board of	17.5
9	Regents, boards of county commissioners, municipal boards, and	17.7
10	other agencies and boards of the state shall expend funds,	17.8
11	separately or collectively, by contract or agreement, for the	17.9
12	placement, paving, or maintaining of any road, byway, or	17.10
13	sidewalk <u>contiguous</u> adjacent to or running through the	17.12
14	property of any educational plant or for the maintenance or	
15	improvement of the property of any educational plant or of any	17.15
16	facility on such property. Expenditures may also be made for	17.16
17	sanitary and utility improvements and for the installation,	17.17
18	operation, and maintenance of traffic control and safety	17.19
19	devices upon, or in the vicinity of, any existing or proposed	17.21
20	educational plant. The boards of county commissioners,	17.23
21	municipal boards, and other agencies and boards of the state	17.24
22	may plant or maintain trees, flowers, shrubbery, and	17.25
23	beautifying plants upon the grounds of any educational plant,	17.26
24	upon approval of the superintendent or president or the	17.27
25	designee of either of them. Payment by a board for any	17.28
26	improvement set forth in this section shall be authorized in	17.30
27	any amounts agreed to by the board. Any payments so	17.31
28	authorized to be made shall not be mandatory unless the	17.34
29	specific improvement and costs have been agreed to prior to	17 37
30	the improvement's being made	17 39
31		

1	(2) The provisions of any law, municipal ordinance, or	17.40
2	county ordinance to the contrary notwithstanding, the	17.41
3	provisions of this section shall regulate the levying of	17.42
4	assessments for special benefits on school or community	17.43
5	college districts and the directing of the payment thereof	
6	Any municipal ordinance or county ordinance making provision	17.45
7	to the contrary is void and shall be of no effect.	
8	Section 20. Section 235.41, Florida Statutes, is	17.46
9	amended to read:	
10	235.41 Legislative capital outlay budget request.--	17.47
11	(1) The commissioner shall develop a procedure deemed	17.48
12	appropriate in arriving at the amounts required to fund	17.49
13	projects as reflected in the integrated, comprehensive budget	17.50
14	request required by this section. The official estimates for	17.52
15	funds accruing to the Public Education Capital Outlay and Debt	
16	Service Trust Fund made by the revenue estimating conference	17.53
17	shall be used in determining the budget request pursuant to	17.55
18	this section.	
19	(2) The commissioner shall submit to the Legislature	17.56
20	an integrated, comprehensive budget request for educational	17.58
21	facilities construction and fixed capital outlay needs for all	17.60
22	boards, including the Board of Regents, pursuant to the	
23	provisions of s. 235.435 and applicable provisions of chapter	17.62
24	216. Each board, including the Board of Regents, shall submit	17.63
25	to the commissioner a <u>3-year</u> long-range plan and data required	17.65
26	in the development of the annual capital outlay budget. No	17.67
27	further disbursements shall be made from the Public Education	
28	Capital Outlay and Debt Service Trust Fund to a board that	17.69
29	fails to timely submit the required data until such board	
30	submits the data.	17.70
31		

1	(3) The commissioner shall submit an integrated,	17.71
2	comprehensive budget request to the Executive Office of the	17.72
3	Governor and to the Legislature no later than 45 days prior to	17.75
4	the legislative session each fiscal year. Notwithstanding the	17.78
5	provisions of s. 216.043, the integrated, comprehensive budget	17.80
6	request shall include:	
7	(a) For the Public Education Capital Outlay and Debt	17.80
8	Service Trust Fund and all sinking and investment accounts	17.81
9	which are in receipt of any portion of the revenue sources	17.82
10	listed in s. 235.42(2)(a) and for all district funds for	17.84
11	capital outlay excluding transportation from all sources,	17.84
12	including federal funds and capital outlay and debt service	18.1
13	trust funds:	
14	1. A schedule for each fund showing the actual	18.3
15	beginning cash balance for each of the 2 prior fiscal years	
16	and showing for the current fiscal year the estimated	18.5
17	beginning cash balance and a listing of all disbursements and	18.7
18	receipts:	
19	<u>1.2.</u> For the budget fiscal year for each fund, the	18.9
20	projected beginning cash balance, a monthly projection of all	18.11
21	receipts, and a monthly projection of all disbursements.	
22	<u>2.3.</u> For the budget fiscal year, a monthly gross	18.13
23	receipts tax forecast, a monthly bond proceeds estimate, the	18.15
24	interest rate assumption used in the bond proceeds estimate, a	18.16
25	monthly interest earnings forecast, and the interest rate	18.19
26	assumption used in the calculation of interest to be received	18.20
27	on the idle balances invested.	18.21
28	<u>3. Any other reports as deemed necessary by the</u>	18.15
29	<u>Legislature.</u>	18.22
30		
31		

1	<u>The office shall be furnished necessary forecasting data to</u>	1:lus
2	<u>enable the commissioner to prepare, and the commissioner shall</u>	18.23
3	<u>submit, the information required in subparagraphs 1 and 2.</u>	18.24
4	(b) For all capital outlay funds listed in paragraph	18.26
5	(a) in the current fiscal year:	
6	1. Actual capital outlay fund balances brought forward	18.27
7	from the 2 prior fiscal years, listed separately as encumbered	18.29
8	and unencumbered.	
9	2. Estimated encumbrances to be made in the current	18.29
10	fiscal year from actual capital outlay fund balances brought	18.31
11	forward from the preceding fiscal year as unencumbered.	
12	3. Capital outlay appropriations made from current	18.32
13	fiscal year revenues, listed separately to indicate those	18.33
14	appropriations that will be encumbered throughout the current	
15	fiscal year and those that will remain unencumbered at the end	18.34
16	of the current fiscal year.	18.35
17	4. Estimated capital outlay funds to be disbursed in	18.35
18	the current fiscal year from:	18.36
19	a Fund balances brought forward from the preceding	18.36
20	fiscal year.	18.37
21	b Appropriations made from the current fiscal year	18.37
22	revenues.	18.38
23	5 Estimated undisbursed capital outlay funds	18.39
24	remaining at the end of the current fiscal year from:	18.40
25	a Fund balances brought forward from the preceding	18.40
26	fiscal year, listed separately as encumbered and unencumbered.	18.41
27	b. Appropriations made from the current fiscal year	18.42
28	revenues, listed separately as encumbered and unencumbered.	18.43
29	(c) For the capital outlay fund for the budget fiscal	18.44
30	year:	
31		

1	1. Estimated capital outlay fund balances to be	18.44
2	carried forward from the current fiscal year, listed	18.45
3	separately as encumbered and unencumbered.	18.46
4	2. Estimated encumbrances to be made in the budget	18.47
5	fiscal year from estimated capital outlay fund balances	18.48
6	carried forward from the current fiscal year as unencumbered.	18.49
7	3. Requested capital outlay appropriations to be made	18 50
8	from the projected revenues for the budget fiscal year, listed	18 52
9	separately to indicate those requested appropriations that	
10	will be encumbered throughout the budget fiscal year and those	18.53
11	that will remain unencumbered at the end of the budget fiscal	18.54
12	year.	
13	4. Estimated capital outlay funds to be disbursed in	18.54
14	the budget fiscal year from:	18.55
15	a. Fund balances brought forward from the current	18.55
16	fiscal year.	18.56
17	b. Requested appropriations to be made from the	18.57
18	projected revenues from the budget fiscal year.	18.58
19	5. Estimated undisbursed capital outlay funds	18.58
20	remaining at the end of the budget fiscal year from:	18.60
21	a. Fund balances brought forward from the current	18.60
22	fiscal year, listed separately as encumbered and unencumbered.	18.62
23	b. Requested appropriations to be made from the	18.62
24	revenues projected for the budget fiscal year, listed	18.63
25	separately as encumbered and unencumbered.	18.64
26	(d) Recommendations for the priority of expenditure of	18.66
27	funds in the state system of public education, with reasons	18.67
28	for the recommended priorities, and other recommendations	18.68
29	which relate to the effectiveness of the educational	18.70
30		
31		

1	facilities construction program.	18.72
2		
3	All items in s. 235 435 shall be part of the legislative	18.73
4	budget request submitted by the commissioner.	18.74
5	Section 21. Section 235.42, Florida Statutes, is	18.75
6	amended to read:	
7	235.42 Educational <u>and ancillary plant plants</u>	18.76
8	construction funds; Public Education Capital Outlay and Debt	18.78
9	Service Trust Fund; allocation of funds.--	18.79
10	(1) The commissioner, through the office, shall	18.80
11	administer the Public Education Capital Outlay and Debt	18.81
12	Service Trust Fund. <u>The commissioner shall allocate or</u>	18.83
13	<u>reallocate funds as authorized by the Legislature. Copies of</u>	18.83
14	<u>each allocation or reallocation shall be provided to members</u>	
15	<u>of the State Board of Education and to the chairmen of the</u>	18.84
16	<u>House of Representatives and Senate Appropriations Committees.</u>	19.1
17	The commissioner shall provide for timely encumbrances of	19.3
18	funds for duly authorized projects. The commissioner shall	19.5
19	provide for the timely disbursement of moneys necessary to	19.6
20	meet the encumbrance authorizations of the boards, including	19.7
21	the Board of Regents, to plan, construct, and equip facilities	19.8
22	which have been approved by the State Board of Education.	19.11
23	Records shall be maintained by the office to identify	19.14
24	legislative appropriations, State Board of Education	
25	allocations, encumbrance authorizations, disbursements,	19.16
26	transfers, investments, sinking funds, and revenue receipts by	19.17
27	source. The Department of Education shall pay the	19.18
28	administrative costs of the Public Education Capital Outlay	19.20
29	and Debt Service Trust Fund from the funds which comprise the	19.22
30	trust fund.	
31		

1	(2)(a) The Public Education Capital Outlay and Debt	19.23
2	Service Trust Fund shall be comprised of the following	
3	sources, which are hereby appropriated to the trust fund:	19.25
4	1. Proceeds, premiums, and accrued interest from the	19.27
5	sale of public education bonds and that portion of the	
6	revenues accruing from the gross receipts tax as provided by	19.28
7	s. 9(a)(2), Art. XII of the State Constitution, as amended,	19.29
8	interest on investments, and federal interest subsidies.	19.30
9	2 All student building fees and capital improvement	19.31
10	fees collected, or to be collected, by the Board of Regents,	
11	except that portion that may be required for debt service and	19.33
12	reserve requirements. Funds for such fees not required to pay	19.35
13	prior lien amounts at each university for debt service	19.36
14	administration pursuant to previous bond resolutions shall be	
15	deposited in the Public Education Capital Outlay and Debt	19.37
16	Service Trust Fund within 30 days after collection.	19.38
17	3. <u>General revenue funds appropriated to the fund for</u>	19.38
18	<u>educational capital outlay purposes. That portion of federal</u>	1:10s
19	revenue-sharing funds appropriated for educational facilities	19.41
20	construction;	
21	4. Any other funds for educational facilities	19.43
22	construction, including all federal grants and donations;	
23	<u>4.5</u> All capital outlay funds previously appropriated	1:1us
24	and certified forward pursuant to s. 216.301.	19.46
25	(b) There is hereby appropriated from the trust fund	19.46
26	all certifications forward to this fund and all previous	19.47
27	allocations by the Board of Regents from student building and	19.49
28	capital improvement fees. All future allocations, transfers,	19.50
29	or increases for projects funded from student building and	
30		
31		

1	capital improvement fees shall be by legislative	19.52
2	appropriation.	
3		
4	However, any funds required by law to be segregated or	19.53
5	maintained in separate accounts shall be segregated or	19.54
6	maintained in such manner that the relationship between	
7	program and revenue source is retained. Nothing in this	19.56
8	subsection shall be construed so as to limit the use by the	19.58
9	Public Education Capital Outlay and Debt Service Trust Fund of	19.60
10	the resources of funds so segregated or maintained.	
11	(3) Upon the request of each board, the office shall	19.61
12	distribute to the board an amount sufficient to cover capital	19.63
13	outlay disbursements anticipated from encumbrance	19.64
14	authorizations for the following month. For projects costing	19.65
15	in excess of \$50,000, contracts shall be approved and signed	
16	before any disbursements are authorized.	19.67
17	(4) The office may authorize each board to enter into	19.69
18	contracts for a period exceeding 1 year, within amounts	19.71
19	appropriated and budgeted for fixed capital outlay needs; but	19.72
20	any contract so made shall be executory only for the value of	19.73
21	the services to be rendered, or agreed to be paid for, in	19.74
22	succeeding fiscal years. This subsection shall be	19.76
23	incorporated verbatim in all executory contracts of a board	19.77
24	(5) No board shall, during any fiscal year, expend any	19.79
25	money, incur any liability, or enter into any contract which,	
26	by its terms, involves expenditure of money in excess of the	19.82
27	amounts appropriated and budgeted or in excess of the cash	19.83
28	that will be available to meet the disbursement requirements	19.84
29	Prior to entering into an executory, or any other, contract, a	20.1
30	board shall obtain certification from the office that moneys	20.2
31	will be available to meet the disbursement requirements. Any	20.4

1	contract, verbal or written, made in violation of this	20.6
2	subsection shall be null and void, and no payment shall be	20.7
3	made thereon.	
4	(6) The State Board of Administration is authorized to	20.8
5	invest the trust funds of any state-supported retirement	20.9
6	system, and any other state funds available for loans, to the	20.10
7	trust fund at a rate of interest that is no less favorable	20.12
8	than would have been received had such moneys been invested in	
9	accordance with authorized practices.	20.13
10	(7) Boards authorized to participate in the trust fund	20.14
11	are district school boards, the community college district	20.15
12	boards of trustees, the Trustees of the Florida School for the	20.16
13	Deaf and the Blind, the Board of Regents, and other units of	
14	the state system of public education, and other educational	20.17
15	purposes authorized by the Legislature.	20.18
16	(8)(a) The office shall make a monthly report, by	20.18
17	project, of requests for encumbrance authorization from each	20.20
18	agency. Each project shall be tracked in the following	20.21
19	manner:	
20	1. The date the request is received;	20.22
21	2. The anticipated encumbrance date requested by the	20.23
22	agency;	
23	3. The date the project is eligible for encumbrance	20.26
24	authorization; and	20 27
25	4. The date the encumbrance authorization is issued.	20.28
26		
27	In addition, the office shall make a monthly report of the	20.30
28	amount of cash disbursed to the agency from each appropriated	20.31
29	allocation and the amount of cash disbursed by the agency to	
30	vendors or contractors from each appropriated allocation, by	20.33
31	month.	

1	(b) In addition, the office shall make a monthly	20.35
2	report showing updated adjustments to the budget fiscal year	20.36
3	forecast for appropriations, encumbrances, disbursements, and	20.37
4	cash available for encumbrance status.	
5	Section 22. Section 235.435, Florida Statutes, 1984	20.38
6	Supplement, is amended to read:	
7	235.435 Funds for comprehensive educational plant	20.39
8	needs.--Allocations from the Public Education Capital Outlay	20.41
9	and Debt Service Trust Fund to the various boards for capital	20.42
10	outlay projects shall be determined as follows:	20.43
11	(1)(a) Funds for remodeling, renovation, maintenance,	20.44
12	repairs, and site improvement for existing satisfactory	20.45
13	facilities shall be given priority consideration by the	
14	Legislature for appropriations allocated to the boards,	20.47
15	including the Board of Regents, from the total amount of the	20.49
16	Public Education Capital Outlay and Debt Service Trust Fund	20.50
17	appropriated. These funds shall be calculated pursuant to the	20.51
18	following basic formula: the building value times the	20.52
19	building age over the sum of the years' digits assuming a 50-	
20	year building life. For relocatable facilities, a 20-year	20.54
21	life shall be used. "Building value" is calculated by	1:qq
22	multiplying each building's total assignable square feet times	20.56
23	the appropriate net-to-gross conversion rate found in state	20.57
24	board rules and that product times the current average new	20.59
25	construction cost. "Building age" is calculated by	1:qq
26	multiplying the prior year's building age times 1 minus the	
27	prior year's sum received from this subsection divided by the	20.61
28	prior year's building value. To the net result shall be added	20.62
29	the number 1. Each board shall receive the percentage	20.63
30	generated by the preceding formula of the total amount	
31	appropriated for the purposes of this section.	20.64

1	(b) The provisions of chapters 230, 235, 236, 237,	20.67
2	255, and 287 to the contrary notwithstanding, the remodeling,	
3	renovation, maintenance, repair, and site improvement projects	20.69
4	funded under this section are exempt from day-labor	
5	limitations, performance bond requirements for projects	20.70
6	costing less than \$25,000, the Consultants' Competitive	20.72
7	Negotiation Act selection process for projects costing less	
8	than \$100,000, and the requirement of prior approval of plans	20.74
9	and specifications by the Office of Educational Facilities.	
10	This exemption does not relieve each board, including the	20.75
11	Board of Regents, of the duty and responsibility of ensuring	20.76
12	compliance with all requirements of the State Uniform Building	20.77
13	Code for Educational Facilities, or other applicable codes,	20.78
14	for all remodeling, renovation, maintenance, repair, and site	20.79
15	improvement performed or for the prudent management and	20.81
16	efficient expenditure of all funds received pursuant to this	
17	section.	20.82
18	(c) Each board, including the Board of Regents, shall	20.84
19	not use the funds received pursuant to this section to	21 2
20	supplant funds in the current fiscal year approved operating	
21	budget, and all budgeted funds shall be expended at a rate not	21.3
22	less than would have been expended had the funds under this	21 4
23	section not been received.	
24	(d) Each board, including the Board of Regents, shall	21.6
25	maintain its effort for expenditures for remodeling,	21.7
26	renovation, maintenance, repair, and site improvement for the	
27	budget fiscal year at not less than the level included in the	21.11
28	approved operating budget for the current fiscal year.	
29	(e) Each remodeling, renovation, maintenance, repair,	21.14
30	or site improvement project will expand or upgrade current	21 15
31	educational plants to prolong the useful life of the plant	

1	(f) Each board, including the Board of Regents, shall	21.16
2	not reduce employment for the remodeling, renovation,	21.17
3	maintenance, repair, and site improvement projects that are	
4	already budgeted in its current fiscal year approved operating	21.20
5	budget.	
6	(g) Each board, including the Board of Regents, shall	21.21
7	maintain fund accounting in a manner which will permit a	21.23
8	detailed audit of the funds expended in this program.	21.25
9	(h) Remodeling projects shall be based on the	21.26
10	recommendations of a survey pursuant to s. 235.15.	21.27
11	(i) Up to one-tenth of a board's annual allocation	21.28
12	provided under this section shall be spent to correct unsafe,	21.29
13	unhealthy, or unsanitary conditions in its educational	
14	facilities, as required by s. 235.06. This paragraph shall	21.31
15	not be construed to limit the amount a board may expend to	
16	correct such deficiencies.	21.32
17	(2)(a) The department shall establish, as a part of	21.35
18	the Public Education Capital Outlay and Debt Service Trust	21.37
19	Fund, a separate account, in an amount determined by the	
20	Legislature, to be known as the "Special Facility Construction	21.38
21	Account." The Special Facility Construction Account shall be	21.39
22	used to provide necessary construction funds to school	21.40
23	districts which have urgent construction needs but which lack	
24	sufficient resources at present, and cannot reasonably	21.41
25	anticipate sufficient resources within the period of the next	
26	3 years, for these purposes from currently authorized sources	21.42
27	of revenue. A school district requesting funding from the	21.43
28	Special Facility Construction Account shall submit one	21.45
29	specific construction project, not to exceed one complete	21.46
30	educational plant, to the Special Facility Construction	21.47
31		

1	Committee. The request must meet the following criteria to be	21.48
2	considered by the committee:	21.49
3	1. The project must be recommended in the most recent	21.49
4	survey or surveys by the district under the rules of the State	21.50
5	Board of Education.	
6	2. The district must not have sufficient funds	21.52
7	available in total from all capital outlay sources that within	
8	the next 3 fiscal years would allow the district to raise the	21.53
9	total estimated cost of the project by itself.	21.54
10	3. There must be a certification from the Office of	21.54
11	Educational Facilities of the inability of the district to pay	21.56
12	for the project within 3 years from the total amount available	
13	from all capital outlay sources and that the project is	21.57
14	recommended by survey.	
15	4. There must be a certification from the Office of	21.58
16	Educational Facilities that the plans for the project are	21.60
17	completed and approved.	
18	5. There must be an agreement signed by the district	21.60
19	board stating that it will advertise for bids within 30 days	21.62
20	of receipt of its encumbrance authorization from the office.	21.63
21	6. If a contract has not been signed 90 days after the	21.64
22	advertising of bids, the funding for the specific project	
23	shall revert to the Special Facility Construction Account to	21.65
24	be reallocated to other projects on the list. However, an	21.67
25	additional 30 days may be granted by the commissioner.	21.68
26	(b) The Special Facility Construction Committee shall	21.69
27	be composed of the following: two representatives of the	21.70
28	Department of Education, a representative from the Governor's	
29	office, a representative selected annually by the school	21.71
30	boards, and a representative selected annually by the	21.72
31	superintendents.	

1	(c) The committee shall review the requests submitted	21.73
2	from the districts, evaluate the projects' ability to relieve	
3	critical needs, and rank the requests in priority order. The	21.75
4	committee shall subtract from the total amount of the project	
5	the total amount of funds generated by the requesting district	21.76
6	from all sources including the <u>1.5-mill 2-mill</u> levy for the	1:10s
7	next 3 fiscal years. The resultant sum shall be the amount	21.79
8	eligible to be funded by the Legislature. This statewide	21.80
9	priority list for special facilities construction shall be	
10	submitted to the Legislature in the legislative budget request	21.81
11	at least 45 days prior to the legislative session.	21.82
12	(3)(a)1: Each district school board shall receive an	21.83
13	amount from the Public Education Capital Outlay and Debt	
14	Service Trust Fund to be calculated by computing <u>the capital</u>	21.84
15	<u>outlay full-time equivalent membership as determined by the</u>	22.1
16	<u>office. The capital outlay full-time equivalent membership</u>	22.2
17	<u>shall be determined for kindergarten through the 12th grade</u>	22.3
18	<u>and for vocational-technical centers by averaging the</u>	
19	<u>unweighted full-time equivalent student membership for the</u>	22.4
20	<u>second and third surveys and comparing the results on a</u>	
21	<u>school-by-school basis with the Florida Inventory for School</u>	22.5
22	<u>Houses. The capital outlay full-time equivalent membership</u>	22.6
23	<u>shall be used in making the following calculations: The</u>	22.8
24	<u>capital outlay full-time equivalent membership for the 1981-</u>	
25	<u>1982 fiscal year shall be computed as the base year. The</u>	22.10
26	<u>difference between the capital outlay full-time equivalent</u>	
27	<u>membership for the base year and the 1984-1985 fiscal year</u>	22.11
28	<u>shall constitute growth. From the total amount appropriated</u>	22.13
29	<u>by the Legislature pursuant to this subsection, 40 percent</u>	
30	<u>shall be allocated among the base capital outlay full-time</u>	22.14
31	<u>equivalent membership and 60 percent among the growth capital</u>	22.15

1	<u>outlay full-time equivalent membership. The allocation within</u>	22.17
2	<u>each of these groups shall be prorated to the districts based</u>	
3	<u>upon each district's percentage of base and growth capital</u>	22.18
4	<u>outlay full-time membership. The most recent 4-year capital</u>	22.19
5	<u>outlay full-time equivalent membership data shall be used in</u>	
6	<u>each subsequent year's calculation for the allocation of funds</u>	22.20
7	<u>pursuant to this subsection. If a change, correction, or</u>	22.21
8	<u>recomputation of data during any year results in a reduction</u>	
9	<u>or increase of the calculated amount previously allocated to a</u>	22.22
10	<u>district, the allocation to that district shall be adjusted</u>	22.23
11	<u>correspondingly. If such recomputation results in an increase</u>	22.24
12	<u>or decrease of the calculated amount, such additional or</u>	22.25
13	<u>reduced amounts shall be added to or reduced from the</u>	
14	<u>district's future appropriations. However, no change,</u>	22.26
15	<u>correction, or recomputation of data shall be made subsequent</u>	
16	<u>to 2 years following the initial annual allocation.</u>	22.27
17	instruction units as defined in s. 236.602(i) -- The number of	22.29
18	base units as of fiscal year 1967-1968 shall be computed; the	
19	number of growth units up to and including fiscal year 1978-	22.30
20	1979 shall be computed; and the number of new growth units	
21	from fiscal year 1979-1980 through the prior fiscal year shall	22.32
22	be computed; -- From the total amount appropriated by the	22.33
23	legislature pursuant to this subsection; an equal amount shall	22.34
24	be allocated to base units; growth units; and new growth	22.35
25	units. -- The allocation for each of the three groups shall be	22.36
26	prorated among the districts in the same percentage that a	22.37
27	district's units for each group are to the total units for	
28	that group for all district school boards. -- Each district	22.39
29	school board shall receive the sum of all three calculations	
30	of instructional units. -- Effective July 1, 1985, language in	22.41
31	this subparagraph is hereby repealed;	

1	2.--Effective July 1, 1985, each district school board	1.10s
2	shall receive an amount from the Public Education Capital	22.43
3	Outlay and Debt Service Trust Fund to be calculated by	22.44
4	computing instruction units as defined in S. 236-602(i).--The	22.45
5	district allocation to participate in the Capital Outlay	
6	Equalization Program shall be calculated as follows:	22.46
7	a.--The base year for calculation of replacement units	1.10s
8	is the year 2 years prior to the fiscal year for which the	22.48
9	allocation is being determined;	
10	b.--The number of units existing in the prior fiscal	22.49
11	year shall be computed-	
12	c.--The increase in prior year (sub-subparagraph b.)	22.50
13	units compared to 2 prior year (sub-subparagraph a.) units is	22.51
14	defined as "growth units;"	1.0q
15	d.--The Office of Educational Facilities shall annually	22.53
16	compute for each district the current year's housing index;	22.54
17	e.--The Office of Educational Facilities shall annually	1.10s
18	determine the average statewide cost of constructing a	22.55
19	classroom;	
20	f.--The number of growth units shall be multiplied by	22.56
21	the district housing index; and the product obtained shall be	
22	multiplied by the average cost of constructing a classroom;	22.57
23	g.--The number of replacement units shall be multiplied	22.58
24	by 2 percent of the average cost of constructing a classroom;	22.59
25	h.--The Office of Educational Facilities, in	1.10s
26	cooperation with the Executive Office of the Governor, shall	22.60
27	annually compute for each district the current year's	
28	construction cost differential;	22.61
29	i.--The sum of the products obtained in sub-	22.62
30	subparagraphs f. and g. shall be multiplied by the	
31		

1	construction cost differential;--The product thus obtained	22.63
2	shall be known as the "construction cost entitlement."	22.64
3	j.--The required local effort for participation in the	1:10s
4	Capital Outlay Equalization Program shall be the amount	22.65
5	computed by applying 1.5 mills to 95 percent of the most	22.66
6	recent tax roll data for the appropriate year as provided in	22.67
7	s.--236.081(4);--The required local effort may be a combination	22.68
8	of millage voted under the provisions of s.--9(b) or s.--12;	22.69
9	Art.--VII of the State Constitution and millage levied as	
10	authorized by s.--236.25(2)(a);	22.70
11	k.--The required local effort shall be subtracted from	1:10s
12	the construction cost entitlement to obtain the district	22.71
13	allocation;--in the event the legislative appropriation is	22.72
14	insufficient to fund all district allocations, each district	22.73
15	shall receive the percentage of the available funds that is	
16	equal to its share of the state total of all district	22.74
17	allocations;	
18	l;--In the event a school district declines to	22.75
19	participate in the Capital Outlay Equalization Program, its	
20	allocation from the Public Education Capital Outlay and Bebe	22.76
21	Service Trust Fund shall be allocated to all participating	22.77
22	districts pro-rata;	
23	(b) Funds accruing to a district school board from the	22.78
24	provisions of this section shall be expended on needed	22.80
25	projects as shown by survey or surveys under the rules of the	
26	State Board of Education.	22.81
27	(c)--Funds allocated to each board in fiscal years	1:10s
28	prior to 1981-1982 may be spent on projects as defined in	22.82
29	paragraph (b);	
30	<u>(c)(d)</u> Funds distributed to the district school boards	22.84
31	shall only be allocated based on the provisions of paragraphs	

1	(1)(a) and (2)(a) and paragraph (a) of this subsection. No	23.2
2	individual school district projects shall be funded off the	
3	top of funds allocated to district school boards.	23.3
4	(4)(a) The department shall establish, as part of the	23.4
5	Public Education Capital Outlay and Debt Service Trust Fund, a	23.5
6	separate account, in an amount determined annually by the	23.6
7	Legislature, to be known as the "Conservation and Renewable	
8	Energy Construction Account * The Conservation and Renewable	23.7
9	Energy Construction Account shall be used to provide funding	
10	to school districts, community colleges, and universities to	23.8
11	identify and upgrade energy-inefficient characteristics and	23.9
12	equipment in existing facilities.	
13	(b) Projects eligible for funding from the	23.10
14	Conservation and Renewable Energy Construction Account are:	
15	1. The purchase and installation of meters or other	23.11
16	monitoring equipment designed to measure energy demand or	23.12
17	consumption at the building level.	
18	2. Technical assistance in the form of engineering	23.13
19	design alternatives work for installation of energy-saving	
20	equipment or equipment using renewable energy.	23.14
21	3. The purchase and installation of energy-saving	23.16
22	equipment or equipment using renewable energy.	
23	(c) Eligibility and priorities for funding from the	23.18
24	Conservation and Renewable Energy Construction Account shall	
25	be determined by the office in accordance with rules adopted	23.19
26	by the State Board of Education. At a minimum, these rules	23.20
27	shall assure that:	
28	1. Boards, including the Board of Regents, which	23.21
29	qualify for hardship funding under the criteria of the federal	23.22
30	institutional building grants program are given first priority	23.23
31		

1	for funding from the Conservation and Renewable Energy	23.24
2	Construction Account.	
3	2. Projects eligible for federal or other supplemental	23.24
4	energy-related funding are given a higher priority than	23.26
5	projects not eligible for such funding.	
6	3. Building audits are performed in a manner which	23.27
7	assures that each building audited is eligible for	
8	supplemental funding from the institutional building grants	23.28
9	program.	
10	4. Funding for technical assistance or for purchase	23.30
11	and installation of energy-saving equipment or equipment using	
12	renewable energy is available solely to boards, including the	23.31
13	Board of Regents, which have audited and adequately metered	23.32
14	all appropriate buildings.	
15		
16	Certification of the standing of a project with regard to its	23.33
17	eligibility for federal funding shall be provided to the	23.34
18	office by the agency responsible for administering the	23.35
19	institutional building grants program.	23.36
20	(5)(a) The boards of trustees of the community	23.38
21	colleges and the Board of Regents of the State University	
22	System shall receive funds for projects based on a 3-year	23.39
23	priority list, to be updated annually, which is submitted to	23.40
24	the Legislature in the legislative budget request at least 45	23.42
25	days prior to the legislative session. The State Board of	23.45
26	Community Colleges shall submit a 3-year priority list for the	
27	entire State Community College System. The Board of Regents	23.48
28	shall submit a 3-year priority list for the entire State	
29	University System. The lists shall reflect decisions by the	23.50
30	boards concerning program priorities that implement the	23.51
31	statewide plan for program growth and quality improvement in	

1	education. Should the order of the priority of the projects	23.53
2	change from year to year, a justification for such change	23.54
3	shall be included with the updated priority list.	
4	(b) The boards of trustees of the community colleges	23.56
5	and the Board of Regents shall receive funds for remodeling,	23.57
6	renovation, maintenance and repairs, and site improvement for	23.58
7	existing satisfactory facilities pursuant to subsection (1).	23.59
8	Section 23. The Legislature hereby finds and	23.60
9	determines that the items and sums designated in this section	23.61
10	shall constitute authorized capital outlay projects within the	
11	meaning and as required by s. 9(a)(2), Art. XII of the State	23.62
12	Constitution, as amended, and any other law. In accordance	23.63
13	therewith, the moneys in the following items are authorized to	
14	be expended for the enumerated authorized capital outlay	23.64
15	projects. From moneys becoming available pursuant to the	23.65
16	provisions of s. 9(a)(2), Art. XII of the State Constitution,	23.66
17	as amended, there is hereby appropriated \$367,492,696 for	
18	public educational projects in the 1985-1986 fiscal year	23.67
19	There is hereby appropriated \$66,612,507 from the School	23.68
20	District and Community College District Capital Outlay and	23.69
21	Debt Service Trust Fund to the Department of Education for	
22	allocation pursuant to the provisions of s. 9(d), Art. XII of	23.70
23	the State Constitution, as amended. The sum designated for	23.71
24	each specific allocation for a project is the maximum sum to	
25	be expended for each specified phase from funds accruing under	23.72
26	s. 9(a)(2), Art. XII of the State Constitution, as amended.	23.73
27	The scope of each project shall be planned in such a way as to	23.74
28	provide that the amounts specified shall not be exceeded, or	23.75
29	any excess in cost shall be funded by funds other than those	
30	appropriated herein. The provisions of s. 216.301(3)(a),	23.77
31	Florida Statutes, shall apply to capital outlay funds	

1	appropriated to the Public Education Capital Outlay and Debt	23.78
2	Service Trust Fund for the 1985-1986 appropriation.	23.79
3	(1)(a) The sum of \$347,000 to the District School	23.79
4	Board of Dade County for a community education project	23.80
5	pursuant to s. 235.196, Florida Statutes.	
6	(b) The sum of \$1,766,000 to the District School Board	23.81
7	of Polk County for a community education project pursuant to	23.82
8	s. 235.196, Florida Statutes.	
9	(c) The sum of \$522,000 to the District School Board	23.82
10	of Jackson County for completion of a community education	23.83
11	facility with the City of Marianna.	23.84
12	(d) The sum of \$250,000 to the District School Board	23.84
13	of Polk County for restoration of the Homeland school	24.1
14	facility.	
15	(e) The sum of \$9,750,000 to the school boards of the	24.2
16	67 school districts for continuation of improvements to public	
17	school science facilities. Funds shall be distributed	24.4
18	pursuant to the provisions of s. 235.435(3), Florida Statutes.	
19	Funds appropriated for the 1985-1986 fiscal year should be	24.5
20	expended based on the following order of priorities:	24.6
21	1. To implement the school-by-school plan to improve	24.6
22	science facilities as required by Specific Appropriation 12,	24.7
23	s. 1, chapter 83-350, Laws of Florida;	
24	2. To provide science equipment to meet the program	24.8
25	needs for science as required in chapter 83-324, Laws of	24.9
26	Florida;	
27	3. To provide improvements to any high school or	24.9
28	junior high school facilities as may be necessary to meet any	24.10
29	program needs as required in chapter 83-324, Laws of Florida;	24.11
30	and	
31		

1	4. To implement any educational plant survey	24.11
2	recommendations pursuant to s. 235.15, Florida Statutes.	24.12
3	(f) The sum of \$9,865,189 to the State Board of	24.12
4	Education for the Special Facility Construction Account This	24.14
5	allocation shall be distributed pursuant to s. 235.435(2),	
6	Florida Statutes.	24.15
7	(g) The sum of \$500,000 to the Department of Education	24.15
8	for planning for construction of facilities and purchase of	24.16
9	equipment for WUFT at the University of Florida.	24.17
10	(h) The sum of \$274,271 to the District School Board	24.17
11	of Broward County for equipment for a community education	24.18
12	facility constructed pursuant to s. 235.196, Florida Statutes.	24.19
13	(i) The sum of \$100,000 to the Board of Trustees of	24.20
14	Brevard Community College for a community education facility	24.21
15	with the City of Cocoa Beach.	
16	(j) The sum of \$4,000,000 to the Board of Trustees of	24.22
17	Daytona Beach Community College for construction of a joint-	24.23
18	use facility with the University of Central Florida.	
19	Notwithstanding the provisions of section 13(3) of chapter 82-	24.24
20	240, Laws of Florida, the proceeds from the sale of the	24.25
21	property at the University of Central Florida Daytona Beach	
22	Center shall be deposited in the Public Education Capital	24.26
23	Outlay and Debt Service Trust Fund.	
24	(k) The sum of \$6,000,000 to the Board of Trustees of	24.27
25	Brevard Community College for construction of a joint-use	24.28
26	facility with the Brevard County School District.	
27	(l) The sum of \$3,512,758 to the Florida School for	24.29
28	the Deaf and the Blind for fire code corrections, general	24.30
29	renovations, and general remodeling.	
30	(m) The sum of \$100,000 to Florida Atlantic University	24.31
31	for planning a science/engineering building and the sum of	24.32

1	\$100,000 to Florida International University for planning a	
2	general classroom/physical science building.	24.33
3	(2)(a) The sum of \$50,205,223 to the school boards of	24.34
4	the 67 school districts for remodeling, renovation,	24.35
5	maintenance, repairs, and site improvement pursuant to s.	
6	235.435(1), Florida Statutes.	24.36
7	(b) The sum of \$60,722,062 for new construction	24.37
8	projects pursuant to s. 235.435(3), Florida Statutes.	24.38
9	(c) The sum of \$1,000,000 to the Board of Regents of	24.39
10	the State University System for asbestos removal, general	24.40
11	renovations, and general remodeling at the laboratory schools	
12	at the University of Florida, Florida State University,	24.42
13	Florida A & M University, and Florida Atlantic University, to	
14	be distributed on the basis of need demonstrated by each	24.43
15	school.	
16	(d) The sum of \$30,000 to the District School Board of	24.44
17	Broward County for planning the construction of community	24.45
18	education facilities with the City of Coral Springs.	24.46
19	(e) The sum of \$760,712 to the Division of Blind	24.47
20	Services for maintenance, repairs, and construction	24.48
21	recommended by the Commissioner of Education.	
22	(f) The sum of \$198,416,664 to the Department of	24.49
23	Education for debt service retirement on bonds issued pursuant	24.50
24	to the provisions of s. 9(a)(2) and (d), Art. XII of the State	
25	Constitution, as amended.	24.51
26	(3)(a) The sum of \$3,182,561 to the boards of trustees	24.52
27	of the 28 community colleges for remodeling, renovation,	24.53
28	maintenance, repairs, and site improvement pursuant to s.	
29	235.435(1), Florida Statutes.	24.54
30	(b) The sum of \$20,309,665 to the boards of trustees	24.55
31	of the 28 community colleges for the following projects:	24.56

1	1. Polk - collegewide improvements	339,965	
2	2. Broward - collegewide improvements	2,360,600	
3	3. Seminole - collegewide improvements	716,859	
4	4. Miami-Dade - collegewide utility and		24.59
5	HVAC improvements	1,230,000	
6	5. Gulf Coast - lighting	223,699	
7	6. Santa Fe - collegewide improvements	750,000	
8	7. St. Petersburg - general renovations	836,200	
9	8. Florida Keys - equipment upgrade and		24.63
10	replacement	45,000	
11	9. St. Johns River - asbestos		24.64
12	removal and renovations	76,700	
13	10. North Florida - remodel and equipment		24.65
14	upgrade	84,417	
15	11. Lake City - remodel tech building for		24.67
16	classrooms	61,448	
17	12. Okaloosa-Walton - remodel tech building		24.68
18	classrooms to labs	150,000	
19	13. Indian River - administration building	660,000	
20	14. Pasco-Hernando - learning resource		24.69
21	center, north	1,546,910	
22	15. Chipola - general renovations and		24.71
23	window replacement	2,148,365	
24	16. Santa Fe - planning performing		24.72
25	arts center	450,000	
26	17. Valencia - Module 7	5,845,502	
27	18. Hillsborough - plan Brandon campus	250,000	
28	19. Hillsborough - Plant City		24.75
29	joint-use building	2,000,000	
30	20. Tallahassee - collegewide improvements	534,000	
31			

1	(c) The sum of \$1,250,000 to the Board of Trustees of	24.78
2	Valencia Community College for completion of a joint-use	24.79
3	campus with the Osceola School Board.	24.80
4	(4)(a) The sum of \$10,628,106 to the Board of Regents	24.80
5	of the State University System for remodeling, renovation,	24.81
6	maintenance, repairs, and site improvement pursuant to s.	24.82
7	235.435(1), Florida Statutes. The Board of Regents shall have	24.83
8	the authority to approve amendments to project lists in order	
9	to accomplish emergency projects. Emergency projects shall be	25.1
10	limited to those projects which:	
11	1. Correct hazardous conditions	25.2
12	2. Result in prevention of further deterioration of	25.2
13	facilities.	25.3
14	3. Accomplish improvements required to permit	25.3
15	continued use of the facility.	25.4
16	(b) The sum of \$27,747,000 for the following projects:	25.4
17	1. USP - loan to replace defective panels in	25.5
18	business building	2,400,000
19	2. FAMU - loan from PECO to renovate	25.6
20	cafeteria commons building	1,025,000
21	3. UCF - solar energy model home - planning	135,000
22	4. FIU - Bay Vista library - equipment	450,000
23	5. UF - utility correction - planning	500,000
24	6. FSU/FAMU - engineering - construction	12,000,000
25	7. UF - engineering - equipment	2,000,000
26	8. USP - Sarasota library - equipment	327,000
27	9. FAMU - presidential home	250,000
28	10. FIU - engineering - planning	700,000
29	11. UF/IFAS - Immokalee center - construction	25.14
30	and equipment	2,200,000
31		

1	12. USF - medical center overpass	760,000	
2	13. UNF - Jack Mathews computer		25.16
3	science - planning	500,000	
4	14. UNF - pool enclosure	1,500,000	
5	15. UF - police station addition	1,000,000	
6	(c) The sum of \$125,000 to the Board of Regents of the		25.19
7	State University System for planning for an addition to the		25.20
8	University of Florida Law School structure.		25.21
9	(d) The sum of \$546,165 to the Board of Trustees of		25.21
10	the Florida School for the Deaf and the Blind for planning for		25.22
11	a multihandicap facility.		
12	(e) The sum of \$400,000 to the Board of Regents of the		25.23
13	State University System for planning a new chemistry facility		
14	at the University of Florida.		25.24
15	(f) The sum of \$3,000,000 for purchase of land		25.24
16	adjacent to Daytona Beach Community College.		25.25
17	(g) The sum of \$2,000,000 to the Board of Regents of		25.25
18	the State University System for construction of academic space		25.26
19	at the University Hospital in Jacksonville.		
20	(h) Of the funds provided pursuant to chapter 83-333,		25.28
21	Laws of Florida, \$101,950 is hereby reappropriated to the		
22	Brevard County School Board for deinstitutionalization of the		25.30
23	Sunland Training Centers.		
24	(i) The Board of Trustees of Daytona Beach Community		25.31
25	College is authorized to accept donations of land or purchase		
26	additional property from funds other than those provided in		25.32
27	this section for potential future campus sites.		25.33
28	(j) Of the funds provided pursuant to chapter 83-333,		25.34
29	Laws of Florida, \$600,000 is hereby reappropriated to the		
30	Board of Regents of the State University System pursuant to		25.35
31			

1	the provisions of section 4(4), chapter 83-333, Laws of	25.36
2	Florida.	
3	(k) Of the funds provided pursuant to chapter 83-333,	25.37
4	Laws of Florida, \$1,410,000 is hereby reappropriated to the	25.38
5	Board of Trustees of Broward Community College for collegewide	
6	improvements.	25.39
7	(l) Of the funds provided pursuant to chapter 83-333,	25.39
8	Laws of Florida, \$94,566 is hereby reappropriated to the	25.40
9	Washington County School Board for new construction.	25.41
10	(m) Notwithstanding the provisions of section 1(1)(d)	25.41
11	of chapter 84-542, Laws of Florida, the provisions relating to	25.42
12	matching funds are hereby repealed.	25.43
13	(n) Notwithstanding the provisions of section 1(3)(d)	25.43
14	of chapter 84-542, Laws of Florida, the funds specified shall	25.44
15	be allocated to the University of Florida for a project within	
16	the College of Arts and Sciences.	25.45
17	(o) The remaining balance, plus interest, of the	25.45
18	\$2,700,000 appropriated by the 1982 Legislature in section 4	25.46
19	of chapter 82-240, Laws of Florida, to the Conservation and	25.47
20	Renewable Energy Construction Account of the Public Education	
21	Capital Outlay and Debt Service Trust Fund is hereby	25.48
22	reappropriated for the original intent and purpose.	25.49
23	(p) From the funds provided in this section for the	25.49
24	pool enclosure at the University of North Florida up to	25.50
25	\$200,000 may be used for planning for the Northeast Fire	
26	Training Center at Florida Junior College.	25.51
27	Section 24. Section 235.065, Florida Statutes, is	25.52
28	hereby repealed.	
29	Section 25. Notwithstanding the provisions of chapter	25.53
30	81-223, Laws of Florida, as amended by chapter 84-349, Laws of	25.54
31	Florida, chapter 82-137, Laws of Florida, chapter 82-240, Laws	

1	of Florida, and chapter 83-326, Laws of Florida, sections	25.56
2	235.001, 235.002, 235.01, 235.011, 235.014, 235.018, 235.02,	
3	235.04, 235.05, 235.055, 235.056, 235.06, 235.09, 235.14,	25.57
4	235.149, 235.15, 235.155, 235.16, 235.18, 235.19, 235.193,	25.58
5	235.195, 235.196, 235.197, 235.211, 235.212, 235.222, 235.26,	
6	235.30, 235.31, 235.32, 235.321, 235.33, 235.34, 235.40,	25.59
7	235.42, and 235.435, Florida Statutes, are not repealed on	
8	July 1, 1985, as scheduled by said acts, and notwithstanding	25.61
9	the provisions of chapter 83-208, Laws of Florida, section	
10	235.06, Florida Statutes, is not repealed on July 1, 1993, as	25.62
11	scheduled by said act, but said sections as amended by this	25.63
12	act are hereby revived and readopted.	
13	Section 26 Chapter 235, Florida Statutes, is repealed	25.64
14	on July 1, 1995, and shall be reviewed by the Legislature	25.65
15	prior to such date.	
16	Section 27 This act shall take effect July 1, 1985;	25.66
17	however, if this act does not become a law until after July 1,	25.67
18	1985, it shall operate retroactively to that date.	
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HOUSE SUMMARY

Amends various provisions of chapter 235, P.S., relating to educational facilities. Revives and readopts provisions scheduled for repeal. Authorizes and provides funding for specified public educational capital outlay projects.

1:hbs
1:hbs
25.70
25.71
25.72

LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Sess. Law # <i>85-116</i>	Sec. #	LOF cite
Prime Bill # <i>SB 848</i>	Comp./Sim. Bills <i>HB. 1382</i>	
JLMC Hist. Cites	Senate <i>109-10</i> House <i>180</i>	Comms. of Ref. Senate <i>EduC</i> House <i>Approps (educ)</i>

COMMITTEE RECORDS

H/S	Committee	Year	Record Series: Folder title, etc.	Loc. Cite	✓
H	<i>Educ</i>	<i>1985</i>	<i>Bill files: HB 1382</i>	<i>No file</i>	
"	"	"	<i>SB 848 introduced in (H)</i>	<i>19/1461</i>	<i>Φ</i>
"	<i>Approps</i>	<i>1985</i>	<i>Bill files: HB 1382 (educ only)</i>	<i>19/1403</i>	<i>Φ</i>
S	<i>Educ</i>	<i>1985</i>	<i>Bill file SB 848</i>	<i>18/1478</i>	
<input type="checkbox"/> continued on reverse					

Senate/House Journals

Page #	?	Date	Page #	?	Date
<i>HJ 375</i>		<i>Mar 15, 1985 (HB 1382)</i>	<i>H 80</i>		<i>Mar 29, 1985 (SB 848)</i>
<i>J. 404</i>		<i>Mar 23, 1985 (SB 848)</i>			

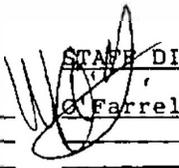
Committee/Floor Tapes

H/S	c/f	Committee/subcommittee name	Date	#	Location Cite

Other Documentation

Record Series Title, folder title, etc.	Location Cite

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>O'Farrell</u>	 <u>O'Farrell</u>	1. <u>ed</u>	<u>Fav/CS</u>
2. _____	_____	2. <u>ap</u>	_____
3. _____	_____	3. _____	_____

SUBJECT:

Capital Outlay Millage

BILL NO. AND SPONSOR:

CSSB 848 by
Senator Peterson and others

I. SUMMARY:

A. Present Situation:

Almost all sections of Chapter 235, Florida Statutes, were repealed effective July 1, 1985, by Chapter 81-223, Laws of Florida, as amended; Chapter 82-137, Laws of Florida; Chapter 82-240, Laws of Florida; and Chapter 83-326, Laws of Florida.

Under the present law, allocation of new construction funds to the public school districts is based on three calculations: the number of instruction units in 1967-68; the number of growth units up to and including fiscal year 1978-79; and the number of new growth units from 1979-80 through 1984-85. The total public school funds available for new construction are divided into thirds, and each district receives its share in the same proportion their base units, growth units, and new growth units are of the total for each of the three time periods.

New construction projects for community colleges, the state university system, public broadcasting facilities, the Division of Blind Services, and for the Florida School for the Deaf and the Blind are funded as individual projects.

In addition to new construction projects, funds are appropriated for other specific types of projects, e.g., community education, joint-use facilities, science facilities, etc., and for the Special Facilities Construction Account. This account is 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 three years, to construct an entire educational facility. Qualifying school districts may submit one construction project request and must submit a binding resolution promising to levy the full amount of local optional ad valorem taxes for the next three years to raise the district's share of the cost of the project.

Present law also provides guidelines and requirements for contracting, construction standards, plant surveys, standards and procedures for the inspection of facilities, long range planning, joint-use facilities, and the functions and the funding of the Office of Educational Facilities.

B. Effect of Proposed Changes:

1. The repeal of Chapter 235 by Chapter 81-223, Laws of Florida, as amended; Chapter 82-137, Laws of Florida; Chapter 82-240, Laws of Florida; and Chapter 83-326, Laws of Florida is repealed.

2. The public school allocation formula for new construction funds is changed. The method for counting growth in membership is changed from an instructional unit basis to a capital outlay full-time-equivalent student (FTE) basis. The existing three growth time periods are replaced by three more recent time periods and provision is made to roll these periods forward so they continue to emphasize those counties with the most recent growth.
3. Definitions of terms related to education construction projects are deleted for the following: educational capital outlay needs, improved educational environment and relocatable facility. New terms are defined. These include: ancillary plant, auxiliary facility, feasibility study, long-range planning, need determination, site, site development, site improvement, and site improvement incident to construction. The definitions for other terms are amended.
4. The activities assigned to the Office of Educational Facilities are amended.
5. Responsibility for fire safety inspections is clarified.
6. The procedure for requesting construction funds for joint-use facilities to be used by two or more educational boards is amended. Determination of the amount of state funds for which such facilities qualify is amended to reflect only that portion of the facility actually to be jointly used, up to a maximum of 50 percent of the cost of the total project.
7. The provisions relating to requesting and funding community education facilities are amended. Such projects would be required to be located on grounds owned or leased by an education agency. The request must detail how the facility will be used in the regularly scheduled instructional program. The local match would no longer be allowed to be just the value of the land on which the facility would be constructed. State funding may also be provided for less than one-half of the total cost if the facility is not to be used at least one-half of the time by the educational board requesting the project.
8. The State Board of Education is authorized to transfer title of state-owned relocatable facilities to local boards on the basis of need and availability.
9. Language relating to educational facilities design and prequalification of contractors, also contained in State Board of Education rules, is repealed.
10. Language relating to low-energy use design is amended to allow facilities to be designed for natural ventilation or a combination of natural and low-energy usage mechanical ventilation.
11. Language relating to educational plants is amended to include ancillary facilities; i.e., administrative, maintenance and warehouse type buildings.
12. Existing language relating to contracting with minority construction companies is amended to clarify that up to 10 percent of the total amount of funds allocated may be set aside for such purposes.
13. Language limiting the value of projects which can be completed on a day-labor basis are increased from \$50,000

to \$100,000. For projects on which no bids are received, the limit is raised from \$100,000 to \$200,000 for a day-labor basis.

14. Language relating to expending funds for placement, paving or maintaining any road, byway or sidewalk is amended to specify that the location of such project must be on property contiguous to or running through the education plant grounds.
15. Submission of long-range plans is defined as a 3-year plan.
16. Sources of funds which make up The Public Education Capital Outlay and Debt Service Trust Fund are amended to include General Revenue appropriated to the fund and to delete federal revenue sharing or federal grants and donations.
17. Language passed by the 1984 Legislature amending Section 235.435, F.S., is deleted although it is not scheduled to become law until July 1, 1985.

The major provision affected is the requirement that local school boards would have had to levy the full 1.5 local optional ad valorem tax in order to receive any state PECO funds. This requirement is eliminated and will not become law.

18. Section 235.065 is repealed. This required the office to develop a maintenance manual to serve as a guide for boards.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

No additional General Revenue is required to fund this bill.

No additional taxes to generate revenue for the trust fund are addressed by this bill.

The allocation of resources collected in the Public Education Capital Outlay and Debt Service Trust Fund is amended for the public school sector only. The new allocation formula would affect the relationship of one district's share compared to another district's share of the new construction funds appropriated by the Legislature, but would not increase or decrease the total amount available for public school new construction projects. No additional local funds are required in order to receive state PECO funds. No significant additional local reporting is required. The dollar value of projects which can be completed on a day-labor basis is raised from \$50,000 to \$100,000. If no bids are received on a project, the board may construct up to a \$200,000 project on a day-labor basis. This is an increase from the existing limit of \$100,000.

In order to participate in a community education project pursuant to Section 235.196, F.S., the local governmental agency is required to provide matching funds in other ways than the value of land on which to construct the project, unless the land is being purchased as part of the project.

The language enacted by the 1984 Legislature requiring local school boards to levy the 1.5 mills of ad valorem taxes before being eligible to receive PECO funds is repealed.

III. COMMENTS:

This act shall take effect upon becoming law or, if it becomes a law after July 1, 1985, it shall operate retroactively to that date.

SUMMARY BY SECTION OF PROPOSED BILL

- | | | |
|-------------|------------|---|
| Section 1. | s. 235.001 | No substantive change. |
| Section 2. | s. 235.002 | No substantive change. |
| Section 3. | s. 235.011 | Definitions are added for ancillary plant, auxiliary facility, feasibility study, long-range planning, need determination, site, site development, site improvement, and site improvement incident to construction. Definitions are deleted for educational capital outlay needs, improved educational environment and relocatable facility. Other definitions are clarified. |
| Section 4. | s. 235.014 | Deletes requirement for boards to submit certain reports. Clarifies duties of the office. Establishes guidelines for determining the amount of funds the State Board of Community Colleges and Board of Regents are to plan for in developing the required 3-year priority list. |
| Section 5. | s. 235.04 | Changes the date by which boards must receive appraisals to coincide with the receipt of bids when disposing of property. |
| Section 6. | s. 235.054 | Amends language to include community college boards in the existing methods of purchasing real property. |
| Section 7. | s. 235.055 | Amends language to include the Board of Regents in procedures for leasing property. |
| Section 8. | s. 235.06 | Clarifies language relating to fire safety inspection, reports and procedures to follow when deficiencies are noted. Authorizes a board employee who is certified by the Division of the State Fire Marshal to conduct inspections. Includes ancillary plants in inspections. |
| Section 9. | s. 235.15 | Includes ancillary plants in survey recommendations and inventories of facilities. |
| Section 10. | s. 235.193 | Repeals subsection (4) which empowers a local governing body to reject development plans when public school facilities are not available in an area. |
| Section 11. | s. 235.195 | Establishes specific criteria upon which to evaluate joint-use facilities. Specifies levels of funding to reflect the actual percentage of total space which is to be jointly used. Requires approval by state boards as appropriate. |

-
- Section 12. s. 235.196 Establishes specific criteria upon which to evaluate community education facilities. Sites must be owned by the education agency or leased by the agency for 40 years or the life of the facility, whichever is longer. Land value may not be used for the match provided by local governments unless the land is to be purchased for the site. The facility must be used as a part of the regular daily schedule of the students. Requests for community colleges and universities must be approved by the appropriate state level board. Funding may be provided for less than one-half of the total cost if the facility will not be used at least one-half of the time for educational activities.
- Section 13. s. 235.197 Language relating to relocatable facilities is repealed. The State Board of Education is authorized to transfer title of relocatables to boards on the basis of need.
- Section 14. s. 235.211 The language which has been repealed has never been used.
- Section 15. s. 235.212 In addition to natural ventilation the use of low-energy mechanical ventilation devices is authorized in developing plans for school construction in addition to natural ventilation.
- Section 16. s. 235.26 Technical changes are made to clarify the uniform building code references and to require the inclusion of ancillary plants and relocatables in meeting the code. The length of time for which plans are approved to be used is changed from three years to one year.
- Section 17. s. 235.30 Language is amended to specify certain types of construction activities must be supervised.
- Section 18. s. 235.31 The value of projects which can be completed on a day-labor basis is increased from \$50,000 to \$100,000. The value of projects which may be done on a day-labor basis if no bids are received is increased from \$100,000 to \$200,000.
- Language allowing the optional set aside for minority business of up to 10 percent of the total amount of funds allocated for a project is clarified.
- Language relating to prequalification of contractors is repealed, because it is presently in rule.
- Section 20. s. 235.32 No substantive change.
- Section 21. s. 235.33 No substantive change.
- Section 22. s. 235.34 Clarifies the location of roads, byways and sidewalks which boards may expend funds to pave or maintain to be those which are contiguous to or running through the property of an educational plant. Makes such expenditures permissive instead of mandatory.

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- Section 23. s. 235.41 Changes long-range plans to 3-year plans. Removes some reporting requirements. Clarifies data to be provided to the office.
- Section 24. s. 235.42 Empowers the Commissioner of Education to allocate and reallocate PECO funds as authorized by the Legislature. Provides that General Revenue appropriated for educational capital outlay purposes shall be deposited in the PECO Trust Fund. Eliminates the deposit of federal funds into the trust fund.
- Section 24. s. 235.435 Requires boards to continue expending at least the current percent of their operating budget for remodeling, renovation, maintenance, repair, and site improvement.
- Amends the procedure for allocating the public school new construction funds appropriated by the Legislature. Changes the fiscal years used to determine growth periods. Changes the method of counting growth from units to individual FTE students.
- Repeals language adopted by the 1984 Legislature which required the levy of 1.5 mills of local ad valorem taxes in order to receive any PECO funds.
- Section 25. s. 235.065 Repealed. The required manual has been developed.
- Section 26. Chapter 235 Revives and readopts as amended all of the appropriate sections of Chapter 235.
- Section 27. Chapter 235 Repeals all of Chapter 235 effective July 1, 1995. Provides for legislative review prior to that date.
- Section 28. Provides an effective date.

IV. AMENDMENTS:

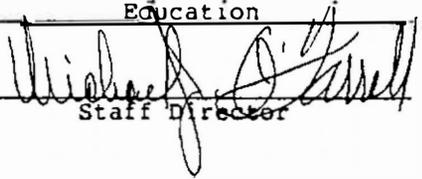
None.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR SENATE BILL 848

In addition to numerous technical changes, the committee substitute: reestablishes the authority of education agencies to enter into lease or lease-purchase agreements for education facilities, requires a prospective joint-use facility to appear on the project priority lists of all postsecondary agencies party to the agreement, deletes the requirement that the State Board of Education approve the establishment of college or university centers, requires plans for all relocatable classroom structures to be approved by the Office of Education Facilities, empowers the Commissioner of Education to allocate or reallocate Public Education Capital Outlay and Debt Service Trust Funds as authorized by the Legislature, authorizes agreements of more than two educational agencies to participate in a joint-use facility, and changes the requirement in the bill that a community use facility be on land owned by an education agency or contiguous to a school plant to a requirement that the facility be on land owned or leased by the education agency.

Committee on

Education


Staff Director

SENATE AMENDMENT

CS/SB 848

HB _____

Senator.....moved the following
.....amendment.....which was adopted:
which failed:

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Amendment

On page, line, strike

everything after the enacting clause

18 1476

and insert:

Section 1. Section 235.001, Florida Statutes, is amended to read:

235.001 Short title.--This act shall be known and cited as the "Educational Facilities Act of 1981."

Section 2. Subsections (1) and (4) of section 235.002, Florida Statutes, are amended to read:

235.002 Intent.--The intent of the Legislature is:

(1) To provide guarantee to each student in the public education system the availability of an educational environment appropriate to his educational needs which is substantially equal to that available to any similar student, notwithstanding geographic differences and varying local economic factors, and to provide facilities for the Florida School for the Deaf and the Blind and other educational institutions and agencies as may be defined by law.

(4) To provide a systematic plan for educational construction whereby sites may be acquired, educational requirements formulated, and construction documents ~~architectural plans and specifications~~ developed so as to

SENATE AMENDMENT

CS/SB 848

HB _____

1 235.055 Construction of facilities on leased property;
2 conditions.--

3 (1) Boards, including the Board of Regents, are
4 authorized, when such action is approved by the State Board of
5 Education, to construct educational facilities on land which
6 is owned by a federal, state, county, ~~or~~ municipal
7 governmental agency, or direct-support organization as defined
8 in s. 240.299, after the board has acquired from the owner of
9 the land a long-term lease for the use of this land for a
10 period of not less than 10 years or the life expectancy of the
11 permanent facilities constructed thereon, whichever is longer.

12 (2) A board, including the Board of Regents, is
13 authorized, when such action is approved by the office, to
14 enter into a short-term lease for the use of land owned by any
15 of the entities enumerated in subsection (1), on which
16 temporary or relocatable facilities are to be utilized.

17 (3) Pursuant to state board rules, a board, including
18 the Board of Regents, is authorized to enter into a short-term
19 lease for the use of land and buildings on which capital
20 improvements may be made.

21 Section 8. Section 235.06, Florida Statutes, is
22 amended to read:

23 235.06 Safety and sanitation standards and inspection
24 of property.--The State Board of Education is empowered and
25 directed to adopt and administer rules prescribing standards
26 for the safety and health of occupants of educational and
27 ancillary plants as a part of the State Uniform Building Code
28 for Public Educational Facilities Construction as provided in
29 s. 235.26, the provisions of chapter 633 to the contrary
30 notwithstanding. These standards shall be used by all public
31 agencies when inspecting public educational and ancillary

SENATE AMENDMENT

CS/SB 848

HB _____

1 plants facilities. In accordance with such standards, each
 2 board shall prescribe policies and procedures establishing a
 3 comprehensive program of safety and sanitation for the
 4 protection of occupants of public educational and ancillary
 5 plants facilities. Such policies shall contain procedures for
 6 periodic inspections as prescribed herein and for withdrawal
 7 of any educational and ancillary plant, or portion thereof,
 8 from use until unsafe or unsanitary conditions are corrected
 9 or removed.

(1) PERIODIC INSPECTION OF PROPERTY BY THE BOARD.--

11 (a) Each board shall provide for periodic inspection
 12 of each educational and ancillary plant at least once during
 13 each fiscal year to determine compliance with standards of
 14 sanitation and casualty safety prescribed in the rules of the
 15 state board. Such inspection shall be conducted by persons
 16 certified by the office, ~~and, for firesafety inspections, by~~
 17 ~~persons certified by the State Fire Marshal.-- Annual~~
 18 ~~firesafety inspections shall be conducted by the Division of~~
 19 ~~State Fire Marshal of the Department of Insurance.~~

20 (b) Firesafety inspections shall be made annually of
 21 each educational and ancillary plant by the Department of
 22 Insurance by persons certified by that agency to be eligible
 23 to conduct firesafety inspections in public educational and
 24 ancillary plants. If the Division of State Fire Marshal is
 25 unable to conduct any firesafety inspection, upon approval of
 26 the division, such inspection shall be conducted by a local
 27 fire department official or board employee who has
 28 successfully completed the required training courses and has
 29 been certified by the Division of State Fire Marshal as a
 30 firesafety inspector. ~~A copy of each inspection report shall~~
 31 ~~be forwarded from the board to the commissioner.-- A copy of~~

SENATE AMENDMENT

CS/SB 848

HB _____

1 ~~the firesafety inspection report only shall be forwarded from~~
2 ~~the board to the State Fire Marshal.--Each report~~
3 (c) Copies of all reports shall be submitted to the
4 commissioner by the end of each fiscal year. In each report
5 the board shall include a plan of action and a schedule for
6 the correction of each deficiency. If immediate life-
7 threatening major deficiencies are noted in any inspection,
8 the board shall either take action to promptly correct such
9 deficiencies or withdraw the educational or ancillary plant
10 from use until such time as the deficiencies are corrected.
11 The State Board of Education shall be responsible for the
12 enforcement of this subsection.

13 (2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC
14 AGENCIES.--A safety or sanitation inspection of any
15 educational or ancillary plant may be made at any time by the
16 Department of Education or any other state or local agency
17 authorized or required to conduct such inspections by either
18 general or special law. Such inspections shall be conducted
19 by staff members of the agency or by local personnel certified
20 by the office, and inspections for firesafety shall be
21 conducted by persons certified by the State Fire Marshal.
22 Each agency conducting inspections shall use the standards
23 adopted by the State Board of Education in lieu of, and to the
24 exclusion of, any other inspection standards prescribed either
25 by statute or administrative rule, the provisions of chapter
26 633 to the contrary notwithstanding. The agency shall submit
27 a copy of the inspection report to the board, and the board
28 shall forward copies as required in paragraph subsection
29 (1)(c).

1 (3) CORRECTIVE ACTION.--Upon failure of the board to
2 take corrective action within a reasonable time, the agency
3 making the inspection may request the commissioner to:

4 (a) Order that appropriate action be taken to correct
5 all deficiencies in accordance with a schedule determined
6 jointly by the inspecting authority and the board; in the
7 development of such schedule, consideration shall be given to
8 the seriousness of the deficiencies and the ability of the
9 board to obtain the necessary funds; or

10 (b) After 30 calendar days' notice to the board, order
11 all or a portion of the educational or ancillary plant
12 withdrawn from use until the deficiencies are corrected.

13 Section 9. Section 235.15, Florida Statutes, is
14 amended to read:

15 235.15 Educational plant survey required.--At least
16 every 5 years, each board, including the Board of Regents,
17 shall arrange for an educational plant survey, to aid in
18 formulating plans for housing the educational program and
19 student population, faculty, administrators, staff, and
20 auxiliary and ancillary services of the district or campus.
21 Each survey shall be conducted by the Department of Education
22 or an agency approved by the commissioner. Surveys conducted
23 by agencies other than the Department of Education shall be
24 reviewed and approved by the commissioner. The survey report
25 shall include at least an inventory of existing educational
26 and ancillary plants; recommendations for existing educational
27 and ancillary plants; recommendations for new educational or
28 ancillary plants, including the general location of each; and
29 such other information as may be required by the rules of the
30 State Board of Education. An official copy of each survey
31 report shall be filed by the board with the office. This

85-116

**S 848 GENERAL BILL/CS/ENG by Education, Peterson and others
(Similar ENG/H 1362, Compare H 496, H 814, ENG/H 1340, CS/S 562,
S 835, S 1207)**

Educational Facilities (PECO), provides for functions of Educational Facilities Office of D.O.E.; amends minimum utilization rate for postsecondary classrooms, provides for disposal of real property by certain educational boards, provides procedures for proposed purchases of real property by certain boards, authorizes certain construction on short-term leased property by Bd of Regents, etc Amends Ch 203, 235; repeals 235 065, 193(4), creates 235 436, 203 60-.63. Appropriation Effective Date 06/14/85

04/10/85 SENATE Filed
04/19/85 SENATE Introduced, referred to Education, Appropriations -SJ 131
04/29/85 SENATE On Committee agenda—Education, 05/01/85, 9 00 am, Room A
05/01/85 SENATE Comm. Report. CS by Education -SJ 240; CS read first time 05/07/85 -SJ 223
05/02/85 SENATE Now in Appropriations -SJ 240
05/13/85 SENATE Extension of time granted Committee Appropriations
05/23/85 SENATE Withdrawn from Appropriations, Placed on Special Order Calendar to be considered at 4 30 pm -SJ 404, CS passed as amended. YEAS 34 NAYS 0; Immediately certified -SJ 413
05/24/85 HOUSE In Messages
05/29/85 HOUSE Received, placed on Calendar, Read second time -HJ 800; Amendments adopted; Read third time; Passed as amended, YEAS 113 NAYS 0 -HJ 814
05/29/85 SENATE In Messages, Refused to concur; Conference Committee requested, Conference Committee appointed Subcommittee A—Sen Neal, Thomas, Gordon, Beard, Alt. Jenne; Subcommittee B—Sen Castor, Kirkpatrick, Peterson, Alt Grizzle & Hair; Subcommittee C—Sen. Mann, Fox, Langley, Alt Stuart -SJ 672
05/29/85 HOUSE In Messages
05/30/85 HOUSE Refused to recede, requests Senate concur/appoint Conference Comm -HJ 888; Conference Committee appointed: Rep Bell, Crotty, Easley, Gallagher, Gardner, Gordon, Hodges, Lippman, Messersmith, Mills, Morgan, Ogden -HJ 888, Alta Wetherell, Carpenter, Burnsed -HJ 888
05/30/85 SENATE In Messages, Conference Committee Report received -SJ 876, Conference Committee Report adopted, Passed as amended by Conference Committee Report, YEAS 40 NAYS 0 -SJ 892
05/30/85 HOUSE In Messages, Conference Committee Report received -HJ 1021, Conference Committee Report adopted; Passed as amended by Conference Committee Report; YEAS 118 NAYS 0 -HJ 1037
05/30/85 Ordered engrossed, then enrolled -SJ 969
06/07/85 Signed by Officers and presented to Governor
06/14/85 Governor vetoed specific Line Items and proviso language, Approved by Governor; Chapter No. 85-116

85-116

**S 848 GENERAL BILL/CS/ENG by Education; Peterson and others
(Similar ENG/H 1382, Compare H 496, H 814, ENG/H 1340, CS/S 582,
S 835, S 1207)**

Educational Facilities (PECO), provides for functions of Educational Facilities Office of D O E., amends minimum utilization rate for postsecondary classrooms, provides for disposal of real property by certain educational boards, provides procedures for proposed purchases of real property by certain boards, authorizes certain construction on short-term leased property by Bd of Regents, etc Amends Ch 203, 235, repeals 235.065, 193(4), creates 235 436, 203 60- 63 Appropriation. Effective Date 06/14/85

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04/19/85 SENATE Introduced, referred to Education, Appropriations -SJ 131
04/29/85 SENATE On Committee agenda—Education, 05/01/85, 9:00 am, Room A
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05/13/85 SENATE Extension of time granted Committee Appropriations
05/23/85 SENATE Withdrawn from Appropriations, Placed on Special Order Calendar to be considered at 4 30 pm -SJ 404, CS passed as amended; YEAS 34 NAYS 0, Immediately certified -SJ 413
05/24/85 HOUSE In Messages
05/29/85 HOUSE Received, placed on Calendar; Read second time -HJ 800; Amendments adopted, Read third time, Passed as amended, YEAS 113 NAYS 0 -HJ 814
05/29/85 SENATE In Messages, Refused to concur; Conference Committee requested, Conference Committee appointed Subcommittee A—Sen Neal, Thomas, Gordon, Beard, Alt. Jenne, Subcommittee B—Sen Castor, Kirkpatrick, Peterson, Alt Grizzle & Hair, Subcommittee C—Sen Mann, Fox, Langley, Alt. Stuart -SJ 672
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05/30/85 Ordered engrossed, then enrolled -SJ 969
06/07/85 Signed by Officers and presented to Governor
06/14/85 Governor vetoed specific Line Items and proviso language, Approved by Governor; Chapter No 85-116

Section 28. Present sections 203.01-203.10, Florida Statutes, are hereby designated as part I of chapter 203, Florida Statutes.

Section 29. Subsection (1) of section 203.01, Florida Statutes, 1984 Supplement, is amended to read:

203.01 Tax on gross receipts for utility services.--

(1) Every person, including a municipal corporation, that receives payment for electricity for light, heat, or power; for natural or manufactured gas for light, heat, or power; and for telecommunication services ~~and for the sending of telegrams and telegraph messages~~ shall report quarterly to the Department of Revenue, not later than January 31 for the 3 months ending December 31, not later than April 30 for the 3 months ending March 31, not later than July 31 for the 3 months ending June 30, and not later than October 31 for the 3 months ending September 30, under oath of the secretary or some other officer of such person, the total amount of gross receipts derived from business done within this state, or between points within this state, for the preceding 3 months and, at the same time, shall pay into the State Treasury an amount equal to 1.5 percent the sum of \$1.50 upon each \$100 of such gross receipts. Such collections shall be certified by the Comptroller upon the request of the State Board of Education

Section 30. Paragraph (b) of subsection (2), paragraph (a) of subsection (4), and subsection (5) of section 203.012, Florida Statutes, 1984 Supplement, are amended to read:

203.012 Definitions.--As used in this chapter:

(2)

(b). Gross receipts for telecommunication services do not include:

Additions in text are indicated by underline; deletions by ~~strikes~~

1. Charges for customer premises equipment, including such equipment that is leased or rented by the customer from any source;

2. Charges made to the public for commercial or cable television, unless it is used for two-way communication; however, if such two-way communication service is separately billed, only the charges made for two-way communication service will be subject to tax hereunder;

3. Charges made by hotels and motels, which are required under the provisions of s. 212.03 to collect transient rentals tax from tenants and lessees, for local telephone service or toll telephone service, when such charge occurs incidental to the right of occupancy in such hotel or motel; or

4. Connection and disconnection charges; move, or change charges; suspension of service charges; and service order, number change, and restoration charges.

5. Any tax collected pursuant to part II of this chapter.

(4) The term "private communication service" means:

(a) A communication service furnished to a subscriber or user that entitles the subscriber or user to exclusive or priority prior use of a communication channel or groups of channels, or to the use of an intercommunication system for the subscriber's stations, regardless of whether such channel, groups of channels, or intercommunication system may be connected through switching with a service described in subsection (3), subsection (6), or subsection (7);

(5) The term "telecommunication service" means local telephone service, toll telephone service, telegram or telegraph service, teletypewriter or computer exchange

Additions in text are indicated by underline; deletions by ~~strike~~.

service, private communication service, cellular mobile telephone or telecommunication service, specialized mobile radio, and pagers and paging service, including but not limited to "beepers" and any other form of mobile and portable one-way or two-way communication.

Section 31, Subsection (1) of section 203.013, Florida Statutes, 1984 Supplement, is amended to read:

203.013 Telecommunication services; assessment;
 apportionment of business done within this state with respect to interstate telecommunication services.

(1)(a) Except as provided in subsection (2), the tax on gross receipts from the provision of telecommunication services when the communication originates but does not terminate in this state and terminates in another state, or originates in another state and terminates but does not originate in this state and the charge for such communication is billed or charged to a Florida telecommunications number or device, Florida telephone number or telephone, or Florida customer, shall be reported and paid in the same manner as provided in part II, s. 203.01 on the portion of the gross receipts for such interstate telecommunication services which is equal to the sum of:

1. The total access charges paid or payable by the provider for access into the local Florida telephone system for interstate telecommunication services; and

2. The amount determined by multiplying the amount determined by subtracting the total access charges paid or payable by the provider for access into all local telephone systems in the United States for all interstate telecommunication services from the total gross receipts of the provider for all interstate telecommunication services by

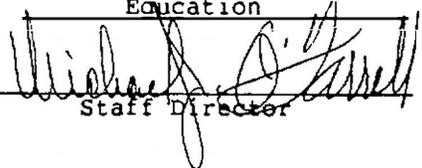
Additions in text are indicated by underling; deletions by ~~deletions~~

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR SENATE BILL 848

In addition to numerous technical changes, the committee substitute: reestablishes the authority of education agencies to enter into lease or lease-purchase agreements for education facilities, requires a prospective joint-use facility to appear on the project priority lists of all postsecondary agencies party to the agreement, deletes the requirement that the State Board of Education approve the establishment of college or university centers, requires plans for all relocatable classroom structures to be approved by the Office of Education Facilities, empowers the Commissioner of Education to allocate or reallocate Public Education Capital Outlay and Debt Service Trust Funds as authorized by the Legislature, authorizes agreements of more than two educational agencies to participate in a joint-use facility, and changes the requirement in the bill that a community use facility be on land owned by an education agency or contiguous to a school plant to a requirement that the facility be on land owned or leased by the education agency.

Committee on

Education


Staff Director

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A bill to be entitled
An act relating to educational facilities;
amending ss. 235.001, 235.002, 235.011,
235.014, 235.04, 235.054, 235.055, 235.06,
235.15, 235.195, 235.196, 235.197, 235.211,
235.212, 235.26, 235.30, 235.31, 235.32,
235.33, 235.34, 235.41, 235.42, 235.435, F.S.;
repealing ss. 235.065, 235.193(4), F.S.;
amending the short title; providing legislative
intent; providing definitions; providing for
functions of the Office of Educational
Facilities of the Department of Education;
amending the minimum utilization rate for
postsecondary classrooms; providing for the
disposal of real property by certain
educational boards; providing procedures for
proposed purchases of real property by certain
boards; authorizing certain construction on
short-term leased property by the Board of
Regents; providing for safety and sanitation
standards and inspection of public educational
and ancillary plants; deleting provision which
empowered a local governing body to reject
residential development plans under certain
circumstances; providing for the cooperative
development and use of facilities by two or
more boards under certain circumstances;
providing procedures and requirements for
requests for moneys to construct certain
community educational facilities; amending
provisions relating to the use of relocatable

1 (2) A board, including the Board of Regents, is
 2 authorized, when such action is approved by the office, to
 3 enter into a short-term lease for the use of land owned by any
 4 of the entities enumerated in subsection (1), on which
 5 temporary or relocatable facilities are to be utilized.

6 (3) Pursuant to state board rules, a board, including
 7 the Board of Regents, is authorized to enter into a short-term
 8 lease for the use of land and buildings on which capital
 9 improvements may be made.

10 Section 8. Section 235.06, Florida Statutes, is
 11 amended to read:

12 235.06 Safety and sanitation standards and inspection
 13 of property.--The State Board of Education is empowered and
 14 directed to adopt and administer rules prescribing standards
 15 for the safety and health of occupants of educational and
 16 ancillary plants as a part of the State Uniform Building Code
 17 for Public Educational Facilities Construction as provided in
 18 s. 235.26, the provisions of chapter 633 to the contrary
 19 notwithstanding. These standards shall be used by all public
 20 agencies when inspecting public educational and ancillary
 21 plants facilities. In accordance with such standards, each
 22 board shall prescribe policies and procedures establishing a
 23 comprehensive program of safety and sanitation for the
 24 protection of occupants of public educational and ancillary
 25 plants facilities. Such policies shall contain procedures for
 26 periodic inspections as prescribed herein and for withdrawal
 27 of any educational and ancillary plant, or portion thereof,
 28 from use until unsafe or unsanitary conditions are corrected
 29 or removed.

30 (1) PERIODIC INSPECTION OF PROPERTY BY THE BOARD.--
 31

1 (a) Each board shall provide for periodic inspection
 2 of each educational and ancillary plant at least once during
 3 each fiscal year to determine compliance with standards of
 4 sanitation and casualty safety prescribed in the rules of the
 5 state board. Such inspection shall be conducted by persons
 6 certified by the office, ~~and for firesafety inspections, by~~
 7 ~~persons certified by the State Fire Marshal. Annual~~
 8 ~~firesafety inspections shall be conducted by the Division of~~
 9 ~~State Fire Marshal of the Department of Insurance.~~

10 (b) Firesafety inspections shall be made annually of
 11 each educational and ancillary plant by the Department of
 12 Insurance by persons certified by that agency to be eligible
 13 to conduct firesafety inspections in public educational and
 14 ancillary plants. If the Division of State Fire Marshal is
 15 unable to conduct any firesafety inspection, upon approval of
 16 the division, such inspection shall be conducted by a local
 17 fire department official or board employee who has
 18 successfully completed the required training courses and has
 19 been certified by the Division of State Fire Marshal as a
 20 firesafety inspector. ~~A copy of each inspection report shall~~
 21 ~~be forwarded from the board to the commissioner. A copy of~~
 22 ~~the firesafety inspection report only shall be forwarded from~~
 23 ~~the board to the State Fire Marshal. Each report~~

24 (c) Copies of all reports shall be submitted to the
 25 commissioner by the end of each fiscal year. In each report
 26 the board shall include a plan of action and a schedule for
 27 the correction of each deficiency. If immediate life-
 28 threatening major deficiencies are noted in any inspection,
 29 the board shall either take action to promptly correct such
 30 deficiencies or withdraw the educational or ancillary plant
 31 from use until such time as the deficiencies are corrected.

1 The State Board of Education shall be responsible for the
2 enforcement of this subsection.

3 (2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC
4 AGENCIES.--A safety or sanitation inspection of any
5 educational or ancillary plant may be made at any time by the
6 Department of Education or any other state or local agency
7 authorized or required to conduct such inspections by either
8 general or special law. Such inspections shall be conducted
9 by staff members of the agency or by local personnel certified
10 by the office, and inspections for firesafety shall be
11 conducted by persons certified by the State Fire Marshal.
12 Each agency conducting inspections shall use the standards
13 adopted by the State Board of Education in lieu of, and to the
14 exclusion of, any other inspection standards prescribed either
15 by statute or administrative rule, the provisions of chapter
16 633 to the contrary notwithstanding. The agency shall submit
17 a copy of the inspection report to the board, and the board
18 shall forward copies as required in paragraph subsection
19 (1)(c).

20 (3) CORRECTIVE ACTION.--Upon failure of the board to
21 take corrective action within a reasonable time, the agency
22 making the inspection may request the commissioner to:

23 (a) Order that appropriate action be taken to correct
24 all deficiencies in accordance with a schedule determined
25 jointly by the inspecting authority and the board; in the
26 development of such schedule, consideration shall be given to
27 the seriousness of the deficiencies and the ability of the
28 board to obtain the necessary funds; or

29 (b) After 30 calendar days' notice to the board, order
30 all or a portion of the educational or ancillary plant
31 withdrawn from use until the deficiencies are corrected.

SB 848
Sen. Peterson

301-219D-85

18 14.17

1 A bill to be entitled
2 An act relating to educational facilities;
3 amending ss. 235.001, 235.002, 235.011,
4 235.014, 235.04, 235.054, 235.055, 235.06,
5 235.15, 235.195, 235.196, 235.197, 235.211,
6 235.212, 235.26, 235.30, 235.31, 235.32,
7 235.33, 235.34, 235.41, 235.42, 235.435, F.S.;
8 repealing ss. 235.056(2), 235.065, 235.193(4),
9 F.S.; amending the short title; providing
10 legislative intent; providing definitions;
11 providing for functions of the Office of
12 Educational Facilities of the Department of
13 Education; amending the minimum utilization
14 rate for postsecondary classrooms; providing
15 for the disposal of real property by certain
16 educational boards; providing procedures for
17 proposed purchases of real property by certain
18 boards; authorizing certain construction on
19 short-term leased property by the Board of
20 Regents; deleting certain provisions relating
21 to lease and lease-purchase of educational
22 facilities by a school board; providing for
23 safety and sanitation standards and inspection
24 of public educational and ancillary plants;
25 deleting provision which empowered a local
26 governing body to reject residential
27 development plans under certain circumstances;
28 providing for the cooperative development and
29 use of facilities by two or more boards under
30 certain circumstances; providing procedures and
31 requirements for requests for moneys to

1 235.055 Construction of facilities on leased property;
2 conditions.--

3 (2) A board, including the Board of Regents, is
4 authorized, when such action is approved by the office, to
5 enter into a short-term lease for the use of land owned by any
6 of the entities enumerated in subsection (1), on which
7 temporary or relocatable facilities are to be utilized.

8 (3) Pursuant to state board rules, a board, including
9 the Board of Regents, is authorized to enter into a short-term
10 lease for the use of land and buildings on which capital
11 improvements may be made.

12 Section 8. Subsection (2) of section 235.056, Florida
13 Statutes, is hereby repealed.

14 Section 9. Section 235.06, Florida Statutes, is
15 amended to read:

16 235.06 Safety and sanitation standards and inspection
17 of property.--The State Board of Education is empowered and
18 directed to adopt and administer rules prescribing standards
19 for the safety and health of occupants of educational and
20 ancillary plants as a part of the State Uniform Building Code
21 for Public Educational Facilities Construction as provided in
22 s. 235.26, the provisions of chapter 633 to the contrary
23 notwithstanding. These standards shall be used by all public
24 agencies when inspecting public educational and ancillary
25 plants facilities. In accordance with such standards, each
26 board shall prescribe policies and procedures establishing a
27 comprehensive program of safety and sanitation for the
28 protection of occupants of public educational and ancillary
29 plants facilities. Such policies shall contain procedures for
30 periodic inspections as prescribed herein and for withdrawal
31 of any educational and ancillary plant, or portion thereof,

1 from use until unsafe or unsanitary conditions are corrected
2 or removed.

3 (1) PERIODIC INSPECTION OF PROPERTY BY THE BOARD.--

4 (a) Each board shall provide for periodic inspection
5 of each educational and ancillary plant at least once during
6 each fiscal year to determine compliance with standards of
7 sanitation and casualty safety prescribed in the rules of the
8 state board. Such inspection shall be conducted by persons
9 certified by the office, ~~and, for firesafety inspections, by~~
10 ~~persons certified by the State Fire Marshal.-- Annual~~
11 ~~firesafety inspections shall be conducted by the Division of~~
12 ~~State Fire Marshal of the Department of Insurance.~~

13 (b) Firesafety inspections shall be made annually of
14 each educational and ancillary plant by the Department of
15 Insurance by persons certified by that agency to be eligible
16 to conduct firesafety inspections in public educational and
17 ancillary plants. If the Division of State Fire Marshal is
18 unable to conduct any firesafety inspection, upon approval of
19 the division, such inspection shall be conducted by a local
20 fire department official or board employee who has
21 successfully completed the required training courses and has
22 been certified by the Division of State Fire Marshal as a
23 firesafety inspector. ~~A copy of each inspection report shall~~
24 ~~be forwarded from the board to the commissioner.--A copy of~~
25 ~~the firesafety inspection report only shall be forwarded from~~
26 ~~the board to the State Fire Marshal.--Each report~~

27 (c) Copies of all reports shall be submitted to the
28 commissioner by the end of each fiscal year. In each report
29 the board shall include a plan of action and a schedule for
30 the correction of each deficiency. If immediate life-
31 threatening major deficiencies are noted in any inspection,

1 the board shall either take action to promptly correct such
2 deficiencies or withdraw the educational or ancillary plant
3 from use until such time as the deficiencies are corrected.
4 The State Board of Education shall be responsible for the
5 enforcement of this subsection.

6 (2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC
7 AGENCIES.--A safety or sanitation inspection of any
8 educational or ancillary plant may be made at any time by the
9 Department of Education or any other state or local agency
10 authorized or required to conduct such inspections by either
11 general or special law. Such inspections shall be conducted
12 by staff members of the agency or by local personnel certified
13 by the office, and inspections for firesafety shall be
14 conducted by persons certified by the State Fire Marshal.
15 Each agency conducting inspections shall use the standards
16 adopted by the State Board of Education in lieu of, and to the
17 exclusion of, any other inspection standards prescribed either
18 by statute or administrative rule, the provisions of chapter
19 633 to the contrary notwithstanding. The agency shall submit
20 a copy of the inspection report to the board, and the board
21 shall forward copies as required in paragraph subsection
22 (1)(c).

23 (3) CORRECTIVE ACTION.--Upon failure of the board to
24 take corrective action within a reasonable time, the agency
25 making the inspection may request the commissioner to:

26 (a) Order that appropriate action be taken to correct
27 all deficiencies in accordance with a schedule determined
28 jointly by the inspecting authority and the board; in the
29 development of such schedule, consideration shall be given to
30 the seriousness of the deficiencies and the ability of the
31 board to obtain the necessary funds; or

1 (b) After 30 calendar days' notice to the board, order
2 all or a portion of the educational or ancillary plant
3 withdrawn from use until the deficiencies are corrected.

4 Section 10. Section 235.15, Florida Statutes, is
5 amended to read:

6 235.15 Educational plant survey required.--At least
7 every 5 years, each board, including the Board of Regents,
8 shall arrange for an educational plant survey, to aid in
9 formulating plans for housing the educational program and
10 student population, faculty, administrators, staff, and
11 auxiliary and ancillary services of the district or campus.
12 Each survey shall be conducted by the Department of Education
13 or an agency approved by the commissioner. Surveys conducted
14 by agencies other than the Department of Education shall be
15 reviewed and approved by the commissioner. The survey report
16 shall include at least an inventory of existing educational
17 and ancillary plants; recommendations for existing educational
18 and ancillary plants; recommendations for new educational or
19 ancillary plants, including the general location of each; and
20 such other information as may be required by the rules of the
21 State Board of Education. An official copy of each survey
22 report shall be filed by the board with the office. This
23 report may be amended, if conditions warrant, at the request
24 of the board or commissioner.

25 Section 11. Subsection (4) of section 235.193, Florida
26 Statutes, is hereby repealed.

27 Section 12. Section 235.195, Florida Statutes, 1984
28 Supplement, is amended to read:

29 235.195 Cooperative development and use of facilities
30 by two or more boards.--
31