



## **Special Facility Construction Account**

### ***What is the Special Facility Construction Account?***

The Special Facility Construction Account is funded with Public Education Capital Outlay (PECO)<sup>1</sup> dollars and provides construction funds to school districts that have urgent construction needs but lack sufficient resources and cannot reasonably anticipate sufficient resources within three years in order to fund these construction needs.<sup>2</sup> Typically, small, rural school districts qualify for this funding because their property tax values are too low to fund a new construction project.

### ***Are there limits on the number of construction projects for which a school district may receive funding from the Special Facility Construction Account?***

Yes. A school district is not eligible to receive funding from the Special Facility Construction Account for more than one construction project during any three-year period.<sup>3</sup>

### ***Does a school district have to meet certain criteria in order to receive funds from the Special Facility Construction Account?***

Yes. A school district must meet the following criteria in order to receive funds from the Special Facility Construction Account:<sup>4</sup>

- ❖ The construction project must be deemed a critical need and must be recommended for funding by the Special Facility Construction Committee.<sup>5</sup>
- ❖ The construction project must be recommended in the most recent educational plant survey.<sup>6</sup>
- ❖ The construction project must appear on the district's approved project priority list.<sup>7</sup>

<sup>1</sup> Section 9(a)(2), Art XII of the State Constitution; s. 203.01(1)(a)1., F.S.

<sup>2</sup> Section 1013.64(2)(a), F.S.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> The Special Facility Construction Committee is composed of two representatives of the Department of Education, a representative from the Governor's office, a representative selected annually by the district school boards, and a representative selected annually by the superintendents. The committee reviews the requests submitted from the districts, evaluates the ability of the project to relieve critical needs, and ranks the requests in priority order. This statewide priority list for special facilities construction is submitted to the Legislature in the commissioner's annual capital outlay legislative budget request at least 45 days prior to the legislative session. Section 1013.64 (2)(b) and (c), F.S.

<sup>6</sup> Rule 6A-2.0010, F.A.C.; see Florida Department of Education, *State Requirements for Educational Facilities*, 33 (Dec. 15, 2009), available at <http://www.fldoe.org/edfacil/pdf/sref-rule.pdf> [hereinafter *Educational Facilities*]; s. 1013.31, F.S.

<sup>7</sup> See *Educational Facilities*, *supra* note 6, at 9.

- ❖ The district must have selected and approved a site for the construction project in compliance with the rules of the State Board of Education.<sup>8</sup>
- ❖ The school board must have adopted a list of facilities that do not exceed the norm for net square feet occupancy requirements.<sup>9</sup>
- ❖ The total cost per student station of the facility under construction must not exceed the cost per student station prescribed in law and adjusted annually by the Consumer Price Index (approximately \$19,738 per elementary school student station; \$21,315 per middle school student station; \$27,686 per high school student station as of October 2010).<sup>10</sup>
- ❖ The school board must sign an agreement that it will advertise for bids within 30 days of receipt of its encumbrance authorization.
- ❖ A contract must be signed 90 days after the advertising of bids, unless an additional 90 days has been granted by the Commissioner of Education.
- ❖ The school district must levy the maximum authorized millage of the Discretionary Capital Outlay Levy against its nonexempt assessed property value or raise an equivalent amount of revenue from the school capital outlay surtax and is required to budget not more than the value of 1.5 mills per year for three years toward the project.<sup>11</sup>
- ❖ The school district must have the Department of Education certify the school district's inability to fund the survey recommended construction project over a continuous three-year period using projected capital outlay revenue.
- ❖ The district must adopt a resolution acknowledging its three year commitment of all unencumbered and future Discretionary Capital Outlay Levy or School Capital Outlay Surtax<sup>12</sup> revenue, new construction funds appropriated from the Public Education Capital Outlay (PECO) Trust Fund,<sup>13</sup> and Capital Outlay & Debt Service Fund (CO&DS)<sup>14</sup> revenue.
- ❖ Final phase III plans must be certified by the school board as complete and in compliance with the building and life safety codes prior to August 1.<sup>15</sup>

### ***What is the history of the Special Facility Construction Account?***

Since FY 1981-82, the Department of Education reports that the Special Facility Construction Account has funded 64 separate school district construction projects totaling over \$870.2 million. Approximately 68% of the total amount has been funded by the state, while approximately 32% of the total amount has been funded by local school districts.<sup>16</sup>

---

<sup>8</sup> See s. 1013.36, F.S.

<sup>9</sup> See *Educational Facilities*, *supra* note 6, at 37.

<sup>10</sup> Florida Department of Education, *Cost per Student Station*, <http://edr.state.fl.us/conferences/peco/station.htm> (last visited June 25, 2010).

<sup>11</sup> Sections 1011.71(2) and 212.055(6), F.S.

<sup>12</sup> *Id.*

<sup>13</sup> Section 1013.64(3)(a), F.S.

<sup>14</sup> Section 9(d)(1), Art. XII of the State Constitution; s. 320.20(1), F.S.

<sup>15</sup> See *Educational Facilities*, *supra* note 6, at 45.

<sup>16</sup> Florida Department of Education, *Special Facilities Construction Account History* (Dec. 3, 2009), available at <http://www.fldoe.org/edfacil/oef/pdf/sfca.pdf>.

***Did the Legislature appropriate funds from the Special Facility Construction Account for the 2010-11 fiscal year?***

Yes. The Legislature appropriated \$12.3 million from the Special Facility Construction Account in order to fund a high school in Calhoun County.<sup>17</sup>

***Where can I get additional information?***

***Florida Department of Education***

Office of Educational Facilities

(850) 245-0494

<http://www.fldoe.org/edfacil/>

***Florida House of Representatives***

Appropriations Committee

(850) 488-6204

<http://www.myfloridahouse.gov>

***Florida House of Representatives***

Education Committee

(850) 488-7451

<http://www.myfloridahouse.gov>

---

<sup>17</sup> Specific Appropriation 21, s. 2, ch. 2010-152, L.O.F.