



# The Journal OF THE House of Representatives

FIRST SPECIAL SESSION—"A" of 1996-1998

Number 3

Wednesday, November 5, 1997

The House was called to order by the Speaker at 8:00 a.m.

## Prayer

The following prayer was offered by the Honorable Stephen R. Wise:

Our gracious Heavenly Father, we thank you for our many blessings and for the wisdom and discernment to do what is right for the people of Florida. Keep all our families in good health while we are in Tallahassee this week. Give us courage and clarity of thought to do the will of the people. Bless this House, the staff and its Members. We ask all of this in your Son's holy and precious name. Amen.

The following Members were recorded present:

The Chair	Crow	Kosmas	Roberts-Burke
Albright	Culp	Laurent	Rodriguez-Chomat
Andrews	Dawson-White	Lawson	Rojas
Argenziano	Dennis	Lippman	Safley
Arnall	Dockery	Littlefield	Sanderson
Arnold	Edwards	Livingston	Saunders
Bainter	Effman	Logan	Sembler
Ball	Eggelletion	Lynn	Silver
Barreiro	Fasano	Mackenzie	Sindler
Betancourt	Feeney	Mackey	Smith
Bitner	Fischer	Maygarden	Spratt
Bloom	Flanagan	Meek	Stabins
Boyd	Frankel	Melvin	Stafford
Bradley	Fuller	Merchant	Starks
Brennan	Futch	Miller	Sublette
Bronson	Garcia	Minton	Tamargo
Brooks	Gay	Morrone	Thrasher
Brown	Geller	Morse	Tobin
Bullard	Goode	Murman	Trovillion
Burroughs	Hafner	Ogles	Turnbull
Bush	Harrington	Peaden	Valdes
Byrd	Healey	Posey	Villalobos
Carlton	Heyman	Prewitt, D.	Wallace
Casey	Hill	Pruitt, K.	Warner
Chestnut	Horan	Putnam	Wasserman Schultz
Clemons	Jacobs	Rayson	Westbrook
Constantine	Jones	Reddick	Wiles
Cosgrove	Kelly	Ritchie	Wise
Crady	King	Ritter	Ziebarth

A quorum was present.

## Pledge

The Members, led by Betsy Pittman, Shepherd Pittman, and Andrea VanStone, pledged allegiance to the Flag. Betsy Pittman, Shepherd

Pittman, and Andrea VanStone of Quincy served at the invitation of the Speaker.

## Correction of the Journal

The *Journal* of November 4 was corrected and approved as corrected.

## Daily Folder

## General Calendar

## Bills and Joint Resolutions on Third Reading

**HB 17-A**—A bill to be entitled An act relating to accountability and funding for school facilities programs; creating the "SMART Schools Act"; creating s. 235.175, F.S.; providing legislative purpose; amending s. 235.18, F.S.; requiring school districts to prepare facilities 5-year work programs before adopting their annual capital outlay budgets; creating s. 235.185, F.S.; requiring school district facilities 5-year work programs and providing definitions and procedures; creating s. 235.186, F.S.; providing for effort index grants for school district facilities work program projects; specifying an effort index for district eligibility to receive grants; providing for computation and allocation; creating s. 235.187, F.S.; requiring the use of school construction advisory councils for certain districts; providing for appointment of council members and duties relating to the councils; amending s. 235.215, F.S.; revising requirements relating to energy efficiency contracting by school districts, community colleges, and universities; providing intent; revising measures that qualify as energy conservation measures; providing requirements for energy performance-based contracts rather than guaranteed energy savings contracts; specifying procedures for entering into such contracts; revising requirements relating to installment payment contracts; specifying the provisions and terms of energy performance-based contracts; providing duties and liabilities of energy performance contractors; reenacting and amending s. 235.2155, F.S.; revising the School Infrastructure Thrift (SIT) Program; reenacting and amending s. 235.216, F.S.; revising cost ceilings and provisions relating to SIT Program awards; providing for recognition awards; creating s. 235.217, F.S.; establishing the SMART Schools Clearinghouse and providing for membership and duties; providing for rulemaking; prohibiting certain activities; authorizing per diem and travel expenses; providing for staff; subjecting members to certain requirements for public officers and employees; creating s. 235.218, F.S.; requiring school district facilities work program performance and productivity standards and evaluation; creating s. 235.219, F.S.; creating the Classrooms Now Loan Program within the Department of Education, subject to legislative appropriation from the Educational Enhancement Trust Fund; providing for use of funds for loans to school districts to fund certain capital outlay projects; providing requirements for such loans; providing for deposit of loan repayments to support the

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

—was read the third time by title.

Representative(s) Clemons and Wasserman Schultz offered the following:

**Amendment 18 (with title amendment)**—On page 43, line 3 through page 72, line 30  
remove from the bill: all of said lines  
and insert in lieu thereof:

Section 29. *Chapter 97-265, Laws of Florida, is repealed.*

Section 30. *Section 235.15, F.S., is amended to read:*

(Substantial rewording of section. See s. 235.15, F.S., for present text.)

*235.15 Educational plant survey; PECO project funding.—*

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

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

(b) *Each educational plant survey completed after December 31, 1997, must use uniform data sources and criteria specified in this paragraph. Each educational plant survey completed after June 30, 1995, and before January 1, 1998, must be revised, if necessary, to comply with this paragraph. Each revised educational plant survey and each new educational plant survey supersedes previous surveys.*

1. *Each school district's survey must reflect the capacity of existing facilities as reported in the Florida Inventory of School Houses. Projections of facility space needs may not exceed the normal space and occupant design criteria established by rule of the State Board of Education. Existing and projected capital outlay full-time equivalent student enrollment must be consistent with data prepared by the department. Relocatables shall be included in the school district inventory of facilities and must be rated at 100 percent of actual student capacity for purposes of the inventory. For future needs determination, beginning July 1, 1998, relocatables shall be counted at 50 percent of actual student capacity. Relocatables shall be counted at 0 percent of actual capacity if manufactured or constructed at least 20 years before the needs determination. However, an adjustment shall be made for deficiencies in core space because of the use of relocatables. For schools with permanent educational facilities, this adjustment shall be the product of 50 percent multiplied by a factor determined by the ratio of permanent classrooms to relocatable classrooms. Such product shall not exceed 100 percent.*

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

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

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

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

(c) The department shall review and validate the surveys and any amendments thereto for compliance with the requirements of this chapter and shall recommend those in compliance for approval by the State Board of Education.

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

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

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

Section 31. (1)(a) Notwithstanding the provisions of ch. 235, F.S., unless granted a waiver under subsection (2), a district school board must not use funds from the Public Education Capital Outlay and Debt Service Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund for any new construction of educational plant space with a total cost per student station, including change orders, that equals more than:

1. \$11,600 for an elementary school,
2. \$13,300 for a middle school, or
3. \$17,600 for a high school,

(1997) as adjusted annually by the Consumer Price Index.

(b) Upon request by a district school board, the Commissioner of Education may waive for a specific project provisions which limit construction cost per student station if the commissioner is satisfied that the requested waiver is justified.

(c) A district school board must not use funds from the Public Education Capital Outlay and Debt Service Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund for any new construction of an ancillary plant that exceeds 70 percent of the average cost per square foot of new construction for all schools.

(d) Except as otherwise provided, new construction initiated by a district school board after June 30, 1998, must not exceed the cost per student station as provided in paragraph (a).

(e) The department shall compute for each calendar year statewide average construction costs for facilities serving each instructional level, for relocatable educational facilities, for administrative facilities, and for other ancillary and auxiliary facilities. The department shall compute the statewide average costs per student station for each instructional level.

(f) Cost per student station includes contract costs, legal and administrative costs, fees of architects and engineers, furniture and equipment, and site improvement costs. Cost per student station does not include the cost of purchasing or leasing the site for the construction.

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

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

(b) Projects of school districts that certify that all of the district's educational plant space needs for the next 5 years can be met from:

1. Capital outlay sources that the district reasonably expects to receive during the next 5 years; or
2. Alternative scheduling or construction, leasing, rezoning, or technological methodologies exhibiting sound management.

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

And the title is amended as follows:

On page 3, line 24 through page 5, line 26 remove from the title of the bill: all of said lines

and insert in lieu thereof: funding of the program; repealing ch. 97-265, Laws of Florida, relating to educational facilities by district school boards, community colleges, and state universities; requiring validation by the Department of Education; providing cost limitations on certain educational facilities; providing waivers;

Rep. Clemons moved the adoption of the amendment, which failed to receive the necessary two-thirds vote for adoption. The vote was:

Yeas—41

Arnold	Dennis	Jacobs	Ritchie
Betancourt	Effman	Kosmas	Ritter
Bloom	Eggelletion	Lippman	Roberts-Burke
Brennan	Fischer	Logan	Silver
Brown	Frankel	Mackenzie	Stafford
Bullard	Geller	Meek	Tobin
Bush	Hafner	Miller	Wasserman Schultz
Chestnut	Healey	Minton	Wiles
Clemons	Heyman	Prewitt, D.	
Cosgrove	Hill	Rayson	
Dawson-White	Horan	Reddick	

Nays—72

The Chair	Bronson	Dockery	Jones
Albright	Brooks	Fasano	Kelly
Andrews	Burroughs	Feeney	King
Argenziano	Byrd	Flanagan	Laurent
Arnall	Carlton	Fuller	Lawson
Bainter	Casey	Futch	Littlefield
Ball	Constantine	Garcia	Livingston
Barreiro	Crady	Gay	Lynn
Bitner	Crow	Goode	Mackey
Boyd	Culp	Harrington	Maygarden

Melvin	Pruitt, K.	Smith	Turnbull
Merchant	Putnam	Spratt	Valdes
Morrone	Rojas	Stabins	Villalobos
Morse	Safley	Starks	Wallace
Murman	Sanderson	Sublette	Warner
Ogles	Saunders	Tamargo	Westbrook
Peaden	Sembler	Thrasher	Wise
Posey	Sindler	Trovillion	Ziebarth

Votes after roll call:

Yeas—Bradley

Yeas to Nays—Eggelletion

The question recurred on the passage of HB 17-A. The vote was:

Yeas—76

The Chair	Crady	Laurent	Sanderson
Albright	Crist	Lawson	Saunders
Andrews	Crow	Littlefield	Sembler
Argenziano	Culp	Livingston	Sindler
Arnall	Dockery	Lynn	Smith
Bainter	Eggelletion	Mackey	Spratt
Ball	Fasano	Maygarden	Stabins
Barreiro	Feeney	Melvin	Starks
Bitner	Flanagan	Merchant	Sublette
Boyd	Fuller	Minton	Tamargo
Bradley	Futch	Morrone	Thrasher
Bronson	Garcia	Morse	Trovillion
Brooks	Gay	Murman	Valdes
Brown	Goode	Ogles	Villalobos
Burroughs	Harrington	Peaden	Wallace
Byrd	Jones	Posey	Warner
Carlton	Kelly	Pruitt, K.	Westbrook
Casey	King	Putnam	Wise
Constantine	Lacasa	Safley	Ziebarth

Nays—43

Arnold	Edwards	Jacobs	Ritter
Betancourt	Effman	Kosmas	Roberts-Burke
Bloom	Fischer	Lippman	Rodriguez-Chomat
Brennan	Frankel	Logan	Rojas
Bullard	Geller	Mackenzie	Silver
Bush	Greene	Meek	Stafford
Chestnut	Hafner	Miller	Tobin
Clemons	Healey	Prewitt, D.	Turnbull
Cosgrove	Heyman	Rayson	Wasserman Schultz
Dawson-White	Hill	Reddick	Wiles
Dennis	Horan	Ritchie	

Votes after roll call:

Yeas to Nays—Brown

So the bill passed, as amended, and was immediately certified to the Senate.

### Bills and Joint Resolutions on Second Reading

**HB 23-A**—A bill to be entitled An act relating to the University of South Florida; authorizing the university to reimburse the University Health Services Support Organization, Inc., for costs incurred in the purchase of the Tampa General Hospital-University of South Florida Psychiatry Center; providing an appropriation; providing an effective date.

—was read the second time by title.

Representative(s) K. Pruitt offered the following:

**Amendment 1 (with title amendment)**—On page 2, between lines 14 and 15 of the bill

insert a new Section 3: Section 3. *It is the intent of the Legislature that the amount of Public Education Capital Outlay and Debt Service*

*Trust Funds allocated to the University of South Florida in fiscal year 1998-99 be reduced by the amount of the General Revenue Fund appropriation contained in this act. Notwithstanding the provisions of Chapters 216 and 235, Florida Statutes, 10 days after this act becomes law, the University of South Florida shall submit to the Board of Regents, the Executive Office of the Governor, the Speaker of the House of Representatives and the President of the Senate a revised 1998-99 legislative budget request for Public Education Capital Outlay and Debt Service Trust Funds in an amount that is \$1,600,000 less than the total amount included for new construction for the University of South Florida in the September 19, 1997 Commissioner of Education's Fixed Capital Outlay Budget Request for 1998-99.*

And the title is amended as follows:

On page 1, line 8, after the second semicolon,

and insert: requiring the revision of a related budget request;

Rep. K. Pruitt moved the adoption of the amendment, which was adopted.

Representative(s) K. Pruitt offered the following:

**Amendment 2 (with title amendment)**—On page 2, between lines 14 and 15 of the bill

insert a new Section 3: Section 3. *It is the intent of the Legislature that the amount of Public Education Capital Outlay and Debt Service Trust Funds allocated to the University of South Florida in fiscal year 1998-99 be reduced by the amount of the General Revenue Fund appropriation contained in this act. Notwithstanding the provisions of Chapters 216 and 235, Florida Statutes, 10 days after this act becomes law, the University of South Florida shall submit to the Board of Regents, the Executive Office of the Governor, the Speaker of the House of Representatives and the President of the Senate a revised 1998-99 legislative budget request for Public Education Capital Outlay and Debt Service Trust Funds in an amount that is \$1,600,000 less than the total amount included for new construction for the University of South Florida in the September 19, 1997 Commissioner of Education's Fixed Capital Outlay Budget Request for 1998-99.*

And the title is amended as follows:

On page 1, line 8, after the second semicolon,

and insert: requiring the revision of a related budget request;

Rep. K. Pruitt moved the adoption of the amendment.

On motion by Rep. K. Pruitt, further consideration of **Amendment 2** was temporarily postponed under Rule 147.

Representative(s) Lawson, Turnbull, Boyd, Bradley, Sindler, Mackey, Casey, and Smith offered the following:

**Amendment 3 (with title amendment)**—On page 2, between lines 14 & 15

insert:

Section 3. *For the 1997-1998 fiscal year, the sum of \$1,500,000 is appropriated from the General Revenue Fund to the Florida Agricultural and Mechanical University for the expansion of the Science Research Facility to house a Pharmaceutical Research Center. These funds are contingent upon receipt of a like amount from the National Institute of Health (NIH).*

Section 4. *It is the intent of the Legislature that the amount of Public Education Capital Outlay and Debt Service Trust Funds allocated to the Florida Agricultural and Mechanical University in fiscal year 1998-99 be reduced by the amount of the General Revenue Fund appropriation contained in this act. Notwithstanding the provisions of Chapters 216 and 235, Florida Statutes, 10 days after this act becomes law, the Florida Agricultural and Mechanical University shall submit to the Board of Regents, the Executive Office of the Governor, the Speaker of the House of Representatives and the President of the Senate a revised 1998-99*

legislative budget request for Public Education Capital Outlay and Debt Service Trust Funds in an amount that is \$1,500,000 less than the total amount included for new construction for the Florida Agricultural and Mechanical University in the September 19, 1997 Commissioner of Education's Fixed Capital Outlay Budget Request for 1998-99.

And the title is amended as follows:

On page 1, line 8, after appropriations;

insert: providing an appropriation to the Florida Agricultural and Mechanical University; providing a contingency; providing Legislative intent with respect to the General Revenue Fund; requiring revision of a budget request;

Rep. Lawson moved the adoption of the amendment, which was adopted.

The question recurred on the adoption of **Amendment 2**, which was withdrawn.

On motion by Rep. Starks, the rules were suspended and HB 23-A, as amended, was read the third time by title. On passage, the vote was:

Yeas—116

The Chair	Culp	Kosmas	Ritter
Albright	Dawson-White	Lacasa	Roberts-Burke
Andrews	Dennis	Laurent	Rojas
Argenziano	Dockery	Lawson	Safley
Arnall	Edwards	Lippman	Sanderson
Arnold	Effman	Littlefield	Saunders
Bainter	Eggelletion	Livingston	Sembler
Ball	Fasano	Logan	Silver
Barreiro	Feeney	Lynn	Sindler
Betancourt	Fischer	Mackenzie	Smith
Bitner	Flanagan	Mackey	Spratt
Bloom	Frankel	Maygarden	Stabins
Boyd	Fuller	Meek	Stafford
Bradley	Futch	Melvin	Starks
Brennan	Garcia	Merchant	Sublette
Bronson	Gay	Miller	Tamargo
Brooks	Geller	Minton	Thrasher
Brown	Goode	Morrone	Tobin
Burroughs	Greene	Morse	Trovillion
Byrd	Hafner	Murman	Turnbull
Carlton	Harrington	Ogles	Valdes
Casey	Healey	Peaden	Villalobos
Chestnut	Heyman	Posey	Wallace
Clemons	Hill	Prewitt, D.	Warner
Constantine	Horan	Pruitt, K.	Wasserman Schultz
Cosgrove	Jacobs	Putnam	Westbrook
Crady	Jones	Rayson	Wiles
Crist	Kelly	Reddick	Wise
Crow	King	Ritchie	Ziebarth

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

#### Disclosure of Interest

I am submitting this letter in the interest of full disclosure and pursuant to House Rule 24(b) and section 112.3143, Florida Statutes. I work as a full-time employee at Tampa General Health Care, an entity which will benefit from the proposed legislation in House Bill 23-A. Although I will not personally benefit in any way from the passage of this legislation, I wanted to disclose the relationship in compliance with Florida law.

*Rep. Lesley "Les" Miller, Jr.  
District 59*

**HB 7-A**—A bill to be entitled An act relating to business ethics education; creating s. 240.2985, F.S.; creating the Ethics in Business

Scholarship Program to be administered by the Board of Regents; providing purposes; providing requirements; providing an appropriation; providing an effective date.

—was read the second time by title.

On motion by Reps. Thrasher and Melvin, the board was opened and the following Members were recorded as cosponsors of the measure along with Reps. Thrasher, Mackenzie, King, and Wiles: Reps. Albright, Andrews, Argenziano, Arnall, Arnold, Bainter, Ball, Barreiro, Betancourt, Bitner, Bloom, Boyd, Bradley, Brennan, Bronson, Brooks, Brown, Burroughs, Byrd, Carlton, Casey, Chestnut, Clemons, Constantine, Cosgrove, Crady, Crist, Crow, Culp, Dawson-White, Dennis, Dockery, Edwards, Effman, Eggelletion, Fasano, Feeney, Fischer, Flanagan, Frankel, Fuller, Futch, Garcia, Gay, Geller, Goode, Greene, Hafner, Harrington, Healey, Heyman, Hill, Horan, Jacobs, Jones, Kelly, Kosmas, Lacasa, Laurent, Lawson, Lippman, Littlefield, Livingston, Logan, Lynn, Mackey, Maygarden, Meek, Melvin, Merchant, Miller, Minton, Morrone, Morse, Murman, Ogles, Peaden, Posey, D. Prewitt, K. Pruitt, Putnam, Rayson, Ritchie, Ritter, Roberts-Burke, Rojas, Safley, Sanderson, Saunders, Sembler, Silver, Sindler, Smith, Spratt, Stabins, Stafford, Starks, Sublette, Tamargo, Tobin, Trovillion, Turnbull, Valdes, Villalobos, Wallace, Warner, Wasserman Schultz, Webster, Westbrook, Wise, and Ziebarth.

On motion by Rep. Thrasher, the rules were suspended and the bill was read the third time by title. On passage, the vote was:

Yeas—118

The Chair	Crow	Kosmas	Roberts-Burke
Albright	Culp	Lacasa	Rodriguez-Chomat
Andrews	Dawson-White	Laurent	Rojas
Argenziano	Dennis	Lawson	Safley
Arnall	Dockery	Lippman	Sanderson
Arnold	Edwards	Littlefield	Saunders
Bainter	Effman	Livingston	Sembler
Ball	Eggelletion	Logan	Silver
Barreiro	Fasano	Lynn	Sindler
Betancourt	Feeney	Mackenzie	Smith
Bitner	Fischer	Mackey	Spratt
Bloom	Flanagan	Maygarden	Stabins
Boyd	Frankel	Meek	Stafford
Bradley	Fuller	Melvin	Starks
Brennan	Futch	Merchant	Sublette
Bronson	Garcia	Miller	Tamargo
Brooks	Gay	Minton	Thrasher
Brown	Geller	Morrone	Tobin
Bullard	Goode	Morse	Trovillion
Burroughs	Greene	Murman	Valdes
Bush	Hafner	Ogles	Villalobos
Byrd	Harrington	Peaden	Wallace
Carlton	Healey	Posey	Warner
Casey	Heyman	Prewitt, D.	Wasserman Schultz
Chestnut	Hill	Pruitt, K.	Westbrook
Clemons	Horan	Putnam	Wiles
Constantine	Jacobs	Rayson	Wise
Cosgrove	Jones	Reddick	Ziebarth
Crady	Kelly	Ritchie	
Crist	King	Ritter	

Nays—None

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Thrasher, the rules were suspended and the House moved to the order of—

**Messages from the Senate**

*The Honorable Daniel Webster, Speaker*

I am directed to inform the House of Representatives that the Senate has passed SB 8-A and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By Senators Latvala, Lee and Grant—

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

—was read the first time by title. On motion by Rep. Andrews, the rules were suspended and the bill was read the second time by title.

Representative(s) Andrews offered the following:

**Amendment 1 (with title amendment)**—On page 1, lines 27 through 30, remove from the bill: all of said lines

and insert in lieu thereof: *educational facility programs* shall be funded with PECO funds ~~and shall serve juvenile offenders who have~~

And the title is amended as follows:

On page 1, lines 4-6, remove from the title of the bill: all of said lines

and insert in lieu thereof: 985.402, F.S.; clarifying funding of certain public school facilities; reducing the size

Rep. Andrews moved the adoption of the amendment, which was adopted.

On motion by Rep. Andrews, the rules were suspended and SB 8-A, as amended, was read the third time by title. On passage, the vote was:

Yeas—117

The Chair	Crist	Jones	Putnam
Albright	Crow	Kelly	Rayson
Andrews	Culp	King	Reddick
Argenziano	Dawson-White	Kosmas	Ritchie
Arnall	Dennis	Lacasa	Ritter
Arnold	Dockery	Laurent	Roberts-Burke
Bainter	Edwards	Lawson	Rodriguez-Chomat
Ball	Effman	Lippman	Rojas
Barreiro	Eggelletion	Littlefield	Safley
Betancourt	Fasano	Livingston	Saunders
Bitner	Feeney	Logan	Sembler
Bloom	Fischer	Lynn	Silver
Boyd	Flanagan	Mackenzie	Sindler
Brennan	Frankel	Mackey	Smith
Bronson	Fuller	Maygarden	Spratt
Brooks	Futch	Meek	Stabins
Brown	Garcia	Melvin	Stafford
Bullard	Gay	Merchant	Starks
Burroughs	Geller	Miller	Sublette
Bush	Goode	Minton	Tamargo
Byrd	Greene	Morroni	Thrasher
Carlton	Hafner	Morse	Tobin
Casey	Harrington	Murman	Trovillion
Chestnut	Healey	Ogles	Turnbull
Clemons	Heyman	Peaden	Valdes
Constantine	Hill	Posey	Villalobos
Cosgrove	Horan	Prewitt, D.	Wallace
Crady	Jacobs	Pruitt, K.	Warner

Wasserman Schultz Wiles                      Wise                      Ziebarth  
Westbrook

Nays—None

Votes after roll call:

Yeas—Bradley

So the bill passed, as amended, and was immediately certified to the Senate.

*The Honorable Daniel Webster, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for SB 10-A, as amended, and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By the Committee on Education and Senator Sullivan and others—

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

—was read the first time by title. On motion by Rep. Casey, the rules were suspended and the bill was read the second time by title.

Representative(s) Casey offered the following:

**Amendment 1 (with title amendment)**—  
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsection (3) of section 240.40202, Florida Statutes, is amended to read:

240.40202 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

(3) *For purposes of calculating the grade point average to be used in determining initial eligibility for a Florida Bright Futures scholarship, the department shall assign additional weights to grades earned in the following courses:*

(a) *Courses identified in the course code directory as Advanced Placement, pre-International Baccalaureate, or International Baccalaureate.*

(b) *Courses designated as academic dual enrollment courses in the statewide course numbering system.*

*The department may assign additional weights to courses, other than those described in paragraphs (a) and (b), that are identified by the Articulation Coordinating Committee as containing rigorous academic curriculum and performance standards. The additional weight assigned to a course pursuant to this subsection shall not exceed 0.5 per course. The weighted system shall be developed and distributed to all high schools in the state prior to January 1, 1998. The department may determine a student's eligibility status during the senior year before graduation and may inform the student of the award at that time.*

Section 2. Subsection (1) of section 240.40205, Florida Statutes, is amended to read:

240.40205 Florida Academic Scholars award.—

(1) A student is eligible for a Florida Academic Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a 3.5 ~~weighted~~ ~~unweighted~~ grade point average as calculated pursuant to s. 240.40202 on a 4.0 scale, or its equivalent, in high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses; and

(b) Has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(c) Has attended a home education program according to s. 232.02(4) during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma, and has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(d) Has been awarded an International Baccalaureate Diploma from the International Baccalaureate Office; or

(e) Has been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist.

Effective with the 1998-1999 school year, a student must complete a program of community service work, as approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work and require the student to identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

Section 3. Subsection (1) of section 240.40206, Florida Statutes, is amended to read:

240.40206 Florida Merit Scholars award.—

(1) A student is eligible for a Florida Merit Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a ~~weighted~~ ~~unweighted~~ grade point average of 3.0 as calculated pursuant to s. 240.40202 on a 4.0 scale, or the equivalent, in high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses; and

(b) Has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(c) Has attended a home education program according to s. 232.02(4) during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma, and has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program.

Section 4. Paragraph (c) of subsection (1) of section 240.40207, Florida Statutes, is amended to read:

240.40207 Florida Gold Seal Vocational Scholars award.—The Florida Gold Seal Vocational Scholars award is created within the Florida Bright Futures Scholarship Program to recognize and reward

academic achievement and vocational preparation by high school students who wish to continue their education.

(1) A student is eligible for a Florida Gold Seal Vocational Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(c) Earns a minimum cumulative ~~weighted~~ ~~unweighted~~ grade point average of 3.0, as calculated pursuant to s. 240.40202, on a 4.0 scale on all subjects required for a standard high school diploma, excluding elective courses.

Section 5. Subsections (1) and (2) of section 240.40208, Florida Statutes, are amended to read:

240.40208 Eligibility for the Florida Bright Futures Scholarship Program; transition.—

(1) A student who graduates from high school in 1997 or earlier and who is eligible for the Florida Undergraduate Scholar's Program pursuant to s. 240.402 is eligible for the Florida Academic Scholars award as provided in this act. *A student who graduates from high school in 1998 or 1999 is eligible for the Florida Academic Scholars award if the student meets the criteria in s. 240.40205. However, in lieu of satisfying the requirements set forth in s. 240.40205(1)(a) and (b), a student may meet the following criteria:*

(a) *Complete a program of at least 24 credits in advanced-level studies as prescribed by the State Board of Education, including as a minimum:*

1. *Four years of progressively advanced instruction in language arts, including courses in English composition and literature.*

2. *Four years of progressively advanced instruction in science, including laboratory courses in biology, chemistry, and physics where laboratory facilities are available.*

3. *Four years of progressively advanced instruction in mathematics, including courses in algebra, geometry, and calculus or trigonometry.*

4. *Two years of sequential foreign language.*

5. *One year of instruction in art and music or in either art or music.*

6. *Three years of instruction in social studies, including courses in American history and government, world history, and comparative political and economic systems.*

7. *One year of instruction in health and physical education to include assessment, improvement, and maintenance of personal fitness.*

(b) *Obtain at least the equivalent of an unweighted grade point average of 3.0 on a 4.0 scale for all courses taken for which high school credit may be granted.*

(c) *Achieve a score of 1180 on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program or an equivalent program.*

(d) *Complete a program of community service work, as approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work and require the student to identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.*

*Students who graduate from high school after 1999 must meet the eligibility criteria pursuant to s. 240.40205.*

(2) A student who graduates from high school in 1997 or earlier and who is eligible for the Florida Vocational Gold Seal Endorsement Scholarship award pursuant to s. 240.4021 is eligible for the Florida Gold Seal Vocational Scholars award as provided in this act. *A student who graduates from high school in 1998 or 1999 is eligible for the Florida*

*Gold Seal Vocational Scholars award if the student meets the criteria in s. 240.40207. However, in lieu of satisfying the grade point average requirement set forth in s. 240.40207(1)(c), a student may earn a minimum cumulative unweighted grade point average of 3.0 on a 4.0 scale on all subjects required for a standard high school diploma. Students who graduate from high school after 1999 must meet the eligibility criteria pursuant to s. 240.40207.*

Section 6. *Notwithstanding ss. 240.40201, 240.40205, 240.40206, and 240.40207, Florida Statutes, a student who receives any award under the Florida Bright Futures Scholarship Program, who is enrolled in a nonpublic postsecondary education institution, and who is assessed tuition and fees that are the same as those of a full-time student at that institution, shall receive a fixed award calculated by using the average matriculation and fee calculation for full-time attendance at a public postsecondary education institution at the comparable level. If the student is enrolled part-time and is assessed tuition and fees at a reduced level, the award shall be either one-half of the maximum award or three-fourths of the maximum award, depending on the level of fees assessed.*

Section 7. This act shall take effect upon becoming a law.

And the title is amended as follows:

remove from the title of the bill: the entire title

and insert in lieu thereof: A bill to be entitled An act relating to the Florida Bright Futures Scholarship Program; amending ss. 240.40202, 240.40205, 240.40206, 240.40207, and 240.40208, F.S.; revising academic eligibility requirements for receipt of an award; requiring the Department of Education to assign additional weights to grades for certain courses; revising provisions relating to transition to the Florida Bright Futures Scholarship Program; providing for award calculations for enrollment at nonpublic postsecondary education institutions; providing an effective date.

Rep. Casey moved the adoption of the amendment.

Representative(s) K. Pruitt offered the following:

**Amendment 1 to Amendment 1 (with title amendment)**—On page 7, between lines 27 and 28, of the amendment

insert:

Section 7. *Notwithstanding any provisions of law to the contrary, in the event that funds in Specific Appropriation 0A of Chapter 97-152, Laws of Florida, are insufficient to meet the requirements of the Florida Bright Futures Scholarship Program for fiscal year 1997-98, funds may be transferred from the Working Capital Fund into the Educational Enhancement Trust Fund in an amount sufficient to meet the requirements of the Program. The Commissioner of Education is authorized to initiate a request for such a transfer under the provisions of Chapter 216, Florida Statutes. Any transfer or proposed transfer under this Act shall be subject to the notice, review, and objection procedures provided in Section 216.177(2), Florida Statutes.*

And the title is amended as follows:

On page 8, line 18, of the amendment

after the semicolon insert: providing for a transfer from the Working Capital Fund under certain circumstances;

Rep. K. Pruitt moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

On motion by Rep. Casey, the rules were suspended and CS for SB 10-A, as amended, was read the third time by title. On passage, the vote was:

Yeas—116

The Chair	Argenziano	Arnold	Ball
Andrews	Arnall	Bainter	Barreiro

Betancourt	Eggelletion	Littlefield	Rojas
Bitner	Fasano	Livingston	Safley
Bloom	Feeney	Logan	Sanderson
Boyd	Fischer	Lynn	Saunders
Bradley	Flanagan	Mackenzie	Sembler
Brennan	Frankel	Mackey	Silver
Bronson	Fuller	Maygarden	Sindler
Brooks	Futch	Meek	Smith
Brown	Garcia	Melvin	Spratt
Burroughs	Gay	Merchant	Stabins
Bush	Geller	Miller	Stafford
Byrd	Goode	Minton	Starks
Carlton	Greene	Morrioni	Sublette
Casey	Hafner	Morse	Tamargo
Chestnut	Harrington	Murman	Thrasher
Clemons	Healey	Ogles	Tobin
Constantine	Heyman	Peaden	Trovillion
Cosgrove	Hill	Posey	Turnbull
Crady	Horan	Prewitt, D.	Valdes
Crist	Jacobs	Pruitt, K.	Villalobos
Crow	Kelly	Putnam	Wallace
Culp	King	Rayson	Warner
Dawson-White	Kosmas	Reddick	Wasserman Schultz
Dennis	Lacasa	Ritchie	Westbrook
Dockery	Laurent	Ritter	Wiles
Edwards	Lawson	Roberts-Burke	Wise
Effman	Lippman	Rodriguez-Chomat	Ziebarth

Nays—None

Votes after roll call:

Yeas—Albright, Bullard, Jones

So the bill passed, as amended, and was immediately certified to the Senate.

*The Honorable Daniel Webster, Speaker*

I am directed to inform the House of Representatives that the Senate has passed SB 20-A, as amended, and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By Senator Grant—

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

—was read the first time by title. On motion by Rep. Sindler, the rules were suspended and the bill was read the second time by title.

Representative(s) Sindler offered the following:

**Amendment 1 (with title amendment)**—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsection (17) of section 239.117, Florida Statutes, is amended to read:

239.117 Postsecondary student fees.—

(17) Each school board and community college board of trustees may establish a separate fee for capital improvements, technology enhancements, or equipping buildings which may not exceed 5 percent of the matriculation fee for resident students or 5 percent of the matriculation and tuition fee for nonresident students. Funds collected by community colleges through these fees may not be bonded *only for the*



*purpose of financing or refinancing new construction of educational facilities. The fee shall be collected as a component part of the registration and tuition fees, paid into a separate account, and expended only to construct and equip, maintain, improve, equip, or enhance the certificate career education or adult education facilities of the school district or community college. Projects funded through the use of the capital improvement fee must meet the survey and construction requirements of chapter 235. Pursuant to s. 216.0158, each school board and community college board of trustees shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee. Capital improvement fee revenues may be pledged by a board of trustees as a dedicated revenue source to the repayment of debt, including lease-purchase agreements and revenue bonds, with a term not to exceed 20 years, only for the new construction of educational facilities. Community colleges may use the services of the Division of Bond Finance of the State Board of Administration to issue any bonds authorized through the provisions of this subsection. Any such bonds issued by the Division of Bond Finance shall be in compliance with the provisions of the State Bond Act. Bonds issued pursuant to the State Bond Act shall be validated in the manner provided by chapter 75. The complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending. A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the school board or community college board of trustees.*

Section 2. Paragraph (t) is added to subsection (4) of section 240.319, Florida Statutes, to read:

240.319 Community college district boards of trustees; duties and powers.—

(4) Such rules, procedures, and policies for the boards of trustees include, but are not limited to, the following:

(t) *Each board of trustees is authorized to borrow funds and incur debt, including the issuance of revenue bonds as specifically authorized in ss. 239.117(17) and 240.35(13), only for the new construction of educational facilities. At the option of the board of trustees, bonds may be issued which are secured by a combination of revenues authorized to be pledged to bonds pursuant to ss. 239.117(17) and 240.35(13).*

Section 3. Subsection (13) of section 240.35, Florida Statutes, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate degree, including college-preparatory courses defined in s. 239.105.

(13) Each community college board of trustees may establish a separate fee for capital improvements or equipping student buildings which may not exceed \$1 per credit hour or credit-hour equivalent for residents and which equals or exceeds \$3 per credit hour for nonresidents. Funds collected by community colleges through these fees may not be bonded only for the purpose of financing or refinancing new construction of educational facilities. The fee shall be collected as a component part of the registration and tuition fees, paid into a separate account, and expended only to construct and equip, maintain, improve, or enhance the educational facilities of the community college. Projects funded through the use of the capital improvement fee shall meet the survey and construction requirements of chapter 235. Pursuant to s. 216.0158, each community college shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee. Capital improvement fee revenues may be pledged by a board of trustees as a dedicated revenue source to the repayment of debt, including lease-purchase agreements and revenue bonds, with a term not to exceed 20 years, only for the new construction of educational facilities. Community colleges may use the services of the Division of Bond Finance of the State Board of Administration to issue any bonds authorized through the provisions of this subsection. Any such bonds issued by the

*Division of Bond Finance shall be in compliance with the provisions of the State Bond Act. Bonds issued pursuant to the State Bond Act shall be validated in the manner provided by chapter 75. The complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending. A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the community college.*

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, remove from the title of the bill line 2 thru line 13

and insert in lieu thereof: An act relating to educational facilities; amending ss. 239.117 and 240.35, F.S.; allowing capital improvement fees to be bonded; specifying conditions; permitting new construction of educational facilities as a use for fee revenues; amending s. 240.319, F.S.; authorizing community college district boards of trustees to borrow funds and incur debt for the new construction of educational facilities; providing an effective date.

Rep. Sindler moved the adoption of the amendment, which was adopted.

On motion by Rep. Sindler, the rules were suspended and SB 20-A, as amended, was read the third time by title. On passage, the vote was:

Yeas—117

The Chair	Crow	Laurent	Rojas
Albright	Dawson-White	Lawson	Safley
Andrews	Dennis	Lippman	Sanderson
Argenziano	Dockery	Littlefield	Saunders
Arnall	Edwards	Livingston	Sembler
Arnold	Eggelton	Logan	Silver
Bainter	Fasano	Lynn	Sindler
Ball	Feeney	Mackenzie	Smith
Barreiro	Fischer	Mackey	Spratt
Betancourt	Flanagan	Maygarden	Stabins
Bitner	Frankel	Meek	Stafford
Bloom	Fuller	Melvin	Starks
Boyd	Futch	Merchant	Sublette
Bradley	Garcia	Miller	Tamargo
Brennan	Gay	Minton	Thrasher
Bronson	Geller	Morrone	Tobin
Brooks	Goode	Morse	Trovillion
Brown	Greene	Murman	Turnbull
Bullard	Hafner	Ogles	Valdes
Burroughs	Harrington	Peaden	Villalobos
Bush	Healey	Posey	Wallace
Byrd	Heyman	Prewitt, D.	Warner
Carlton	Hill	Pruitt, K.	Wasserman Schultz
Casey	Horan	Putnam	Westbrook
Chestnut	Jacobs	Rayson	Wiles
Clemons	Jones	Reddick	Wise
Constantine	Kelly	Ritchie	Ziebarth
Cosgrove	King	Ritter	
Crady	Kosmas	Roberts-Burke	
Crist	Lacasa	Rodriguez-Chomat	

Nays—None

Votes after roll call:

Yeas—Culp

So the bill passed, as amended, and was immediately certified to the Senate.

### Ceremonial Resolutions

On motion by Rep. Thrasher, Co-Chair of the Committee on Rules, Resolutions, & Ethics, the rules were suspended and HR 9005-A was taken up.

**HR 9005-A**—A resolution honoring academic national championship teams of the University of West Florida.

WHEREAS, from time to time, the Florida House of Representatives pauses to recognize outstanding accomplishments performed by the residents of this state, and

WHEREAS, the University of West Florida has fielded three academic teams that between them have won a total of four national championships during the past two years alone, and

WHEREAS, under the leadership of Professor Tom Groth, the members of the 1997 University of West Florida "Hot Shop" National Intercollegiate Advertising Team, Sara Hiers, Scott Hall, Ingvi Logason, Randolph Morrison, Steve Nicola, Jay Odom, Mario Pavlou, Ashley Reed, Shay Rogers, Ryan Stafford, Joshua Stewart, Sheila Trammell, and Michael Winburn, won the 1997 National Student Advertising Competition, which victory marks its third such national championship since 1989 and the team's second in as many years, a winning record unmatched by any Florida university or college team of any kind, and

WHEREAS, Director of Forensics, Toni Whitfield, and the members of the 1997 University of West Florida National Forensics Association Tournament Team, Walter Anaruk, Matt Hall, Sommer Hall, Matt Kuss, and Heather Wellman, emerged triumphant at the 1997 National Forensics Association Tournament, the largest intercollegiate debate competition in the United States, and

WHEREAS, Assistant Professor Stephen "LT" Snyder and the members of the 1997 University of West Florida International Collegiate Business Policy Competition Team, Patrick Brown, Jeffrey Morgan, Alessio Albisetti, and Barry Robinson, are to be congratulated for winning back-to-back national championships in 1996 and 1997 in the prestigious International Collegiate Business Policy Competition, a business simulation tournament which requires two months of preliminary competition via computer and which is capped by a grueling, 48-hour, round-the-clock final phase in which the teams go head to head against one another in person, and

WHEREAS, there is no more fitting time to honor academic national champions than at a special session of the Florida Legislature convened to consider education issues, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives pauses in its deliberations to honor the academic national championship teams of the University of West Florida and their directors.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to University President Morris Marx as a tangible token of the sentiments expressed herein.

—was read the second time by title. On motion by Rep. Melvin, the resolution was adopted.

### Designation of Dean of the House

The Speaker announced the designation of the Honorable George A. Crady as Dean of the House.

Rep. Crady gave brief remarks in appreciation of the honor.

On motion by Rep. Thrasher, the rules were suspended and the House moved to the order of—

### Introduction and Reference

Rep. Garcia moved that **HB 13-A** be admitted for introduction, the Speaker having ruled the measure was outside the purview of the Call.

The motion was agreed to by the required constitutional two-thirds vote and—

By Representatives Garcia, Mackey, K. Pruitt, and Villalobos—

**HB 13-A**—A bill to be entitled An act relating to state meat inspections; reinstating the state meat inspection program; requiring the Commissioner of Agriculture to notify the Federal Government of the state's decision to continue the meat inspection program; suspending certain pending personnel actions; providing for an appropriation; providing an effective date.

—was read the first time by title. On motion by Rep. Garcia, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Yeas—117

The Chair	Crow	Lacasa	Rodriguez-Chomat
Albright	Culp	Laurent	Rojas
Andrews	Dawson-White	Lawson	Safley
Argenziano	Dennis	Lippman	Sanderson
Arnall	Dockery	Littlefield	Saunders
Arnold	Edwards	Livingston	Sembler
Bainter	Effman	Logan	Silver
Ball	Eggelletion	Lynn	Sindler
Barreiro	Fasano	Mackenzie	Spratt
Betancourt	Feeney	Mackey	Stabins
Bitner	Fischer	Maygarden	Stafford
Bloom	Flanagan	Meek	Starks
Boyd	Frankel	Melvin	Sublette
Bradley	Fuller	Merchant	Tamargo
Brennan	Futch	Miller	Thrasher
Bronson	Garcia	Minton	Tobin
Brooks	Gay	Morroni	Trovillion
Brown	Geller	Morse	Turnbull
Bullard	Goode	Murman	Valdes
Burroughs	Greene	Ogles	Villalobos
Bush	Hafner	Peaden	Wallace
Byrd	Harrington	Posey	Warner
Carlton	Healey	Prewitt, D.	Wasserman Schultz
Casey	Heyman	Pruitt, K.	Westbrook
Chestnut	Hill	Putnam	Wiles
Clemons	Horan	Rayson	Wise
Constantine	Jacobs	Reddick	Ziebarth
Cosgrove	Jones	Ritchie	
Crady	King	Ritter	
Crist	Kosmas	Roberts-Burke	

Nays—2

Kelly Smith

Votes after roll call:

Nays to Yeas—Kelly

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Thrasher, the rules were suspended and the House moved to the order of—

### Messages from the Senate

*The Honorable Daniel Webster, Speaker*

I am directed to inform the House of Representatives that the Senate has passed HB 17-A, with amendment, and requests the concurrence of the House, and in the event the House refuses to concur, the Senate requests that a conference committee be appointed.

The President has appointed the following Senators as conferees on the part of the Senate: Senators Horne, Grant, Sullivan, Myers, Jenne and Holzendorf; alternates; Senators Silver, Latvala, Lee, Cowin and Clary.

*Faye W. Blanton, Secretary*

**HB 17-A**—A bill to be entitled An act relating to accountability and funding for school facilities programs; creating the “SMART Schools Act”; creating s. 235.175, F.S.; providing legislative purpose; amending s. 235.18, F.S.; requiring school districts to prepare facilities 5-year work programs before adopting their annual capital outlay budgets; creating s. 235.185, F.S.; requiring school district facilities 5-year work programs and providing definitions and procedures; creating s. 235.186, F.S.; providing for effort index grants for school district facilities work program projects; specifying an effort index for district eligibility to receive grants; providing for computation and allocation; creating s. 235.187, F.S.; requiring the use of school construction advisory councils for certain districts; providing for appointment of council members and duties relating to the councils; amending s. 235.215, F.S.; revising requirements relating to energy efficiency contracting by school districts, community colleges, and universities; providing intent; revising measures that qualify as energy conservation measures; providing requirements for energy performance-based contracts rather than guaranteed energy savings contracts; specifying procedures for entering into such contracts; revising requirements relating to installment payment contracts; specifying the provisions and terms of energy performance-based contracts; providing duties and liabilities of energy performance contractors; reenacting and amending s. 235.2155, F.S.; revising the School Infrastructure Thrift (SIT) Program; reenacting and amending s. 235.216, F.S.; revising cost ceilings and provisions relating to SIT Program awards; providing for recognition awards; creating s. 235.217, F.S.; establishing the SMART Schools Clearinghouse and providing for membership and duties; providing for rulemaking; prohibiting certain activities; authorizing per diem and travel expenses; providing for staff; subjecting members to certain requirements for public officers and employees; creating s. 235.218, F.S.; requiring school district facilities work program performance and productivity standards and evaluation; creating s. 235.219, F.S.; creating the Classrooms Now Loan Program within the Department of Education, subject to legislative appropriation from the Educational Enhancement Trust Fund; providing for use of funds for loans to school districts to fund certain capital outlay projects; providing requirements for such loans; providing for deposit of loan repayments to support the effort index grant program; providing for withholding of certain funds upon failure to repay such loans; providing for deposit of such withheld funds; amending s. 24.121, F.S.; authorizing recurring use of specified revenues in the Educational Enhancement Trust Fund; creating s. 235.2195, F.S.; authorizing Classrooms Now capital outlay bonds and specifying conditions; amending s. 235.321, F.S.; requiring school districts to monitor the impact of change orders on district facilities work programs; amending s. 235.017, F.S.; authorizing boards to submit phase III construction documents for review and approval to the Department of Management Services for certain projects; providing for appropriations; providing funding for a SMART school demonstration middle school project; establishing the Florida Teacher Lead Program; defining “classroom teacher”; requiring the Commissioner of Education to provide for timely encumbrances of certain funds; establishing the SMART Schools Small County Assistance Program for fiscal year 1998-1999; providing purpose of the program; providing duties of the SMART Schools Clearinghouse and the Department of Education with respect thereto; providing for funding of the program; amending s. 229.513, F.S.; revising provisions relating to the review of rules and statutes by the Commissioner of Education; amending s. 230.23025, F.S.; revising provisions relating to the “Best Financial Management Practices for School Districts”; revising provisions relating to review of a school district’s best financial management practices; revising certain reporting requirements; amending s. 235.011, F.S.; redefining certain terms and defining the term “core facilities”; amending s. 235.014, F.S., relating to functions of the Department of Education; revising exceptions to departmental recommendations of maximum square footage; revising utilization standards to discourage the addition of relocatables in certain circumstances; authorizing the use of relocatables for certain purposes; revising provisions relating to validation of educational plant surveys, including student station assignment; amending s. 235.06, F.S.; requiring fire control authorities to inspect educational facilities; creating s. 235.061, F.S.; requiring standards for relocatables and providing guidelines; requiring certain inspections; amending s. 235.15, F.S.; revising provisions relating to

educational plant surveys and the counting of relocatables; requiring guidelines for the use of relocatables; deleting provisions relating to State Board of Education approval of surveys; amending s. 235.26, F.S.; revising provisions relating to standards of the State Uniform Building Code for Public Educational Facilities Construction; reenacting s. 235.41(3), F.S., relating to legislative capital outlay budget requests, to incorporate the amendment to s. 235.435, F.S., in a reference; amending s. 235.435, F.S.; revising provisions relating to funds for comprehensive educational plant needs; requiring guidelines for maintenance and repair schedules and remodeling and renovation; revising requirements relating to expenditures for space needs; revising square footage and cost-ceiling requirements; clarifying provisions relating to maintenance and repair; creating s. 235.4351, F.S.; authorizing waivers from certain requirements; amending s. 236.25, F.S., relating to the district school tax; revising requirements relating to use of the 2-mill tax for new construction and remodeling; revising provisions which revise the uses of said tax and phase out certain uses over a specified period; providing additional circumstances under which school districts may be exempted from expenditure restrictions; authorizing expenditures for ancillary plants under specified circumstances; providing legislative intent and requiring certain review and recommendations by the Department of Education and SMART Schools Clearinghouse; providing that certain projects shall proceed under the laws and rules in effect when the design or design-build contract was executed; repealing s. 12, ch. 97-265, Laws of Florida, relating to future review and repeal of school district tax for capital outlay; providing an effective date.

**Senate Amendment 1 (with title amendment)**—On page 0, delete everything after the enacting clause

and insert:

Section 1. *Florida Frugal Schools Program.*—

(1) *The Legislature recognizes the need for public accountability and public confidence in the expenditure of capital outlay funds by district school boards. The Legislature further recognizes that frugal construction of functional schools is an essential element in providing, with limited state and local resources, adequate school facilities for a growing student population.*

(2) *The “Florida Frugal Schools Program” is created to recognize publicly each district school board that agrees to build frugal yet functional educational facilities and that implements “best financial management practices” when planning, constructing, and operating educational facilities. The State Board of Education shall recognize a district school board as having a Florida Frugal Schools Program if the district requests recognition and satisfies two or more of the following criteria:*

(a) *The district receives a “Seal of Best Financial Management” as provided in section 230.2302, Florida Statutes, created by chapter 97-265, Laws of Florida, or implements best financial management practices in the area of educational facilities as evidenced by a partial review under section 230.2302, Florida Statutes.*

(b) *The district school board certifies that each educational facility planned and constructed by the district after the effective date of this act will comply with the cost limits established in section 235.435(6), Florida Statutes, and that evidence of such compliance will be submitted for validation on a project-by-project basis to the Department of Education.*

(c) *The district school board submits a plan to the Commissioner of Education certifying how the revenues generated by the levy of the capital outlay sales surtax authorized by section 212.055(7), Florida Statutes, will be spent. The plan must include at least the following assurances about the use of the proceeds of the surtax and any accrued interest.*

1. *The district school board will use the surtax and accrued interest only for the fixed capital outlay purposes identified by section 212.055(7)(d), Florida Statutes, which will reduce school overcrowding that has been validated by the Department of Education, or for the repayment of bonded indebtedness related to such capital outlay purposes.*

2. The district school board will not spend the surtax or accrued interest to pay for operational expenses or for the construction, renovation, or remodeling of any administrative building or any other ancillary facility that is not directly related to the instruction, feeding, or transportation of students enrolled in the public schools.

3. The district school board's use of the surtax and accrued interest will be consistent with the best financial management practices identified and approved under section 230.2302, Florida Statutes.

4. The district school board will apply the educational facilities contracting and construction techniques authorized by section 235.211, Florida Statutes, or other construction management techniques to reduce the cost of educational facilities.

5. The district school board will discontinue the surtax levy when the district has provided the survey-recommended educational facilities that were determined to be necessary to relieve school overcrowding; when the district has satisfied any bonded indebtedness incurred for such educational facilities; or when the district's other sources of capital outlay funds are sufficient to provide such educational facilities, whichever occurs first.

6. The district school board will use any excess surtax collections or accrued interest to reduce the discretionary outlay millage levied under section 236.25(2), Florida Statutes.

(d) The district school board receives the equivalent of a one-half cent levy from the local infrastructure sales surtax.

Section 2. Subsection (7) of section 212.055, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(7) SCHOOL CAPITAL OUTLAY SURTAX.—

(a) ~~Beginning July 1, 1995,~~ The school board in each county may levy, pursuant to resolution conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum, a discretionary sales surtax at a rate that may not exceed 0.5 percent.

(b) The resolution shall include a statement that provides a brief and general description of the school capital outlay projects to be funded by the surtax. *If applicable, the resolution must state that the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program.* The statement shall conform to the requirements of s. 101.161 and shall be placed on the ballot by the governing body of the county. The following question shall be placed on the ballot:

.... FOR THE ..... CENTS TAX  
.... AGAINST THE ..... CENTS TAX

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

(d) The resolution providing for the imposition of the surtax shall set forth a plan for use of the surtax proceeds for fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses which have a useful life expectancy of 5 or more years, and any land acquisition, land

improvement, design, and engineering costs related thereto. Additionally, the plan shall include the costs of retrofitting and providing for technology implementation, including hardware and software, for the various sites within the school district. Surtax revenues may be used for the purpose of servicing bond indebtedness to finance projects authorized by this subsection, and any interest accrued thereto may be held in trust to finance such projects. Neither the proceeds of the surtax nor any interest accrued thereto shall be used for operational expenses. *If the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program, the district's plan for use of the surtax proceeds must be consistent with this subsection and with uses assured under the Florida Frugal Schools Program.*

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

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

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

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

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

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

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

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

(d) *The district must at the time of the request be levying the maximum millage against nonexempt assessed property value as allowed in section 236.25(2), Florida Statutes, or must submit a resolution from the school board committing to levy the required millage in the subsequent fiscal year. In lieu of the millage requirement, the district may qualify by documenting that the district is raising the equivalent of the maximum millage requirement through other local revenue sources, such as the half-cent sales tax.*

(3) *The Department of Education shall distribute funds to district school boards according to the statewide priority list recommended by the*

special facilities construction committee and approved by the Commissioner of Education. The Rural Relief Fund shall be funded to the extent to which money is provided by the Legislature for the Rural Relief Fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Bonds issued under this section must be validated as prescribed by chapter 75, Florida Statutes. The complaint for the validation must be filed in the circuit court of the county where the seat of state government is situated; the notice required to be published by section 75.06, Florida Statutes, must be published only in the county where the complaint is filed; and the complaint and order of the circuit court must be served only on the state attorney of the circuit in which the action is pending. The state covenants with holders of bonds issued under this section that it will not take any action that will materially and adversely affect the rights of such holders so long as such bonds are outstanding.

The state further covenants that it will appropriate from the first available funds in the Educational Enhancement Trust Fund amounts sufficient to make all payments required for any bonds issued under this section. From the funds appropriated in this section, \$525,000 is appropriated to fund a study to determine the most effective use of the resources that are made available by this act. The study shall be limited to the five school districts that are allocated the largest amount of funds by this act. The study shall, at a minimum, examine the feasibility of using alternatives to new construction or cost reduction techniques including a review of the capital planning processes used to estimate the cost of new school construction, renovation and repair of existing facilities, and to determine the priority of each option. A report shall be prepared for each of the districts studied and shall be made available to all other school districts, the President of the Senate, the Speaker of the House and the Governor. The Department of Management Services shall award a contract to a vendor certified under contract No. 973-655-96-1 for consulting services for performance measures. Performance shall be given to those firms who have substantial experience in conducting large scale school facility management and needs analyses. The contract shall be awarded by December 1, 1997 and shall be completed by April 30, 1998.

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

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

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

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

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

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

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

(b) In addition to school board inspections, the applicable local fire control authority shall also annually inspect educational facilities within its fire control district, using the standards adopted by the

Commissioner of Education. Reports shall be filed with the school board, and a copy shall be on file with the local site administrator.

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

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

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

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

228.056 Charter schools.—

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

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

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

(1) The Office of Program Policy Analysis and Government Accountability (OPPAGA) and the Office of the Auditor General are directed to develop a system for reviewing the financial management practices of school districts. In this system, OPPAGA and the Auditor General shall jointly examine district operations to determine whether they meet "best financial management practices." The best financial management practices will be adopted by the state Commissioner of Education ~~may be updated periodically within 90 days after the effective date of this act,~~ after consultation with the Legislature, the Governor, OPPAGA, and the Auditor General. The best financial management practices, at a minimum, must *instill public confidence by addressing* address the following areas:

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

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

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

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

(2) School districts may, by a unanimous vote of the membership of the school board, apply to OPPAGA for a complete best financial

management practice review or a review of one or more components of the best financial practices, including management, personnel, facilities, transportation, and food and nutrition services reviews. OPPAGA shall prioritize districts for review based on their growth rates and demonstrated need for review. The director of OPPAGA may, ~~at his discretion,~~ contract with private consultants to perform part or all of the review of any district. Districts applying for a complete review shall contribute 50 percent of review costs, unless funding for the entire cost of the review is specifically provided by the Legislature ~~or the district has had a performance review pursuant to ss. 11.515 and 230.2302.~~ Districts applying for a review of one or more components shall contribute 75 percent of the cost of reviewing each component.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(15)(11) "Maintenance and repair" means the upkeep of educational and ancillary plants, including, but not limited to, roof or roofing replacement short of complete replacement of membrane or structure; repainting of interior or exterior surfaces; resurfacing of floors; repair or replacement of glass; repair of hardware, furniture, equipment, electrical fixtures, and plumbing fixtures; and repair or resurfacing of parking lots, roads, and walkways. "Maintenance and repair" ~~does~~ shall not include renovation except for the replacement of equipment with new equipment of equal systems meeting current code requirements, provided that the replacement item neither places increased demand upon utilities services or structural supports nor adversely affects the function of safety to life systems. "Maintenance and repair" ~~does not~~ include custodial services or groundskeeping services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Establish recommended minimum and maximum square footage requirements for different functions and areas and the procedures for

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

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

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

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

2. The term "validate" as applied to surveys by community colleges means to review and document the approval of each new site and official designation, where applicable; review the inventory database as submitted by the Division of Community Colleges, including nonvocational, vocational, and total capital outlay full-time equivalent enrollment projections per site and per college; provide for the review and inspection, where required, of student stations and aggregate square feet of space changed from satisfactory to unsatisfactory; utilize and review the documentation of programs offered per site submitted by the Division of Community Colleges as accurate for analysis of space requirements and needs; confirm that needs projected for vocational and adult educational programs comply with needs documented by the Division of Workforce Development Applied Technology and Adult Education; compare new facility inventory to allocations limits as provided in this chapter; review cost projections for conformity with state averages or limits designated by this chapter; compare student



enrollment projections in the survey to the department's projections; review facilities lists to verify that area allocations and space factors for generating space needs do not exceed the limits as provided by this chapter and related rules; confirm the application of facility utilization factors as provided by this chapter and related rules; and review, as submitted, documentation of how survey recommendations will implement the detail of current campus master plans and integrate with local comprehensive plans and development regulations.

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

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

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

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

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

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

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

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

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

235.061 *Standards for relocatable buildings and manufactured buildings used as long-term classroom space.—The Commissioner of Education shall adopt rules establishing standards for relocatable buildings and manufactured buildings intended for long-term use as*

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

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

235.1491 *Statewide need assessment calculation for educational capital outlay.—*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. By September 1 each year, the department shall project available state and district revenues for the next 5 fiscal years with the current fiscal year being the first year. For state revenue sources, the department shall incorporate the most recent projections of the Education, Transportation, and Revenue Estimating Conferences. For district

revenue sources, the department shall measure the projected local revenues and shall incorporate the most recent projections of the Revenue Estimating Conference for applicable local sales and surtax projections. No available district revenue sources presently unlevied shall be included in the official 5-year revenue projection, but the department must make a separate projection of each district's potential revenue based on the unlevied sources.

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

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

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

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

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

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

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

(1) At least every 5 years, each board, including the Board of Regents, shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary

services of the district or campus, including consideration of the local comprehensive plan. The Division of Workforce Development shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the *educational* ~~education~~ plant survey of a school district or community college that delivers career or adult education programs. Information used by the Division of Workforce Development to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or community college.

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

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

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

2. Each survey of a special facility, joint-use facility, or cooperative vocational education facility must be based on capital outlay full-time equivalent student enrollment data prepared by the department and

school districts, by the Division of Community Colleges for community colleges, and by the Board of Regents for state universities. A survey of space needs of a joint-use facility shall be based upon the respective space needs of the school districts, community colleges, and universities, as appropriate. Projections of a school district's facility space needs may not exceed the *norm minimum* space and occupant design criteria established by *the State Requirements for Educational Facilities rule of the State Board of Education.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. The proposed location of planned facilities.

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

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

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

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

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

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

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

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

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

(d) If the tentative district facilities work program would add portable facilities to a school at which student enrollment is at or above 130 percent of capacity of core facilities, the school board must notify that

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

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

(4) **EXECUTION OF ADOPTED DISTRICT FACILITIES WORK PROGRAM.**—*The first year of the adopted district facilities work program shall constitute the capital outlay budget required in s. 235.18. The final adopted district facilities work program shall include the information required in subparagraphs (2)(a)1., 2., and 3., based upon projects actually funded in the program.*

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

235.19 Site planning and selection.—

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

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

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

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

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

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

235.199 Cooperative funding of vocational educational facilities.—

(3) The total cost of the proposed facility *may not exceed the maximum total project cost per student station as provided in s.*

~~235.435(6)(b) shall be determined by the district school board using established state board averages for determining new construction cost.~~

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

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

(2) **CONFORMITY TO UNIFORM BUILDING CODE STANDARDS REQUIRED FOR APPROVAL.**—A district school board or community college district board of trustees may not approve any plans for the construction, renovation, remodeling, or demolition of any educational or ancillary plants unless these plans conform to the requirements of the Uniform Building Code. Each district school board and community college district board of trustees may adopt policies for delegating to the superintendent or community college president authority for submitting documents to the department and for awarding contracts subsequent to and consistent with board approval of the scope, timeframes, funding source, and budget of a survey-recommended project. It is also the responsibility of the department to develop, as a part of the Uniform Building Code, standards relating to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

235.33 Payments.—

(1) The final payment to the contractor shall not be made until the construction project has been inspected by the architect or other person designated by the board for that purpose and until he or she has issued a written certificate that the project has been constructed in accordance with the approved plans and specifications and approved change orders and until the board, acting on these recommendations, has accepted the project. After acceptance by the board, a duplicate copy of this written certificate, duly certified as having been accepted by the board, as well

as other related data on *contract costs and total* project costs, space inventory update, and other related building information must be filed with the department for budget and cost reporting purposes.

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

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

(2)(a) The department shall establish, as a part of the Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to be known as the "Special Facility Construction Account." The Special Facility Construction Account shall be used to provide necessary construction funds to school districts which have urgent construction needs but which lack sufficient resources at present, and cannot reasonably anticipate sufficient resources within the period of the next 3 years, for these purposes from currently authorized sources of capital outlay revenue. A school district requesting funding from the Special Facility Construction Account shall submit one specific construction project, not to exceed one complete educational plant, to the Special Facility Construction Committee. No district shall receive funding for more than one approved project in any 3-year period. The first year of the 3-year period shall be the first year a district receives an appropriation. The department shall encourage a construction program that reduces the average size of schools in the district. The request must meet the following criteria to be considered by the committee:

1. The project must be deemed a critical need and must be recommended for funding by the Special Facility Construction Committee. Prior to developing plans for the proposed facility, the district school board must request a preapplication review by the Special Facility Construction Committee or a project review subcommittee convened by the committee to include two representatives of the department and two staff from school districts other than the district submitting the project. Within 60 days after receiving the preapplication review request, the committee or subcommittee must meet in the school district to review the project proposal and existing facilities. To determine whether the proposed project is a critical need, the committee or subcommittee shall consider, at a minimum, the *total* capacity of all existing facilities within the district as determined by the Florida Inventory of School Houses; *the district's utilized instructional space capacity as provided in s. 235.15(1)(b)*; the district's pattern of student growth; the district's existing and projected capital outlay full-time equivalent student enrollment as determined by the department; ~~the district's existing satisfactory student stations~~; the use of all existing district property and facilities; grade level configurations; and any other information that may affect the need for the proposed project.

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

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

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

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

6. Upon construction, the total project cost, including change orders, must not exceed the *maximum adjusted statewide average cost per*

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

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

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

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

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

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

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

(6)(a) ~~Effective July 1, 1997, Each district school board must meet all educational plant instructional space needs of the respective educational sector before spending funds from the Public Education Capital Outlay and Debt Service Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund for any other new construction, renovation, or remodeling of ancillary space. Expenditures to meet such instructional space needs may include expenditures for site acquisition; new construction; maintenance, renovation, repair, or remodeling of existing educational plants, including auxiliary facilities; and the costs of such services of school district personnel directly related to such maintenance, renovation, repair, or remodeling.~~

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

1. For an elementary school, \$11,600 per student station.
2. For a middle school, \$13,300 per student station.
3. For a high school, \$17,600 per student station. ~~equals more than 110 percent of the adjusted statewide average total construction cost per gross square foot, adjusted by the appropriate construction cost index and the 5-year average statewide inflation rate.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

236.25 District school tax.—

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

(a) New construction and remodeling projects, as set forth in s. 235.435(3)(b), without regard to the prioritization in that section, sites

and site improvement or expansion to new sites, existing sites, auxiliary facilities, athletic facilities, or ancillary facilities.

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

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

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

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

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

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

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

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

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

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

(a) In fiscal year 1997-1998, a district school board may spend for purposes other than the construction, renovation, remodeling, *maintenance*, and repair of educational *plants facilities that provide space for the instruction of students*; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such *plants facilities*; and the purchase, lease-purchase, or lease of school buses, no more than 85 percent of the amount that was spent for those purposes in fiscal year 1995-1996, which shall be the base year, from the proceeds of the millage levied under subsection (2).

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

(c) In fiscal year 1999-2000, a district school board may spend for purposes other than the construction, renovation, remodeling, *maintenance*, and repair of educational *plants facilities that provide space for the instruction of students*; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to

instruction in such *plants facilities*; and the purchase, lease-purchase, or lease of school buses, no more than 55 percent of the amount that was spent for those purposes in the base year.

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

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

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

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

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

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

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

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



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

Section 37. *The Legislature recognizes that the public school system is strengthened by the professional and personal contributions of dedicated classroom teachers. The Legislature further recognizes that many teachers spend their own money to benefit their students. It is therefore the intent of the Legislature to provide monetary awards that public school teachers may use at their discretion to enrich the educational experience of their students.*

Section 38. *The Florida Teachers Lead Program is established to provide monetary awards to teachers who are employed by public schools in this state.*

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

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

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

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

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

Section 39. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 0, delete everything before the enacting clause

and insert: A bill to be entitled An act relating to education; creating the Florida Frugal Schools Program; providing criteria for recognizing school districts that implement Florida Frugal Schools Program; amending s. 212.055, F.S., relating to the school capital outlay surtax; requiring the ballot resolution to state a district's participation in the Florida Frugal Schools Program; limiting the surtax proceeds to uses assured under the Florida Frugal Schools; creating the Rural Relief Fund; providing criteria for receiving funding; specifying duties of the Department of Education; transferring funds and providing an appropriation to the Department of Education for the Rural Relief Fund; providing that certain projects shall proceed under the laws and rules in effect when the design or design-build contract was executed; repealing ss. 235.2155, 235.216, F.S., which relate the School Infrastructure Thrift Program and to the cost of educational facilities; amending s. 24.121, F.S.; authorizing expenditures from the Educational Enhancement Trust Fund for the Classrooms First Program; providing legislative intent regarding future appropriations for the Classrooms First Program; providing for the allocation of funds to district school boards for the Classrooms First Program; authorizing bonds or revenue anticipation certificates backed by funds appropriated for the Classrooms First Program; specifying duties of the State Board of Education; specifying additional uses of the funds; providing an appropriation to the Department of Education for the Classrooms First Program; providing an appropriation to the University of South Florida for the purchase of the TGH-USF Psychiatric Center; amending s. 235.06, F.S.; requiring fire control authorities to inspect educational facilities; providing an appropriation to the Florida Agricultural and Mechanical University for the expansion of the Science Research Facility; providing an appropriation to the Department of Education for the purpose of implementing s. 10, ch. 97-265, Laws of Florida; providing an appropriation to the Department of Education to develop certain standards; amending s. 228.056, F.S.; authorizing a municipality to submit a proposal to operate a charter school; amending s. 230.23025, F.S.; revising provisions relating to adopting and updating best financial management practices; providing for review of practices and for paying the costs of review; allowing a certain audit or review to serve as a determination of "best financial management practices"; amending s. 235.011, F.S.; defining and redefining terms used in ch. 235, F.S.; amending s. 235.014, F.S., relating to the functions of the Department of Education; expanding exceptions to departmental recommendations of maximum square footage; revising standards for validating surveys of facilities; amending s. 235.056, F.S.; requiring a report with respect to the amount of leased space used by school districts; creating s. 235.061, F.S.; providing standards for relocatable buildings and manufactured buildings used for classroom space; creating s. 235.1491, F.S.; providing for a statewide need assessment calculation for educational capital outlay; amending s. 235.15, F.S.; specifying requirements for educational plant surveys and localized need assessment calculations; amending s. 235.155, F.S.; providing legislative intent with respect to exceptions from recommendations in educational plant surveys; requiring the identification of critically overcrowded schools and school districts; providing reporting requirements; specifying duties of the Commissioner of Education and the State Board of Education; requiring recommendations to the Governor and presiding officers of the Legislature; creating s. 235.158, F.S.; providing for school district facilities work programs; amending s. 235.19, F.S.; prescribing criteria for selecting the sites of proposed educational centers or campuses; amending s. 235.198, F.S.; specifying criteria for determining the maximum estimated cost of each proposed satellite facility that is to be jointly developed by private industry and a district school board; amending s. 235.199, F.S.; specifying criteria for determining the maximum estimated cost of each proposed vocational educational facility; amending s. 235.26, F.S.; prescribing the requirements for standards that must be developed by the department as part of the State Uniform Building Code for Public Educational Facilities Construction; providing legislative intent; amending s. 235.33, F.S.; requiring certain fiscal information to be filed; amending s. 235.435, F.S.; prescribing criteria for determining allocations that are to be made to school boards from the Public Education Capital Outlay and Debt Service Trust Fund; creating s. 235.4351, F.S.; providing for waiver from requirements relating to plant surveys, need projections, and cost ceilings; amending s. 236.25, F.S., relating to the district school tax;

decreasing the proportion of the optional 2-mill tax which may be applied to payments made under certain lease-purchase agreements; providing an exception for lease-purchase agreements entered into before a specified date; authorizing additional expenditures for proceeds of the optional 2-mill tax; revising the purposes for which the revenues of such tax may be used; redefining the terms "materials" and "equipment" as applied to certain restrictions on spending the proceeds of the 2-mill tax; amending s. 12 of ch. 97-265, Laws of Florida; abrogating the repeal of s. 236.25, F.S., relating to the district school tax; prohibiting the conversion of school buildings to other uses without the permission of the Commissioner of Education; providing for transfer of certain full-time-equivalent students in Florida Education Finance Program calculations; providing additional guidelines for making such calculations; providing a caps adjustment; providing legislative intent regarding monetary awards for classroom teachers; establishing the Florida Teachers Lead Program; providing an appropriation; specifying purposes of the awards; providing an award amount and distribution procedure; requiring district school boards to publicize amounts and uses of the awards; providing a definition; providing an effective date.

On motion by Rep. K. Pruitt, the House refused to concur in Senate Amendment 1 and requested the Senate to recede therefrom. The vote was:

Yeas—77

The Chair	Culp	Livingston	Sembler
Albright	Dockery	Lynn	Sindler
Andrews	Edwards	Mackey	Smith
Arnall	Eggelletion	Maygarden	Spratt
Bainter	Fasano	Melvin	Stabins
Ball	Feeny	Merchant	Starks
Barreiro	Flanagan	Minton	Sublette
Bitner	Fuller	Morrone	Tamargo
Boyd	Futch	Morse	Thrasher
Bradley	Garcia	Murman	Trovillion
Bronson	Gay	Ogles	Valdes
Brooks	Goode	Peaden	Villalobos
Burroughs	Harrington	Posey	Wallace
Byrd	Jones	Pruitt, K.	Warner
Carlton	Kelly	Putnam	Westbrook
Casey	King	Rodriguez-Chomat	Wise
Constantine	Lacasa	Rojas	Ziebarth
Crady	Laurent	Safley	
Crist	Lawson	Sanderson	
Crow	Littlefield	Saunders	

Nays—42

Argenziano	Brown	Cosgrove	Frankel
Arnold	Bullard	Dawson-White	Geller
Betancourt	Bush	Dennis	Greene
Bloom	Chestnut	Effman	Hafner
Brennan	Clemons	Fischer	Healey

Heyman	Logan	Reddick	Tobin
Hill	Mackenzie	Ritchie	Turnbull
Horan	Meek	Ritter	Wasserman Schultz
Jacobs	Miller	Roberts-Burke	Wiles
Kosmas	Prewitt, D.	Silver	
Lippman	Rayson	Stafford	

Votes after roll call:

Nays to Yeas—Argenziano

Thereupon, in anticipation of the Senate action, the Speaker appointed the following Members as managers on the part of the House on HB 17-A to serve with Rep. K. Pruitt, Chair: Reps. Lawson, King, Sublette, Wise, Eggelletion, and Mackey, with Reps. Barreiro, Boyd, Feeny, and Chestnut as alternates.

The action, together with the bill and amendment thereto, was immediately certified to the Senate.

**Motion to Recess**

Rep. Thrasher moved that the House stand in recess for the purpose of holding committee meetings and conducting other House business to reconvene upon call of the Chair. The motion was agreed to.

**Prime Sponsors**

- HB 13-A—Lippman
- HB 27-A—Fischer

**Cosponsors**

- HB 7-A—Wiles
- HB 13-A—Villalobos
- HB 23-A—Murman
- HB 27-A—Wiles

**Daily Folder**

Communication was received from the Speaker that under Rule 132, the Daily Folder for Wednesday, November 5, 1997, beginning at 8:10 a.m., would be made up of the General Calendar including the following bills:

- Third Reading
- HB 17-A "SMART Schools Act"
- Second Reading
- HB 23-A University of South Florida
- HB 37-A Alternative Education Institute
- HB 27-A Bright Futures Scholarship Program
- HB 7-A Business Ethics Education
- HB 35-A Educational Facilities

**Recessed**

Pursuant to the motion previously agreed to, the House recessed at 11:31 a.m., to reconvene upon call of the Chair.