

## Committee Substitute for Senate Bill No. 1848

An act relating to educational facilities; amending s. 235.056, F.S.; requiring certain plans to be prepared by an appropriate design professional; amending s. 235.0155, F.S.; revising the fee for prototype plans usage; amending s. 235.15, F.S.; requiring validation of certain surveys; amending s. 235.175, F.S.; deleting formula for School Infrastructure Thrift awards and effort index grants; amending s. 235.186, F.S.; allocating certain funds for effort index grants; revising the eligibility criteria and allocation formula for effort index grants; amending s. 235.2155, F.S.; revising School Infrastructure Thrift awards and related uses; amending s. 235.216, F.S. authorizing enhanced School Infrastructure Thrift Awards; specifying eligibility criteria; amending ss. 235.217, 235.218, F.S.; conforming provisions; deleting obsolete provisions; amending s. 235.211, F.S.; revising plan review requirements; amending s. 235.212, F.S.; specifying areas exempt from operable glazing; amending s. 235.31, F.S.; revising review authority of contracts; amending s. 235.061, F.S.; providing for the adoption of standards for relocatable classrooms; amending s. 404.056, F.S.; revising requirements related to radon testing; amending s. 46 of ch. 97-384, Laws of Florida, relating to appropriations for School Infrastructure Thrift Program awards and effort index grants; specifying the amount authorized for effort index grants; amending s. 235.26, F.S.; requiring district school boards to comply with certain standards for construction materials and systems based on life-cycle costs; providing an exception; requiring a public hearing; repealing s. 235.4355, F.S., relating to SMART Schools Small County Assistance Program for Fiscal Year 1998-1999; providing an effective date.

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

Section 1. Paragraph (b) of subsection (3) of section 235.056, Florida Statutes, 1998 Supplement, is amended to read:

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

(3)

(b) Prior to occupying a rented or a leased existing building, or space within an existing building, pursuant to this subsection, a school board shall, in a public meeting, adopt a resolution certifying that the following circumstances apply to the building proposed for occupancy:

1. Growth among the school-age population in the school district has created a need for new educational facilities in a neighborhood where there is little or no vacant land.

2. There exists a supply of vacant space in existing buildings that meet state minimum building and life safety codes.

3. Acquisition and conversion to use as educational facilities of an existing building or buildings is a cost-saving means of providing the needed classroom space as determined by the difference between the cost of new construction, including land acquisition and preparation and, if applicable, demolition of existing structures, and the cost of acquisition through rental or lease and conversion of an existing building or buildings.

4. The building has been examined for suitability, safety, and conformance with state minimum building and life safety codes. The building examination shall consist, at a minimum, of a review of existing documents, building site reconnaissance, and analysis of the building conducted by, or under the responsible charge of, a licensed structural engineer.

5. A certificate of evaluation has been issued by an appropriately licensed design professional ~~the structural engineer~~ which states that, based on available documents, building site reconnaissance, current knowledge, and design engineering judgment in the professional's engineer's professional opinion, the building meets the requirements of state minimum building and life safety codes, provides safe egress of occupants from the building, provides adequate firesafety, and does not pose a substantial threat to life to persons who would occupy the building for classroom use.

6. The plans for conversion of the building were prepared by an appropriate design professional architect or structural engineer licensed in this state, and the work of conversion was performed by contractors licensed in this state.

7. The conversion of the building was observed by an appropriate design professional architect or structural engineer licensed in this state.

8. The building has been reviewed, inspected, and granted a certificate of occupancy by the local building department.

9. All ceilings, light fixtures, ducts, and registers within the area to be occupied for classroom purposes were constructed or have been reconstructed to meet state minimum requirements.

Section 2. Subsection (3) of section 235.0155, Florida Statutes, is amended to read:

235.0155 Prototype designs.—

(3) District school boards may use the prototype plans free of charge from the department for all new facilities. Site adaptations, minor plan modifications, inspections, contract award, contract management, and final acceptance of the project shall be provided under contracts held by the school board.

Section 3. Paragraph (c) of subsection (1) of section 235.15, Florida Statutes, 1998 Supplement, is amended to read:

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

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

(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, when required by the State Constitution, shall recommend those in compliance for approval by the State Board of Education.

Section 4. Subsections (4), (5), and (6) of section 235.175, Florida Statutes, 1998 Supplement, are amended to read:

235.175 SMART schools; Classrooms First; legislative purpose.—

(4) SMART SCHOOLS CLEARINGHOUSE.—It is the purpose of the Legislature to create s. 235.217, establishing the SMART Schools Clearinghouse to assist the school districts in building SMART schools utilizing functional and frugal practices. The SMART Schools Clearinghouse must review district facilities work programs and projects and identify districts qualified for incentive funding available through ~~effort index grants and~~ School Infrastructure Thrift Program awards; identify opportunities to maximize design and construction savings; develop school district facilities work program performance standards; and provide for review and recommendations to the Governor, the Legislature, and the State Board of Education.

(5) EFFORT INDEX GRANTS.—It is the purpose of the Legislature to create s. 235.186, in order to provide grants from state funds to assist school districts that have provided a specified level of local effort funding ~~and still have a need to build new student stations and associated core facility space to meet student membership requirements in K-12 programs.~~ Districts must utilize state funds in accordance with statutory requirements and obligate from among all eligible sources an amount that is equivalent to the potential available for construction from PECO funds, capital outlay and debt service bond proceeds, Classrooms First funds, and the one-half cent local option school sales surtax. ~~Effort index grants will be based upon recommendation of the SMART Schools Clearinghouse.~~

(6) SCHOOL INFRASTRUCTURE THRIFT (SIT) PROGRAM AWARDS.—It is the purpose of the Legislature to convert the SIT Program established in ss. 235.2155 and 235.216 to an incentive award program to

~~encourage functional, frugal facilities and practices. Districts that find ways to reduce the cost of, or eliminate the need for, constructing educational facilities can receive SIT Program awards equal to 50 percent of the amount saved. In addition, districts may submit new schools to receive a SIT Program SMART school of the year recognition award. SIT Program awards will be based upon recommendation of the SMART Schools Clearinghouse and may be used for any authorized capital expenditure.~~

Section 5. Section 235.186, Florida Statutes, 1998 Supplement, is amended to read:

235.186 Effort index grants for school district facilities ~~work program projects.~~ —

(1) The Legislature hereby allocates for effort index grants the sum of \$300 million from the funds appropriated from the Educational Enhancement Trust Fund by section 46 of chapter 97-384, Laws of Florida, contingent upon the sale of school capital outlay bonds. From these funds, the Commissioner of Education shall allocate to the four school districts deemed eligible for an effort index grant by the SMART Schools Clearinghouse the sums of \$7,442,890 to the Clay County School District, \$62,755,920 to the Dade County School District, \$1,628,590 to the Hendry County School District, and \$414,950 to the Madison County School District. The remaining funds shall be allocated among the remaining district school boards that qualify for an effort index grant by meeting the local capital outlay effort criteria in paragraph (a) or paragraph (b).

(a) Between July 1, 1995, and June 30, 1999, the school district received direct proceeds from the one-half-cent sales surtax for public school capital outlay authorized by s. 212.055(7) or from the local government infrastructure sales surtax authorized by s. 212.055(2).

(b) The school district met two of the following criteria:

1. Levied the full 2 mills of nonvoted discretionary capital outlay authorized by s. 236.25(2) during 1995-1996, 1996-1997, 1997-1998, and 1998-1999.

2. Levied a cumulative voted millage for capital outlay and debt service equal to 2.5 mills for fiscal years 1995 through 1999.

3. Received proceeds of school impact fees greater than \$500 per dwelling unit which were in effect on July 1, 1998.

4. Received direct proceeds from either the one-half-cent sales surtax for public school capital outlay authorized by s. 212.055(7) or from the local government infrastructure sales surtax authorized by s. 212.055(2).

(2) It is the intent of the Legislature that this program be administered as nearly as is practicable in the same manner as the capital outlay program authorized under s. 9(d), Art. XII of the State Constitution. Each district school board's share of the appropriation for the effort index grants must be calculated according to the following formula using the same basis as the

Classrooms First allocation formula, but the share of each district shall, at a minimum, be at least equal to the amount required for all payments of the district relating to bonds issued by the state on its behalf:

(a) Twenty-five percent of the appropriation shall be prorated to the districts based on each district's percentage of base capital outlay full-time-equivalent membership; and 65 percent shall be based on each district's percentage of 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 s. 235.435(3).

(b) Ten percent of the appropriation must be allocated among district school boards according to the allocation formula in s. 235.435(1)(a).

(3) A district school board shall expend the funds received under this section only to:

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

(b) Pay debt service on bonds issued under this section, the proceeds of which must be expended for new construction, remodeling, renovation, and major repairs. Bond proceeds shall be expended first for providing permanent classroom facilities and related auxiliary facilities. Bond proceeds may not be expended for any other facilities until all unmet needs for permanent classrooms and auxiliary facilities as defined in s. 235.011 have been satisfied.

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, major repair, or remodeling of existing schools, except that districts having fewer than 10,000 full-time equivalent students are exempt from this requirement.

(4) Each district school board that pledges moneys under paragraph (3)(b) shall notify the Department of Education of its election at a time set by the department; however, the initial notification shall be by July 1, 1999. 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.

(5) A district school board that chooses to pledge allocations from the Classrooms First Program for the issuance of bonds must encumber those bond proceeds before pledging funds for the payment of debt service on bonds issued pursuant to this section.

(6) A school district may receive a distribution for use pursuant to paragraph (3)(a) only if the district school board certifies to the Commissioner of Education that the district has no unmet need for permanent classroom facilities in its 5-year capital outlay work plan. If the work plan contains such unmet needs, the district must use its distribution for the payment of bonds under paragraph (2)(b). If the district does not require its full bonded

distribution to eliminate such unmet needs, it may bond only that portion of its allocation necessary to meet the needs.

~~(1) PROJECT REVIEW; ELIGIBILITY.—Annually, the SMART Schools Clearinghouse established pursuant to s. 235.217 shall review the adopted district facilities work program of each district to ensure compliance with the provisions of s. 235.185 and to determine the district's eligibility to receive an effort index grant for local school facilities projects pursuant to this section. Projects identified in a district facilities work program which are eligible to receive an effort index grant shall be limited to those projects which provide new student stations and associated core facility space to meet student membership requirements in K-12 programs. Effort index grants shall not be provided to replace relocatable classrooms which meet standards.~~

~~(2) COMPUTATION OF REQUIRED LOCAL EFFORT AMOUNT FOR DISTRICT EFFORT INDEX.—Prior to a school district being eligible to receive an effort index grant pursuant to this section, the clearinghouse shall certify that the district agreed to expend, from among all eligible sources, an amount that is equivalent to the amount of funds projected to be available during the period covered by the district facilities work program from the following four sources for eligible basic capital outlay expenditures described in subsection (4):~~

~~(a) Public Education Capital Outlay and Debt Service Trust Fund mon-  
eys for construction pursuant to s. 235.42.~~

~~(b) The maximum potential bond proceeds available from the School District and Community College District Capital Outlay and Debt Service Trust Fund.~~

~~(c) Proceeds from the Classrooms First Program authorized in s. 235.187.~~

~~(d) One-half cent local option school sales surtax, pursuant to s. 212.055(7), if fully levied over the 5-year period.~~

~~(3) ELIGIBLE REVENUE SOURCES FOR REQUIRED LOCAL EF-  
FORT.—Expenditures from eligible revenues which may be counted toward a district's required local effort shall be limited to:~~

~~(a) Public Education Capital Outlay and Debt Service Trust Fund distri-  
butions for construction pursuant to s. 235.42.~~

~~(b) School District and Community College District Capital Outlay and  
Debt Service Trust Fund distributions.~~

~~(c) Direct proceeds from the half-cent local option school sales surtax  
authorized in s. 212.055(7).~~

~~(d) Direct proceeds from the local government infrastructure sales surtax  
authorized in s. 212.055(2).~~

~~(e) Direct proceeds from the 2-mill discretionary capital outlay levy  
authorized in s. 236.25.~~

~~(f) Direct proceeds from district voted millage for capital outlay purposes as authorized in s. 9, Art. VII of the State Constitution.~~

~~(g) School Infrastructure Thrift (SIT) Program awards received pursuant to ss. 235.2155 and 235.216.~~

~~(h) Classrooms First Program proceeds received pursuant to s. 235.187.~~

~~(i) Private donations.~~

~~(j) Grants from local governments or not-for-profit organizations.~~

~~(4) COMPUTATION OF BASIC DISTRICT CAPITAL OUTLAY EXPENDITURES ELIGIBLE FOR INCLUSION IN CALCULATION FOR EFFORT INDEX GRANTS.—~~

~~(a) When reviewing a district facilities work program, the clearinghouse shall calculate the district's planned basic capital outlay expenditures that may be eligible for an effort index grant. For each district, this calculation shall consist of:~~

~~1. Expenditures for district capital outlay projects described in subsection (1).~~

~~2. Expenditures for debt service payments for outstanding capital outlay bonds sold to finance new construction, remodeling, renovation, or major repair of educational facilities.~~

~~3. Expenditures for scheduled payments on outstanding certificates of participation used to finance new construction, remodeling, renovation, or major repair of educational facilities.~~

~~Expenditures relating to the replacement of relocatable classrooms that meet standards shall not qualify as expenditures eligible for inclusion in the calculation for effort index grants.~~

~~(b) The computation of basic district capital outlay expenditures eligible for inclusion in the clearinghouse's calculation for effort index grants for projects initiated after July 1, 1997, shall be based upon the actual cost per student station or the cost per student station calculated pursuant to s. 235.435(6), whichever is less.~~

~~(5) ALLOCATION OF EFFORT INDEX GRANTS FOR DISTRICT FACILITIES.—~~

~~(a) If the calculated district obligation is equal to or greater than the calculated required effort amount for the eligible expenditures, the district shall be eligible for an effort index grant, to be determined by the clearinghouse by calculating need from the actual cost per student station or the cost per student station pursuant to s. 235.435(6), whichever is less, plus debt service payments for new construction, remodeling, renovation, or major repair of educational facilities less the calculated required effort amount.~~

~~(b) Annually by November 1, the clearinghouse shall report to the Governor and the Legislature on the amount required to fully fund effort index grants for each of the following 5 years.~~

~~(c) Districts demonstrating inability to finance eligible projects in their district facilities work programs after meeting the requirements in subsection (2) may be eligible to receive effort index grants, subject to legislative appropriations for this purpose.~~

~~(d) If legislative appropriations are insufficient to fully fund the eligible total statewide qualified effort index grants as calculated by the clearinghouse, priority consideration shall be given to providing effort index grants to those districts based upon:~~

~~1. The extent to which they have exceeded the district effort index in subsection (2); and~~

~~2. The extent to which they have maximized their revenue generating potential from the district effort index in subsection (2) through the purchase of certificates of participation, the sale of bonds, or other appropriate long-term financing.~~

Section 6. Subsection (4) of section 235.211, Florida Statutes, is amended to read:

235.211 Educational facilities contracting and construction techniques.—

(4) Except as otherwise provided in this section and s. 481.229, the services of a registered architect must be used for the development of plans for the erection, enlargement, or alteration of any educational facility. The services of a registered architect are not required for a minor renovation project for which the construction cost is less than \$50,000 or for the placement or hookup of relocatable educational facilities that conform with standards adopted under s. 235.26(2) and (3). However, boards must provide compliance with building code requirements and ensure that these structures are adequately anchored for wind resistance as required by law. Boards are encouraged to consider the reuse of existing construction documents or design criteria packages where such reuse is feasible and practical. Notwithstanding s. 287.055, a board may purchase the architectural services for the design of educational or ancillary facilities under an existing contract agreement for professional services held by a school board in the State of Florida, provided that the purchase is to the economic advantage of the purchasing board, the services conform to the standards prescribed by rules of the Commissioner of Education, and such reuse is not without notice to, and permission from, the architect of record whose plans or design criteria are being reused. The department shall review these Plans shall be reviewed for compliance with the state requirements for educational facilities. Rules adopted under this section must establish uniform prequalification, selection, bidding, and negotiation procedures applicable to construction management contracts and the design-build process. This section does not supersede any small, woman-owned or minority-owned business enterprise preference program adopted by a board. Except as otherwise provided

in this section, the negotiation procedures applicable to construction management contracts and the design-build process must conform to the requirements of s. 287.055. A board may not modify any rules regarding construction management contracts or the design-build process.

Section 7. Paragraph (a) of subsection (3) and subsections (7) and (8) of section 235.2155, Florida Statutes, 1998 Supplement, are amended to read:

235.2155 School Infrastructure Thrift Program Act.—

(3) The SIT Program is designed as:

(a) An incentive program to reward districts for:

1. Savings realized through functional, frugal construction.

2. Savings realized through the operation of charter schools in non-school-district facilities during the 1996-1997, 1997-1998, 1998-1999, and 1999-2000 school years.

(7) Awards from the SIT Program shall be made by the commissioner from funds appropriated by the Legislature. An award funded by an appropriation from the General Revenue Fund and may be used for any lawful capital outlay expenditure. An award funded by an appropriation of the proceeds of bonds issued pursuant to s. 235.2195 may be used only for bondable capital outlay projects.

~~(8)(a) For each award to a school district pursuant to paragraph (3)(a) that is recommended by the SMART Schools Clearinghouse, the commissioner may award up to 50 percent of the savings realized from the district's frugality.~~

~~(b) For each award to a school district pursuant to paragraph (3)(b) that is recommended by the SMART Schools Clearinghouse, the commissioner may present a trophy or plaque and a cash award to the school.~~

Section 8. Subsections (2) and (3) of section 235.216, Florida Statutes, 1998 Supplement, are amended to read:

235.216 SIT Program award eligibility; maximum cost per student station of educational facilities; frugality incentives; recognition awards.—

(2) ~~Beginning with the 1997-1998 fiscal year,~~ A school district may seek an award from the SIT Program, pursuant to this section and s. 235.2155, based on the district's:

(a) New construction of educational facilities if the cost per student station is less 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. The award shall be up to 50 percent of such savings, as recommended by the SMART Schools Clearinghouse.

(b) Operation of charter schools in non-school-district facilities. SIT Program awards pursuant to this paragraph shall be as recommended by the SMART Schools Clearinghouse. After the initial award, the recommendation must be based on savings realized from proportionate district increase in such charter school enrollment in excess of original enrollment, and the award shall be up to 50 percent of such savings.

(3) Beginning with the 1998-1999 fiscal year, a school district may seek a SMART school of the year recognition award for building the highest quality functional, frugal school. The commissioner may present a trophy or plaque and a cash award to the school recommended by the SMART Schools Clearinghouse for a SMART school of the year recognition award.

Section 9. Paragraphs (c), (d), and (e) of subsection (1), and paragraph (b) of subsection (3), of section 235.217, Florida Statutes, 1998 Supplement, are amended to read:

235.217 SMART (Soundly Made, Accountable, Reasonable, and Thrifty) Schools Clearinghouse.—

(1)

~~(c) Members of the clearinghouse shall be appointed no later than November 28, 1997, and shall convene for their first meeting no later than December 1, 1997.~~

~~(c)(d)~~ The clearinghouse is assigned to the Department of Management Services for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control and direction of the department, except as otherwise provided in chapters 110, 255, and 287 for agencies of the executive branch.

~~(d)(e)~~ The clearinghouse may adopt rules necessary to carry out its duties, including, but not limited to, rules relating to design and performance standards, the SMART Schools Design Directory, project delivery process, and prioritization of SIT Program awards.

(3) The clearinghouse shall:

(b) Prioritize school district SIT Program awards ~~and effort index grants~~ based on a review of the district facilities work programs and proposed construction projects.

Section 10. Paragraph (a) of subsection (1) of section 235.212, Florida Statutes, is amended to read:

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

(1)(a) Passive design elements and low-energy usage features shall be included in the design and construction of new educational facilities. Operable glazing consisting of at least 5 percent of the floor area shall be placed in each classroom located on the perimeter of the building. Operable glazing is not required, except in community colleges, auxiliary facilities, music rooms, gyms, locker and shower rooms, special laboratories requiring special climate control, and large group instruction areas having a capacity of more than 100 persons.

Section 11. Paragraph (a) of subsection (1) of section 235.31, Florida Statutes, 1998 Supplement, is amended to read:

235.31 Advertising and awarding contracts; prequalification of contractor.—

(1)(a) As soon as practicable after any bond issue has been voted upon and authorized or funds have been made available for the construction, remodeling, renovation, demolition, or otherwise for the improvement, of any educational or ancillary plant, and after plans for the work have been approved, the board, if competitively bidding the project pursuant to s. 235.211, after advertising the same in the manner prescribed by law or rule, shall award the contract for the building or improvements to the lowest responsible bidder. However, if after taking all deductive alternates, the bid of the lowest responsible bidder exceeds the construction budget for the project established at the phase III submittal, the board may declare an emergency. After stating the reasons why an emergency exists, the board may negotiate the construction contract or modify the contract, including the specifications, with the lowest responsible bidder and, if the contract is modified, shall resubmit the documents to the authorized review authority department for review to confirm that the project remains in compliance with building and fire codes. The board may reject all bids received and may readvertise, calling for new bids.

Section 12. Subsection (3) of section 235.218, Florida Statutes, 1998 Supplement, is amended to read:

235.218 School district facilities work program performance and productivity standards; development; measurement; application.—

(3) The clearinghouse shall conduct ongoing evaluations of district educational facilities program performance and productivity, using the measures adopted under this section. If, using these measures, the clearinghouse finds that a district failed to perform satisfactorily, the clearinghouse must recommend to the district school board actions to be taken to improve the district's performance. ~~A district that refuses to follow the recommended actions may be denied an effort index grant.~~

Section 13. Subsection (1) of section 235.061, Florida Statutes, 1998 Supplement, is amended to read:

235.061 Standards for relocatables used as classroom space; inspections.—

(1) The Commissioner of Education shall adopt rules establishing standards for relocatables intended for long-term use as classroom space at a public elementary school, middle school, or high school. "Long-term use" means the use of relocatables at the same educational plant for a period of 4 years or more. These rules must be implemented by July 1, 1998, and each relocatable 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 rules shall require that, by July 1, 2001, relocatables that fail to meet the standards may not be used as classrooms. 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. If appropriate, the standards must also require relocatables 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. By July 1, 2000, the commissioner shall adopt standards for all relocatables intended for long-term use as classrooms. A relocatable 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 14. Subsection (5) of section 404.056, Florida Statutes, 1998 Supplement, is amended to read:

404.056 Environmental radiation standards and programs; radon protection.—

(5) MANDATORY TESTING.—All public and private school buildings or school sites housing students in kindergarten through grade 12; all state-owned, state-operated, state-regulated, or state-licensed 24-hour care facilities; and all state-licensed day care centers for children or minors which are located in counties designated within the Department of Community Affairs' Florida Radon Protection Map Categories as "Intermediate" or "Elevated Radon Potential" shall be measured to determine the level of indoor radon, using measurement procedures established by the department. Testing shall be completed within the first year of construction in 20 percent of the habitable first floor spaces within any of the regulated buildings. Initial measurements shall be completed and reported to the department by July 1, of the year the building is opened for occupancy. Follow-up testing must be completed in 5 percent of the habitable first floor spaces within any of the regulated buildings after the building has been occupied for 5 years, and results must be reported to the department by July 1 of the 5th year of occupancy. After radon measurements have been made twice, regulated buildings need not undergo further testing unless significant structural changes occur. Where fill soil is required for the construction of a regulated building, initial testing of fill soil must be performed using measurement procedures established by the department, and the results must be reported to the department prior to construction. 1990, and repeated measurements shall be performed and reported to the department at 5-year intervals. Test

~~results, prior to the effective date of this act, may be accepted by the department as long as the tests conducted meet the standards for testing promulgated by the department, and the school or care facility certifies this in writing to the department. The provisions of paragraph (3)(c) as to confidentiality shall not apply to this subsection. No funds collected pursuant to s. 553.721 shall be used to carry out the provisions of this subsection.~~

Section 15. Section 46 of chapter 97-384, Laws of Florida, is amended to read:

Section 46. There is hereby appropriated to the Department of Education for fiscal year 1997-1998 the sum of \$150 million from the General Revenue Fund and, contingent upon the sale of 1997 school capital outlay bonds pursuant to s. 235.2195, Florida Statutes, the sum of \$450 million from the Educational Enhancement Trust Fund. The purpose of this appropriation is to fund School Infrastructure Thrift (SIT) Program awards pursuant to the provisions of ss. 235.2155 and 235.216, Florida Statutes, and effort index grants pursuant to the provisions of s. 235.186, Florida Statutes. The maximum amount of funds authorized for effort index grant awards ~~through June 30, 1998,~~ is ~~\$300~~ \$70 million. Effort index grants shall only be funded from the Educational Enhancement Trust Fund appropriation authorized in this section. The funds appropriated in this section shall not be subject to the provisions of s. 216.301, Florida Statutes.

Section 16. Subsection (3) of section 235.26, Florida Statutes, 1998 Supplement, is 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. Whenever 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.

(3) ENFORCEMENT BY BOARD.—It is the responsibility of each district school board and community college district board of trustees to ensure that all plans and educational and ancillary plants meet the standards of the Uniform Building Code and to provide for the enforcement of this code in the areas of its jurisdiction. Each board shall provide for the proper supervision and inspection of the work. Each board may employ a chief building official or inspector and such other inspectors, who have been certi-

fied by the department or certified pursuant to chapter 468, and such personnel as are necessary to administer and enforce the provisions of this code. Boards may also utilize local building department inspectors who are certified by the department to enforce this code. Plans or facilities that fail to meet the standards of the Uniform Building Code may not be approved. When planning for and constructing an educational, auxiliary, or ancillary facility, a district school board must use construction materials and systems that meet standards adopted pursuant to subsection (2)(f)5. If the planned or actual construction of a facility deviates from the adopted standards, the district school board must, at a public hearing, quantify and compare the costs of constructing the facility with the proposed deviations and in compliance with the adopted standards and the Uniform Building Code. The board must explain the reason for the proposed deviations and compare how the total construction costs and projected life-cycle costs of the facility or component system of the facility would be affected by implementing the proposed deviations rather than using materials and systems that meet the adopted standards. The provisions of this paragraph do apply to educational, auxiliary, and ancillary facility projects commenced on or after July 1, 1999.

Section 17. Section 235.4355, Florida Statutes, as created by section 19 of chapter 97-384, Laws of Florida, is repealed.

Section 18. This act shall take effect upon becoming a law.

Approved by the Governor June 11, 1999.

Filed in Office Secretary of State June 11, 1999.