

Proposed Committee Substitute by Appropriations Subcommittee on Pre-K - 12 Education

A bill to be entitled

An act relating to public educational facilities; amending s. 1013.35, F.S.; providing requirements for determining the capacity of facilities in certain schools as reported in the Florida Inventory of School Houses; amending s. 1013.37, F.S.; requiring the Commissioner of Education to grant an exemption from the State Requirements for Educational Facilities to a district school board under certain circumstances; requiring such district school board to comply with certain Florida Building Code and Florida Fire Prevention Code provisions; amending s. 1013.64, F.S.; authorizing a district school board to use funds from any source for the new construction of educational plant space under certain circumstances; conforming provisions to changes made by the act; providing an effective date.

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

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Section 1. Paragraph (b) of subsection (2) of section 1013.35, Florida Statutes, is amended to read:

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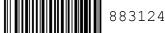
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1013.35 School district educational facilities plan; definitions; preparation, adoption, and amendment; long-term work programs.-

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(2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL FACILITIES PLAN.-



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- (b) The plan must also include a financially feasible district facilities work program for a 5-year period. The work program must include:
- 1. A schedule of major repair and renovation projects necessary to maintain the educational facilities 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 shall consider:
- a. The locations, capacities, and planned utilization rates of current educational facilities of the district. The capacity of existing satisfactory facilities, as reported in the Florida Inventory of School Houses, must be compared to the capital outlay full-time-equivalent student enrollment as determined by the department, including all enrollment used in the calculation of the distribution formula in s. 1013.64. For purposes of determining the capacity of school facilities at K-8 schools, as reported in the Florida Inventory of School Houses, a classroom housing students in kindergarten through grade 5 is considered an elementary school, and a classroom housing students in grades 6 through 8 is considered a middle school.
- b. The proposed locations of planned facilities, whether those locations are consistent with the comprehensive plans of all affected local governments, and recommendations for infrastructure and other improvements to land adjacent to existing facilities. The provisions of ss. 1013.33(6), (7), and (8) and 1013.36 must be addressed for new facilities planned within the first 3 years of the work plan, as appropriate.



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- c. Plans for the use and location of relocatable facilities, leased facilities, and charter school facilities.
- d. Plans for multitrack scheduling, grade level organization, block scheduling, or other alternatives that reduce the need for additional permanent student stations.
- e. Information concerning average class size and utilization rate by grade level within the district which will result if the tentative district facilities work program is fully implemented.
- f. The number and percentage of district students planned to be educated in relocatable facilities during each year of the tentative district facilities work program. For determining future needs, student capacity may not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the current year of the adopted district educational facilities plan and in the district facilities work program adopted under this section. Those relocatable classrooms clearly identified and scheduled for replacement in a school-board-adopted, financially feasible, 5-year district facilities work program shall be counted at zero capacity at the time the work program is adopted and approved by the school board. However, if the district facilities work program is changed and the relocatable classrooms are not replaced as scheduled in the work program, the classrooms must be reentered into the system and be counted at actual capacity. Relocatable classrooms may not be perpetually added to the work program or continually extended for purposes of circumventing this section. All relocatable classrooms not identified and scheduled for replacement, including those owned, lease-



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purchased, or leased by the school district, must be counted at actual student capacity. The district educational facilities plan must 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.

- q. Plans for the closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues.
- h. Projects for which capital outlay and debt service funds accruing under s. 9(d), Art. XII of the State Constitution are to be used shall be identified separately in priority order on a project priority list within the district facilities work program.
- 3. The projected cost for each project identified in the district facilities work program. For proposed projects for new student stations, a schedule shall be prepared comparing the planned cost and square footage for each new student station, by elementary, middle, 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 is available from the Department of Education.
- 4. A schedule of estimated capital outlay revenues from each currently approved source which is estimated to be available for expenditure on the projects included in the district facilities work program.
- 5. A schedule indicating which projects included in the district facilities work program will be funded from current revenues projected in subparagraph 4.
  - 6. A schedule of options for the generation of additional



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revenues by the district for expenditure on projects identified in the district facilities work program which are not funded under subparagraph 5. Additional anticipated revenues may include Classrooms First funds.

Section 2. Subsection (3) of section 1013.37, Florida Statutes, is amended to read:

1013.37 State uniform building code for public educational facilities construction.-

- (3) REVIEW PROCEDURE; EXEMPTION.—
- (a) The Commissioner of Education shall cooperate with the Florida Building Commission in addressing all questions, disputes, or interpretations involving the provisions of the Florida Building Code which govern the construction of public educational and ancillary facilities, and any objections to decisions made by the inspectors or the department must be submitted in writing.
- (b) Upon request by a district school board, the commissioner shall grant an exemption from the State Requirements for Educational Facilities (SREF). A district school board must provide a comprehensive cost-benefit analysis along with its request for an exemption from the SREF. Any district school board that is granted such exemption shall continue to comply with applicable provisions of the Florida Building Code and the Florida Fire Prevention Code which relate to the construction, remodeling, and renovation of educational facilities.

Section 3. Upon the expiration and reversion of the amendments to section 1013.64, Florida Statutes, pursuant to section 36 of chapter 2016-62, Laws of Florida, paragraph (a) of



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subsection (3) and paragraphs (b) and (c) of subsection (6) of section 1013.64, Florida Statutes, are amended to read:

1013.64 Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects.—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:

- (3)(a) Each district school board shall receive an amount from the Public Education Capital Outlay and Debt Service Trust Fund to be calculated by computing the capital outlay full-time equivalent membership as determined by the department. Such membership must include, but is not limited to:
- 1. K-12 students for whom the school district provides the educational facility, except hospital- and homebound part-time students; and
- 2. Students who are career education students, and adult disabled students and who are enrolled in school district career centers. The capital outlay full-time equivalent membership shall be determined for kindergarten through the 12th grade and for career centers by averaging the unweighted full-time equivalent student membership for the second and third surveys and comparing the results on a school-by-school basis with the Florida Inventory for School Houses. For purposes of determining the capacity of school facilities at K-8 schools, as reported in the Florida Inventory of School Houses, a classroom housing students in kindergarten through grade 5 is considered an elementary school, and a classroom housing students in grades 6 through 8 is considered a middle school. The capital outlay full-time equivalent membership by grade level organization



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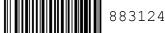
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shall be used in making the following calculations: The capital outlay full-time equivalent membership by grade level organization for the 4th prior year must be used to compute the base-year allocation. The capital outlay full-time equivalent membership by grade-level organization for the prior year must be used to compute the growth over the highest of the 3 years preceding the prior year. From the total amount appropriated by the Legislature pursuant to this subsection, 40 percent shall be allocated among the base capital outlay full-time equivalent membership and 60 percent among the growth capital outlay fulltime equivalent membership. The allocation within each of these groups shall be prorated to the districts based upon each district's percentage of base and growth capital outlay fulltime membership. The most recent 4-year capital outlay full-time equivalent membership data shall be used in each subsequent year's calculation for the allocation of funds pursuant to this subsection. If a change, correction, or recomputation of data during any year results in a reduction or increase of the calculated amount previously allocated to a district, the allocation to that district shall be adjusted correspondingly. If such recomputation results in an increase or decrease of the calculated amount, such additional or reduced amounts shall be added to or reduced from the district's future appropriations. However, no change, correction, or recomputation of data shall be made subsequent to 2 years following the initial annual allocation.

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(b) 1. A district school board may not use funds from the following sources: Public Education Capital Outlay and Debt



Service Trust Fund; School District and Community College District Capital Outlay and Debt Service Trust Fund; Classrooms First Program funds provided in s. 1013.68; nonvoted 1.5-mill levy of ad valorem property taxes provided in s. 1011.71(2); Classrooms for Kids Program funds provided in s. 1013.735; District Effort Recognition Program funds provided in s. 1013.736; or High Growth District Capital Outlay Assistance Grant Program funds provided in s. 1013.738 for any new construction of educational plant space with a total cost per student station, including change orders, that equals more than:

- a. \$17,952 for an elementary school,
- b. \$19,386 for a middle school, or
- c. \$25,181 for a high school,

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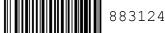
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(January 2006) as adjusted annually to reflect increases or decreases in the Consumer Price Index.

- 2. School districts shall maintain accurate documentation related to the costs of all new construction of educational plant space reported to the Department of Education pursuant to paragraph (d). The Auditor General shall review the documentation maintained by the school districts and verify compliance with the limits under this paragraph during its scheduled operational audits of the school district. The department shall make the final determination on district compliance based on the recommendation of the Auditor General.
- 3. The Office of Economic and Demographic Research, in consultation with the department, shall conduct a study of the cost per student station amounts using the most recent available information on construction costs. In this study, the costs per



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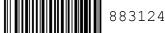
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student station should represent the costs of classroom construction and administrative offices as well as the supplemental costs of core facilities, including required media centers, gymnasiums, music rooms, cafeterias and their associated kitchens and food service areas, vocational areas, and other defined specialty areas, including exceptional student education areas. The study must take into account appropriate cost-effectiveness factors in school construction and should include input from industry experts. The Office of Economic and Demographic Research must provide the results of the study and recommendations on the cost per student station to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 31, 2017.

- 4. The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall conduct a study of the State Requirements for Education Facilities (SREF) to identify current requirements that can be eliminated or modified in order to decrease the cost of construction of educational facilities while ensuring student safety. OPPAGA must provide the results of the study, and an overall recommendation as to whether SREF should be retained, to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 31, 2017.
- 5. Effective July 1, 2017, in addition to the funding sources listed in subparagraph 1., a district school board may not use funds from any sources for new construction of educational plant space with a total cost per student station, including change orders, which equals more than the current adjusted amounts provided in sub-subparagraphs 1.a.-c. which



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shall subsequently be adjusted annually to reflect increases or decreases in the Consumer Price Index. However, if a contract has been executed for architectural and design services or for construction management services before July 1, 2017, a district school board may use funds from any source for the new construction of educational plant space and such funds are exempt from the total cost per student station requirements.

- 6. 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.
- (c) Except as otherwise provided, new construction for which a contract has been executed for architectural and design services or for construction management services initiated by a district school board on or after July 1, 2017, may not exceed the cost per student station as provided in paragraph (b). A school district that exceeds the cost per student station provided in paragraph (b), as determined by the Auditor General, shall be subject to sanctions. If the Auditor General determines that the cost per student station overage is de minimus or due to extraordinary circumstances outside the control of the district, the sanctions shall not apply. The sanctions are as follows:
- 1. The school district shall be ineligible for allocations from the Public Education Capital Outlay and Debt Service Trust Fund for the next 3 years in which the school district would have received allocations had the violation not occurred.



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- 2. The school district shall be subject to the supervision of a district capital outlay oversight committee. The oversight committee is authorized to approve all capital outlay expenditures of the school district, including new construction, renovations, and remodeling, for 3 fiscal years following the violation.
- a. Each oversight committee shall be composed of the following:
- (I) One appointee of the Commissioner of Education who has significant financial management, school facilities construction, or related experience.
- (II) One appointee of the office of the state attorney with jurisdiction over the district.
- (III) One appointee of the Chief Financial Officer who is a licensed certified public accountant.
- b. An appointee to the oversight committee may not be employed by the school district; be a relative, as defined in s. 1002.33(24)(a)2., of any school district employee; or be an elected official. Each appointee must sign an affidavit attesting to these conditions and affirming that no conflict of interest exists in his or her oversight role.
  - Section 4. This act shall take effect July 1, 2017.