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LEGISLATIVE ACTION

Senate

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House

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Senator Garcia moved the following:

1           **Senate Amendment to Amendment (234288) (with title**  
2 **amendment)**

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4           Between lines 2135 and 2136  
5 insert:

6           Section 30. Subsection (6) of section 1013.64, Florida  
7 Statutes, is amended to read:

8           1013.64 Funds for comprehensive educational plant needs;  
9 construction cost maximums for school district capital  
10 projects.—Allocations from the Public Education Capital Outlay  
11 and Debt Service Trust Fund to the various boards for capital



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12 outlay projects shall be determined as follows:

13 (6) (a) Each district school board must meet all educational  
14 plant space needs of its elementary, middle, and high schools  
15 before spending funds from the Public Education Capital Outlay  
16 and Debt Service Trust Fund or the School District and Community  
17 College District Capital Outlay and Debt Service Trust Fund for  
18 any ancillary plant or any other new construction, renovation,  
19 or remodeling of ancillary space. Expenditures to meet such  
20 space needs may include expenditures for site acquisition; new  
21 construction of educational plants; renovation, remodeling, and  
22 maintenance and repair of existing educational plants, including  
23 auxiliary facilities; and the directly related costs of such  
24 services of school district personnel. It is not the intent of  
25 the Legislature to preclude the use of capital outlay funding  
26 for the labor costs necessary to accomplish the authorized uses  
27 for the capital outlay funding. Day-labor contracts or any other  
28 educational facilities contracting and construction techniques  
29 pursuant to s. 1013.45 are authorized. Additionally, if a school  
30 district has salaried maintenance staff whose duties consist  
31 solely of performing the labor necessary to accomplish the  
32 authorized uses for the capital outlay funding, such funding may  
33 be used for those salaries; however, if a school district has  
34 salaried staff whose duties consist partially of performing the  
35 labor necessary to accomplish the authorized uses for the  
36 capital outlay funding, the district shall prorate the portion  
37 of salary of each such employee that is based on labor for  
38 authorized capital outlay funding, and such funding may be used  
39 to pay that portion.

40 (b)1. A district school board may not use funds from the



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41 following sources: Public Education Capital Outlay and Debt  
42 Service Trust Fund; School District and Community College  
43 District Capital Outlay and Debt Service Trust Fund; Classrooms  
44 First Program funds provided in s. 1013.68; nonvoted 1.5-mill  
45 levy of ad valorem property taxes provided in s. 1011.71(2);  
46 Classrooms for Kids Program funds provided in s. 1013.735;  
47 District Effort Recognition Program funds provided in s.  
48 1013.736; or High Growth District Capital Outlay Assistance  
49 Grant Program funds provided in s. 1013.738 for any new  
50 construction of educational plant space with a total cost per  
51 student station, including change orders, that equals more than:

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

55  
56 (January 2006) as adjusted annually to reflect increases or  
57 decreases in the Consumer Price Index.

58 2. School districts shall maintain accurate documentation  
59 related to the costs of all new construction of educational  
60 plant space reported to the Department of Education pursuant to  
61 paragraph (d). The Auditor General shall review the  
62 documentation maintained by the school districts and verify  
63 compliance with the limits under this paragraph during its  
64 scheduled operational audits of the school district. The  
65 department shall make the final determination on district  
66 compliance based on the recommendation of the Auditor General.

67 3. The Office of Economic and Demographic Research, in  
68 consultation with the department, shall conduct a study of the  
69 cost per student station amounts using the most recent available



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

84 4. The Office of Program Policy Analysis and Government  
85 Accountability (OPPAGA) shall conduct a study of the State  
86 Requirements for Education Facilities (SREF) to identify current  
87 requirements that can be eliminated or modified in order to  
88 decrease the cost of construction of educational facilities  
89 while ensuring student safety. OPPAGA must provide the results  
90 of the study, and an overall recommendation as to whether SREF  
91 should be retained, to the Governor, the President of the  
92 Senate, and the Speaker of the House of Representatives no later  
93 than January 31, 2017.

94 5. Effective July 1, 2017, in addition to the funding  
95 sources listed in subparagraph 1., a district school board may  
96 not use funds from any sources for new construction of  
97 educational plant space with a total cost per student station,  
98 including change orders, which equals more than the current



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99 adjusted amounts provided in sub-subparagraphs 1.a.-c. which  
100 shall subsequently be adjusted annually to reflect increases or  
101 decreases in the Consumer Price Index. However, if a contract  
102 has been executed for architectural and design services or for  
103 construction management services before July 1, 2017, a district  
104 school board may use funds from any source for the new  
105 construction of educational plant space and such funds are  
106 exempt from the total cost per student station requirements.

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

113 (c) Except as otherwise provided, new construction for  
114 which a contract has been executed for architectural and design  
115 services or for construction management services by a district  
116 school board on or after July 1, 2017, may not exceed the cost  
117 per student station as provided in paragraph (b). A school  
118 district that exceeds the cost per student station provided in  
119 paragraph (b), as determined by the Auditor General, shall be  
120 subject to sanctions. If the Auditor General determines that the  
121 cost per student station overage is de minimus or due to  
122 extraordinary circumstances outside the control of the district,  
123 the sanctions shall not apply. The sanctions are as follows:

124 1. The school district shall be ineligible for allocations  
125 from the Public Education Capital Outlay and Debt Service Trust  
126 Fund for the next 3 years in which the school district would  
127 have received allocations had the violation not occurred.



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128           2. The school district shall be subject to the supervision  
129 of a district capital outlay oversight committee. The oversight  
130 committee is authorized to approve all capital outlay  
131 expenditures of the school district, including new construction,  
132 renovations, and remodeling, for 3 fiscal years following the  
133 violation.

134           a. Each oversight committee shall be composed of the  
135 following:

136           (I) One appointee of the Commissioner of Education who has  
137 significant financial management, school facilities  
138 construction, or related experience.

139           (II) One appointee of the office of the state attorney with  
140 jurisdiction over the district.

141           (III) One appointee of the Chief Financial Officer who is a  
142 licensed certified public accountant.

143           b. An appointee to the oversight committee may not be  
144 employed by the school district; be a relative, as defined in s.  
145 1002.33(24)(a)2., of any school district employee; or be an  
146 elected official. Each appointee must sign an affidavit  
147 attesting to these conditions and affirming that no conflict of  
148 interest exists in his or her oversight role.

149           (d) The department shall:

150           1. Compute for each calendar year the statewide average  
151 construction costs for facilities serving each instructional  
152 level, for relocatable educational facilities, for  
153 administrative facilities, and for other ancillary and auxiliary  
154 facilities. The department shall compute the statewide average  
155 costs per student station for each instructional level.

156           2. Annually review the actual completed construction costs



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157 of educational facilities in each school district. For any  
158 school district in which the total actual cost per student  
159 station, including change orders, exceeds the statewide limits  
160 established in paragraph (b), the school district shall report  
161 to the department the actual cost per student station and the  
162 reason for the school district's inability to adhere to the  
163 limits established in paragraph (b). The department shall  
164 collect all such reports and shall provide these reports to the  
165 Auditor General for verification purposes.

166  
167 Cost per student station includes contract costs, legal and  
168 administrative costs, fees of architects and engineers,  
169 furniture and equipment, and site improvement costs. Cost per  
170 student station does not include the cost of purchasing or  
171 leasing the site for the construction, ~~or~~ the cost of related  
172 offsite improvements, or the cost of providing building and site  
173 improvements related to enhanced safety and security, including,  
174 but not limited to, perimeter walls, special gates and enclosure  
175 mechanisms, enhanced security systems, and additional hardening  
176 of the building envelope.

177  
178 ===== T I T L E A M E N D M E N T =====

179 And the title is amended as follows:

180       Between lines 2652 and 2653

181 insert:

182       amending s. 1013.64, F.S.; specifying that the cost  
183       per student station does not include certain  
184       improvements related to enhanced safety and security;