

1 A bill to be entitled
2 An act relating to education funding; amending s.
3 1011.71, F.S.; providing for the calculation and
4 payment of capital outlay funding to charter schools;
5 providing that enterprise resource software may be
6 acquired by certain means; amending s. 1013.62, F.S.;
7 revising eligibility requirements for charter school
8 capital outlay funding; revising charter school
9 funding allocations; revising the list of approved
10 uses of charter school capital outlay funds; amending
11 s. 1013.64, F.S.; providing that a school district may
12 not receive funds from the Special Facility
13 Construction Account under certain circumstances;
14 revising the criteria for a request for funding;
15 authorizing the request for a preapplication review to
16 take place at any time; providing exceptions; revising
17 the time period for completion of the review;
18 providing that certain capital outlay full-time
19 equivalent student enrollment estimates be determined
20 by specified estimating conferences; requiring surveys
21 to be cooperatively prepared by certain entities and
22 approved by the Department of Education; prohibiting
23 certain consultants from specified employment and
24 compensation; requiring the cost per student station
25 to include certain cost overruns; requiring a school
26 district to levy the maximum millage against certain

27 | property value or raise a specified amount from the
28 | school capital outlay surtax under certain
29 | circumstances; reducing the required millage to be
30 | budgeted for a project; requiring certain plans to be
31 | finalized by a specified date; requiring a
32 | representative of the department to chair the Special
33 | Facility Construction Committee; prohibiting district
34 | school boards from using certain funds for new
35 | construction of educational plant space that exceeds
36 | maximum thresholds for cost per student station after
37 | a specified date; prohibiting new construction
38 | initiated after a specified date by a district school
39 | board from exceeding the maximum thresholds; providing
40 | that school districts that exceed the maximum
41 | thresholds are ineligible for certain allocations for
42 | a specified period; revising the costs included in
43 | calculating the maximum thresholds; requiring the
44 | department to conduct a study of the total cost per
45 | student station and provide a report to the Governor
46 | and Legislature by a certain date; amending s.
47 | 1013.738, F.S.; revising the eligibility criteria for
48 | the High Growth District Capital Outlay Assistance
49 | Grant Program; providing an effective date.

50 |
51 | Be It Enacted by the Legislature of the State of Florida:
52 |

53 Section 1. Subsection (2) of section 1011.71, Florida
 54 Statutes, is amended to read:

55 1011.71 District school tax.—

56 (2) In addition to the maximum millage levy as provided in
 57 subsection (1), each school board may levy not more than 1.5
 58 mills against the taxable value for school purposes for district
 59 schools, including charter schools. A charter school shall be
 60 provided an amount equal to the remaining balance of funding
 61 needed to achieve the amount of the state funding allocation
 62 provided in s. 1013.62 after the amount of state appropriations
 63 is deducted. Annually, by December 30, the department shall
 64 calculate the amount of payments to eligible charter schools
 65 using the certified taxable value and millage rate as provided
 66 in the TRIM notice pursuant to s. 200.065 and certify to each
 67 school district the amount the school district must pay to each
 68 charter school based on the remaining balance of funding needed
 69 to achieve the amount of the state funding allocation as
 70 provided in s. 1013.62 after the amount of state appropriations
 71 is deducted. School districts shall make payments to charter
 72 schools no later than February 1 of each year, beginning on
 73 February 1, 2017, for the 2016-2017 fiscal year. Revenues
 74 retained by a school district after payments are made to charter
 75 schools may be used by the school district ~~at the discretion of~~
 76 ~~the school board,~~ to fund:

77 (a) New construction and remodeling projects, as set forth
 78 in s. 1013.64(3)(b) and (6)(b) and included in the district's

79 | educational plant survey pursuant to s. 1013.31, without regard
80 | to prioritization, sites and site improvement or expansion to
81 | new sites, existing sites, auxiliary facilities, athletic
82 | facilities, or ancillary facilities.

83 | (b) Maintenance, renovation, and repair of existing school
84 | plants or of leased facilities to correct deficiencies pursuant
85 | to s. 1013.15(2).

86 | (c) The purchase, lease-purchase, or lease of school
87 | buses.

88 | (d) The purchase, lease-purchase, or lease of new and
89 | replacement equipment; computer hardware, including electronic
90 | hardware and other hardware devices necessary for gaining access
91 | to or enhancing the use of electronic content and resources or
92 | to facilitate the access to and the use of a school district's
93 | digital classrooms plan pursuant to s. 1011.62, excluding
94 | software other than the operating system necessary to operate
95 | the hardware or device; and enterprise resource software
96 | applications that are classified as capital assets in accordance
97 | with definitions of the Governmental Accounting Standards Board,
98 | have a useful life of at least 5 years, and are used to support
99 | districtwide administration or state-mandated reporting
100 | requirements. Enterprise resource software may be acquired by
101 | annual license fees, maintenance fees, or lease agreements.

102 | (e) Payments for educational facilities and sites due
103 | under a lease-purchase agreement entered into by a district
104 | school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not

105 | exceeding, in the aggregate, an amount equal to three-fourths of
106 | the proceeds from the millage levied by a district school board
107 | pursuant to this subsection. The three-fourths limit is waived
108 | for lease-purchase agreements entered into before June 30, 2009,
109 | by a district school board pursuant to this paragraph.

110 | (f) Payment of loans approved pursuant to ss. 1011.14 and
111 | 1011.15.

112 | (g) Payment of costs directly related to complying with
113 | state and federal environmental statutes, rules, and regulations
114 | governing school facilities.

115 | (h) Payment of costs of leasing relocatable educational
116 | facilities, of renting or leasing educational facilities and
117 | sites pursuant to s. 1013.15(2), or of renting or leasing
118 | buildings or space within existing buildings pursuant to s.
119 | 1013.15(4).

120 | (i) Payment of the cost of school buses when a school
121 | district contracts with a private entity to provide student
122 | transportation services if the district meets the requirements
123 | of this paragraph.

124 | 1. The district's contract must require that the private
125 | entity purchase, lease-purchase, or lease, and operate and
126 | maintain, one or more school buses of a specific type and size
127 | that meet the requirements of s. 1006.25.

128 | 2. Each such school bus must be used for the daily
129 | transportation of public school students in the manner required
130 | by the school district.

131 3. Annual payment for each such school bus may not exceed
132 10 percent of the purchase price of the state pool bid.

133 4. The proposed expenditure of the funds for this purpose
134 must have been included in the district school board's notice of
135 proposed tax for school capital outlay as provided in s.
136 200.065(10).

137 (j) Payment of the cost of the opening day collection for
138 the library media center of a new school.

139
140 Section 2. Subsections (1) and (2) of section 1013.62,
141 Florida Statutes, are amended to read:

142 1013.62 Charter schools capital outlay funding.—

143 (1) In each year in which funds are appropriated for
144 charter school capital outlay purposes, the Commissioner of
145 Education shall allocate the funds among eligible charter
146 schools.

147 (a) To be eligible for a funding allocation, a charter
148 school must:

149 1.a. Have been in operation for 2 ~~3~~ or more years;

150 b. Have no more than two consecutive school grades lower
151 than "B" unless the school serves a student population at least
152 50 percent of which is eligible for free or reduced-price meals
153 under the National School Lunch Act ~~Be governed by a governing~~
154 ~~board established in the state for 3 or more years which~~
155 ~~operates both charter schools and conversion charter schools~~
156 ~~within the state;~~

157 c. Have an annual audit that does not reveal any of the
158 financial emergency conditions provided in s. 218.503(1) for the
159 most recent fiscal year for which such audit results are
160 available ~~Be an expanded feeder chain of a charter school within~~
161 ~~the same school district that is currently receiving charter~~
162 ~~school capital outlay funds;~~

163 d. Have received final approval from its sponsor pursuant
164 to s. 1002.33 for operation during that fiscal year; and

165 e. Serve students in facilities that are not provided by
166 the charter school's sponsor; or

167 ~~d. Have been accredited by the Commission on Schools of~~
168 ~~the Southern Association of Colleges and Schools; or~~

169 ~~e. Serve students in facilities that are provided by a~~
170 ~~business partner for a charter school in the workplace pursuant~~
171 ~~to s. 1002.33(15)(b).~~

172 2.a. Be part of a high-performing charter school system
173 pursuant to s. 1002.332; ~~Have financial stability for future~~
174 ~~operation as a charter school.~~

175 ~~3. Have satisfactory student achievement based on state~~
176 ~~accountability standards applicable to the charter school.~~

177 ~~b.4.~~ Have received final approval from its sponsor
178 pursuant to s. 1002.33 for operation during that fiscal year;
179 and.

180 ~~c.5.~~ Serve students in facilities that are not provided by
181 the charter school's sponsor.

182 ~~(b) The first priority for charter school capital outlay~~

183 ~~funding is to allocate to charter schools that received funding~~
184 ~~in the 2005-2006 fiscal year an allocation of the same amount~~
185 ~~per capital outlay full-time equivalent student, up to the~~
186 ~~lesser of the actual number of capital outlay full-time~~
187 ~~equivalent students in the current year, or the capital outlay~~
188 ~~full-time equivalent students in the 2005-2006 fiscal year.~~
189 ~~After calculating the first priority, the second priority is to~~
190 ~~allocate excess funds remaining in the appropriation in an~~
191 ~~amount equal to the per capital outlay full-time equivalent~~
192 ~~student amount in the first priority calculation to eligible~~
193 ~~charter schools not included in the first priority calculation~~
194 ~~and to schools in the first priority calculation with growth~~
195 ~~greater than the 2005-2006 capital outlay full-time equivalent~~
196 ~~students. After calculating the first and second priorities,~~
197 ~~excess funds remaining in the appropriation must be allocated to~~
198 ~~all eligible charter schools.~~

199 (b)-(c) A charter school's allocation may not exceed one-
200 fortieth ~~one-fifteenth~~ of the cost per student station specified
201 in s. 1013.64(6)(b) or the amount of revenue per fixed capital
202 outlay full-time equivalent student generated by the school
203 district's levy of 1.5 mills pursuant to s. 1011.71(2),
204 whichever is less. Before releasing capital outlay funds to a
205 school district on behalf of the charter school, the Department
206 of Education must ensure that the district school board and the
207 charter school governing board enter into a written agreement
208 that provides for the reversion of any unencumbered funds and

209 all equipment and property purchased with public education funds
 210 to the ownership of the district school board, as provided for
 211 in subsection (3) if the school terminates operations. Any funds
 212 recovered by the state shall be deposited in the General Revenue
 213 Fund.

214 (c)~~(d)~~ A charter school is not eligible for a funding
 215 allocation if it was created by the conversion of a public
 216 school and operates in facilities provided by the charter
 217 school's sponsor for a nominal fee, or at no charge, or if it is
 218 directly or indirectly operated by the school district.

219 (d)~~(e)~~ Unless otherwise provided in the General
 220 Appropriations Act, the state funding allocation for each
 221 eligible charter school shall be ~~is~~ determined by multiplying
 222 the school's projected student enrollment by one-fortieth ~~one-~~
 223 ~~fifteenth~~ of the cost-per-student station specified in s.
 224 1013.64(6)(b) for an elementary, middle, or high school, as
 225 appropriate. If the funds appropriated are not sufficient, the
 226 charter school shall receive funding to achieve one-fortieth of
 227 the cost per student station or the amount of revenue per fixed
 228 capital outlay full-time equivalent student generated by the
 229 school district's levy of 1.5 mills pursuant to s. 1011.71(2),
 230 whichever is less, from the revenues generated by the school
 231 district levy of ad valorem property taxes ~~the commissioner~~
 232 ~~shall prorate the available funds among eligible charter~~
 233 ~~schools. However,~~ A charter school or charter lab school may not
 234 receive state charter school capital outlay funds greater than

235 the one-fortieth ~~one-fifteenth~~ cost per student station formula
 236 if the charter school's combination of state charter school
 237 capital outlay funds, ~~capital outlay funds calculated through~~
 238 ~~the reduction in the administrative fee provided in s.~~
 239 ~~1002.33(20)~~, and capital outlay funds allowed in s.
 240 1002.32(9)(e) and (h) exceeds the one-fortieth ~~one-fifteenth~~
 241 cost per student station formula.

242 (e) ~~(f)~~ Funds shall be distributed on the basis of the
 243 capital outlay full-time equivalent membership by grade level,
 244 which is calculated by averaging the results of the second and
 245 third enrollment surveys. The Department of Education shall
 246 distribute capital outlay funds monthly, beginning in the first
 247 quarter of the fiscal year, based on one-twelfth of the amount
 248 the department reasonably expects the charter school to receive
 249 during that fiscal year. The commissioner shall adjust
 250 subsequent distributions as necessary to reflect each charter
 251 school's actual student enrollment as reflected in the second
 252 and third enrollment surveys. The commissioner shall establish
 253 the intervals and procedures for determining the projected and
 254 actual student enrollment of eligible charter schools.

255 (2) A charter school's governing body may use charter
 256 school capital outlay funds received pursuant to this section
 257 and s. 1011.71(2) for the following purposes:

- 258 (a) Purchase of real property.
- 259 (b) Construction of school facilities.
- 260 (c) Purchase, lease-purchase, or lease of permanent or

261 relocatable school facilities.

262 (d) Purchase of vehicles to transport students to and from
263 the charter school.

264 (e) Renovation, repair, and maintenance of school
265 facilities that the charter school owns or is purchasing through
266 a lease-purchase or long-term lease of 5 years or longer.

267 ~~(f) Effective July 1, 2008, purchase, lease-purchase, or~~
268 ~~lease of new and replacement equipment, and enterprise resource~~
269 ~~software applications that are classified as capital assets in~~
270 ~~accordance with definitions of the Governmental Accounting~~
271 ~~Standards Board, have a useful life of at least 5 years, and are~~
272 ~~used to support schoolwide administration or state-mandated~~
273 ~~reporting requirements.~~

274 (f)(g) Payment of the cost of premiums for property and
275 casualty insurance necessary to insure the school facilities.

276 (g)(h) Purchase, lease-purchase, or lease of driver's
277 education vehicles; motor vehicles used for the maintenance or
278 operation of plants and equipment; security vehicles; or
279 vehicles used in storing or distributing materials and
280 equipment.

281 (h) Purchase, lease-purchase, or lease of new and
282 replacement equipment; computer hardware, including electronic
283 hardware and other hardware devices necessary for gaining access
284 to or enhancing the use of electronic content and resources or
285 to facilitate the access to and the use of a charter school's
286 digital classrooms plan pursuant to s. 1011.62, excluding

287 software other than the operating system necessary to operate
288 the hardware or device; and enterprise resource software
289 applications that are classified as capital assets in accordance
290 with definitions of the Governmental Accounting Standards Board,
291 have a useful life of at least 5 years, and are used to support
292 schoolwide administration or state-mandated reporting
293 requirements. Enterprise resource software may be acquired by
294 annual license fees, maintenance fees, or lease agreement.

295 (i) Payment of the cost of the opening day collection for
296 the library media center of a new school.

297
298 Conversion charter schools may use capital outlay funds received
299 through the reduction in the administrative fee provided in s.
300 1002.33(20) for renovation, repair, and maintenance of school
301 facilities that are owned by the sponsor.

302 Section 3. Paragraphs (a) and (b) of subsection (2) and
303 paragraphs (b), (c), (d), and (e) of subsection (6) of section
304 1013.64, Florida Statutes, are amended to read:

305 1013.64 Funds for comprehensive educational plant needs;
306 construction cost maximums for school district capital
307 projects.—Allocations from the Public Education Capital Outlay
308 and Debt Service Trust Fund to the various boards for capital
309 outlay projects shall be determined as follows:

310 (2) (a) The department shall establish, as a part of the
311 Public Education Capital Outlay and Debt Service Trust Fund, a
312 separate account, in an amount determined by the Legislature, to

313 be known as the "Special Facility Construction Account." The
314 Special Facility Construction Account shall be used to provide
315 necessary construction funds to school districts which have
316 urgent construction needs but which lack sufficient resources at
317 present, and cannot reasonably anticipate sufficient resources
318 within the period of the next 3 years, for these purposes from
319 currently authorized sources of capital outlay revenue. A school
320 district requesting funding from the Special Facility
321 Construction Account shall submit one specific construction
322 project, not to exceed one complete educational plant, to the
323 Special Facility Construction Committee. A ~~No~~ district may not
324 ~~shall~~ receive funding for more than one approved project in any
325 3-year period or while any portion of the district's
326 participation requirement remains outstanding. The first year of
327 the 3-year period shall be the first year a district receives an
328 appropriation. The department shall encourage a construction
329 program that reduces the average size of schools in the
330 district. The request must meet the following criteria to be
331 considered by the committee:

332 1. The project must be deemed a critical need and must be
333 recommended for funding by the Special Facility Construction
334 Committee. Before ~~Prior to~~ developing construction plans for the
335 proposed facility, the district school board must request a
336 preapplication review by the Special Facility Construction
337 Committee or a project review subcommittee convened by the chair
338 of the committee to include two representatives of the

339 department and two staff members from school districts not
340 eligible to participate in the program. The request for a
341 preapplication review may be made at any time; however, for
342 inclusion in the Department of Education's next annual capital
343 outlay legislative budget request, the request for a
344 preapplication review must be made before February 1 of the
345 fiscal year before the legislative budget request. Within ~~90~~ 60
346 days after receiving the preapplication review request, the
347 committee or subcommittee must meet in the school district to
348 review the project proposal and existing facilities. To
349 determine whether the proposed project is a critical need, the
350 committee or subcommittee shall consider, at a minimum, the
351 capacity of all existing facilities within the district as
352 determined by the Florida Inventory of School Houses; the
353 district's pattern of student growth; the district's existing
354 and projected capital outlay full-time equivalent student
355 enrollment as determined by the demographic, revenue, and
356 education estimating conferences established in s. 216.136
357 ~~department~~; the district's existing satisfactory student
358 stations; the use of all existing district property and
359 facilities; grade level configurations; and any other
360 information that may affect the need for the proposed project.

361 2. The construction project must be recommended in the
362 most recent survey or survey amendment cooperatively prepared
363 ~~surveys~~ by the district and the department, and approved by the
364 department under the rules of the State Board of Education. If a

365 district employs a consultant in the preparation of a survey or
366 survey amendment, the consultant may not be employed by or
367 receive compensation from a third party that designs or
368 constructs a project recommended by the survey.

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

372 4. The district must have selected and had approved a site
373 for the construction project in compliance with s. 1013.36 and
374 the rules of the State Board of Education.

375 5. The district shall have developed a district school
376 board adopted list of facilities that do not exceed the norm for
377 net square feet occupancy requirements under the State
378 Requirements for Educational Facilities, using all possible
379 programmatic combinations for multiple use of space to obtain
380 maximum daily use of all spaces within the facility under
381 consideration.

382 6. Upon construction, the total cost per student station,
383 including change orders, may ~~must~~ not exceed the cost per
384 student station as provided in subsection (6), except for cost
385 overruns created by a disaster as defined in s. 252.34 or an
386 unforeseeable circumstance beyond the district's control as
387 determined by the Special Facility Construction Committee.

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

391 department.

392 8. For construction projects for which Special Facility
393 Construction Account funding is sought before the 2019-2020
394 fiscal year, the district shall, at the time of the request and
395 for a continuing period necessary to meet the district's
396 participation requirement under subparagraph 11. ~~of 3 years,~~
397 levy the maximum millage against their nonexempt assessed
398 property value as allowed in s. 1011.71(2) or shall raise an
399 equivalent amount of revenue from the school capital outlay
400 surtax authorized under s. 212.055(6). Beginning with the 2019-
401 2020 fiscal year, for construction projects for which Special
402 Facility Construction Account funding is sought, the district
403 shall, for a minimum of 3 years before the request and for a
404 continuing period necessary to meet the district's participation
405 requirement under subparagraph 11., levy the maximum millage
406 against their nonexempt assessed property value as allowed in s.
407 1011.71(2) or raise an equivalent amount of revenue from the
408 school capital outlay surtax authorized under s. 212.055(6). Any
409 district with a new or active project, funded under the
410 provisions of this subsection, shall be required to budget no
411 more than the value of 1.0 mill ~~1.5 mills~~ per year to the
412 project until the district's ~~to satisfy the annual~~ participation
413 requirement relating to the local discretionary capital
414 improvement millage authorized under s. 1011.71(2) or the
415 equivalent amount of revenue from the school capital outlay
416 surtax authorized under s. 212.055(6) is satisfied ~~in the~~

417 ~~Special Facility Construction Account.~~

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

423 10. The department shall certify the inability of the
424 district to fund the survey-recommended project over a
425 continuous 3-year period using projected capital outlay revenue
426 derived from s. 9(d), Art. XII of the State Constitution, as
427 amended, paragraph (3)(a) of this section, and s. 1011.71(2).

428 11. The district shall have on file with the department an
429 adopted resolution acknowledging its ~~3-year~~ commitment to
430 satisfy its participation requirement. The district's
431 participation requirement is equivalent to ~~of~~ all unencumbered
432 and future revenue acquired in the year of the initial
433 appropriation and for the 2 years immediately following the
434 initial appropriation from s. 9(d), Art. XII of the State
435 Constitution, as amended, paragraph (3)(a) of this section, and
436 s. 1011.71(2).

437 12. Final phase III plans must be certified by the
438 district school board as complete and in compliance with the
439 building and life safety codes before June 1 of the year the
440 application is made ~~prior to August 1.~~

441 (b) The Special Facility Construction Committee shall be
442 composed of the following: two representatives of the Department

443 of Education, a representative from the Governor's office, a
 444 representative selected annually by the district school boards,
 445 and a representative selected annually by the superintendents. A
 446 representative of the department shall chair the committee.

447 (6)

448 (b)1. A district school board may ~~must~~ not use funds from
 449 the following sources: Public Education Capital Outlay and Debt
 450 Service Trust Fund; School District and Community College
 451 District Capital Outlay and Debt Service Trust Fund; Classrooms
 452 First Program funds provided in s. 1013.68; nonvoted 1.5-mill
 453 levy of ad valorem property taxes provided in s. 1011.71(2);
 454 Classrooms for Kids Program funds provided in s. 1013.735;
 455 District Effort Recognition Program funds provided in s.
 456 1013.736; and ~~or~~ High Growth District Capital Outlay Assistance
 457 Grant Program funds provided in s. 1013.738 for any new
 458 construction of educational plant space with a total cost per
 459 student station, including change orders, that equals more than:

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

463
 464 (January 2006) as adjusted annually to reflect increases or
 465 decreases in the Consumer Price Index.

466 2. Effective July 1, 2017, in addition to the funding
 467 sources listed in subparagraph 1., a district school board may
 468 not use funds from the following sources: nonvoted 1.5-mill levy

469 of ad valorem property taxes provided in s. 1011.71(3); proceeds
470 received through the provisions of s. 1011.73 and s. 9, Art. VII
471 of the State Constitution; funds provided by school district
472 bonds; sales surtax funds authorized in s. 212.055; impact fees
473 authorized in s. 163.31801; and funds received pursuant to s.
474 212.20(6)(d)6.a., for any new construction of educational plant
475 space with a total cost per student station, including change
476 orders, that equals more than the current adjusted amounts
477 provided in sub-subparagraphs 1.a.-c., which shall subsequently
478 be adjusted annually to reflect increases or decreases in the
479 Consumer Price Index.

480 3. A district school board may ~~must~~ not use funds from the
481 Public Education Capital Outlay and Debt Service Trust Fund or
482 the School District and Community College District Capital
483 Outlay and Debt Service Trust Fund for any new construction of
484 an ancillary plant that exceeds 70 percent of the average cost
485 per square foot of new construction for all schools.

486 (c)1. Except as otherwise provided, new construction
487 initiated by a district school board may ~~after June 30, 1997,~~
488 ~~must~~ not exceed the cost per student station as provided in
489 paragraph (b).

490 2. New construction initiated by a district school board
491 on or after July 1, 2017, may not exceed the cost per student
492 station provided in paragraph (b). A district that exceeds the
493 cost per student station provided in paragraph (b) is ineligible
494 for allocations from the Public Capital Outlay and Debt Service

495 Trust Fund for the next 3 years in which the district would have
496 received allocations had the violation not occurred.

497 (d) The department shall:

498 1. Compute for each calendar year the statewide average
499 construction costs for facilities serving each instructional
500 level, for relocatable educational facilities, for
501 administrative facilities, and for other ancillary and auxiliary
502 facilities. The department shall compute the statewide average
503 costs per student station for each instructional level.

504 2. Annually review the actual completed construction costs
505 of educational facilities in each school district. For any
506 school district in which the total actual cost per student
507 station, including change orders, exceeds the statewide limits
508 established in paragraph (b), the school district shall report
509 to the department the actual cost per student station and the
510 reason for the school district's inability to adhere to the
511 limits established in paragraph (b). The department shall
512 collect all such reports and shall report to the Governor, the
513 President of the Senate, and the Speaker of the House of
514 Representatives by December 31 of each year a summary of each
515 school district's spending in excess of the cost per student
516 station provided in paragraph (b) as reported by the school
517 districts.

518

519 Cost per student station includes contract costs, legal and
520 administrative costs, fees of architects and engineers,

521 furniture and equipment, site costs, ~~and~~ site improvement costs,
 522 and offsite improvement costs. Cost per student station does not
 523 include the cost of purchasing or leasing the site for the
 524 construction or the cost of related offsite improvements.

525 (e) The department shall conduct a study, in consultation
 526 with the Office of Economic and Demographic Research, of the
 527 total cost per student station amounts under paragraph (b) using
 528 the most recent available information. The department shall
 529 report the final results of the analysis to the Governor, the
 530 President of the Senate, and the Speaker of the House of
 531 Representatives by March 1, 2017 ~~The restrictions of this~~
 532 ~~subsection on the cost per student station of new construction~~
 533 ~~do not apply to a project funded entirely from proceeds received~~
 534 ~~by districts through provisions of ss. 212.055 and 1011.73 and~~
 535 ~~s. 9, Art. VII of the State Constitution, if the school board~~
 536 ~~approves the project by majority vote.~~

537 Section 4. Subsection (2) and paragraph (a) of subsection
 538 (3) of section 1013.738, Florida Statutes, are amended to read:

539 1013.738 High Growth District Capital Outlay Assistance
 540 Grant Program.—

541 (2) In order to qualify for a grant, a school district
 542 must meet the following criteria:

543 (a) The district must have levied the full ~~1.5 mills of~~
 544 nonvoted discretionary capital outlay millage authorized in s.
 545 1011.71(2) for each of the past 4 fiscal years.

546 (b) One-third ~~Fifty percent~~ of the revenue derived from

547 the ~~2-mill~~ nonvoted discretionary capital outlay millage for the
548 past 4 fiscal years, when divided by the district's growth in
549 capital outlay FTE students over this period, produces a value
550 that is less than the average weighted cost per student station
551 calculated pursuant to s. 1013.64(6)(b)1., ~~and weighted by~~
552 ~~statewide growth in capital outlay FTE students in elementary,~~
553 ~~middle, and high schools for the past 4 fiscal years.~~

554 (c) The district must have a combined unweighted FTE
555 enrollment in charter schools, the virtual instruction program,
556 the Florida Virtual School, and educational scholarship programs
557 under part III of chapter 1002 of at least 10 percent of the
558 total student population of the district.

559 (d) ~~(e)~~ The district must have a cumulative ~~equaled or~~
560 ~~exceeded twice the statewide average of growth in capital outlay~~
561 ~~FTE students over this same 4-year period.~~

562 ~~(d) The Commissioner of Education must have released all~~
563 ~~funds allocated to the district from the Classrooms First~~
564 ~~Program authorized in s. 1013.68, and these funds were fully~~
565 ~~expended by the district as of February 1 of the current fiscal~~
566 ~~year.~~

567 ~~(e) The total capital outlay FTE students of the district~~
568 ~~is greater than 15,000 students.~~

569 (3) The funds provided in the General Appropriations Act
570 shall be allocated pursuant to the following methodology:

571 (a) For each eligible district, the Department of
572 Education shall calculate the value of one-third ~~50 percent~~ of

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573 | the revenue derived from the ~~2-mill~~ nonvoted discretionary
574 | capital outlay millage for the past 4 fiscal years divided by
575 | the increase in capital outlay FTE students for the same period.

576 | Section 5. This act shall take effect July 1, 2016.