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LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Galvano) recommended the following:

Senate Amendment (with title amendment)

Between lines 577 and 578

insert:

Section 8. Paragraph (b) of subsection (2) of section 1013.35, Florida Statutes, is amended to read:

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

(2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL



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11 FACILITIES PLAN.—

12 (b) The plan must also include a financially feasible
13 district facilities work program for a 5-year period. The work
14 program must include:

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

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

22 a. The locations, capacities, and planned utilization rates
23 of current educational facilities of the district. The capacity
24 of existing satisfactory facilities, as reported in the Florida
25 Inventory of School Houses, must be compared to the capital
26 outlay full-time-equivalent student enrollment as determined by
27 the department, including all enrollment used in the calculation
28 of the distribution formula in s. 1013.64. For purposes of
29 determining the capacity of school facilities at K-8 schools, as
30 reported in the Florida Inventory of School Houses, a classroom
31 housing students in kindergarten through grade 5 is considered
32 an elementary school, and a classroom housing students in grades
33 6 through 8 is considered a middle school.

34 b. The proposed locations of planned facilities, whether
35 those locations are consistent with the comprehensive plans of
36 all affected local governments, and recommendations for
37 infrastructure and other improvements to land adjacent to
38 existing facilities. The provisions of ss. 1013.33(6), (7), and
39 (8) and 1013.36 must be addressed for new facilities planned



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40 within the first 3 years of the work plan, as appropriate.
41 c. Plans for the use and location of relocatable
42 facilities, leased facilities, and charter school facilities.
43 d. Plans for multitrack scheduling, grade level
44 organization, block scheduling, or other alternatives that
45 reduce the need for additional permanent student stations.
46 e. Information concerning average class size and
47 utilization rate by grade level within the district which will
48 result if the tentative district facilities work program is
49 fully implemented.
50 f. The number and percentage of district students planned
51 to be educated in relocatable facilities during each year of the
52 tentative district facilities work program. For determining
53 future needs, student capacity may not be assigned to any
54 relocatable classroom that is scheduled for elimination or
55 replacement with a permanent educational facility in the current
56 year of the adopted district educational facilities plan and in
57 the district facilities work program adopted under this section.
58 Those relocatable classrooms clearly identified and scheduled
59 for replacement in a school-board-adopted, financially feasible,
60 5-year district facilities work program shall be counted at zero
61 capacity at the time the work program is adopted and approved by
62 the school board. However, if the district facilities work
63 program is changed and the relocatable classrooms are not
64 replaced as scheduled in the work program, the classrooms must
65 be reentered into the system and be counted at actual capacity.
66 Relocatable classrooms may not be perpetually added to the work
67 program or continually extended for purposes of circumventing
68 this section. All relocatable classrooms not identified and



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69 scheduled for replacement, including those owned, lease-
70 purchased, or leased by the school district, must be counted at
71 actual student capacity. The district educational facilities
72 plan must identify the number of relocatable student stations
73 scheduled for replacement during the 5-year survey period and
74 the total dollar amount needed for that replacement.

75 g. Plans for the closure of any school, including plans for
76 disposition of the facility or usage of facility space, and
77 anticipated revenues.

78 h. Projects for which capital outlay and debt service funds
79 accruing under s. 9(d), Art. XII of the State Constitution are
80 to be used shall be identified separately in priority order on a
81 project priority list within the district facilities work
82 program.

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

91 4. A schedule of estimated capital outlay revenues from
92 each currently approved source which is estimated to be
93 available for expenditure on the projects included in the
94 district facilities work program.

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



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98 6. A schedule of options for the generation of additional
99 revenues by the district for expenditure on projects identified
100 in the district facilities work program which are not funded
101 under subparagraph 5. Additional anticipated revenues may
102 include Classrooms First funds.

103 Section 9. Subsection (3) of section 1013.37, Florida
104 Statutes, is amended to read:

105 1013.37 State uniform building code for public educational
106 facilities construction.—

107 (3) REVIEW PROCEDURE; EXEMPTION.—

108 (a) The Commissioner of Education shall cooperate with the
109 Florida Building Commission in addressing all questions,
110 disputes, or interpretations involving the provisions of the
111 Florida Building Code which govern the construction of public
112 educational and ancillary facilities, and any objections to
113 decisions made by the inspectors or the department must be
114 submitted in writing.

115 (b) Upon request by a district school board, the
116 commissioner shall grant an exemption from the State
117 Requirements for Educational Facilities (SREF). A district
118 school board must provide a comprehensive cost-benefit analysis
119 along with its request for an exemption from the SREF. Any
120 district school board that is granted such exemption shall
121 continue to comply with applicable provisions of the Florida
122 Building Code and the Florida Fire Prevention Code which relate
123 to the construction, remodeling, and renovation of educational
124 facilities.

125 Section 10. Upon the expiration and reversion of the
126 amendments to section 1013.64, Florida Statutes, pursuant to



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127 section 36 of chapter 2016-62, Laws of Florida, paragraph (a) of
128 subsection (3) and paragraphs (b) and (c) of subsection (6) of
129 section 1013.64, Florida Statutes, are amended to read:

130 1013.64 Funds for comprehensive educational plant needs;
131 construction cost maximums for school district capital
132 projects.—Allocations from the Public Education Capital Outlay
133 and Debt Service Trust Fund to the various boards for capital
134 outlay projects shall be determined as follows:

135 (3) (a) Each district school board shall receive an amount
136 from the Public Education Capital Outlay and Debt Service Trust
137 Fund to be calculated by computing the capital outlay full-time
138 equivalent membership as determined by the department. Such
139 membership must include, but is not limited to:

140 1. K-12 students for whom the school district provides the
141 educational facility, except hospital- and homebound part-time
142 students; and

143 2. Students who are career education students, and adult
144 disabled students and who are enrolled in school district career
145 centers. The capital outlay full-time equivalent membership
146 shall be determined for kindergarten through the 12th grade and
147 for career centers by averaging the unweighted full-time
148 equivalent student membership for the second and third surveys
149 and comparing the results on a school-by-school basis with the
150 Florida Inventory for School Houses. For purposes of determining
151 the capacity of school facilities at K-8 schools, as reported in
152 the Florida Inventory of School Houses, a classroom housing
153 students in kindergarten through grade 5 is considered an
154 elementary school, and a classroom housing students in grades 6
155 through 8 is considered a middle school. The capital outlay



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156 full-time equivalent membership by grade level organization
157 shall be used in making the following calculations: The capital
158 outlay full-time equivalent membership by grade level
159 organization for the 4th prior year must be used to compute the
160 base-year allocation. The capital outlay full-time equivalent
161 membership by grade-level organization for the prior year must
162 be used to compute the growth over the highest of the 3 years
163 preceding the prior year. From the total amount appropriated by
164 the Legislature pursuant to this subsection, 40 percent shall be
165 allocated among the base capital outlay full-time equivalent
166 membership and 60 percent among the growth capital outlay full-
167 time equivalent membership. The allocation within each of these
168 groups shall be prorated to the districts based upon each
169 district's percentage of base and growth capital outlay full-
170 time membership. The most recent 4-year capital outlay full-time
171 equivalent membership data shall be used in each subsequent
172 year's calculation for the allocation of funds pursuant to this
173 subsection. If a change, correction, or recomputation of data
174 during any year results in a reduction or increase of the
175 calculated amount previously allocated to a district, the
176 allocation to that district shall be adjusted correspondingly.
177 If such recomputation results in an increase or decrease of the
178 calculated amount, such additional or reduced amounts shall be
179 added to or reduced from the district's future appropriations.
180 However, no change, correction, or recomputation of data shall
181 be made subsequent to 2 years following the initial annual
182 allocation.

183 (6)

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



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185 following sources: Public Education Capital Outlay and Debt
186 Service Trust Fund; School District and Community College
187 District Capital Outlay and Debt Service Trust Fund; Classrooms
188 First Program funds provided in s. 1013.68; nonvoted 1.5-mill
189 levy of ad valorem property taxes provided in s. 1011.71(2);
190 Classrooms for Kids Program funds provided in s. 1013.735;
191 District Effort Recognition Program funds provided in s.
192 1013.736; or High Growth District Capital Outlay Assistance
193 Grant Program funds provided in s. 1013.738 for any new
194 construction of educational plant space with a total cost per
195 student station, including change orders, that equals more than:

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

199
200 (January 2006) as adjusted annually to reflect increases or
201 decreases in the Consumer Price Index.

202 2. School districts shall maintain accurate documentation
203 related to the costs of all new construction of educational
204 plant space reported to the Department of Education pursuant to
205 paragraph (d). The Auditor General shall review the
206 documentation maintained by the school districts and verify
207 compliance with the limits under this paragraph during its
208 scheduled operational audits of the school district. The
209 department shall make the final determination on district
210 compliance based on the recommendation of the Auditor General.

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



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

228 4. The Office of Program Policy Analysis and Government
229 Accountability (OPPAGA) shall conduct a study of the State
230 Requirements for Education Facilities (SREF) to identify current
231 requirements that can be eliminated or modified in order to
232 decrease the cost of construction of educational facilities
233 while ensuring student safety. OPPAGA must provide the results
234 of the study, and an overall recommendation as to whether SREF
235 should be retained, to the Governor, the President of the
236 Senate, and the Speaker of the House of Representatives no later
237 than January 31, 2017.

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



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

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

257 (c) Except as otherwise provided, new construction for
258 which a contract has been executed for architectural and design
259 services or for construction management services initiated by a
260 district school board on or after July 1, 2017, may not exceed
261 the cost per student station as provided in paragraph (b). A
262 school district that exceeds the cost per student station
263 provided in paragraph (b), as determined by the Auditor General,
264 shall be subject to sanctions. If the Auditor General determines
265 that the cost per student station overage is de minimus or due
266 to extraordinary circumstances outside the control of the
267 district, the sanctions shall not apply. The sanctions are as
268 follows:

269 1. The school district shall be ineligible for allocations
270 from the Public Education Capital Outlay and Debt Service Trust
271 Fund for the next 3 years in which the school district would



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272 have received allocations had the violation not occurred.

273 2. The school district shall be subject to the supervision
274 of a district capital outlay oversight committee. The oversight
275 committee is authorized to approve all capital outlay
276 expenditures of the school district, including new construction,
277 renovations, and remodeling, for 3 fiscal years following the
278 violation.

279 a. Each oversight committee shall be composed of the
280 following:

281 (I) One appointee of the Commissioner of Education who has
282 significant financial management, school facilities
283 construction, or related experience.

284 (II) One appointee of the office of the state attorney with
285 jurisdiction over the district.

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

288 b. An appointee to the oversight committee may not be
289 employed by the school district; be a relative, as defined in s.
290 1002.33(24)(a)2., of any school district employee; or be an
291 elected official. Each appointee must sign an affidavit
292 attesting to these conditions and affirming that no conflict of
293 interest exists in his or her oversight role.

294
295 ===== T I T L E A M E N D M E N T =====

296 And the title is amended as follows:

297 Delete line 49

298 and insert:

299 programs that meet specified criteria; amending s.

300 1013.35, F.S.; providing requirements for determining



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301 the capacity of facilities in certain schools as
302 reported in the Florida Inventory of School Houses;
303 amending s. 1013.37, F.S.; requiring the Commissioner
304 of Education to grant an exemption from the State
305 Requirements for Educational Facilities to a district
306 school board under certain circumstances; requiring
307 such district school board to comply with certain
308 Florida Building Code and Florida Fire Prevention Code
309 provisions; amending s. 1013.64, F.S.; authorizing a
310 district school board to use funds from any source for
311 the new construction of educational plant space under
312 certain circumstances; conforming provisions to
313 changes made by the act; providing an