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Proposed Committee Substitute by the Committee on Appropriations  
(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.

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

Section 1. 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  
FACILITIES PLAN.—



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28 (b) The plan must also include a financially feasible  
29 district facilities work program for a 5-year period. The work  
30 program must include:

31 1. A schedule of major repair and renovation projects  
32 necessary to maintain the educational facilities and ancillary  
33 facilities of the district.

34 2. A schedule of capital outlay projects necessary to  
35 ensure the availability of satisfactory student stations for the  
36 projected student enrollment in K-12 programs. This schedule  
37 shall consider:

38 a. The locations, capacities, and planned utilization rates  
39 of current educational facilities of the district. The capacity  
40 of existing satisfactory facilities, as reported in the Florida  
41 Inventory of School Houses, must be compared to the capital  
42 outlay full-time-equivalent student enrollment as determined by  
43 the department, including all enrollment used in the calculation  
44 of the distribution formula in s. 1013.64. For purposes of  
45 determining the capacity of school facilities at K-8 schools, as  
46 reported in the Florida Inventory of School Houses, a classroom  
47 housing students in kindergarten through grade 5 is considered  
48 an elementary school, and a classroom housing students in grades  
49 6 through 8 is considered a middle school.

50 b. The proposed locations of planned facilities, whether  
51 those locations are consistent with the comprehensive plans of  
52 all affected local governments, and recommendations for  
53 infrastructure and other improvements to land adjacent to  
54 existing facilities. The provisions of ss. 1013.33(6), (7), and  
55 (8) and 1013.36 must be addressed for new facilities planned  
56 within the first 3 years of the work plan, as appropriate.



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57 c. Plans for the use and location of relocatable  
58 facilities, leased facilities, and charter school facilities.

59 d. Plans for multitrack scheduling, grade level  
60 organization, block scheduling, or other alternatives that  
61 reduce the need for additional permanent student stations.

62 e. Information concerning average class size and  
63 utilization rate by grade level within the district which will  
64 result if the tentative district facilities work program is  
65 fully implemented.

66 f. The number and percentage of district students planned  
67 to be educated in relocatable facilities during each year of the  
68 tentative district facilities work program. For determining  
69 future needs, student capacity may not be assigned to any  
70 relocatable classroom that is scheduled for elimination or  
71 replacement with a permanent educational facility in the current  
72 year of the adopted district educational facilities plan and in  
73 the district facilities work program adopted under this section.  
74 Those relocatable classrooms clearly identified and scheduled  
75 for replacement in a school-board-adopted, financially feasible,  
76 5-year district facilities work program shall be counted at zero  
77 capacity at the time the work program is adopted and approved by  
78 the school board. However, if the district facilities work  
79 program is changed and the relocatable classrooms are not  
80 replaced as scheduled in the work program, the classrooms must  
81 be reentered into the system and be counted at actual capacity.  
82 Relocatable classrooms may not be perpetually added to the work  
83 program or continually extended for purposes of circumventing  
84 this section. All relocatable classrooms not identified and  
85 scheduled for replacement, including those owned, lease-



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86 purchased, or leased by the school district, must be counted at  
87 actual student capacity. The district educational facilities  
88 plan must identify the number of relocatable student stations  
89 scheduled for replacement during the 5-year survey period and  
90 the total dollar amount needed for that replacement.

91 g. Plans for the closure of any school, including plans for  
92 disposition of the facility or usage of facility space, and  
93 anticipated revenues.

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

99 3. The projected cost for each project identified in the  
100 district facilities work program. For proposed projects for new  
101 student stations, a schedule shall be prepared comparing the  
102 planned cost and square footage for each new student station, by  
103 elementary, middle, and high school levels, to the low, average,  
104 and high cost of facilities constructed throughout the state  
105 during the most recent fiscal year for which data is available  
106 from the Department of Education.

107 4. A schedule of estimated capital outlay revenues from  
108 each currently approved source which is estimated to be  
109 available for expenditure on the projects included in the  
110 district facilities work program.

111 5. A schedule indicating which projects included in the  
112 district facilities work program will be funded from current  
113 revenues projected in subparagraph 4.

114 6. A schedule of options for the generation of additional



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

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

121 1013.37 State uniform building code for public educational  
122 facilities construction.—

123 (3) REVIEW PROCEDURE; EXEMPTION.—

124 (a) The Commissioner of Education shall cooperate with the  
125 Florida Building Commission in addressing all questions,  
126 disputes, or interpretations involving the provisions of the  
127 Florida Building Code which govern the construction of public  
128 educational and ancillary facilities, and any objections to  
129 decisions made by the inspectors or the department must be  
130 submitted in writing.

131 (b) Upon request by a district school board, the  
132 commissioner shall grant an exemption from the State  
133 Requirements for Educational Facilities (SREF). A district  
134 school board must provide a comprehensive cost-benefit analysis  
135 along with its request for an exemption from the SREF. Any  
136 district school board that is granted such exemption shall  
137 continue to comply with applicable provisions of the Florida  
138 Building Code and the Florida Fire Prevention Code which relate  
139 to the construction, remodeling, and renovation of educational  
140 facilities.

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



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

146 1013.64 Funds for comprehensive educational plant needs;  
147 construction cost maximums for school district capital  
148 projects.—Allocations from the Public Education Capital Outlay  
149 and Debt Service Trust Fund to the various boards for capital  
150 outlay projects shall be determined as follows:

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

156 1. K-12 students for whom the school district provides the  
157 educational facility, except hospital- and homebound part-time  
158 students; and

159 2. Students who are career education students, and adult  
160 disabled students and who are enrolled in school district career  
161 centers. The capital outlay full-time equivalent membership  
162 shall be determined for kindergarten through the 12th grade and  
163 for career centers by averaging the unweighted full-time  
164 equivalent student membership for the second and third surveys  
165 and comparing the results on a school-by-school basis with the  
166 Florida Inventory for School Houses. For purposes of determining  
167 the capacity of school facilities at K-8 schools, as reported in  
168 the Florida Inventory of School Houses, a classroom housing  
169 students in kindergarten through grade 5 is considered an  
170 elementary school, and a classroom housing students in grades 6  
171 through 8 is considered a middle school. The capital outlay  
172 full-time equivalent membership by grade level organization



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173 shall be used in making the following calculations: The capital  
174 outlay full-time equivalent membership by grade level  
175 organization for the 4th prior year must be used to compute the  
176 base-year allocation. The capital outlay full-time equivalent  
177 membership by grade-level organization for the prior year must  
178 be used to compute the growth over the highest of the 3 years  
179 preceding the prior year. From the total amount appropriated by  
180 the Legislature pursuant to this subsection, 40 percent shall be  
181 allocated among the base capital outlay full-time equivalent  
182 membership and 60 percent among the growth capital outlay full-  
183 time equivalent membership. The allocation within each of these  
184 groups shall be prorated to the districts based upon each  
185 district's percentage of base and growth capital outlay full-  
186 time membership. The most recent 4-year capital outlay full-time  
187 equivalent membership data shall be used in each subsequent  
188 year's calculation for the allocation of funds pursuant to this  
189 subsection. If a change, correction, or recomputation of data  
190 during any year results in a reduction or increase of the  
191 calculated amount previously allocated to a district, the  
192 allocation to that district shall be adjusted correspondingly.  
193 If such recomputation results in an increase or decrease of the  
194 calculated amount, such additional or reduced amounts shall be  
195 added to or reduced from the district's future appropriations.  
196 However, no change, correction, or recomputation of data shall  
197 be made subsequent to 2 years following the initial annual  
198 allocation.

199 (6)

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



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202 Service Trust Fund; School District and Community College  
203 District Capital Outlay and Debt Service Trust Fund; Classrooms  
204 First Program funds provided in s. 1013.68; nonvoted 1.5-mill  
205 levy of ad valorem property taxes provided in s. 1011.71(2);  
206 Classrooms for Kids Program funds provided in s. 1013.735;  
207 District Effort Recognition Program funds provided in s.  
208 1013.736; or High Growth District Capital Outlay Assistance  
209 Grant Program funds provided in s. 1013.738 for any new  
210 construction of educational plant space with a total cost per  
211 student station, including change orders, that equals more than:

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

215  
216 (January 2006) as adjusted annually to reflect increases or  
217 decreases in the Consumer Price Index.

218 2. School districts shall maintain accurate documentation  
219 related to the costs of all new construction of educational  
220 plant space reported to the Department of Education pursuant to  
221 paragraph (d). The Auditor General shall review the  
222 documentation maintained by the school districts and verify  
223 compliance with the limits under this paragraph during its  
224 scheduled operational audits of the school district. The  
225 department shall make the final determination on district  
226 compliance based on the recommendation of the Auditor General.

227 3. The Office of Economic and Demographic Research, in  
228 consultation with the department, shall conduct a study of the  
229 cost per student station amounts using the most recent available  
230 information on construction costs. In this study, the costs per





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

244 4. The Office of Program Policy Analysis and Government  
245 Accountability (OPPAGA) shall conduct a study of the State  
246 Requirements for Education Facilities (SREF) to identify current  
247 requirements that can be eliminated or modified in order to  
248 decrease the cost of construction of educational facilities  
249 while ensuring student safety. OPPAGA must provide the results  
250 of the study, and an overall recommendation as to whether SREF  
251 should be retained, to the Governor, the President of the  
252 Senate, and the Speaker of the House of Representatives no later  
253 than January 31, 2017.

254 5. Effective July 1, 2017, in addition to the funding  
255 sources listed in subparagraph 1., a district school board may  
256 not use funds from any sources for new construction of  
257 educational plant space with a total cost per student station,  
258 including change orders, which equals more than the current  
259 adjusted amounts provided in sub-subparagraphs 1.a.-c. which



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

267         6. A district school board must not use funds from the  
268 Public Education Capital Outlay and Debt Service Trust Fund or  
269 the School District and Community College District Capital  
270 Outlay and Debt Service Trust Fund for any new construction of  
271 an ancillary plant that exceeds 70 percent of the average cost  
272 per square foot of new construction for all schools.

273         (c) Except as otherwise provided, new construction for  
274 which a contract has been executed for architectural and design  
275 services or for construction management services initiated by a  
276 district school board on or after July 1, 2017, may not exceed  
277 the cost per student station as provided in paragraph (b). A  
278 school district that exceeds the cost per student station  
279 provided in paragraph (b), as determined by the Auditor General,  
280 shall be subject to sanctions. If the Auditor General determines  
281 that the cost per student station overage is de minimus or due  
282 to extraordinary circumstances outside the control of the  
283 district, the sanctions shall not apply. The sanctions are as  
284 follows:

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



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289           2. The school district shall be subject to the supervision  
290 of a district capital outlay oversight committee. The oversight  
291 committee is authorized to approve all capital outlay  
292 expenditures of the school district, including new construction,  
293 renovations, and remodeling, for 3 fiscal years following the  
294 violation.

295           a. Each oversight committee shall be composed of the  
296 following:

297           (I) One appointee of the Commissioner of Education who has  
298 significant financial management, school facilities  
299 construction, or related experience.

300           (II) One appointee of the office of the state attorney with  
301 jurisdiction over the district.

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

304           b. An appointee to the oversight committee may not be  
305 employed by the school district; be a relative, as defined in s.  
306 1002.33(24)(a)2., of any school district employee; or be an  
307 elected official. Each appointee must sign an affidavit  
308 attesting to these conditions and affirming that no conflict of  
309 interest exists in his or her oversight role.

310           Section 4. This act shall take effect July 1, 2017.