

By Senator Lee

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1                   A bill to be entitled  
2           An act relating to public educational facilities;  
3           amending s. 1013.35, F.S.; providing requirements for  
4           determining the capacity of facilities in certain  
5           schools as reported in the Florida Inventory of School  
6           Houses; amending s. 1013.37, F.S.; authorizing a  
7           district school board to submit an application to the  
8           Commissioner of Education for an exemption for a  
9           facility from the State Requirements for Educational  
10          Facilities; specifying applicable standards for an  
11          exempted facility; prescribing minimum requirements  
12          for such applications; requiring the commissioner to  
13          grant the exemption if certain conditions are met;  
14          requiring the State Board of Education to adopt  
15          certain rules; amending s. 1013.64, F.S.; conforming a  
16          provision to changes made by the act; providing an  
17          effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

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21           Section 1. Paragraph (b) of subsection (2) of section  
22    1013.35, Florida Statutes, is amended to read:

23           1013.35 School district educational facilities plan;  
24    definitions; preparation, adoption, and amendment; long-term  
25    work programs.—

26           (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL  
27    FACILITIES PLAN.—

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

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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.

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

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

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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  
115 revenues by the district for expenditure on projects identified  
116 in the district facilities work program which are not funded

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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)1. A district school board may submit an application to  
132 the Commissioner of Education to obtain authorization for a  
133 facility to be constructed in accordance with the requirements  
134 specified in s. 1002.33(18) in lieu of the State Requirements  
135 for Educational Facilities. In order to qualify for the  
136 exemption, the facility must remain subject to s. 1013.372, the  
137 Florida Building Code, and the Florida Fire Prevention Code; be  
138 in substantial compliance with the applicable requirements of s.  
139 255.2575; and the facility's exemption may not negatively impact  
140 the health, safety, or welfare of students, teachers, and other  
141 facility users. At a minimum, the application must include a  
142 description of the proposed facility, a justification for the  
143 exemption, and a cost-benefit analysis. The commissioner must  
144 grant the exemption if he or she determines that there is a  
145 demonstrated cost savings and that the construction of the

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146 facility is in conformance with the school district's 5-year  
147 educational facilities work plan. If the commissioner denies the  
148 application, the notification to the district school board must  
149 state the reasons for the denial.

150 2. The State Board of Education shall adopt rules to  
151 establish procedures governing the submission of applications,  
152 including specifying timeframes for the disposition of such  
153 applications.

154 Section 3. Paragraph (b) of subsection (3) of section  
155 1013.64, Florida Statutes, is amended to read:

156 1013.64 Funds for comprehensive educational plant needs;  
157 construction cost maximums for school district capital  
158 projects.—Allocations from the Public Education Capital Outlay  
159 and Debt Service Trust Fund to the various boards for capital  
160 outlay projects shall be determined as follows:

161 (3)

162 (b) The capital outlay full-time equivalent membership  
163 shall be determined by counting the reported unweighted full-  
164 time equivalent student membership for the second and third  
165 surveys with each survey limited to 0.5 full-time equivalent  
166 student membership per student and comparing the results on a  
167 school-by-school basis with the Florida Inventory of School  
168 Houses. For purposes of determining the capacity of school  
169 facilities at K-8 schools, as reported in the Florida Inventory  
170 of School Houses, a classroom housing students in kindergarten  
171 through grade 5 is considered an elementary school, and a  
172 classroom housing students in grades 6 through 8 is considered a  
173 middle school.

174 Section 4. This act shall take effect July 1, 2018.