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LEGISLATIVE ACTION

Senate

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House

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Floor: 15/AD/2R

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04/25/2019 10:17 AM

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Senator Montford moved the following:

**Senate Amendment (with title amendment)**

Delete lines 2281 - 2528

and insert:

During the 2019-2020 school year, a school district that  
sustained hurricane damage in the 2018-2019 school year may  
request funding from the Special Facility Construction Account  
for a new project before the completion of the district's  
participation requirement for an outstanding project. The  
department shall encourage a construction program that reduces  
the average size of schools in the district. The request must



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12 meet the following criteria to be considered by the committee:  
13       1. The project must be deemed a critical need and must be  
14 recommended for funding by the Special Facility Construction  
15 Committee. Before developing construction plans for the proposed  
16 facility, the district school board must request a  
17 preapplication review by the Special Facility Construction  
18 Committee or a project review subcommittee convened by the chair  
19 of the committee to include two representatives of the  
20 department and two staff members from school districts not  
21 eligible to participate in the program. A school district may  
22 request a preapplication review at any time; however, if the  
23 district school board seeks inclusion in the department's next  
24 annual capital outlay legislative budget request, the  
25 preapplication review request must be made before February 1.  
26 Within 90 days after receiving the preapplication review  
27 request, the committee or subcommittee must meet in the school  
28 district to review the project proposal and existing facilities.  
29 To determine whether the proposed project is a critical need,  
30 the committee or subcommittee shall consider, at a minimum, the  
31 capacity of all existing facilities within the district as  
32 determined by the Florida Inventory of School Houses; the  
33 district's pattern of student growth; the district's existing  
34 and projected capital outlay full-time equivalent student  
35 enrollment as determined by the demographic, revenue, and  
36 education estimating conferences established in s. 216.136; the  
37 district's existing satisfactory student stations; the use of  
38 all existing district property and facilities; grade level  
39 configurations; and any other information that may affect the  
40 need for the proposed project.



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41           2. The construction project must be recommended in the most  
42 recent survey or survey amendment cooperatively prepared by the  
43 district and the department, and approved by the department  
44 under the rules of the State Board of Education. If a district  
45 employs a consultant in the preparation of a survey or survey  
46 amendment, the consultant may not be employed by or receive  
47 compensation from a third party that designs or constructs a  
48 project recommended by the survey.

49           3. The construction project must appear on the district's  
50 approved project priority list under the rules of the State  
51 Board of Education.

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

55           5. The district shall have developed a district school  
56 board adopted list of facilities that do not exceed the norm for  
57 net square feet occupancy requirements under the State  
58 Requirements for Educational Facilities, using all possible  
59 programmatic combinations for multiple use of space to obtain  
60 maximum daily use of all spaces within the facility under  
61 consideration.

62           6. Upon construction, the total cost per student station,  
63 including change orders, must not exceed the cost per student  
64 station as provided in subsection (6) unless approved ~~except for~~  
65 ~~cost overruns created by a disaster as defined in s. 252.34 or~~  
66 ~~an unforeseeable circumstance beyond the district's control as~~  
67 ~~determined~~ by the Special Facility Construction Committee. At  
68 the discretion of the committee, costs that exceed the cost per  
69 student station for special facilities may include legal and



70 administrative fees, the cost of site improvements or related  
71 offsite improvements, the cost of complying with public shelter  
72 and hurricane hardening requirements, cost overruns created by a  
73 disaster as defined in s. 252.34(2), costs of security  
74 enhancements approved by the school safety specialist, and  
75 unforeseeable circumstances beyond the district's control.

76       7. There shall be an agreement signed by the district  
77 school board stating that it will advertise for bids within 30  
78 days of receipt of its encumbrance authorization from the  
79 department.

80       8. For construction projects for which Special Facilities  
81 Construction Account funding is sought before the 2019-2020  
82 fiscal year, the district shall, at the time of the request and  
83 for a continuing period necessary to meet the district's  
84 participation requirement, levy the maximum millage against its  
85 nonexempt assessed property value as allowed in s. 1011.71(2) or  
86 shall raise an equivalent amount of revenue from the school  
87 capital outlay surtax authorized under s. 212.055(6). Beginning  
88 with construction projects for which Special Facilities  
89 Construction Account funding is sought in the 2019-2020 fiscal  
90 year, the district shall, for a minimum of 3 years before  
91 submitting the request and for a continuing period necessary to  
92 meet its participation requirement, levy the maximum millage  
93 against the district's nonexempt assessed property value as  
94 authorized under s. 1011.71(2) or shall raise an equivalent  
95 amount of revenue from the school capital outlay surtax  
96 authorized under s. 212.055(6). Any district with a new or  
97 active project, funded under the provisions of this subsection,  
98 shall be required to budget no more than the value of 1 mill per



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99 year to the project until the district's participation  
100 requirement relating to the local discretionary capital  
101 improvement millage or the equivalent amount of revenue from the  
102 school capital outlay surtax is satisfied.

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

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

113 11. The district shall have on file with the department an  
114 adopted resolution acknowledging its commitment to satisfy its  
115 participation requirement, which is equivalent to all  
116 unencumbered and future revenue acquired from s. 9(d), Art. XII  
117 of the State Constitution, as amended, paragraph (3)(a) of this  
118 section, and s. 1011.71(2), in the year of the initial  
119 appropriation and for the 2 years immediately following the  
120 initial appropriation.

121 12. Phase I ~~Final phase III~~ plans must be approved  
122 ~~certified~~ by the district school board as being ~~complete~~ and in  
123 compliance with the building and life safety codes before June 1  
124 of the year the application is made.

125 (6)

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



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128 Service Trust Fund; School District and Community College  
129 District Capital Outlay and Debt Service Trust Fund; Classrooms  
130 First Program funds provided in s. 1013.68; nonvoted 1.5-mill  
131 levy of ad valorem property taxes provided in s. 1011.71(2);  
132 Classrooms for Kids Program funds provided in s. 1013.735;  
133 District Effort Recognition Program funds provided in s.  
134 1013.736; or High Growth District Capital Outlay Assistance  
135 Grant Program funds provided in s. 1013.738 to pay for any  
136 portion of the cost of ~~for~~ any new construction of educational  
137 plant space with a total cost per student station, including  
138 change orders, which exceeds that equals more than:  
139       a. \$17,952 for an elementary school;IT  
140       b. \$19,386 for a middle school;IT or  
141       c. \$25,181 for a high school,  
142  
143 (January 2006) as adjusted annually to reflect increases or  
144 decreases in the Consumer Price Index. The department, in  
145 conjunction with the Office of Economic and Demographic  
146 Research, shall review and adjust the cost per student station  
147 limits to reflect actual construction costs by January 1, 2020,  
148 and annually thereafter. The adjusted cost per student station  
149 shall be used by the department for computation of the statewide  
150 average costs per student station for each instructional level  
151 pursuant to paragraph (d). The department shall also collaborate  
152 with the Office of Economic and Demographic Research to select  
153 an industry-recognized construction index to replace the  
154 Consumer Price Index by January 1, 2020, adjusted annually to  
155 reflect changes in the construction index.  
156       2. School districts shall maintain accurate documentation



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157 related to the costs of all new construction of educational  
158 plant space reported to the Department of Education pursuant to  
159 paragraph (d). The Auditor General shall review the  
160 documentation maintained by the school districts and verify  
161 compliance with the limits under this paragraph during its  
162 scheduled operational audits of the school district. ~~The~~  
163 ~~department shall make the final determination on district~~  
164 ~~compliance based on the recommendation of the Auditor General.~~

165       3. Except for educational facilities and sites subject to a  
166 lease-purchase agreement entered pursuant to s. 1011.71(2)(e)  
167 ~~Effective July 1, 2017~~, in addition to the funding sources  
168 listed in subparagraph 1., a district school board may not use  
169 funds from any sources for new construction of educational plant  
170 space with a total cost per student station, including change  
171 orders, which equals more than the current adjusted amounts  
172 provided in sub-subparagraphs 1.a.-c. ~~which shall subsequently~~  
173 ~~be adjusted annually to reflect increases or decreases in the~~  
174 ~~Consumer Price Index~~. However, if a contract has been executed  
175 for architectural and design services or for construction  
176 management services before July 1, 2017, a district school board  
177 may use funds from any source for the new construction of  
178 educational plant space and such funds are exempt from the total  
179 cost per student station requirements.

180       4. A district school board must not use funds from the  
181 Public Education Capital Outlay and Debt Service Trust Fund or  
182 the School District and Community College District Capital  
183 Outlay and Debt Service Trust Fund for any new construction of  
184 an ancillary plant that exceeds 70 percent of the average cost  
185 per square foot of new construction for all schools.



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186 (c) Except as otherwise provided, new construction for  
187 which a contract has been executed for architectural and design  
188 services or for construction management services by a district  
189 school board on or after July 1, 2017, may not exceed the cost  
190 per student station as provided in paragraph (b). ~~A school~~  
191 ~~district that exceeds the cost per student station provided in~~  
192 ~~paragraph (b), as determined by the Auditor General, shall be~~  
193 ~~subject to sanctions. If the Auditor General determines that the~~  
194 ~~cost per student station overage is de minimus or due to~~  
195 ~~extraordinary circumstances outside the control of the district,~~  
196 ~~the sanctions shall not apply. The sanctions are as follows:~~

197 1. ~~The school district shall be ineligible for allocations~~  
198 ~~from the Public Education Capital Outlay and Debt Service Trust~~  
199 ~~Fund for the next 3 years in which the school district would~~  
200 ~~have received allocations had the violation not occurred.~~

201 2. ~~The school district shall be subject to the supervision~~  
202 ~~of a district capital outlay oversight committee. The oversight~~  
203 ~~committee is authorized to approve all capital outlay~~  
204 ~~expenditures of the school district, including new construction,~~  
205 ~~renovations, and remodeling, for 3 fiscal years following the~~  
206 ~~violation.~~

207 a. ~~Each oversight committee shall be composed of the~~  
208 ~~following:~~

209 (I) ~~One appointee of the Commissioner of Education who has~~  
210 ~~significant financial management, school facilities~~  
211 ~~construction, or related experience.~~

212 (II) ~~One appointee of the office of the state attorney with~~  
213 ~~jurisdiction over the district.~~

214 (III) ~~One appointee of the Chief Financial Officer who is a~~





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215 ~~licensed certified public accountant.~~

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

222 (d) The department shall:

223 1. Compute for each calendar year the statewide average  
224 construction costs for facilities serving each instructional  
225 level, for relocatable educational facilities, for  
226 administrative facilities, and for other ancillary and auxiliary  
227 facilities. The department shall compute the statewide average  
228 costs per student station for each instructional level.

229 2. Annually review the actual completed construction costs  
230 of educational facilities in each school district. For any  
231 school district in which the total actual cost per student  
232 station, including change orders, exceeds the statewide limits  
233 established in paragraph (b), the school district shall report  
234 to the department the actual cost per student station and the  
235 reason for the school district's inability to adhere to the  
236 limits established in paragraph (b). The department shall  
237 collect all such reports and shall provide these reports to the  
238 Auditor General for verification purposes.

239

240 Cost per student station includes contract costs, ~~legal and~~  
241 ~~administrative costs,~~ fees of architects and engineers, and the  
242 cost of furniture and equipment, ~~and site improvement costs.~~

243 Cost per student station does not include the cost of purchasing



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244 or leasing the site for the construction, legal and  
245 administrative costs, or the cost of related site or offsite  
246 improvements. Cost per student station also does not include the  
247 cost for securing entries, checkpoint construction, lighting  
248 specifically designed for entry point security, security  
249 cameras, automatic locks and locking devices, electronic  
250 security systems, fencing designed to prevent intruder entry  
251 into a building, bullet-proof glass, or other capital  
252 construction items approved by the school safety specialist to  
253 ensure building security for new educational, auxiliary, or  
254 ancillary facilities; ~~costs for these items must be below 2~~  
255 ~~percent per student station.~~

256  
257 ===== T I T L E A M E N D M E N T =====

258 And the title is amended as follows:

259 Delete lines 246 - 264

260 and insert:

261 F.S.; authorizing certain school districts to request  
262 funding from a specified account before completion of  
263 certain requirements; revising the information  
264 required to be included in a school district's request  
265 to receive certain funding; providing that specified  
266 restrictions do not apply to certain school districts;  
267 prohibiting district school boards from using  
268 specified funds to pay for any portion of the cost of  
269 certain new construction; requiring the department, in  
270 conjunction with the Office of Economic and  
271 Demographic Research, to annually review and adjust  
272 limits on the cost per student station, based on



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273 certain factors; requiring the department to use the  
274 adjusted cost per student station for each  
275 instructional level; requiring the department to  
276 collaborate with the office to select a certain index  
277 by a specified date; deleting a requirement that the  
278 department make the final determination on district  
279 compliance under specified circumstances; providing an  
280 exception to a prohibition on the usage of specified  
281 funds by district school boards; deleting obsolete  
282 language; revising the calculation methodology  
283 relating to a prohibition on funding for district  
284 school boards; deleting a requirement that school  
285 districts be subject to sanctions under certain  
286 circumstances; revising the costs that may be included  
287 and that may not be included in calculating the cost  
288 per student station; amending chapter 2018-6, L.O.F.;