



208314

LEGISLATIVE ACTION

Senate

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House

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



208314

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.



208314

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



208314

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



208314

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



208314

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.



208314

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~~



208314

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



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



208314

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.;