



612902

LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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04/24/2019 09:04 AM

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Senator Diaz moved the following:

**Senate Amendment (with title amendment)**

Delete lines 2334 - 2528

and insert:

6. Upon construction, the total cost per student station, including change orders, must not exceed the cost per student station as provided in subsection (6) unless approved ~~except for cost overruns created by a disaster as defined in s. 252.34 or an unforeseeable circumstance beyond the district's control as determined~~ by the Special Facility Construction Committee.

7. There shall be an agreement signed by the district



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12 school board stating that it will advertise for bids within 30  
13 days of receipt of its encumbrance authorization from the  
14 department.

15       8. For construction projects for which Special Facilities  
16 Construction Account funding is sought before the 2019-2020  
17 fiscal year, the district shall, at the time of the request and  
18 for a continuing period necessary to meet the district's  
19 participation requirement, levy the maximum millage against its  
20 nonexempt assessed property value as allowed in s. 1011.71(2) or  
21 shall raise an equivalent amount of revenue from the school  
22 capital outlay surtax authorized under s. 212.055(6). Beginning  
23 with construction projects for which Special Facilities  
24 Construction Account funding is sought in the 2019-2020 fiscal  
25 year, the district shall, for a minimum of 3 years before  
26 submitting the request and for a continuing period necessary to  
27 meet its participation requirement, levy the maximum millage  
28 against the district's nonexempt assessed property value as  
29 authorized under s. 1011.71(2) or shall raise an equivalent  
30 amount of revenue from the school capital outlay surtax  
31 authorized under s. 212.055(6). Any district with a new or  
32 active project, funded under the provisions of this subsection,  
33 shall be required to budget no more than the value of 1 mill per  
34 year to the project until the district's participation  
35 requirement relating to the local discretionary capital  
36 improvement millage or the equivalent amount of revenue from the  
37 school capital outlay surtax is satisfied.

38       9. If a contract has not been signed 90 days after the  
39 advertising of bids, the funding for the specific project shall  
40 revert to the Special Facility New Construction Account to be



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41 reallocated to other projects on the list. However, an  
42 additional 90 days may be granted by the commissioner.

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

48 11. The district shall have on file with the department an  
49 adopted resolution acknowledging its commitment to satisfy its  
50 participation requirement, which is equivalent to all  
51 unencumbered and future revenue acquired from s. 9(d), Art. XII  
52 of the State Constitution, as amended, paragraph (3)(a) of this  
53 section, and s. 1011.71(2), in the year of the initial  
54 appropriation and for the 2 years immediately following the  
55 initial appropriation.

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

60 (6)

61 (b)1. A district school board may not use funds from the  
62 following sources: Public Education Capital Outlay and Debt  
63 Service Trust Fund; School District and Community College  
64 District Capital Outlay and Debt Service Trust Fund; Classrooms  
65 First Program funds provided in s. 1013.68; nonvoted 1.5-mill  
66 levy of ad valorem property taxes provided in s. 1011.71(2);  
67 Classrooms for Kids Program funds provided in s. 1013.735;  
68 District Effort Recognition Program funds provided in s.  
69 1013.736; or High Growth District Capital Outlay Assistance



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70 Grant Program funds provided in s. 1013.738 for any new  
71 construction of educational plant space with a total cost per  
72 student station, including change orders, which ~~that~~ equals more  
73 than:

- 74 a. \$17,952 for an elementary school;~~i~~~~r~~
- 75 b. \$19,386 for a middle school;~~i~~~~r~~ or
- 76 c. \$25,181 for a high school,

77  
78 (January 2006) as adjusted annually to reflect increases or  
79 decreases in the Consumer Price Index. These restrictions do not  
80 apply to school districts eligible for the sparsity supplement  
81 pursuant to s. 1011.62(7). The department, in conjunction with  
82 the Office of Economic and Demographic Research, shall review  
83 and revise the cost per student station limits to reflect actual  
84 construction costs by December 1, 2019, and every 3 years  
85 thereafter. The adjusted cost per student station shall be used  
86 by the department for computation of the statewide average costs  
87 per student station for each instructional level pursuant to  
88 paragraph (d). The department shall also collaborate with the  
89 Office of Economic and Demographic Research to select an  
90 industry-recognized construction index to replace the Consumer  
91 Price Index by December 1, 2019, adjusted annually to reflect  
92 changes in the construction index.

93 2. School districts shall maintain accurate documentation  
94 related to the costs of all new construction of educational  
95 plant space reported to the Department of Education pursuant to  
96 paragraph (d). The Auditor General shall review the  
97 documentation maintained by the school districts and verify  
98 compliance with the limits under this paragraph during its



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99 scheduled operational audits of the school district. The  
100 department shall make the final determination on district  
101 compliance based on the recommendation of the Auditor General.

102 3. ~~Effective July 1, 2017,~~ In addition to the funding  
103 sources listed in subparagraph 1., a district school board may  
104 not use funds from any sources for new construction of  
105 educational plant space with a total cost per student station,  
106 including change orders, which equals more than the current  
107 adjusted amounts provided in sub-subparagraphs 1.a.-c. which  
108 shall subsequently be adjusted annually to reflect increases or  
109 decreases in the Consumer Price Index. However, if a contract  
110 has been executed for architectural and design services or for  
111 construction management services before July 1, 2017, a district  
112 school board may use funds from any source for the new  
113 construction of educational plant space and such funds are  
114 exempt from the total cost per student station requirements.

115 4. A district school board must not use funds from the  
116 Public Education Capital Outlay and Debt Service Trust Fund or  
117 the School District and Community College District Capital  
118 Outlay and Debt Service Trust Fund for any new construction of  
119 an ancillary plant that exceeds 70 percent of the average cost  
120 per square foot of new construction for all schools.

121 (c) Except as otherwise provided, new construction for  
122 which a contract has been executed for architectural and design  
123 services or for construction management services by a district  
124 school board on or after July 1, 2017, may not exceed the cost  
125 per student station as provided in paragraph (b). ~~A school~~  
126 ~~district that exceeds the cost per student station provided in~~  
127 ~~paragraph (b), as determined by the Auditor General, shall be~~



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128 ~~subject to sanctions. If the Auditor General determines that the~~  
129 ~~cost per student station overage is de minimus or due to~~  
130 ~~extraordinary circumstances outside the control of the district,~~  
131 ~~the sanctions shall not apply. The sanctions are as follows:~~

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

136 ~~2. The school district shall be subject to the supervision~~  
137 ~~of a district capital outlay oversight committee. The oversight~~  
138 ~~committee is authorized to approve all capital outlay~~  
139 ~~expenditures of the school district, including new construction,~~  
140 ~~renovations, and remodeling, for 3 fiscal years following the~~  
141 ~~violation.~~

142 ~~a. Each oversight committee shall be composed of the~~  
143 ~~following:~~

144 ~~(I) One appointee of the Commissioner of Education who has~~  
145 ~~significant financial management, school facilities~~  
146 ~~construction, or related experience.~~

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

149 ~~(III) One appointee of the Chief Financial Officer who is a~~  
150 ~~licensed certified public accountant.~~

151 ~~b. An appointee to the oversight committee may not be~~  
152 ~~employed by the school district; be a relative, as defined in s.~~  
153 ~~1002.33(24)(a)2., of any school district employee; or be an~~  
154 ~~elected official. Each appointee must sign an affidavit~~  
155 ~~attesting to these conditions and affirming that no conflict of~~  
156 ~~interest exists in his or her oversight role.~~



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157 (d) The department shall:  
158 1. Compute for each calendar year the statewide average  
159 construction costs for facilities serving each instructional  
160 level, for relocatable educational facilities, for  
161 administrative facilities, and for other ancillary and auxiliary  
162 facilities. The department shall compute the statewide average  
163 costs per student station for each instructional level.  
164 2. Annually review the actual completed construction costs  
165 of educational facilities in each school district. For any  
166 school district in which the total actual cost per student  
167 station, including change orders, exceeds the statewide limits  
168 established in paragraph (b), the school district shall report  
169 to the department the actual cost per student station and the  
170 reason for the school district's inability to adhere to the  
171 limits established in paragraph (b). The department shall  
172 collect all such reports and shall provide these reports to the  
173 Auditor General for verification purposes.  
174  
175 Cost per student station includes contract costs, legal and  
176 administrative costs, fees of architects and engineers,  
177 furniture and equipment, ~~and~~ site improvement costs, related  
178 offsite improvement costs, the cost of complying with public  
179 shelter and hurricane hardening requirements, and the cost of  
180 any security enhancements, including, but not limited to, the  
181 cost for securing entries, checkpoint construction, lighting  
182 specifically designed for entry point security, security  
183 cameras, automatic locks and locking devices, electronic  
184 security systems, fencing designed to prevent intruder entry  
185 into a building, bulletproof glass, or other capital



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186 construction items approved by the school safety specialist to  
187 ensure building security for new educational, auxiliary, or  
188 ancillary facilities. Cost per student station does not include  
189 the cost of purchasing or leasing the site for the construction  
190 ~~or the cost of related offsite improvements. Cost per student~~  
191 ~~station also does not include the cost for securing entries,~~  
192 ~~checkpoint construction, lighting specifically designed for~~  
193 ~~entry point security, security cameras, automatic locks and~~  
194 ~~locking devices, electronic security systems, fencing designed~~  
195 ~~to prevent intruder entry into a building, bullet proof glass,~~  
196 ~~or other capital construction items approved by the school~~  
197 ~~safety specialist to ensure building security for new~~  
198 ~~educational, auxiliary, or ancillary facilities; costs for these~~  
199 ~~items must be below 2 percent per student station.~~

200  
201 ===== T I T L E A M E N D M E N T =====

202 And the title is amended as follows:  
203       Delete lines 246 - 264  
204 and insert:  
205       F.S.; revising the information required to be included  
206       in a school district's request to receive certain  
207       funding; providing that specified restrictions do not  
208       apply to certain school districts; requiring the  
209       department, in conjunction with the Office of Economic  
210       and Demographic Research, to review and revise the  
211       limits on the cost per student station, based on  
212       certain factors; requiring the department to use the  
213       adjusted cost per student station for each  
214       instructional level; requiring the department to





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215 collaborate with the office to select a certain index  
216 by a specified date; deleting obsolete language;  
217 deleting a requirement that specified school districts  
218 be subject to sanctions under certain circumstances;  
219 revising the costs that may be included and that may  
220 not be included in calculating the cost per student  
221 station; amending chapter 2018-6, L.O.F.;