

1                   A bill to be entitled  
2           An act relating to educational facilities; amending s.  
3           1013.31, F.S.; authorizing a school district, in the  
4           absence of a survey recommendation, to use funds from  
5           a taxpayer-approved bond referendum to fund  
6           construction of educational, auxiliary, or ancillary  
7           facilities and to use funds from a specified district  
8           school tax for certain capital outlay purposes;  
9           amending s. 1013.64, F.S.; prohibiting a district  
10          school board from using funds from any source, other  
11          than specified local sources, for certain new  
12          construction of educational plant space; requiring the  
13          Commissioner of Education to annually adjust the cost  
14          per student station based on certain factors;  
15          requiring the commissioner to annually report the cost  
16          per student station to the State Board of Education by  
17          a specified date; removing a prohibition on the use of  
18          funds for certain new construction; revising the costs  
19          that may not be included in calculating the cost per  
20          student station; requiring the Office of Economic and  
21          Demographic Research to update the Review of Florida's  
22          Cost per Student Station; requiring the updated report  
23          to include specified information and recommendations;  
24          requiring the office to provide the updated report to  
25          the Governor and the Legislature by a certain date;

26 | providing an effective date.

27 |

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

29 |

30 | Section 1. Paragraph (a) of subsection (1) of section  
31 | 1013.31, Florida Statutes, is amended to read:

32 | 1013.31 Educational plant survey; localized need  
33 | assessment; PECO project funding.—

34 | (1) At least every 5 years, each board shall arrange for  
35 | an educational plant survey, to aid in formulating plans for  
36 | housing the educational program and student population, faculty,  
37 | administrators, staff, and auxiliary and ancillary services of  
38 | the district or campus, including consideration of the local  
39 | comprehensive plan. The Department of Education shall document  
40 | the need for additional career and adult education programs and  
41 | the continuation of existing programs before facility  
42 | construction or renovation related to career or adult education  
43 | may be included in the educational plant survey of a school  
44 | district or Florida College System institution that delivers  
45 | career or adult education programs. Information used by the  
46 | Department of Education to establish facility needs must  
47 | include, but need not be limited to, labor market data, needs  
48 | analysis, and information submitted by the school district or  
49 | Florida College System institution.

50 | (a) *Educational plant survey and localized need assessment*

51 | *for capital outlay purposes.*—A district may ~~only~~ use funds only  
 52 | from the following sources for educational, auxiliary, and  
 53 | ancillary plant capital outlay purposes in the absence of  
 54 | ~~without needing~~ a survey recommendation:

55 |       1. The local capital outlay improvement fund, consisting  
 56 | of funds that come from and are a part of the district's basic  
 57 | operating budget;

58 |       2. A taxpayer-approved bond referendum, to fund  
 59 | construction of ~~If a board decides to build~~ an educational,  
 60 | auxiliary, or ancillary facility ~~without a survey recommendation~~  
 61 | ~~and the taxpayers approve a bond referendum, the voted bond~~  
 62 | ~~referendum;~~

63 |       3. One-half cent sales surtax revenue;

64 |       4. One cent local governmental surtax revenue;

65 |       5. Impact fees; ~~and~~

66 |       6. Private gifts or donations; and

67 |       7. The district school tax levied pursuant to s.  
 68 | 1011.71(2).

69 |       Section 2. Subsection (6) of section 1013.64, Florida  
 70 | Statutes, is amended to read:

71 |       1013.64 Funds for comprehensive educational plant needs;  
 72 | construction cost maximums for school district capital  
 73 | projects.—Allocations from the Public Education Capital Outlay  
 74 | and Debt Service Trust Fund to the various boards for capital  
 75 | outlay projects shall be determined as follows:

76 (6) (a) Each district school board must meet all  
77 educational plant space needs of its elementary, middle, and  
78 high schools before spending funds from the Public Education  
79 Capital Outlay and Debt Service Trust Fund or the School  
80 District and Community College District Capital Outlay and Debt  
81 Service Trust Fund for any ancillary plant or any other new  
82 construction, renovation, or remodeling of ancillary space.  
83 Expenditures to meet such space needs may include expenditures  
84 for site acquisition; new construction of educational plants;  
85 renovation, remodeling, and maintenance and repair of existing  
86 educational plants, including auxiliary facilities; and the  
87 directly related costs of such services of school district  
88 personnel. It is not the intent of the Legislature to preclude  
89 the use of capital outlay funding for the labor costs necessary  
90 to accomplish the authorized uses for the capital outlay  
91 funding. Day-labor contracts or any other educational facilities  
92 contracting and construction techniques pursuant to s. 1013.45  
93 are authorized. Additionally, if a school district has salaried  
94 maintenance staff whose duties consist solely of performing the  
95 labor necessary to accomplish the authorized uses for the  
96 capital outlay funding, such funding may be used for those  
97 salaries; however, if a school district has salaried staff whose  
98 duties consist partially of performing the labor necessary to  
99 accomplish the authorized uses for the capital outlay funding,  
100 the district shall prorate the portion of salary of each such

101 employee that is based on labor for authorized capital outlay  
102 funding, and such funding may be used to pay that portion.

103 (b)1. A district school board may not use funds from any  
104 source except the local sources specified in s. 1013.31(1)(a)  
105 ~~the following sources: Public Education Capital Outlay and Debt~~  
106 ~~Service Trust Fund; School District and Community College~~  
107 ~~District Capital Outlay and Debt Service Trust Fund; Classrooms~~  
108 ~~First Program funds provided in s. 1013.68; nonvoted 1.5 mill~~  
109 ~~levy of ad valorem property taxes provided in s. 1011.71(2);~~  
110 ~~Classrooms for Kids Program funds provided in s. 1013.735;~~  
111 ~~District Effort Recognition Program funds provided in s.~~  
112 ~~1013.736; or High Growth District Capital Outlay Assistance~~  
113 ~~Grant Program funds provided in s. 1013.738~~ for any new  
114 construction of educational plant space with a total cost per  
115 student station, including change orders, which ~~that~~ equals more  
116 than:

- 117 a. \$17,952 for an elementary school,  
118 b. \$19,386 for a middle school, or  
119 c. \$25,181 for a high school,

120  
121 (January 2006) as adjusted annually to reflect increases or  
122 decreases in the Consumer Price Index. In addition, the  
123 commissioner shall annually adjust the cost per student station  
124 based on unforeseen economic factors that impact the cost of  
125 construction for educational facilities and construction

126 industry cost increases that exceed the price level increases  
127 captured in the Consumer Price Index, including, but not limited  
128 to, the availability and cost of labor, the availability and  
129 cost of construction materials generally used to construct  
130 public educational facilities, the impact of significant weather  
131 events, and changes in building, fire, and safety codes and  
132 other related state and federal laws and policies. The  
133 commissioner shall report the annually adjusted cost per student  
134 station to the State Board of Education by January 1, 2020, and  
135 each January 1 thereafter.

136 2. School districts shall maintain accurate documentation  
137 related to the costs of all new construction of educational  
138 plant space reported to the Department of Education pursuant to  
139 paragraph (d). The Auditor General shall review the  
140 documentation maintained by the school districts and verify  
141 compliance with the limits under this paragraph during its  
142 scheduled operational audits of the school district. The  
143 department shall make the final determination on district  
144 compliance based on the recommendation of the Auditor General.

145 3. ~~Effective July 1, 2017, in addition to the funding~~  
146 ~~sources listed in subparagraph 1., a district school board may~~  
147 ~~not use funds from any sources for new construction of~~  
148 ~~educational plant space with a total cost per student station,~~  
149 ~~including change orders, which equals more than the current~~  
150 ~~adjusted amounts provided in sub-subparagraphs 1.a.-c. which~~

151 ~~shall subsequently be adjusted annually to reflect increases or~~  
152 ~~decreases in the Consumer Price Index. However,~~ If a contract  
153 has been executed for architectural and design services or for  
154 construction management services before July 1, 2017, a district  
155 school board may use funds from any source for the new  
156 construction of educational plant space and such funds are  
157 exempt from the total cost per student station requirements.

158 4. A district school board must not use funds from the  
159 Public Education Capital Outlay and Debt Service Trust Fund or  
160 the School District and Community College District Capital  
161 Outlay and Debt Service Trust Fund for any new construction of  
162 an ancillary plant that exceeds 70 percent of the average cost  
163 per square foot of new construction for all schools.

164 (c) Except as otherwise provided, new construction for  
165 which a contract has been executed for architectural and design  
166 services or for construction management services by a district  
167 school board on or after July 1, 2017, may not exceed the cost  
168 per student station as provided in paragraph (b). A school  
169 district that exceeds the cost per student station provided in  
170 paragraph (b), as determined by the Auditor General, shall be  
171 subject to sanctions. If the Auditor General determines that the  
172 cost per student station overage is de minimis ~~minimus~~ or due to  
173 extraordinary circumstances outside the control of the district,  
174 the sanctions shall not apply. The sanctions are as follows:

175 1. The school district shall be ineligible for allocations

176 from the Public Education Capital Outlay and Debt Service Trust  
 177 Fund for the next 3 years in which the school district would  
 178 have received allocations had the violation not occurred.

179 2. The school district shall be subject to the supervision  
 180 of a district capital outlay oversight committee. The oversight  
 181 committee is authorized to approve all capital outlay  
 182 expenditures of the school district, including new construction,  
 183 renovations, and remodeling, for 3 fiscal years following the  
 184 violation.

185 a. Each oversight committee shall be composed of the  
 186 following:

187 (I) One appointee of the Commissioner of Education who has  
 188 significant financial management, school facilities  
 189 construction, or related experience.

190 (II) One appointee of the office of the state attorney  
 191 with jurisdiction over the district.

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

194 b. An appointee to the oversight committee may not be  
 195 employed by the school district; be a relative, as defined in s.  
 196 1002.33(24)(a)2., of any school district employee; or be an  
 197 elected official. Each appointee must sign an affidavit  
 198 attesting to these conditions and affirming that no conflict of  
 199 interest exists in his or her oversight role.

200 (d) The department shall:



201           1. Compute for each calendar year the statewide average  
202 construction costs for facilities serving each instructional  
203 level, for relocatable educational facilities, for  
204 administrative facilities, and for other ancillary and auxiliary  
205 facilities. The department shall compute the statewide average  
206 costs per student station for each instructional level.

207           2. Annually review the actual completed construction costs  
208 of educational facilities in each school district. For any  
209 school district in which the total actual cost per student  
210 station, including change orders, exceeds the statewide limits  
211 established in paragraph (b), the school district shall report  
212 to the department the actual cost per student station and the  
213 reason for the school district's inability to adhere to the  
214 limits established in paragraph (b). The department shall  
215 collect all such reports and shall provide these reports to the  
216 Auditor General for verification purposes.

217  
218 Cost per student station includes contract costs, ~~legal and~~  
219 ~~administrative costs, fees of architects and engineers,~~  
220 ~~furniture and equipment, and site improvement costs.~~ Cost per  
221 student station does not include legal and administrative costs,  
222 architect and engineer fees, furniture and equipment costs, the  
223 cost of purchasing or leasing the site, the cost of constructing  
224 covered walkways, the costs of public shelter and hurricane  
225 hardening requirements, ~~for the construction~~ or the cost of

226 offsite and related improvements ~~related offsite improvements.~~  
227 Cost per student station also does not include the cost of any  
228 security enhancements, including, but not limited to, the cost  
229 for securing entries, checkpoint construction, lighting  
230 specifically designed for entry point security, security  
231 cameras, automatic locks and locking devices, electronic  
232 security systems, fencing designed to prevent intruder entry  
233 into a building, bullet-proof glass, or other capital  
234 construction items approved by the school safety specialist to  
235 ensure building security for new educational, auxiliary, or  
236 ancillary facilities; ~~costs for these items must be below 2~~  
237 ~~percent per student station.~~

238 Section 3. The Office of Economic and Demographic  
239 Research, in consultation with local school districts, shall  
240 update the report issued in January 2017 entitled Review of  
241 Florida's Cost per Student Station. The updated report must  
242 include recommendations for modification by the Legislature of  
243 the cost per student station model or implementation of a cost-  
244 per-square-foot model for new school construction. The report  
245 also must include at least the following: a transparent and  
246 replicable categorization of costs, the use of an index or  
247 process that reflects changes in construction costs, and the  
248 development of a system that may be used to forecast costs of  
249 new construction over time. The office shall provide the updated  
250 report to the Governor, the President of the Senate, and the

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251 | Speaker of the House of Representatives no later than December  
252 | 1, 2019.

253 |       Section 4. This act shall take effect upon becoming a law.