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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/F/2R

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05/03/2023 02:42 PM

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Senator Davis moved the following:

**Senate Amendment (with title amendment)**

Between lines 63 and 64

insert:

Section 2. Subsection (1) of section 1013.31, Florida Statutes, is amended to read:

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

(1) At least every 5 years, each board shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty,



12 administrators, staff, and auxiliary and ancillary services of  
13 the district, charter school, or campus, including consideration  
14 of the local comprehensive plan. The Department of Education  
15 shall document the need for additional career and adult  
16 education programs and the continuation of existing programs  
17 before facility construction or renovation related to career or  
18 adult education may be included in the educational plant survey  
19 of a school district, charter school governing board, or Florida  
20 College System institution that delivers career or adult  
21 education programs. Information used by the Department of  
22 Education to establish facility needs must include, but need not  
23 be limited to, labor market data, needs analysis, and  
24 information submitted by the school district, charter school  
25 governing board, or Florida College System institution.

26 (a) *Educational plant survey and localized need assessment*  
27 *for capital outlay purposes.*—A survey recommendation is not  
28 required when a district or a charter school governing board  
29 uses funds from the following sources for educational,  
30 auxiliary, and ancillary plant capital outlay purposes:

31 1. The local capital outlay improvement fund, consisting of  
32 funds that come from and are a part of the district's or charter  
33 school governing board's basic operating budget;

34 2. A taxpayer-approved bond referendum, to fund  
35 construction of an educational, auxiliary, or ancillary plant  
36 facility;

37 3. One-half cent sales surtax revenue;

38 4. One cent local governmental surtax revenue;

39 5. Impact fees;

40 6. Private gifts or donations; and



41           7. The district school tax levied pursuant to s.  
42 1011.71(2).

43           (b) *Survey preparation and required data.*—Each survey shall  
44 be conducted by the board or an agency employed by the board.  
45 Surveys shall be reviewed and approved by the board, and a file  
46 copy shall be submitted to the Department of Education or the  
47 Chancellor of the State University System, as appropriate. The  
48 survey report shall include at least an inventory of existing  
49 educational and ancillary plants, including safe access  
50 facilities; recommendations for existing educational and  
51 ancillary plants; recommendations for new educational or  
52 ancillary plants, including the general location of each in  
53 coordination with the land use plan and safe access facilities;  
54 campus master plan update and detail for Florida College System  
55 institutions; the utilization of school plants based on an  
56 extended school day or year-round operation; and such other  
57 information as may be required by the Department of Education.  
58 This report may be amended, if conditions warrant, at the  
59 request of the department or commissioner.

60           (c) *Required need assessment criteria for district, charter*  
61 *school governing board, or Florida College System institution,*  
62 *state university, and Florida School for the Deaf and the Blind*  
63 *plant surveys.*—Educational plant surveys must use uniform data  
64 sources and criteria specified in this paragraph. Each revised  
65 educational plant survey and each new educational plant survey  
66 supersedes previous surveys.

67           1. The school district's or charter school governing  
68 board's survey must be submitted as a part of the ~~district~~  
69 educational facilities plan defined in s. 1013.35. To ensure



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70 that the data reported to the Department of Education as  
71 required by this section is correct, the department shall  
72 annually conduct an onsite review of 5 percent of the facilities  
73 reported for each school district or charter school governing  
74 board completing a new survey that year. If the department's  
75 review finds the data reported by a district or a charter school  
76 governing board is less than 95 percent accurate, within 1 year  
77 from the time of notification by the department the district or  
78 charter school governing board must submit revised reports  
79 correcting its data. If a district or a charter school governing  
80 board fails to correct its reports, the commissioner may direct  
81 that future fixed capital outlay funds be withheld until such  
82 time as the district or the charter school governing board has  
83 corrected its reports so that they are not less than 95 percent  
84 accurate.

85 2. Each survey of a special facility, joint-use facility,  
86 or cooperative career education facility must be based on  
87 capital outlay full-time equivalent student enrollment data  
88 prepared by the department for school districts, charter school  
89 governing boards, and Florida College System institutions and by  
90 the Chancellor of the State University System for universities.  
91 A survey of space needs of a joint-use facility shall be based  
92 upon the respective space needs of the school districts, charter  
93 school governing boards, Florida College System institutions,  
94 and universities, as appropriate. Projections of a school  
95 district's or charter school governing board's facility space  
96 needs may not exceed the norm space and occupant design criteria  
97 established by the State Requirements for Educational  
98 Facilities.



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99           3. Each Florida College System institution's survey must  
100 reflect the capacity of existing facilities as specified in the  
101 inventory maintained by the Department of Education. Projections  
102 of facility space needs must comply with standards for  
103 determining space needs as specified by rule of the State Board  
104 of Education. The 5-year projection of capital outlay student  
105 enrollment must be consistent with the annual report of capital  
106 outlay full-time student enrollment prepared by the Department  
107 of Education.

108           4. Each state university's survey must reflect the capacity  
109 of existing facilities as specified in the inventory maintained  
110 and validated by the Chancellor of the State University System.  
111 Projections of facility space needs must be consistent with  
112 standards for determining space needs as specified by regulation  
113 of the Board of Governors. The projected capital outlay full-  
114 time equivalent student enrollment must be consistent with the  
115 5-year planned enrollment cycle for the State University System  
116 approved by the Board of Governors.

117           5. The ~~district~~ educational facilities plan of a school  
118 ~~district~~ and the educational plant survey of a Florida College  
119 System institution, state university, or the Florida School for  
120 the Deaf and the Blind may include space needs that deviate from  
121 approved standards for determining space needs if the deviation  
122 is justified by the district, the charter school governing  
123 board, or the institution and approved by the department or the  
124 Board of Governors, as appropriate, as necessary for the  
125 delivery of an approved educational program.

126           (d) *Review and validation.*—The Department of Education  
127 shall review and validate the surveys of school districts,



128 charter school governing boards, and Florida College System  
129 institutions, and the Chancellor of the State University System  
130 shall review and validate the surveys of universities, and any  
131 amendments thereto for compliance with the requirements of this  
132 chapter and shall recommend those in compliance for approval by  
133 the State Board of Education or the Board of Governors, as  
134 appropriate. Annually, the department shall perform an in-depth  
135 analysis of a representative sample of each survey of  
136 recommended needs for five districts and five charter school  
137 governing boards selected by the commissioner from among  
138 districts and charter school governing boards with the largest  
139 need-to-revenue ratio. For the purpose of this subsection, the  
140 need-to-revenue ratio is determined by dividing the total 5-year  
141 cost of projects listed on the ~~district~~ survey by the total 5-  
142 year fixed capital outlay revenue projections from state and  
143 local sources as determined by the department. The commissioner  
144 may direct fixed capital outlay funds provided from general  
145 revenue or from state trust funds to be withheld from districts  
146 and charter school governing boards until such time as the  
147 survey accurately projects facilities needs.

148 (e) *Periodic update of Florida Inventory of School Houses.*—  
149 School districts shall periodically update their inventory of  
150 educational facilities as new capacity becomes available and as  
151 unsatisfactory space is eliminated. The State Board of Education  
152 shall adopt rules to determine the timeframe in which districts  
153 must provide a periodic update.

154 ===== T I T L E A M E N D M E N T =====

155 And the title is amended as follows:

156 Delete line 4



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157 and insert:  
158       act; amending s. 1013.31, F.S.; providing that certain  
159       provisions relating to educational plant surveys and  
160       need assessments apply to charter schools; requiring  
161       the Department of Education to review surveys of  
162       charter school governing boards in addition to those  
163       of other specified institutions; amending s. 1013.62,  
164       F.S.; deleting obsolete