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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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05/03/2023 02:31 PM

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Senator Davis moved the following:

Senate Amendment (with title amendment)

Between lines 67 and 68

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 charter school governing board uses
29 funds from the following sources for educational, auxiliary, and
30 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



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

156 And the title is amended as follows:



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157 Between lines 4 and 5
158 insert:
159 1013.31, F.S.; providing that certain provisions
160 relating to educational plant surveys and need
161 assessments apply to charter schools; requiring the
162 Department of Education to review surveys of charter
163 school governing boards in addition to those of other
164 specified institutions; amending s.