

1 A bill to be entitled
2 An act relating to educational facilities; amending
3 ss. 163.31777, 163.3180, 553.415, 1001.20, 1002.20,
4 1002.31, 1002.36, 1003.621, 1011.012, 1011.6202, F.S.;
5 conforming provisions and cross-references to changes
6 made by the act; amending s. 1013.03, F.S.; revising
7 the duties of the Department of Education relating to
8 educational facilities of school districts and Florida
9 College System institutions; repealing s. 1013.04,
10 F.S., relating to school district educational
11 facilities plan performance and productivity
12 standards; amending s. 1013.12, F.S.; removing the
13 State Requirements for Educational Facilities from
14 specified standards for educational and ancillary
15 plants; removing the authority of the department to
16 inspect specified educational and ancillary plants;
17 deleting a requirement that the Commissioner of
18 Education adopt specified standards relating to such
19 inspections; removing a requirement that the State
20 Fire Marshal consult with the department for specified
21 rulemaking; amending s. 1013.20, F.S.; removing
22 specified standards for relocatables used as classroom
23 space; amending s. 1013.31, F.S.; removing the State
24 Requirement for Educational Facilities from specified
25 school district facility space projections; removing a

26 requirement that school district periodically update
27 their inventory of educational facilities; amending s.
28 1013.33, F.S.; conforming provisions to changes made
29 by the act; amending s. 1013.35, F.S.; removing
30 definitions; requiring district school boards to
31 submit their tentative facilities plans to the
32 department; removing specified requirements for such
33 plans; removing a requirement that district school
34 boards work with certain local governments relating to
35 such plans; amending s. 1013.356, F.S.; conforming
36 provisions to changes made by the act; amending s.
37 1013.37, F.S.; revising requirements for the
38 performance of life-cycle costs analyses on specified
39 facilities; removing the department and Commissioner
40 of Education from requirements related to state
41 uniform building code for public educational
42 facilities construction; amending s. 1013.371, F.S.;
43 conforming provisions to changes made by the act;
44 amending s. 1013.41, F.S.; removing the Office of
45 Educational Facilities; requiring the department,
46 rather than the office, to monitor educational
47 facilities plans; amending s. 1013.45, F.S.; removing
48 a requirement that district school boards reuse
49 specified documents and packages relating to
50 construction; removing a requirement for a prototype

51 design and construction for specified district school
52 board projects; removing State Board of Education
53 rulemaking requirements; repealing s. 1013.451, F.S.,
54 relating to life-cycle costs comparisons; amending s.
55 1013.62, F.S.; conforming a cross-reference; amending
56 s. 1013.64, F.S.; authorizing certain remodeling
57 projects to be based on specified school district
58 needs; revising the requirements for requests for
59 funding from the Special Facility Construction
60 Committee; revising the membership of the committee;
61 removing requirements for a specified survey and for
62 certain projects to be survey recommended; revising
63 the calculation of the cost per student station;
64 removing specified duties of the department relating
65 to cost per student stations; amending ss. 1013.68 and
66 1013.735, F.S.; conforming provisions to changes made
67 by the act; providing an effective date.

68
69 Be It Enacted by the Legislature of the State of Florida:

70
71 **Section 1. Paragraphs (e) and (f) of subsection (2) and**
72 **subsection (4) of section 163.31777, Florida Statutes, are**
73 **amended to read:**

74 163.31777 Public schools interlocal agreement.—

75 (2) At a minimum, the interlocal agreement must address

the following issues:

(e) A process for the school board to inform the local government regarding the effect of comprehensive plan amendments on school capacity. The capacity reporting must be consistent with laws and rules relating to measurement of school facility capacity and must also identify how the district school board will meet the public school demand ~~based on the facilities work program adopted pursuant to s. 1013.35.~~

(f) Participation of the local governments in the preparation of the annual update to the district school board's 5-year ~~district facilities work program and~~ educational plant survey prepared pursuant to s. 1013.35.

(4) At the time of the evaluation and appraisal of its comprehensive plan pursuant to s. 163.3191, each exempt municipality shall assess the extent to which it continues to meet the criteria for exemption under subsection (3). If the municipality continues to meet the criteria for exemption under subsection (3), the municipality shall continue to be exempt from the interlocal agreement requirement. Each municipality exempt under subsection (3) must comply with this section within 1 year after the district school board proposes, ~~in its 5-year district facilities work program,~~ a new school within the municipality's jurisdiction.

Section 2. Paragraph (e) of subsection (6) of section 163.3180, Florida Statutes, is amended to read:

101 163.3180 Concurrency.—

102 (6)

103 (e) A school district that includes relocatable facilities
104 in its inventory of student stations shall include the capacity
105 of such relocatable facilities ~~as provided in s.~~
106 ~~1013.35(2)(b)2.f.~~, provided the relocatable facilities were
107 purchased after 1998 ~~and the relocatable facilities meet the~~
108 ~~standards for long-term use pursuant to s. 1013.20.~~

109 **Section 3. Subsections (12) and (13) of section 553.415,**
110 **Florida Statutes, are amended to read:**

111 553.415 Factory-built school buildings.—

112 (12) Such insignia and data plate shall be permanently
113 affixed by the manufacturer in the case of newly constructed
114 factory-built school buildings, or by the department or its
115 designee in the case of an existing factory-built building
116 ~~altered to comply with provisions of s. 1013.20.~~

117 (13) As of July 1, 2001, all newly constructed factory-
118 built school buildings shall bear a label pursuant to subsection
119 (12). As of July 1, 2002, existing factory-built school
120 buildings and manufactured buildings used as classrooms and not
121 bearing such label shall not be used as classrooms ~~pursuant to~~
122 ~~s. 1013.20.~~

123 **Section 4. Paragraph (c) of subsection (4) of section**
124 **1001.20, Florida Statutes, is amended to read:**

125 1001.20 Department under direction of state board.—

(4) The Department of Education shall establish the following offices within the Office of the Commissioner of Education which shall coordinate their activities with all other divisions and offices:

~~(c) Office of Educational Facilities. Responsible for validating all educational plant surveys and verifying Florida Inventory of School Houses (FISH) data. The office shall provide technical assistance to public school districts when requested.~~

Section 5. Subsection (21) of section 1002.20, Florida Statutes, is amended to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(21) PARENTAL INPUT AND MEETINGS.—

~~(a)~~ Meetings with school district personnel.—Parents of public school students may be accompanied by another adult of their choice at a meeting with school district personnel. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through an action, statement, or other means, the parents of students with disabilities from inviting another person of their choice to attend a meeting. Such prohibited actions include, but are not

151 limited to, attempted or actual coercion or harassment of
152 parents or students or retaliation or threats of consequences to
153 parents or students.

154 (a)1. Such meetings include, but are not limited to,
155 meetings related to: the eligibility for exceptional student
156 education or related services; the development of an individual
157 family support plan (IFSP); the development of an individual
158 education plan (IEP); the development of a 504 accommodation
159 plan issued under s. 504 of the Rehabilitation Act of 1973; the
160 transition of a student from early intervention services to
161 other services; the development of postsecondary goals for a
162 student with a disability and the transition services needed to
163 reach those goals; and other issues that may affect the
164 educational environment, discipline, or placement of a student
165 with a disability.

166 (b)2. The parents and school district personnel attending
167 the meeting shall sign a document at the meeting's conclusion
168 which states whether any school district personnel have
169 prohibited, discouraged, or attempted to discourage the parents
170 from inviting a person of their choice to the meeting.

171 ~~(b) District school board educational facilities~~
172 ~~programs. Parents of public school students and other members of~~
173 ~~the public have the right to receive proper public notice and~~
174 ~~opportunity for public comment regarding the district school~~
175 ~~board's educational facilities work program, in accordance with~~

176 ~~the provisions of s. 1013.35.~~

177 **Section 6. Paragraph (b) of subsection (2) of section**
178 **1002.31, Florida Statutes, is amended to read:**

179 1002.31 Controlled open enrollment; public school parental
180 choice.—

181 (2)

182 (b) Each school district and charter school capacity
183 determinations for its schools, by grade level, must be updated
184 every 12 weeks and be identified on the school district and
185 charter school's websites. In determining the capacity of each
186 district school, the district school board shall incorporate the
187 specifications, plans, elements, and commitments contained in
188 the school district educational facilities plan ~~and the long-~~
189 ~~term work programs~~ required under s. 1013.35. Each charter
190 school governing board shall determine capacity based upon its
191 charter school contract. Each virtual charter school and each
192 school district with a contract with an approved virtual
193 instruction program provider shall determine capacity based upon
194 the enrollment requirements established under s. 1002.45(1)(d)4.

195 **Section 7. Subsection (3) of section 1002.36, Florida**
196 **Statutes, is amended to read:**

197 1002.36 Florida School for the Deaf and the Blind.—

198 (3) AUDITS.—The Auditor General shall conduct audits of
199 the accounts and records of the Florida School for the Deaf and
200 the Blind as provided in s. 11.45. The Department of Education's

Inspector General is authorized to conduct investigations at the school as provided in s. 1002.20(4)(d) ~~s. 1001.20(4)(e)~~.

Section 8. Paragraph (i) of subsection (2) of section 1003.621, Florida Statutes, is amended to read:

1003.621 Academically high-performing school districts.—It is the intent of the Legislature to recognize and reward school districts that demonstrate the ability to consistently maintain or improve their high-performing status. The purpose of this section is to provide high-performing school districts with flexibility in meeting the specific requirements in statute and rules of the State Board of Education.

(2) COMPLIANCE WITH STATUTES AND RULES.—Each academically high-performing school district shall comply with all of the provisions in chapters 1000-1013, and rules of the State Board of Education which implement these provisions, pertaining to the following:

(i) Those statutes pertaining to educational facilities, including chapter 1013, ~~except that s. 1013.20, relating to covered walkways for portables,~~ is eligible for exemption.

Section 9. Section 1011.012, Florida Statutes, is amended to read:

1011.012 Annual capital outlay budget.—

~~(1)~~ Each district school board, Florida College System institution board of trustees, and university board of trustees shall, each year, adopt a capital outlay budget for the ensuing

year in order that the capital outlay needs of the board for the entire year may be well understood by the public. This capital outlay budget shall be a part of the annual budget and shall be based upon and in harmony with the educational plant and ancillary facilities plan. This budget shall designate the proposed capital outlay expenditures by project for the year from all fund sources. The board may not expend any funds on any project not included in the budget, as amended.

~~(2) Each district school board must prepare its tentative district facilities work program as required by s. 1013.35 before adopting the capital outlay budget.~~

Section 10. Paragraph (b) of subsection (3) of section 1011.6202, Florida Statutes, is amended to read:

1011.6202 Principal Autonomy Program Initiative.—The Principal Autonomy Program Initiative is created within the Department of Education. The purpose of the program is to provide a highly effective principal of a participating school with increased autonomy and authority to operate his or her school, as well as other schools, in a way that produces significant improvements in student achievement and school management while complying with constitutional requirements. The State Board of Education may, upon approval of a principal autonomy proposal, enter into a performance contract with the district school board for participation in the program.

(3) EXEMPTION FROM LAWS.—

251 (b) A participating school or a school operated by a
252 principal pursuant to subsection (5) shall comply with the
253 provisions of chapters 1000-1013, and rules of the state board
254 that implement those provisions, pertaining to the following:

255 1. Those laws relating to the election and compensation of
256 district school board members, the election or appointment and
257 compensation of district school superintendents, public meetings
258 and public records requirements, financial disclosure, and
259 conflicts of interest.

260 2. Those laws relating to the student assessment program
261 and school grading system, including chapter 1008.

262 3. Those laws relating to the provision of services to
263 students with disabilities.

264 4. Those laws relating to civil rights, including s.
265 1000.05, relating to discrimination.

266 5. Those laws relating to student health, safety, and
267 welfare.

268 6. Section 1001.42(4)(f), relating to the uniform opening
269 date for public schools.

270 7. Section 1003.03, governing maximum class size, except
271 that the calculation for compliance pursuant to s. 1003.03 is
272 the average at the school level for a participating school.

273 8. Sections 1012.22(1)(c) and 1012.27(2), relating to
274 compensation and salary schedules.

275 9. Section 1012.33(5), relating to workforce reductions

for annual contracts for instructional personnel. This subparagraph does not apply to at-will employees.

10. Section 1012.335, relating to annual contracts for instructional personnel hired on or after July 1, 2011. This subparagraph does not apply to at-will employees.

11. Section 1012.34, relating to personnel evaluation procedures and criteria.

12. Those laws pertaining to educational facilities, including chapter 1013, ~~except that s. 1013.20, relating to covered walkways for relocatables,~~ is eligible for exemption.

13. Those laws pertaining to participating school districts, including this section and ss. 1011.69(2) and 1012.28(8).

Section 11. Section 1013.03, Florida Statutes, is amended to read:

1013.03 Functions of the department and the Board of Governors.—The functions of the Department of Education as it pertains to educational facilities of school districts and Florida College System institutions and of the Board of Governors as it pertains to educational facilities of state universities shall include, but not be limited to, the following:

(1) Each district school board and Florida College System institution board of trustees shall establish recommended minimum and maximum square footage standards for different

functions and areas and procedures for determining the gross square footage for each educational facility to be funded in whole or in part by the state, including public broadcasting stations but excluding postsecondary special purpose laboratory space. The gross square footage determination standards may be exceeded when the core facility space of an educational facility is constructed or renovated to accommodate the future addition of classrooms to meet projected increases in student enrollment. The department and the Board of Governors shall encourage multiple use of facilities and spaces in educational plants.

(2) Each district school board and Florida College System institution board of trustees shall establish, for the purpose of determining need, equitably uniform utilization standards for all types of like space, regardless of the level of education. These standards shall also establish, for postsecondary education classrooms, a minimum room utilization rate of 40 hours per week and a minimum station utilization rate of 60 percent. These rates shall be subject to increase based on national norms for utilization of postsecondary education classrooms.

~~(3) Require boards to submit other educational plant inventories data and statistical data or information relevant to construction, capital improvements, and related costs.~~

(3)-(4) The department and the Board of Governors shall require each board and other appropriate agencies to submit

complete and accurate financial data as to the amounts of funds from all sources that are available and spent for construction and capital improvements. The commissioner shall prescribe the format and the date for the submission of this data and any other educational facilities data. If any district does not submit the required educational facilities fiscal data by the prescribed date, the Commissioner of Education shall notify the district school board of this fact and, if appropriate action is not taken to immediately submit the required report, the district school board shall be directed to proceed pursuant to s. 1001.42(13)(b). If any Florida College System institution or university does not submit the required educational facilities fiscal data by the prescribed date, the same policy prescribed in this subsection for school districts shall be implemented.

(4)(5) The department and the Board of Governors shall administer, under the supervision of the Commissioner of Education, the Public Education Capital Outlay and Debt Service Trust Fund and the School District and Community College District Capital Outlay and Debt Service Trust Fund.

~~(6) Develop, review, update, revise, and recommend a mandatory portion of the Florida Building Code for educational facilities construction and capital improvement by Florida College System institution boards and district school boards.~~

~~(7) Provide training, technical assistance, and building code interpretation for requirements of the mandatory Florida~~

~~Building Code for the educational facilities construction and capital improvement programs of the Florida College System institution boards and district school boards and, upon request, approve phase III construction documents for remodeling, renovation, or new construction of educational plants or ancillary facilities, except that university boards of trustees shall approve specifications and construction documents for their respective institutions pursuant to guidelines of the Board of Governors. The Department of Management Services may, upon request, provide similar services for the Florida School for the Deaf and the Blind and shall use the Florida Building Code and the Florida Fire Prevention Code.~~

~~(8) Provide minimum criteria, procedures, and training to boards to conduct educational plant surveys and document the determination of future needs.~~

~~(9) Make available to boards technical assistance, awareness training, and research and technical publications relating to lifesafety, casualty, sanitation, environmental, maintenance, and custodial issues; and, as needed, technical assistance for survey, planning, design, construction, operation, and evaluation of educational and ancillary facilities and plants, facilities administrative procedures review, and training for new administrators.~~

~~(10) (a) Review and validate surveys proposed or amended by the boards and recommend to the Commissioner of Education, or~~

376 ~~the Chancellor of the State University System, as appropriate,~~
377 ~~for approval, surveys that meet the requirements of this~~
378 ~~chapter.~~

379 ~~1. The term "validate" as applied to surveys by school~~
380 ~~districts means to review inventory data as submitted to the~~
381 ~~department by district school boards; provide for review and~~
382 ~~inspection, where required, of student stations and aggregate~~
383 ~~square feet of inventory changed from satisfactory to~~
384 ~~unsatisfactory or changed from unsatisfactory to satisfactory;~~
385 ~~compare new school inventory to allocation limits provided by~~
386 ~~this chapter; review cost projections for conformity with cost~~
387 ~~limits set by s. 1013.64(6); compare total capital outlay full-~~
388 ~~time equivalent enrollment projections in the survey with the~~
389 ~~department's projections; review facilities lists to verify that~~
390 ~~student station and auxiliary facility space allocations do not~~
391 ~~exceed the limits provided by this chapter and related rules;~~
392 ~~review and confirm the application of uniform facility~~
393 ~~utilization factors, where provided by this chapter or related~~
394 ~~rules; utilize the documentation of programs offered per site,~~
395 ~~as submitted by the board, to analyze facility needs; confirm~~
396 ~~that need projections for career and adult educational programs~~
397 ~~comply with needs documented by the Department of Education; and~~
398 ~~confirm the assignment of full-time student stations to all~~
399 ~~space except auxiliary facilities, which, for purposes of~~
400 ~~exemption from student station assignment, include the~~

401 ~~following:~~

402 ~~a. Cafeterias.~~

403 ~~b. Multipurpose dining areas.~~

404 ~~c. Media centers.~~

405 ~~d. Auditoriums.~~

406 ~~e. Administration.~~

407 ~~f. Elementary, middle, and high school resource rooms, up~~
408 ~~to the number of such rooms recommended for the applicable~~
409 ~~occupant and space design capacity of the educational plant in~~
410 ~~the State Requirements for Educational Facilities, beyond which~~
411 ~~student stations must be assigned.~~

412 ~~g. Elementary school skills labs, up to the number of such~~
413 ~~rooms recommended for the applicable occupant and space design~~
414 ~~capacity of the educational plant in the State Requirements for~~
415 ~~Educational Facilities, beyond which student stations must be~~
416 ~~assigned.~~

417 ~~h. Elementary school art and music rooms.~~

418
419 ~~The Commissioner of Education may grant a waiver from the~~
420 ~~requirements of this subparagraph if a district school board~~
421 ~~determines that such waiver will make possible a substantial~~
422 ~~savings of funds or will be advantageous to the welfare of the~~
423 ~~educational system. The district school board shall present a~~
424 ~~full statement to the commissioner which sets forth the facts~~
425 ~~that warrant the waiver. If the commissioner denies a request~~

426 ~~for a waiver, the district school board may appeal such decision~~
427 ~~to the State Board of Education.~~

428 ~~2. The term "validate" as applied to surveys by Florida~~
429 ~~College System institutions and universities means to review and~~
430 ~~document the approval of each new site and official designation,~~
431 ~~where applicable; review the inventory database as submitted by~~
432 ~~each board to the department, including noncareer, and total~~
433 ~~capital outlay full-time equivalent enrollment projections per~~
434 ~~site and per college; provide for the review and inspection,~~
435 ~~where required, of student stations and aggregate square feet of~~
436 ~~space changed from satisfactory to unsatisfactory; utilize and~~
437 ~~review the documentation of programs offered per site submitted~~
438 ~~by the boards as accurate for analysis of space requirements and~~
439 ~~needs; confirm that needs projected for career and adult~~
440 ~~educational programs comply with needs documented by the~~
441 ~~Department of Education; compare new facility inventory to~~
442 ~~allocations limits as provided in this chapter; review cost~~
443 ~~projections for conformity with state averages or limits~~
444 ~~designated by this chapter; compare student enrollment~~
445 ~~projections in the survey to the department's projections;~~
446 ~~review facilities lists to verify that area allocations and~~
447 ~~space factors for generating space needs do not exceed the~~
448 ~~limits as provided by this chapter and related rules; confirm~~
449 ~~the application of facility utilization factors as provided by~~
450 ~~this chapter and related rules; and review, as submitted,~~

documentation of how survey recommendations will implement the detail of current campus master plans and integrate with local comprehensive plans and development regulations.

(5) ~~(b)~~ The department and Board of Governors shall recommend priority of projects to be funded.

(6) ~~(11)~~ The department and Board of Governors shall prepare the commissioner's comprehensive fixed capital outlay legislative budget request and provide annually an estimate of the funds available for developing required 3-year priority lists. This amount shall be based upon the average percentage for the 5 prior years of funds appropriated by the Legislature for fixed capital outlay to each level of public education: public schools, Florida College System institutions, and universities.

(7) ~~(12)~~ The department and Board of Governors shall perform any other functions that may be involved in educational facilities construction and capital improvement which shall ensure that the intent of the Legislature is implemented.

Section 12. Section 1013.04, Florida Statutes, is repealed.

Section 13. Subsection (1), paragraph (a) of subsection (3), and subsection (8) of section 1013.12, Florida Statutes, are amended to read:

1013.12 Casualty, safety, sanitation, and firesafety standards and inspection of property.—

476 (1) FIRESAFETY.—The State Board of Education shall adopt
477 and administer rules prescribing standards for the safety and
478 health of occupants of educational and ancillary plants as a
479 part of ~~State Requirements for Educational Facilities~~ or the
480 Florida Building Code for educational facilities construction as
481 provided in s. 1013.37, except that the State Fire Marshal in
482 consultation with the Department of Education shall adopt
483 uniform firesafety standards for educational and ancillary
484 plants and educational facilities, as provided in s.
485 633.206(1)(b), and a firesafety evaluation system to be used as
486 an alternate firesafety inspection standard for existing
487 educational and ancillary plants and educational facilities. The
488 uniform firesafety standards and the alternate firesafety
489 evaluation system shall be administered and enforced by fire
490 officials certified by the State Fire Marshal under s. 633.216.
491 These standards must be used by all public agencies when
492 inspecting public educational and ancillary plants, and the
493 firesafety standards must be used by county, municipal, or
494 independent special fire control district inspectors when
495 performing firesafety inspections of public educational and
496 ancillary plants and educational facilities. In accordance with
497 such standards, each board shall prescribe policies and
498 procedures establishing a comprehensive program of safety and
499 sanitation for the protection of occupants of public educational
500 and ancillary plants. Such policies must contain procedures for

501 periodic inspections as prescribed in this section or chapter
502 633 and for withdrawal of any educational and ancillary plant,
503 or portion thereof, from use until unsafe or unsanitary
504 conditions are corrected or removed.

505 (3) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC
506 AGENCIES.—

507 (a) A safety or sanitation inspection of any educational
508 or ancillary plant may be made at any time by ~~the Department of~~
509 ~~Education or any other~~ state or local agency authorized or
510 required to conduct such inspections by either general or
511 special law. Each agency conducting inspections shall use the
512 standards ~~adopted by the Commissioner of Education in lieu of,~~
513 ~~and to the exclusion of, any other inspection standards~~
514 prescribed either by statute or administrative rule. The agency
515 shall submit a copy of the inspection report to the board.

516 (8) ADDITIONAL STANDARDS.—In addition to any other rules
517 adopted under this section or s. 633.206, the State Fire Marshal
518 ~~in consultation with the Department of Education~~ shall adopt and
519 administer rules prescribing the following standards for the
520 safety and health of occupants of educational and ancillary
521 plants:

522 (a) The designation of serious life-safety hazards,
523 including, but not limited to, nonfunctional fire alarm systems,
524 nonfunctional fire sprinkler systems, doors with padlocks or
525 other locks or devices that preclude egress at any time,

inadequate exits, hazardous electrical system conditions, potential structural failure, and storage conditions that create a fire hazard.

(b) The proper placement of functional smoke and heat detectors and accessible, unexpired fire extinguishers.

(c) The maintenance of fire doors without doorstops or wedges improperly holding them open.

Section 14. Section 1013.20, Florida Statutes, is amended to read:

1013.20 Inspections ~~Standards~~ for relocatables used as classroom space; ~~inspections.~~

~~(1) The State Board of Education shall adopt rules establishing standards for relocatables intended for long-term use as classroom space at a public elementary school, middle school, or high school. "Long-term use" means the use of relocatables at the same educational plant for a period of 4 years or more. Each relocatable acquired by a district school board after the effective date of the rules and intended for long-term use must comply with the standards. Relocatables that fail to meet the standards may not be used as classrooms. The standards shall protect the health, safety, and welfare of occupants by requiring compliance with the Florida Building Code or the State Requirements for Educational Facilities for existing relocatables, as applicable, to ensure the safety and stability of construction and onsite installation; fire and~~

~~moisture protection; air quality and ventilation; appropriate wind resistance; and compliance with the requirements of the Americans with Disabilities Act of 1990. If appropriate and where relocatables are not scheduled for replacement, the standards must also require relocatables to provide access to the same technologies available to similar classrooms within the main school facility and, if appropriate, and where relocatables are not scheduled for replacement, to be accessible by adequate covered walkways. A relocatable that is subject to this section and does not meet the standards shall not be reported as providing satisfactory student stations in the Florida Inventory of School Houses.~~

~~(2)~~ Annual inspections for all satisfactory relocatables designed for classroom use or being occupied by students are required for: foundations; tie-downs; structural integrity; weatherproofing; HVAC; electrical; plumbing, if applicable; firesafety; and accessibility. Reports shall be filed with the district school board and posted in each respective relocatable in order to facilitate corrective action.

Section 15. Subsection (1) of section 1013.31, Florida Statutes, is amended to read:

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

(1) At least every 5 years, each Florida College System institution and state university board shall arrange for an

educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Department of Education shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a school district or Florida College System institution that delivers career or adult education programs. Information used by the Department of Education to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the Florida College System institution.

(a) Survey preparation and required data.—Each survey must be conducted by the Florida College System institution or state university board or an agency employed by the board. Surveys must be reviewed and approved by the board, and a file copy must be submitted to the Department of Education or the Chancellor of the State University System, as appropriate. The survey report must include at least an inventory of existing educational and ancillary plants, including safe access facilities; recommendations for existing educational and ancillary plants; recommendations for new educational or ancillary plants,

including the general location of each in coordination with the land use plan and safe access facilities; campus master plan update and detail for Florida College System institutions; and such other information as may be required by the Department of Education. This report may be amended, if conditions warrant, at the request of the department or commissioner.

(b) Required need assessment criteria for district, Florida College System institution, state university, and Florida School for the Deaf and the Blind plant surveys.— Educational plant surveys must use uniform data sources and criteria specified in this paragraph. Each revised educational plant survey and each new educational plant survey supersedes previous surveys.

1. Each survey of a special facility, joint-use facility, or cooperative career education facility must be based on capital outlay full-time equivalent student enrollment data prepared by the department for school districts and Florida College System institutions and by the Chancellor of the State University System for universities. A survey of space needs of a joint-use facility shall be based upon the respective space needs of the school districts, Florida College System institutions, and universities, as appropriate. Projections of a school district's facility space needs may not exceed the norm space and occupant design criteria ~~established by the State Requirements for Educational Facilities.~~

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

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

4. The district educational facilities plan of a school district and the educational plant survey of a Florida College System institution, state university, or the Florida School for the Deaf and the Blind may include space needs that deviate from approved standards for determining space needs if the deviation is justified by the district or institution and approved by the department or the Board of Governors, as appropriate, as

necessary for the delivery of an approved educational program.

(c) Review and validation.—The Department of Education shall review and validate the surveys of school districts and Florida College System institutions, and the Chancellor of the State University System shall review and validate the surveys of universities, and any amendments thereto for compliance with the requirements of this chapter and shall recommend those in compliance for approval by the State Board of Education or the Board of Governors, as appropriate. The commissioner may condition the receipt of fixed capital outlay funds provided from general revenue or from state trust funds by district school boards until such time as the district school board submits a survey that accurately projects facilities needs ~~as indicated by the Florida Inventory of School Houses,~~ as compared with the district's capital outlay full-time equivalent enrollment, as determined by the department.

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

Section 16. Subsection (3) of section 1013.33, Florida Statutes, is amended to read:

1013.33 Coordination of planning with local governing

bodies.—

(3) A board and the local governing body must share and coordinate information related to existing and planned school facilities; proposals for development, redevelopment, or additional development; and infrastructure required to support the school facilities, concurrent with proposed development. A school board shall use information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136 when preparing the district educational facilities plan pursuant to s. 1013.35, as modified and agreed to by the local governments, when provided by interlocal agreement, ~~and the Office of Educational Facilities,~~ in consideration of local governments' population projections, to ensure that the district educational facilities plan not only reflects enrollment projections but also considers applicable municipal and county growth and development projections. The projections must be apportioned geographically with assistance from the local governments using local government trend data and the school district student enrollment data. A school board is precluded from siting a new school in a jurisdiction where the school board has failed to provide the annual educational facilities plan for the prior year required pursuant to s. 1013.35 unless the failure is corrected.

Section 17. Section 1013.35, Florida Statutes, is amended to read:

1013.35 School district educational facilities plan; definitions; preparation, adoption, and amendment; long-term work programs.—

~~(1) DEFINITIONS. As used in this section, the term:~~

~~(a) "Adopted educational facilities plan" means the comprehensive planning document that is adopted annually by the district school board as provided in subsection (2) and that contains the educational plant survey.~~

~~(b) "District facilities work program" means the 5-year listing of capital outlay projects adopted by the district school board as provided in subparagraph (2)(a)2. and paragraph (2)(b) as part of the district educational facilities plan, which is required in order to:~~

~~1. Properly maintain the educational plant and ancillary facilities of the district.~~

~~2. Provide an adequate number of satisfactory student stations for the projected student enrollment of the district in K-12 programs.~~

~~(c) "Tentative educational facilities plan" means the comprehensive planning document prepared annually by the district school board and submitted to the Office of Educational Facilities and the affected general-purpose local governments.~~

~~(2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL FACILITIES PLAN.—~~

~~(1)(a)~~ Annually, before ~~prior to~~ the adoption of the

726 district school budget, each district school board shall prepare
727 a tentative district educational facilities plan that includes
728 long-range planning for facilities needs over 5-year, 10-year,
729 and 20-year periods. The district school board shall submit the
730 tentative facilities plan to the department. ~~The plan must be~~
731 ~~developed in coordination with the general-purpose local~~
732 ~~governments and be consistent with the local government~~
733 ~~comprehensive plans. The school board's plan for provision of~~
734 ~~new schools must meet the needs of all growing communities in~~
735 ~~the district, ranging from small rural communities to large~~
736 ~~urban cities. The plan must include:~~

737 1. ~~Projected student populations apportioned~~
738 ~~geographically at the local level. The projections must be based~~
739 ~~on information produced by the demographic, revenue, and~~
740 ~~education estimating conferences pursuant to s. 216.136, where~~
741 ~~available, as modified by the district based on development data~~
742 ~~and agreement with the local governments and the Office of~~
743 ~~Educational Facilities. The projections must be apportioned~~
744 ~~geographically with assistance from the local governments using~~
745 ~~local development trend data and the school district student~~
746 ~~enrollment data.~~

747 2. ~~An inventory of existing school facilities. Any~~
748 ~~anticipated expansions or closures of existing school sites over~~
749 ~~the 5-year, 10-year, and 20-year periods must be identified. The~~
750 ~~inventory must include an assessment of areas proximate to~~

~~existing schools and identification of the need for improvements to infrastructure, safety, including safe access routes, and conditions in the community. The plan must also provide a listing of major repairs and renovation projects anticipated over the period of the plan.~~

~~3. Projections of facilities space needs, which may not exceed the norm space and occupant design criteria established in the State Requirements for Educational Facilities.~~

~~4. Information on leased, loaned, and donated space and relocatables used for conducting the district's instructional programs.~~

~~5. The general location of public schools proposed to be constructed over the 5-year, 10-year, and 20-year time periods, including a listing of the proposed schools' site acreage needs and anticipated capacity and maps showing the general locations. The school board's identification of general locations of future school sites must be based on the school siting requirements of s. 163.3177(6) (a) and policies in the comprehensive plan which provide guidance for appropriate locations for school sites.~~

~~6. The identification of options deemed reasonable and approved by the school board which reduce the need for additional permanent student stations. Such options may include, but need not be limited to:~~

~~a. Acceptable capacity;~~

~~b. Redistricting;~~

~~e. Busing;~~

~~d. Year-round schools;~~

~~e. Charter schools;~~

~~f. Magnet schools; and~~

~~g. Public-private partnerships.~~

~~7. The criteria and method, jointly determined by the local government and the school board, for determining the impact of proposed development to public school capacity.~~

~~(b) The plan must also include a financially feasible district facilities work program for a 5-year period. The work program must include:~~

~~1. A schedule of major repair and renovation projects necessary to maintain the educational facilities and ancillary facilities of the district.~~

~~2. A schedule of capital outlay projects necessary to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs. This schedule shall consider:~~

~~a. The locations, capacities, and planned utilization rates of current educational facilities of the district. The capacity of existing satisfactory facilities, as reported in the Florida Inventory of School Houses must be compared to the capital outlay full-time equivalent student enrollment as determined by the department, including all enrollment used in the calculation of the distribution formula in s. 1013.64.~~

~~b. The proposed locations of planned facilities, whether those locations are consistent with the comprehensive plans of all affected local governments, and recommendations for infrastructure and other improvements to land adjacent to existing facilities. The provisions of ss. 1013.33(6), (7), and (8) and 1013.36 must be addressed for new facilities planned within the first 3 years of the work plan, as appropriate.~~

~~c. Plans for the use and location of relocatable facilities, leased facilities, and charter school facilities.~~

~~d. Plans for multitrack scheduling, grade level organization, block scheduling, or other alternatives that reduce the need for additional permanent student stations.~~

~~e. Information concerning average class size and utilization rate by grade level within the district which will result if the tentative district facilities work program is fully implemented.~~

~~f. The number and percentage of district students planned to be educated in relocatable facilities during each year of the tentative district facilities work program. For determining future needs, student capacity may not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the current year of the adopted district educational facilities plan and in the district facilities work program adopted under this section. Those relocatable classrooms clearly identified and scheduled~~

~~for replacement in a school board adopted, financially feasible, 5-year district facilities work program shall be counted at zero capacity at the time the work program is adopted and approved by the school board. However, if the district facilities work program is changed and the relocatable classrooms are not replaced as scheduled in the work program, the classrooms must be reentered into the system and be counted at actual capacity. Relocatable classrooms may not be perpetually added to the work program or continually extended for purposes of circumventing this section. All relocatable classrooms not identified and scheduled for replacement, including those owned, lease-purchased, or leased by the school district, must be counted at actual student capacity. The district educational facilities plan must identify the number of relocatable student stations scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement.~~

~~g. Plans for the closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues.~~

~~h. Projects for which capital outlay and debt service funds accruing under s. 9(d), Art. XII of the State Constitution are to be used shall be identified separately in priority order on a project priority list within the district facilities work program.~~

~~3. The projected cost for each project identified in the~~

~~district facilities work program. For proposed projects for new student stations, a schedule shall be prepared comparing the planned cost and square footage for each new student station, by elementary, middle, and high school levels, to the low, average, and high cost of facilities constructed throughout the state during the most recent fiscal year for which data is available from the Department of Education.~~

~~4. A schedule of estimated capital outlay revenues from each currently approved source which is estimated to be available for expenditure on the projects included in the district facilities work program.~~

~~5. A schedule indicating which projects included in the district facilities work program will be funded from current revenues projected in subparagraph 4.~~

~~6. A schedule of options for the generation of additional revenues by the district for expenditure on projects identified in the district facilities work program which are not funded under subparagraph 5. Additional anticipated revenues may include Classrooms First funds.~~

~~(c) To the extent available, the tentative district educational facilities plan shall be based on information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136.~~

~~(2)(d)~~ Provision shall be made for public comment concerning the tentative district educational facilities plan.

876 ~~(e) The district school board shall coordinate with each~~
877 ~~affected local government to ensure consistency between the~~
878 ~~tentative district educational facilities plan and the local~~
879 ~~government comprehensive plans of the affected local governments~~
880 ~~during the development of the tentative district educational~~
881 ~~facilities plan.~~

882 (3) ~~(f)~~ Not less than once every 5 years, the district
883 school board shall have an audit conducted of the district's
884 educational planning and construction activities. An operational
885 audit conducted by the Auditor General pursuant to s. 11.45
886 satisfies this requirement.

887 (4) ~~(3)~~ ~~SUBMITTAL OF TENTATIVE DISTRICT EDUCATIONAL~~
888 ~~FACILITIES PLAN TO LOCAL GOVERNMENT.~~ The district school board
889 shall submit a copy of its tentative district educational
890 facilities plan to all affected local governments before ~~prior~~
891 ~~to~~ adoption by the board. The affected local governments shall
892 review the tentative district educational facilities plan and
893 comment to the district school board on the consistency of the
894 plan with the local comprehensive plan, whether a comprehensive
895 plan amendment will be necessary for any proposed educational
896 facility, and whether the local government supports a necessary
897 comprehensive plan amendment. If the local government does not
898 support a comprehensive plan amendment for a proposed
899 educational facility, the matter shall be resolved pursuant to
900 the interlocal agreement when required by ss. 163.3177(6)(h),

163.31777, and 1013.33(2). The process for the submittal and review shall be detailed in the interlocal agreement when required pursuant to ss. 163.3177(6)(h), 163.31777, and 1013.33(2).

(5)~~(4)~~ ~~ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN.~~

Annually, the district school board shall consider and adopt the tentative district educational facilities plan ~~completed pursuant to subsection (2)~~. Upon giving proper notice to the public and local governments and opportunity for public comment, the district school board may amend the plan to revise the priority of projects, to add or delete projects, to reflect the impact of change orders, or to reflect the approval of new revenue sources which may become available. The adopted district educational facilities plan shall:

(a) Be a complete, balanced, and financially feasible capital outlay financial plan for the district.

(b) Set forth the proposed commitments and planned expenditures of the district to address the educational facilities needs of its students and to adequately provide for the maintenance of the educational plant and ancillary facilities, including safe access ways from neighborhoods to schools.

(6)~~(5)~~ ~~EXECUTION OF ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN.~~ The first year of the adopted district educational facilities plan shall constitute the capital outlay

926 budget required in s. 1013.61. ~~The adopted district educational~~
927 ~~facilities plan shall include the information required in~~
928 ~~subparagraphs (2) (b) 1., 2., and 3., based upon projects actually~~
929 ~~funded in the plan.~~

930 **Section 18. Section 1013.356, Florida Statutes, is amended**
931 **to read:**

932 1013.356 Local funding for educational facilities benefit
933 districts or community development districts.—Upon confirmation
934 by a district school board of the commitment of revenues by an
935 educational facilities benefit district or community development
936 district necessary to construct and maintain an educational
937 facility ~~contained within an individual district facilities work~~
938 ~~program or~~ proposed by an approved charter school or a charter
939 school applicant, the following funds shall be provided to the
940 educational facilities benefit district or community development
941 district annually, beginning with the next fiscal year after
942 confirmation until the district's financial obligations are
943 completed:

944 (1) All educational facilities impact fee revenue
945 collected for new development within the educational facilities
946 benefit district or community development district. Funds
947 provided under this subsection shall be used to fund the
948 construction and capital maintenance costs of educational
949 facilities.

950 (2) For construction and capital maintenance costs not

covered by the funds provided under subsection (1), an annual amount contributed by the district school board equal to one-half of the remaining costs of construction and capital maintenance of the educational facility. Any construction costs above the cost-per-student criteria established in s. 1013.64(6)(b)1. shall be funded exclusively by the educational facilities benefit district or the community development district. Funds contributed by a district school board shall not be used to fund operational costs.

Educational facilities funded pursuant to this act may be constructed on land that is owned by any person after the district school board has acquired from the owner of the land a long-term lease for the use of this land for a period of not less than 40 years or the life expectancy of the permanent facilities constructed thereon, whichever is longer. All interlocal agreements entered into pursuant to this act shall provide for ownership of educational facilities funded pursuant to this act to revert to the district school board if such facilities cease to be used for public educational purposes prior to 40 years after construction or prior to the end of the life expectancy of the educational facilities, whichever is longer.

Section 19. Subsection (5) of section 1013.37, Florida Statutes, is renumbered as subsection (3), paragraphs (a) and

976 **(e) of subsection (1) and subsections (2), (3), and (4) of that**
977 **section are amended to read:**

978 1013.37 State uniform building code for public educational
979 facilities construction.—

980 (1) UNIFORM BUILDING CODE.—A uniform statewide building
981 code for the planning and construction of public educational and
982 ancillary plants by district school boards and Florida College
983 System institution district boards of trustees shall be adopted
984 by the Florida Building Commission within the Florida Building
985 Code, pursuant to s. 553.73. Included in this code must be flood
986 plain management criteria in compliance with the rules and
987 regulations in 44 C.F.R. parts 59 and 60, and subsequent
988 revisions thereto which are adopted by the Federal Emergency
989 Management Agency. It is also the responsibility of the
990 department to develop, as a part of the uniform building code,
991 standards relating to:

992 (a) Prefabricated facilities or factory-built facilities
993 that are designed to be portable, relocatable, demountable, or
994 reconstructible; are used primarily as classrooms; and do not
995 fall under the provisions of ss. 320.822-320.862. Such standards
996 must permit boards to contract with the Department of Business
997 and Professional Regulation for factory inspections by certified
998 building code inspectors to certify conformance with applicable
999 law and rules. ~~The standards must comply with the requirements~~
1000 ~~of s. 1013.20 for relocatable facilities intended for long-term~~

~~use as classroom space, and~~ The relocatable facilities shall be designed subject to missile impact criteria of Section 423(24)(d)(1) of the Florida Building Code when located in the windborne debris region.

(e) The performance of life-cycle cost analyses on alternative architectural and engineering designs to evaluate their energy efficiencies.

1. The life-cycle cost analysis must consist of the sum of:

a. The reasonably expected fuel costs over the life of the building which are required to maintain illumination, water heating, temperature, humidity, ventilation, and all other energy-consuming equipment in a facility; and

b. The reasonable costs of probable maintenance, including labor and materials, and operation of the building.

2. For computation of the life-cycle costs, the department shall develop standards that must include, but need not be limited to:

a. The orientation and integration of the facility with respect to its physical site.

b. The amount and type of glass employed in the facility and the directions of exposure.

c. The effect of insulation incorporated into the facility design and the effect on solar utilization of the properties of external surfaces.

1026 d. The variable occupancy and operating conditions of the
1027 facility and subportions of the facility.

1028 e. An energy-consumption analysis of the major equipment
1029 of the facility's heating, ventilating, and cooling system;
1030 lighting system; and hot water system and all other major
1031 energy-consuming equipment and systems as appropriate.

1032 ~~3. Life-cycle cost criteria published by the Department of~~
1033 ~~Education for use in evaluating projects.~~

1034 3.4. Standards for construction materials and systems
1035 based on life-cycle costs that consider initial costs,
1036 maintenance costs, custodial costs, operating costs, and life
1037 expectancy. The standards may include multiple acceptable
1038 materials. It is the intent of the Legislature to require
1039 district school boards to comply with these standards when
1040 expending funds from the Public Education Capital Outlay and
1041 Debt Service Trust Fund or the School District and Community
1042 College District Capital Outlay and Debt Service Trust Fund and
1043 to prohibit district school boards from expending local capital
1044 outlay revenues for any project that includes materials or
1045 systems that do not comply with these standards, unless the
1046 district school board submits evidence that alternative
1047 materials or systems meet or exceed standards developed by the
1048 department.

1049
1050 It is not a purpose of the Florida Building Code to inhibit the

1051 use of new materials or innovative techniques; nor may it
1052 specify or prohibit materials by brand names. The code must be
1053 flexible enough to cover all phases of construction so as to
1054 afford reasonable protection for the public safety, health, and
1055 general welfare. The department may secure the service of other
1056 state agencies or such other assistance as it finds desirable in
1057 recommending to the Florida Building Commission revisions to the
1058 code.

1059 (2) APPROVAL.—

1060 (a) Before a contract has been let for the construction,
1061 the department, the district school board, the Florida College
1062 System institution board, or its authorized review agent must
1063 approve the phase III construction documents. A district school
1064 board or a Florida College System institution board may reuse
1065 prototype plans on another site, provided the facilities list
1066 and phase III construction documents have been updated for the
1067 new site and for compliance with the Florida Building Code and
1068 the Florida Fire Prevention Code and any laws relating to
1069 firesafety, health and sanitation, casualty safety, and
1070 requirements for the physically handicapped which are in effect
1071 at the time a construction contract is to be awarded.

1072 (b) In reviewing plans for approval, ~~the department,~~ the
1073 district school board, the Florida College System institution
1074 board, or its review agent as authorized in s. 1013.38, shall
1075 take into consideration:

- 1076 1. The need for the new facility.
- 1077 2. The educational and ancillary plant planning.
- 1078 3. The architectural and engineering planning.
- 1079 4. The location on the site.
- 1080 5. Plans for future expansion.
- 1081 6. The type of construction.
- 1082 7. Sanitary provisions.
- 1083 8. Conformity to Florida Building Code standards.
- 1084 9. The structural design and strength of materials
- 1085 proposed to be used.
- 1086 10. The mechanical design of any heating, air-
- 1087 conditioning, plumbing, or ventilating system. Typical heating,
- 1088 ventilating, and air-conditioning systems preapproved by the
- 1089 department for specific applications may be used in the design
- 1090 of educational facilities.
- 1091 11. The electrical design of educational plants.
- 1092 12. The energy efficiency and conservation of the design.
- 1093 13. Life-cycle cost considerations.
- 1094 14. The design to accommodate physically handicapped
- 1095 persons.
- 1096 15. The ratio of net to gross square footage.
- 1097 16. The proposed construction cost per gross square foot.
- 1098 17. Conformity with the Florida Fire Prevention Code.
- 1099 (c) The district school board or the Florida College
- 1100 System institution board may not occupy a facility until the

project has been inspected to verify compliance with statutes, rules, and codes affecting the health and safety of the occupants. Verification of compliance with rules, statutes, and codes for nonoccupancy projects such as roofing, paving, site improvements, or replacement of equipment may be certified by the architect or engineer of record, and verification of compliance for other projects may be made by an inspector ~~certified by the department or~~ certified pursuant to chapter 468 who is not the architect or engineer of record. The board shall maintain a record of the project's completion and permanent archive of phase III construction documents, including any addenda and change orders to the project. The boards shall provide project data to the department, as requested, for purposes and reports needed by the Legislature.

~~(3) REVIEW PROCEDURE. The Commissioner of Education shall cooperate with the Florida Building Commission in addressing all questions, disputes, or interpretations involving the provisions of the Florida Building Code which govern the construction of public educational and ancillary facilities, and any objections to decisions made by the inspectors or the department must be submitted in writing.~~

~~(4) BIENNIAL REVIEW AND UPDATE; DISSEMINATION. The department shall biennially review and recommend to the Florida Building Commission updates and revisions to the provisions of the Florida Building Code which govern the construction of~~

~~public educational and ancillary facilities. The department shall publish and make available to each board at no cost copies of the State Requirements for Educational Facilities and each amendment and revision thereto. The department shall make additional copies available to all interested persons at a price sufficient to recover costs.~~

Section 20. Paragraph (a) of subsection (1) and subsection (2) of section 1013.371, Florida Statutes, are amended to read:

1013.371 Conformity to codes.—

(1) CONFORMITY TO FLORIDA BUILDING CODE AND FLORIDA FIRE PREVENTION CODE REQUIRED FOR APPROVAL.—

(a) Except as otherwise provided in paragraph (b), all public educational and ancillary plants constructed by a board must conform to the Florida Building Code and the Florida Fire Prevention Code, and the plants are exempt from all other state building codes; county, municipal, or other local amendments to the Florida Building Code and local amendments to the Florida Fire Prevention Code; building permits, and assessments of fees for building permits, except as provided in s. 553.80; ordinances; road closures; and impact fees or service availability fees. Any inspection by local or state government must be based on the Florida Building Code and the Florida Fire Prevention Code. Each board shall provide for periodic inspection of the proposed educational plant during each phase of construction to determine compliance with the Florida

1151 Building Code and, the Florida Fire Prevention Code, ~~and the~~
1152 ~~State Requirements for Educational Facilities.~~

1153 (2) ENFORCEMENT BY BOARD.—It is the responsibility of each
1154 board to ensure that all plans and educational and ancillary
1155 plants meet the standards of the Florida Building Code and the
1156 Florida Fire Prevention Code and to provide for the enforcement
1157 of these codes in the areas of its jurisdiction. Each board
1158 shall provide for the proper supervision and inspection of the
1159 work. Each board may employ a chief building official and such
1160 other inspectors, who have been certified pursuant to chapter
1161 468, and a fire official and such other inspectors, who have
1162 been certified pursuant to chapter 633, and such personnel as
1163 necessary to administer and enforce the provisions of such
1164 codes. Boards may also use local building department inspectors
1165 who are certified by the department to enforce the Florida
1166 Building Code ~~and the State Requirements for Educational~~
1167 ~~Facilities.~~ Boards may also use local county, municipal, or
1168 independent special fire control district firesafety inspectors
1169 who are certified by the State Fire Marshal to conduct reviews
1170 of site plans and inspections and to enforce the Florida Fire
1171 Prevention Code. Plans or facilities that fail to meet the
1172 standards of the Florida Building Code or the Florida Fire
1173 Prevention Code may not be approved. When planning for and
1174 constructing an educational, auxiliary, or ancillary facility, a
1175 board must use construction materials and systems that meet

standards adopted pursuant to s. 1013.37(1)(e)3. ~~and 4.~~ If the planned or actual construction of a facility deviates from the adopted standards, the board must, at a public hearing, quantify and compare the costs of constructing the facility with the proposed deviations and in compliance with the adopted standards and the Florida Building Code. The board must explain the reason for the proposed deviations and compare how the total construction costs and projected life-cycle costs of the facility or component system of the facility would be affected by implementing the proposed deviations rather than using materials and systems that meet the adopted standards.

Section 21. Subsections (3) and (4) of section 1013.41, Florida Statutes, are amended to read:

1013.41 SMART schools; Classrooms First; legislative purpose.—

(3) SCHOOL DISTRICT EDUCATIONAL FACILITIES PLAN.—It is the purpose of the Legislature to create s. 1013.35, requiring each school district annually to adopt an educational facilities plan that provides an integrated long-range facilities plan, including the survey of projected needs and the 5-year work program. The purpose of the educational facilities plan is to keep the district school board, local governments, and the public fully informed as to whether the district is using sound policies and practices that meet the essential needs of students and that warrant public confidence in district operations. The

educational facilities plan will be monitored by the department
~~the Office of Educational Facilities, which will also apply~~
~~performance standards pursuant to s. 1013.04.~~

~~(4) OFFICE OF EDUCATIONAL FACILITIES. It is the purpose of~~
~~the Legislature to require the Office of Educational Facilities~~
~~to assist school districts in building SMART schools utilizing~~
~~functional and frugal practices. The Office of Educational~~
~~Facilities must review district facilities work programs and~~
~~projects and identify opportunities to maximize design and~~
~~construction savings; develop school district facilities work~~
~~program performance standards; and provide for review and~~
~~recommendations to the Governor, the Legislature, and the State~~
~~Board of Education.~~

Section 22. Subsection (4) of section 1013.45, Florida
Statutes, is amended to read:

1013.45 Educational facilities contracting and
construction techniques for school districts and Florida College
System institutions.—

(4) Except as otherwise provided in this section and s.
481.229, the services of a registered architect must be used for
the development of plans for the erection, enlargement, or
alteration of any educational facility. The services of a
registered architect are not required for a minor renovation
project for which the construction cost is less than \$50,000 or
for the placement or hookup of relocatable educational

1226 facilities that conform to standards adopted under s. 1013.37.
1227 However, boards must provide compliance with building code
1228 requirements and ensure that these structures are adequately
1229 anchored for wind resistance as required by law. ~~A district~~
1230 ~~school board shall reuse existing construction documents or~~
1231 ~~design criteria packages if such reuse is feasible and~~
1232 ~~practical. If a school district's 5-year educational facilities~~
1233 ~~work plan includes the construction of two or more new schools~~
1234 ~~for students in the same grade group and program, such as~~
1235 ~~elementary, middle, or high school, the district school board~~
1236 ~~must require that prototype design and construction be used for~~
1237 ~~the construction of these schools.~~ Notwithstanding s. 287.055, a
1238 board may purchase the architectural services for the design of
1239 educational or ancillary facilities under an existing contract
1240 agreement for professional services held by a district school
1241 board in the State of Florida, provided that the purchase is to
1242 the economic advantage of the purchasing board, ~~the services~~
1243 ~~conform to the standards prescribed by rules of the State Board~~
1244 ~~of Education,~~ and such reuse is not without notice to, and
1245 permission from, the architect of record whose plans or design
1246 criteria are being reused. ~~Plans must be reviewed for compliance~~
1247 ~~with the State Requirements for Educational Facilities. Rules~~
1248 ~~adopted under this section must establish uniform~~
1249 ~~prequalification, selection, bidding, and negotiation procedures~~
1250 ~~applicable to construction management contracts and the design-~~

1251 ~~build process.~~ This section does not supersede any small, woman-
1252 owned, or minority-owned business enterprise preference program
1253 adopted by a board. Except as otherwise provided in this
1254 section, the negotiation procedures applicable to construction
1255 management contracts and the design-build process must conform
1256 to the requirements of s. 287.055. A board may not modify any
1257 rules regarding construction management contracts or the design-
1258 build process.

1259 **Section 23.** Section 1013.451, Florida Statutes, is
1260 repealed.

1261 **Section 24. Paragraph (a) of subsection (3) of section**
1262 **1013.62, Florida Statutes, is amended to read:**

1263 1013.62 Charter schools capital outlay funding.—

1264 (3) If the school board levies the discretionary millage
1265 authorized in s. 1011.71(2), the department shall use the
1266 following calculation methodology to determine the amount of
1267 revenue that a school district must distribute to each eligible
1268 charter school:

1269 (a) Reduce the total discretionary millage revenue by the
1270 school district's annual debt service obligation incurred as of
1271 March 1, 2017, which has not been subsequently retired, and any
1272 amount of participation requirement pursuant to s.

1273 1013.64(2)(a)5. ~~s. 1013.64(2)(a)8.~~ that is being satisfied by
1274 revenues raised by the discretionary millage.

By October 1 of each year, each school district shall certify to the department the amount of debt service and participation requirement that complies with the requirement of paragraph (a) and can be reduced from the total discretionary millage revenue. The Auditor General shall verify compliance with the requirements of paragraph (a) and s. 1011.71(2)(e) during scheduled operational audits of school districts.

Section 25. Paragraph (e) of subsection (1), paragraphs (a) and (b) of subsection (2), paragraphs (b) and (d) of subsection (3), paragraph (b) of subsection (5), and paragraphs (b) and (d) of subsection (6) of section 1013.64, Florida Statutes, are amended to read:

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

(1)

(e) Remodeling projects shall be based on the recommendations of a survey pursuant to s. 1013.31 or, for district school boards, as indicated by the relative need as the capital outlay full-time equivalent enrollment in the district.

(2)(a) The department shall establish, as a part of the Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to

be known as the "Special Facility Construction Account." The Special Facility Construction Account shall be used to provide necessary construction funds to school districts which have urgent construction needs but which lack sufficient resources at present, and cannot reasonably anticipate sufficient resources within the period of the next 3 years, for these purposes from currently authorized sources of capital outlay revenue. A school district requesting funding from the Special Facility Construction Account shall submit one specific construction project, not to exceed one complete educational plant, to the Special Facility Construction Committee. A district may not receive funding for more than one approved project in any 3-year period or while any portion of the district's participation requirement is outstanding. The first year of the 3-year period shall be the first year a district receives an appropriation. The department shall encourage a construction program that reduces the average size of schools in the district. The request must meet the following criteria to be considered by the committee:

1. The project must be deemed a critical need and must be recommended for funding by the Special Facility Construction Committee. Before developing construction plans for the proposed facility, the district school board must request a preapplication review by the Special Facility Construction Committee or a project review subcommittee convened by the chair

of the committee to include two representatives of the department and two staff members from school districts not eligible to participate in the program. A school district may request a preapplication review at any time; however, if the district school board seeks inclusion in the department's next annual capital outlay legislative budget request, the preapplication review request must be made before February 1. Within 90 days after receiving the preapplication review request, the committee or subcommittee must meet in the school district to review the project proposal and existing facilities. To determine whether the proposed project is a critical need, the committee or subcommittee shall consider, at a minimum, the capacity of all existing facilities ~~within the district as determined by the Florida Inventory of School Houses;~~ the district's pattern of student growth; the district's existing and projected capital outlay full-time equivalent student enrollment as determined by the demographic, revenue, and education estimating conferences established in s. 216.136; the district's existing satisfactory student stations; the use of all existing district property and facilities; grade level configurations; and any other information that may affect the need for the proposed project.

~~2. The construction project must be recommended in the most recent survey or survey amendment cooperatively prepared by the district and the department, and approved by the department~~

~~under the rules of the State Board of Education. If a district employs a consultant in the preparation of a survey or survey amendment, the consultant may not be employed by or receive compensation from a third party that designs or constructs a project recommended by the survey.~~

2.3. The construction project must appear on the district's approved project priority list under the rules of the State Board of Education.

3.4. The district must have selected and had approved a site for the construction project in compliance with s. 1013.36 and the rules of the State Board of Education.

~~5. The district shall have developed a district school board adopted list of facilities that do not exceed the norm for net square feet occupancy requirements under the State Requirements for Educational Facilities, using all possible programmatic combinations for multiple use of space to obtain maximum daily use of all spaces within the facility under consideration.~~

~~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 by the Special Facility Construction Committee. At the discretion of the committee, costs that exceed the cost per student station for special facilities may include legal and administrative fees, the cost of site improvements or related offsite~~

~~improvements, the cost of complying with public shelter and hurricane hardening requirements, cost overruns created by a disaster as defined in s. 252.34(2), costs of security enhancements approved by the school safety specialist, and unforeseeable circumstances beyond the district's control.~~

4.7. There shall be an agreement signed by the district school board stating that it will advertise for bids within 30 days of receipt of its encumbrance authorization from the department.

5.8. For construction projects for which Special Facilities Construction Account funding is sought before the 2019-2020 fiscal year, the district shall, at the time of the request and for a continuing period necessary to meet the district's participation requirement, levy the maximum millage against its nonexempt assessed property value as allowed in s. 1011.71(2) or shall raise an equivalent amount of revenue from the school capital outlay surtax authorized under s. 212.055(6). Beginning with construction projects for which Special Facilities Construction Account funding is sought in the 2019-2020 fiscal year, the district shall, for a minimum of 3 years before submitting the request and for a continuing period necessary to meet its participation requirement, levy the maximum millage against the district's nonexempt assessed property value as authorized under s. 1011.71(2) or shall raise an equivalent amount of revenue from the school capital outlay

1401 surtax authorized under s. 212.055(6). Any district with a new
1402 or active project, funded under the provisions of this
1403 subsection, shall be required to budget no more than the value
1404 of 1 mill per year to the project until the district's
1405 participation requirement relating to the local discretionary
1406 capital improvement millage or the equivalent amount of revenue
1407 from the school capital outlay surtax is satisfied.

1408 ~~6.9.~~ If a contract has not been signed 90 days after the
1409 advertising of bids, the funding for the specific project shall
1410 revert to the Special Facility New Construction Account to be
1411 reallocated to other projects on the list. However, an
1412 additional 90 days may be granted by the commissioner.

1413 ~~7.10.~~ The department shall certify the inability of the
1414 district to fund the ~~survey-recommended~~ project over a
1415 continuous 3-year period using projected capital outlay revenue
1416 derived from s. 9(d), Art. XII of the State Constitution, as
1417 amended, paragraph (3)(a) of this section, and s. 1011.71(2).

1418 ~~8.11.~~ The district shall have on file with the department
1419 an adopted resolution acknowledging its commitment to satisfy
1420 its participation requirement, which is equivalent to all
1421 unencumbered and future revenue acquired from s. 9(d), Art. XII
1422 of the State Constitution, as amended, paragraph (3)(a) of this
1423 section, and s. 1011.71(2), in the year of the initial
1424 appropriation and for the 2 years immediately following the
1425 initial appropriation.

1426 ~~9.12.~~ Phase I plans must be approved by the district
1427 school board as being in compliance with the building and life
1428 safety codes before June 1 of the year the application is made.

1429 (b) The Special Facility Construction Committee shall be
1430 composed of the following: one representative ~~two~~
1431 ~~representatives~~ of the Department of Education, a representative
1432 from the Governor's office, a representative of the Legislature,
1433 a representative selected annually by the district school boards
1434 who is from a school district that is not eligible for special
1435 facility funding, and a representative selected annually by the
1436 superintendents who is from a school district that is not
1437 eligible for special facility funding. A representative of the
1438 department shall chair the committee.

1439 (3)

1440 (b) The capital outlay full-time equivalent membership
1441 shall be determined by counting the reported unweighted full-
1442 time equivalent student membership for the second and third
1443 surveys with each survey limited to 0.5 full-time equivalent
1444 student membership per student and comparing the results on a
1445 school-by-school basis ~~with the Florida Inventory of School~~
1446 ~~Houses.~~

1447 (d) Funds accruing to a district school board from the
1448 provisions of this section shall be expended on needed projects
1449 ~~as shown by survey or surveys under the rules of the State Board~~
1450 ~~of Education.~~

(5) District school boards shall identify each fund source and the use of each proportionate to the project cost, as identified in the bid document, to assure compliance with this section. The data shall be submitted to the department, which shall track this information as submitted by the boards. PECO funds shall not be expended as indicated in the following:

(b) PECO funds shall not be used for the construction of football fields, bleachers, site lighting for athletic facilities, tennis courts, stadiums, racquetball courts, or any other competition-type facilities not required for physical education curriculum. Regional or intradistrict football stadiums may be constructed with these funds provided a minimum of two high schools and two middle schools are assigned to the facility ~~and the stadiums are survey recommended~~. Sophisticated auditoria shall be limited to magnet performing arts schools, with all other schools using basic lighting and sound systems as determined by rule. Local funds shall be used for enhancement of athletic and performing arts facilities.

(6)

(b)1. A district school board may not use funds from the following sources: Public Education Capital Outlay and Debt Service Trust Fund; School District and Community College District Capital Outlay and Debt Service Trust Fund; Classrooms First Program funds provided in s. 1013.68; nonvoted 1.5-mill levy of ad valorem property taxes provided in s. 1011.71(2);

Classrooms for Kids Program funds provided in s. 1013.735;
District Effort Recognition Program funds provided in s.
1013.736; or High Growth District Capital Outlay Assistance
Grant Program funds provided in s. 1013.738 to pay for any
portion of the cost of any new construction of educational plant
space with a total cost per student station, including change
orders, which exceeds:

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

(January 2006) as adjusted annually to reflect increases or
decreases using a construction specific market index ~~in the~~
~~Consumer Price Index. The department, in conjunction with the~~
~~Office of Economic and Demographic Research, shall review and~~
~~adjust the cost per student station limits to reflect actual~~
~~construction costs by January 1, 2020, and annually thereafter.~~
~~The adjusted cost per student station shall be used by the~~
~~department for computation of the statewide average costs per~~
~~student station for each instructional level pursuant to~~
~~paragraph (d). The department shall also collaborate with the~~
~~Office of Economic and Demographic Research to select an~~
~~industry-recognized construction index to replace the Consumer~~
~~Price Index by January 1, 2020, adjusted annually to reflect~~
~~changes in the construction index.~~

1501 2. School districts shall maintain accurate documentation
1502 related to the costs of all new construction of educational
1503 plant space reported to the Department of Education pursuant to
1504 paragraph (d). The Auditor General shall review the
1505 documentation maintained by the school districts and verify
1506 compliance with the limits under this paragraph during its
1507 scheduled operational audits of the school district.

1508 3. Except for educational facilities and sites subject to
1509 a lease-purchase agreement entered pursuant to s. 1011.71(2)(e)
1510 or funded solely through local impact fees, in addition to the
1511 funding sources listed in subparagraph 1., a district school
1512 board may not use funds from any sources for new construction of
1513 educational plant space with a total cost per student station,
1514 including change orders, which equals more than the current
1515 adjusted amounts provided in sub-subparagraphs 1.a.-c. However,
1516 if a contract has been executed for architectural and design
1517 services or for construction management services before July 1,
1518 2017, a district school board may use funds from any source for
1519 the new construction of educational plant space and such funds
1520 are exempt from the total cost per student station requirements.

1521 4. A district school board must not use funds from the
1522 Public Education Capital Outlay and Debt Service Trust Fund or
1523 the School District and Community College District Capital
1524 Outlay and Debt Service Trust Fund for any new construction of
1525 an ancillary plant that exceeds 70 percent of the average cost

per square foot of new construction for all schools.

~~(d) The department shall:~~

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

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

~~Cost per student station includes contract costs, fees of architects and engineers, and the cost of furniture and equipment. Cost per student station does not include the cost of purchasing or leasing the site for the construction, legal and administrative costs, or the cost of related site or offsite improvements. Cost per student station also does not include the~~

HB 1321

2026

~~cost for securing entries, checkpoint construction, lighting specifically designed for entry point security, security cameras, automatic locks and locking devices, electronic security systems, fencing designed to prevent intruder entry into a building, bullet-proof glass, or other capital construction items approved by the school safety specialist to ensure building security for new educational, auxiliary, or ancillary facilities.~~

Section 26. Subsection (6) of section 1013.68, Florida Statutes, is amended to read:

1013.68 Classrooms First Program; uses.—

(6) School districts may enter into interlocal agreements to lend their Classrooms First Program funds as provided in paragraph (2)(c). A school district or multiple school districts that receive cash proceeds may, after considering their own new construction needs ~~outlined in their 5-year district facilities work program~~, lend their Classrooms First Program funds to another school district that has need for new facilities. The interlocal agreement must be approved by the Commissioner of Education and must outline the amount of the funds to be lent, the term of the loan, the repayment schedule, and any interest amount to be repaid in addition to the principal amount of the loan.

Section 27. Paragraph (b) of subsection (3) of section 1013.735, Florida Statutes, is amended to read:

HB 1321

2026

1576 1013.735 Classrooms for Kids Program.—

1577 (3) USE OF FUNDS.—In order to increase capacity to reduce
1578 class size, a district school board shall expend the funds
1579 received pursuant to this section only to:

1580 (b) Purchase or lease-purchase relocatable facilities ~~that~~
1581 ~~are in excess of relocatables identified in the district's 5-~~
1582 ~~year work program adopted prior to March 15, 2003.~~

1583 **Section 28.** This act shall take effect July 1, 2026.