

By Senator Simon

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

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30 Section 1. Subsections (1) and (2) and paragraph (e) of
31 subsection (6) of section 1013.64, Florida Statutes, are amended
32 to read:

33 1013.64 Funds for comprehensive educational plant needs;
34 construction cost maximums for school district capital
35 projects.—Allocations from the Public Education Capital Outlay
36 and Debt Service Trust Fund to the various boards for capital
37 outlay projects shall be determined as follows:

38 (1) (a) Funds for remodeling, renovation, maintenance,
39 repairs, and site improvement for existing satisfactory
40 facilities shall be given priority consideration by the
41 Legislature for appropriations allocated to the boards from the
42 total amount of the Public Education Capital Outlay and Debt
43 Service Trust Fund appropriated. These funds must shall be
44 calculated pursuant to the following basic formula: the building
45 value multiplied by times the building age and divided by ever
46 the most current sum of the years' digits report. These
47 calculations assume assuming a 50-year building life span for
48 permanent. For modular noncombustible facilities, a 35-year
49 building life span for modular noncombustible facilities shall
50 be used, and for relocatable facilities, a 20-year building life
51 span for relocatable facilities shall be used. The "building
52 value" is calculated by multiplying each building's total
53 assignable square feet by times the appropriate net-to-gross
54 conversion rate found in state board rules and multiplying that
55 product by times the current average new construction cost. The
56 "building age" is calculated by multiplying the prior year's
57 building age by times 1 minus the prior year's sum received from
58 this subsection divided by the prior year's building value and

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59 ~~then adding-~~ to the net result shall be added the number 1. Each
60 board shall receive the percentage generated by the preceding
61 formula of the total amount appropriated for the purposes of
62 this section.

63 (b) Each board is prohibited from using the funds received
64 pursuant to this section to supplant funds in the current fiscal
65 year approved operating budget, and all budgeted funds must
66 ~~shall~~ be expended at a similar rate not less than the amount
67 ~~that~~ would have been expended had the funds under this section
68 not been received.

69 (c) Each remodeling, renovation, maintenance, repair, or
70 site improvement project will expand or upgrade current
71 educational plants to prolong the useful life of the plant.

72 (d) Each board shall maintain its fund accounting in a
73 manner which will permit a detailed audit of the funds expended
74 in this program.

75 (e) Remodeling projects shall be based on the
76 recommendations of a survey pursuant to s. 1013.31.

77 (f) A board shall prioritize a minimum of At least one-
78 ~~tenth of its a board's~~ annual allocation provided under this
79 ~~section shall be spent~~ to correct unsafe, unhealthy, or
80 unsanitary conditions in its educational facilities, as required
81 by s. 1013.12, or ~~a lesser amount sufficient~~ to correct all
82 deficiencies cited in its annual comprehensive safety inspection
83 reports. A board may use less than one-tenth of its allocation
84 ~~if that amount satisfies all~~ This paragraph shall not be
85 ~~construed to limit the amount a board may expend to correct such~~
86 ~~deficiencies.~~

87 (g) When an existing educational plant is determined to be

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88 unsatisfactory pursuant to the survey conducted under s.
89 1013.31, the board may, by resolution, designate the plant as a
90 historic educational facility and may use funds generated for
91 renovation and remodeling pursuant to this section to restore
92 the facility for use by the board. The board shall agree to pay
93 renovation and remodeling costs in excess of funds which such
94 facility would have generated through the depreciation formula
95 in paragraph (a) had the facility been determined to be
96 satisfactory. The board shall further agree that the plant shall
97 continue to house students. The board may designate a plant as a
98 historic educational facility only if the Division of Historical
99 Resources of the Department of State or the appropriate historic
100 preservation board under chapter 266 certifies that:

101 1. The plant is listed or determined eligible for listing
102 in the National Register of Historic Places pursuant to the
103 National Historic Preservation Act of 1966, as amended, 16
104 U.S.C. s. 470;

105 2. The plant is designated historic within a certified
106 local district pursuant to s. 48(g)(3)(B)(ii) of the Internal
107 Revenue Code; or

108 3. The division or historic preservation board otherwise
109 finds that the plant is historically significant.

110 (h) University boards of trustees may utilize funds
111 appropriated pursuant to this section for replacement of minor
112 facilities. Minor facilities may ~~not~~ be replaced from funds
113 provided pursuant to this section if ~~unless~~ the board determines
114 that the cost of repair or renovation is greater than or equal
115 to the cost of replacement.

116 (2) (a) The department shall establish, as a part of the

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117 Public Education Capital Outlay and Debt Service Trust Fund, a
118 separate account, in an amount determined by the Legislature, to
119 be known as the "Special Facility Construction Account." The
120 Special Facility Construction Account shall be used to provide
121 necessary construction funds to school districts which have
122 urgent construction needs but which lack sufficient resources at
123 present, and cannot reasonably anticipate sufficient resources
124 within the period of the next 3 years, for these purposes from
125 currently authorized sources of capital outlay revenue. A school
126 district requesting funding from the Special Facility
127 Construction Account shall submit one specific construction
128 project, not to exceed one complete educational plant, to the
129 Special Facility Construction Committee. A district may not
130 receive funding for more than one approved project in any 3-year
131 period or while any portion of the district's participation
132 requirement is outstanding. The first year of the 3-year period
133 shall be the first year a district receives an appropriation.
134 The department shall encourage a construction program that
135 reduces the average size of schools in the district. The request
136 must meet the following criteria to be considered by the
137 committee:

138 1. The project must be deemed a critical need and must be
139 recommended for funding by the Special Facility Construction
140 Committee. Before developing construction plans for the proposed
141 facility, the district school board must submit an application
142 via letter to request a preapplication review by the Special
143 Facility Construction Committee Chair or the Director of
144 Educational Facilities or a project review subcommittee convened
145 by the chair of the committee to include two representatives of

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146 the department and two staff members from school districts not
147 eligible to participate in the program. A school district may
148 apply request a preapplication review at any time; however, if
149 the district school board seeks inclusion in the department's
150 next annual capital outlay legislative budget request, the
151 district must apply preapplication review request must be made
152 before February 1. Within 90 days after receiving the
153 application preapplication review request, the committee or
154 subcommittee must meet in the school district to review the
155 project proposal and existing facilities. The committee or
156 subcommittee, convened by the committee chair, must include two
157 representatives from the department and two staff members from
158 school districts not eligible to participate in the program. To
159 determine whether the proposed project is a critical need, the
160 committee or subcommittee shall consider, at a minimum, the
161 capacity of all existing facilities within the district as
162 determined by the Florida Inventory of School Houses; the
163 district's pattern of student growth; the district's existing
164 and projected capital outlay full-time equivalent student
165 enrollment as determined by the demographic, revenue, and
166 education estimating conferences established in s. 216.136; the
167 district's existing satisfactory student stations; the use of
168 all existing district property and facilities; grade level
169 configurations; and any other information that may affect the
170 need for the proposed project.

171 2. The construction project must be recommended in the most
172 recent survey or survey amendment cooperatively prepared by the
173 district and the department, and approved by the department
174 under the rules of the State Board of Education. If a district

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175 employs a consultant in the preparation of a survey or survey
176 amendment, the consultant may not be employed by or receive
177 compensation from a third party that designs or constructs a
178 project recommended by the survey.

179 a.3. The construction project must appear on the district's
180 approved project priority list under the rules of the State
181 Board of Education.

182 b.4. The district must have selected and have an ~~had~~
183 approved ~~a~~ site for the construction project in compliance with
184 ss. 1013.33 and 1013.36 ~~ss. 1013.36~~ and the rules of the State
185 Board of Education.

186 c. The district must have developed a district school
187 board-adopted list of facilities that do not exceed the norm for
188 net square feet occupancy requirements under the State
189 Requirements for Educational Facilities, using all possible
190 programmatic combinations for multiple uses of space to obtain
191 maximum daily use of all spaces within the facility under
192 consideration.

193 3.a. The department shall participate in the design review
194 process in compliance with ss. 1013.04 and 1013.41. If at any
195 time during the design phase the Office of Educational
196 Facilities determines a project goes beyond the scope of the
197 original requested project, to include changing site location,
198 and the request is not corrected, the project is disqualified
199 from the program and the district must reapply.

200 b. The department shall conduct construction site visits
201 throughout the construction process in compliance with s.
202 1013.04.

203 5. The district shall have developed a district school

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204 ~~board adopted list of facilities that do not exceed the norm for~~
205 ~~net square feet occupancy requirements under the State~~
206 ~~Requirements for Educational Facilities, using all possible~~
207 ~~programmatic combinations for multiple use of space to obtain~~
208 ~~maximum daily use of all spaces within the facility under~~
209 ~~consideration.~~

210 4.6. Upon construction, the total cost per student station,
211 including change orders, must not exceed the cost per student
212 station as provided in subsection (6) unless approved by the
213 Special Facility Construction Committee. At the discretion of
214 the committee, costs that exceed the cost per student station
215 for special facilities may include legal and administrative
216 fees, the cost of site improvements or related offsite
217 improvements, the cost of complying with public shelter and
218 hurricane hardening requirements, cost overruns created by a
219 disaster as defined in s. 252.34(2), costs of security
220 enhancements approved by the school safety specialist, and
221 unforeseeable circumstances beyond the district's control.

222 5.7. There shall be an agreement signed by the district
223 school board and kept on file with the department stating that
224 it will advertise for bids no later than within 30 days after of
225 receipt of its encumbrance authorization for design and
226 construction from the department.

227 6. The selection of an architect and construction manager
228 will be as follows:

229 a. When selecting an architect and a construction manager
230 through the "Request for Qualifications" or "Request for
231 Proposals," the district shall use the process developed by the
232 department, including scoresheets, submittal requirements, and

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233 selection process. The department shall collect and review all
234 selection documentation and may provide feedback or take action
235 in the selection process, up to and including overriding the
236 board's selection and making a new selection.

237 b. District school boards may enter into a contingency
238 construction contract for the full construction amount initially
239 requested at the Special Facilities Construction Account
240 Committee meeting or the final Guaranteed Maximum Price,
241 whichever is higher. The contract must have a clause stating
242 that subsequent years are contingent on funding.

243 c. An elected state official may not participate in the
244 selection process other than approving the selection committee's
245 recommendation.

246 7.8. For construction projects for which Special Facilities
247 Construction Account funding is sought before the 2019-2020
248 fiscal year, the district shall, at the time of the request and
249 for a continuing period necessary to meet the district's
250 participation requirement, levy the maximum millage against its
251 nonexempt assessed property value as allowed in s. 1011.71(2) or
252 shall raise an equivalent amount of revenue from the school
253 capital outlay surtax authorized under s. 212.055(6). Beginning
254 with construction projects for which Special Facilities
255 Construction Account funding is sought in the 2019-2020 fiscal
256 year and thereafter, the district shall, for a minimum of 3
257 years before applying for a special facilities project
258 submitting the request and for a continuing period necessary to
259 meet its participation requirement, levy the maximum millage
260 against the district's nonexempt assessed property value as
261 authorized under s. 1011.71(2) or shall raise an equivalent

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262 amount of revenue from the school capital outlay surtax
263 authorized under s. 212.055(6). Any district with a new or
264 active project, funded under the provisions of this subsection,
265 shall be required to budget no more than the value of 1 mill per
266 year to the project until the district's participation
267 requirement of its maximum relating to the local discretionary
268 capital improvement millage pursuant to s. 1011.71(2) for 3
269 years or the equivalent amount of revenue from the school
270 capital outlay surtax is satisfied.

271 8.9. If a construction contract has not been signed 120 ~~90~~
272 days after the advertising of bids, the funding for the specific
273 project must ~~shall~~ revert to the Special Facility New
274 Construction Account to be reallocated to other projects on the
275 list. However, an additional 60 ~~90~~ days may be granted by the
276 commissioner.

277 9.10. The department shall certify the inability of the
278 district to fund the survey-recommended project over a
279 continuous 3-year period using projected capital outlay revenue
280 derived from s. 9(d), Art. XII of the State Constitution, as
281 amended, paragraph (3)(a) of this section, and s. 1011.71(2).

282 10.11. The district shall have on file with the department
283 an adopted resolution acknowledging its commitment to satisfy
284 its participation requirement, which is equivalent to all
285 unencumbered and future revenue acquired from s. 9(d), Art. XII
286 of the State Constitution, as amended, paragraph (3)(a) of this
287 section, and s. 1011.71(2), in the year of the initial
288 appropriation and for the 2 years immediately following the
289 initial appropriation.

290 11.a.12. Phase I plans must be approved by the district

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291 school board as being in compliance with the building and life
292 safety codes before June 1 of the year the application is made.

293 (b) The Special Facility Construction Committee shall be
294 composed of the following: two representatives of the Department
295 of Education, a representative from the Governor's office, a
296 representative selected annually by the district school boards,
297 and a representative selected annually by the superintendents. A
298 representative of the department shall chair the committee.

299 b.(e) The committee shall review the requests submitted
300 from the districts, evaluate the ability of the project to
301 relieve critical needs, and rank the requests in priority order.
302 This statewide priority list for special facilities construction
303 shall be submitted to the Legislature in the commissioner's
304 annual capital outlay legislative budget request at least 45
305 days prior to the legislative session.

306 (6)

307 (e) Notwithstanding the requirements of this subsection, an
308 unfinished construction project for new construction of
309 educational plant space which ~~that~~ was started on or before July
310 1, 2030 ~~2028~~, is exempt from the total cost per student station
311 requirements established in paragraph (b).

312 Section 2. Paragraph (a) of subsection (3) of section
313 1013.62, Florida Statutes, is amended to read:

314 1013.62 Charter schools capital outlay funding.—

315 (3) If the school board levies the discretionary millage
316 authorized in s. 1011.71(2), the department shall use the
317 following calculation methodology to determine the amount of
318 revenue that a school district must distribute to each eligible
319 charter school:

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320 (a) Reduce the total discretionary millage revenue by the
321 school district's annual debt service obligation incurred as of
322 March 1, 2017, which has not been subsequently retired, and any
323 amount of participation requirement pursuant to s.
324 1013.64(2)(a)7. ~~s. 1013.64(2)(a)8.~~ that is being satisfied by
325 revenues raised by the discretionary millage.

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

334 Section 3. This act shall take effect July 1, 2026.