

By Senator Simon

3-01052B-26

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A bill to be entitled

An act relating to educational facilities; amending s. 1013.64, F.S.; revising the formula to calculate funds for remodeling, renovation, maintenance, repairs, and site improvement of existing facilities; requiring a board to prioritize a specified amount of funds to correct unsafe, unhealthy, or unsanitary conditions; revising criteria for a district school board to request funds from the Special Facility Construction Account; requiring the Department of Education to participate in a design review process; requiring the department to conduct construction site visits; deleting obsolete language; requiring the department to keep a specified agreement on file; requiring a school district to use a specified process to select an architect and construction manager; authorizing a district school board to enter into a contingency construction contract; prohibiting elected state officials from participating in the selection process; deleting a requirement that certain plans be approved by the district school board as being in compliance with specified safety codes; revising the requirements for a construction project to be exempt from certain cost requirements; amending s. 1013.62, F.S.; conforming a cross-reference; providing an effective date.

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

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Section 1. Subsections (1) and (2) and paragraph (e) 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)(a) Funds for remodeling, renovation, maintenance, repairs, and site improvement for existing satisfactory facilities shall be given priority consideration by the Legislature for appropriations allocated to the boards from the total amount of the Public Education Capital Outlay and Debt Service Trust Fund appropriated. These funds must ~~shall~~ be calculated pursuant to the following basic formula: the building value multiplied by ~~times~~ the building age and divided by ~~over~~ the most current sum of the ~~years'~~ digits report. These calculations assume ~~assuming~~ a 50-year building life span for ~~permanent~~. ~~For modular noncombustible facilities, a 35-year building life span for modular noncombustible facilities shall be used, and for relocatable facilities, a 20-year building life span for relocatable facilities shall be used.~~ The "building value" is calculated by multiplying each building's total assignable square feet by ~~times~~ the appropriate net-to-gross conversion rate found in state board rules and multiplying that product by ~~times~~ the current average new construction cost. The "building age" is calculated by multiplying the prior year's building age by ~~times~~ 1 minus the prior year's sum received from 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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unsatisfactory pursuant to the survey conducted under s. 1013.31, the board may, by resolution, designate the plant as a historic educational facility and may use funds generated for renovation and remodeling pursuant to this section to restore the facility for use by the board. The board shall agree to pay renovation and remodeling costs in excess of funds which such facility would have generated through the depreciation formula in paragraph (a) had the facility been determined to be satisfactory. The board shall further agree that the plant shall continue to house students. The board may designate a plant as a historic educational facility only if the Division of Historical Resources of the Department of State or the appropriate historic preservation board under chapter 266 certifies that:

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

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

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

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

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

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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 submit an application via letter to ~~request a preapplication review by~~ the Special Facility Construction Committee Chair or the Director of Educational Facilities ~~or a project review subcommittee convened 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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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.

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

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

c. The district must 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 uses of space to obtain maximum daily use of all spaces within the facility under consideration.

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

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

~~5. The district shall have developed a district school~~

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~~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.~~

~~4.6.~~ 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.

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

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

a. When selecting an architect and a construction manager through the "Request for Qualifications" or "Request for Proposals," the district shall use the process developed by the 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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amount of revenue from the school capital outlay surtax authorized under s. 212.055(6). Any district with a new or active project, funded under the provisions of this subsection, shall be required to budget no more than the value of 1 mill per year to the project until the district's participation requirement of its maximum ~~relating to the~~ local discretionary capital improvement millage pursuant to s. 1011.71(2) for 3 years or the equivalent amount of revenue from the school capital outlay surtax is satisfied.

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

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

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

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

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

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

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

(6)

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

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

1013.62 Charter schools capital outlay funding.—

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

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(a) Reduce the total discretionary millage revenue by the school district's annual debt service obligation incurred as of March 1, 2017, which has not been subsequently retired, and any amount of participation requirement pursuant to s. 1013.64(2)(a)7. ~~s. 1013.64(2)(a)8.~~ that is being satisfied by 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 3. This act shall take effect July 1, 2026.