A bill to be entitled
An act relating to educational facilities; amending s. 1013.31, F.S.; authorizing a school district, in the absence of a survey recommendation, to use funds from a taxpayer-approved bond referendum to fund construction of educational, auxiliary, or ancillary facilities and to use funds from a specified district school tax for certain capital outlay purposes; amending s. 1013.64, F.S.; prohibiting a district school board from using funds from any source, other than specified local sources, for certain new construction of educational plant space; requiring the Commissioner of Education to annually adjust the cost per student station based on certain factors; requiring the commissioner to annually report the cost per student station to the State Board of Education by a specified date; removing a prohibition on the use of funds for certain new construction; revising the costs that may not be included in calculating the cost per student station; requiring the Office of Economic and Demographic Research to update the Review of Florida’s Cost per Student Station; requiring the updated report to include specified information and recommendations; requiring the office to provide the updated report to the Governor and the Legislature by a certain date; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:
Section 1. Paragraph (a) of subsection (1) of section 1013.31, Florida Statutes, is amended to read:

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

(1) At least every 5 years, each board shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, 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 school district or Florida College System institution.

(a) Educational plant survey and localized need assessment for capital outlay purposes.—A district may only use funds only from the following sources for educational, auxiliary, and ancillary plant capital outlay purposes in the absence of without needing a survey recommendation:

1. The local capital outlay improvement fund, consisting of funds that come from and are a part of the district’s basic operating budget;

2. A taxpayer-approved bond referendum, to fund
construction of If a board decides to build an educational, auxiliary, or ancillary facility without a survey recommendation and the taxpayers approve a bond referendum, the voted bond referendum;

3. One-half cent sales surtax revenue;
4. One cent local governmental surtax revenue;
5. Impact fees; and
6. Private gifts or donations; and
7. The district school tax levied pursuant to s. 1011.71(2).

Section 2. Subsection (6) of section 1013.64, Florida Statutes, is 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:

(6)(a) Each district school board must meet all educational plant space needs of its elementary, middle, and high schools before spending funds from the Public Education Capital Outlay and Debt Service Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund for any ancillary plant or any other new construction, renovation, or remodeling of ancillary space. Expenditures to meet such space needs may include expenditures for site acquisition; new construction of educational plants; renovation, remodeling, and maintenance and repair of existing educational plants, including auxiliary facilities; and the directly related costs of such services of school district personnel. It is not the intent of
the Legislature to preclude the use of capital outlay funding for the labor costs necessary to accomplish the authorized uses for the capital outlay funding. Day-labor contracts or any other educational facilities contracting and construction techniques pursuant to s. 1013.45 are authorized. Additionally, if a school district has salaried maintenance staff whose duties consist solely of performing the labor necessary to accomplish the authorized uses for the capital outlay funding, such funding may be used for those salaries; however, if a school district has salaried staff whose duties consist partially of performing the labor necessary to accomplish the authorized uses for the capital outlay funding, the district shall prorate the portion of salary of each such employee that is based on labor for authorized capital outlay funding, and such funding may be used to pay that portion.

(b)(1). A district school board may not use funds from any source except the local sources specified in s. 1013.31(1)(a) 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. 1013.69, 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 for any new construction of educational plant space with a total cost per student station, including change orders, which equals more than:
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 in the Consumer Price Index. In addition, the
commissioner shall annually adjust the cost per student station
based on unforeseen economic factors that impact the cost of
construction for educational facilities and construction
industry cost increases that exceed the price level increases
captured in the Consumer Price Index, including, but not limited
to, the availability and cost of labor, the availability and
cost of construction materials generally used to construct
public educational facilities, the impact of significant weather
events, and changes in building, fire, and safety codes and
other related state and federal laws and policies. The
commissioner shall report the annually adjusted cost per student
station to the State Board of Education by January 1, 2020, and
each January 1 thereafter.

2. School districts shall maintain accurate documentation
related to the costs of all new construction of educational
plant space reported to the Department of Education pursuant to
paragraph (d). The Auditor General shall review the
documentation maintained by the school districts and verify
compliance with the limits under this paragraph during its
scheduled operational audits of the school district. The
department shall make the final determination on district
compliance based on the recommendation of the Auditor General.

3. Effective July 1, 2017, in addition to the funding
sources listed in subparagraph 1., a district school board may not use funds from any sources for new construction of educational plant space with a total cost per student station, including change orders, which equals more than the current adjusted amounts provided in sub-subparagraphs 1.a.-c. which shall subsequently be adjusted annually to reflect increases or decreases in the Consumer Price Index. However, If a contract has been executed for architectural and design services or for construction management services before July 1, 2017, a district school board may use funds from any source for the new construction of educational plant space and such funds are exempt from the total cost per student station requirements.

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

(c) Except as otherwise provided, new construction for which a contract has been executed for architectural and design services or for construction management services by a district school board on or after July 1, 2017, may not exceed the cost per student station as provided in paragraph (b). A school district that exceeds the cost per student station provided in paragraph (b), as determined by the Auditor General, shall be subject to sanctions. If the Auditor General determines that the cost per student station overage is de minimis or due to extraordinary circumstances outside the control of the district, the sanctions shall not apply. The sanctions are as follows:
1. The school district shall be ineligible for allocations from the Public Education Capital Outlay and Debt Service Trust Fund for the next 3 years in which the school district would have received allocations had the violation not occurred.

2. The school district shall be subject to the supervision of a district capital outlay oversight committee. The oversight committee is authorized to approve all capital outlay expenditures of the school district, including new construction, renovations, and remodeling, for 3 fiscal years following the violation.

   a. Each oversight committee shall be composed of the following:

      (I) One appointee of the Commissioner of Education who has significant financial management, school facilities construction, or related experience.

      (II) One appointee of the office of the state attorney with jurisdiction over the district.

      (III) One appointee of the Chief Financial Officer who is a licensed certified public accountant.

   b. An appointee to the oversight committee may not be employed by the school district; be a relative, as defined in s. 1002.33(24)(a)2., of any school district employee; or be an elected official. Each appointee must sign an affidavit attesting to these conditions and affirming that no conflict of interest exists in his or her oversight role.

   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, legal and administrative costs, fees of architects and engineers, furniture and equipment, and site improvement costs. Cost per student station does not include legal and administrative costs, architect and engineer fees, furniture and equipment costs, the cost of purchasing or leasing the site, the cost of constructing covered walkways, the costs of public shelter and hurricane hardening requirements, for the construction or the cost of offsite and related improvements related offsite improvements. Cost per student station also does not include the cost of any security enhancements, including, but not limited to, the 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; costs for these items must be below 2
percent per student station.

Section 3. The Office of Economic and Demographic Research, in consultation with local school districts, shall update the
report issued in January 2017 entitled Review of Florida’s Cost
per Student Station. The updated report must include
recommendations for modification by the Legislature of the cost
per student station model or implementation of a cost-per-
square-foot model for new school construction. The report also
must include at least the following: a transparent and
replicable categorization of costs, the use of an index or
process that reflects changes in construction costs, and the
development of a system that may be used to forecast costs of
new construction over time. The office shall provide the updated
report to the Governor, the President of the Senate, and the
Speaker of the House of Representatives no later than December
1, 2019.

Section 4. This act shall take effect upon becoming a law.