



883124

602-03785-17

Proposed Committee Substitute by Appropriations Subcommittee on
Pre-K - 12 Education

A bill to be entitled

An act relating to public educational facilities;
amending s. 1013.35, F.S.; providing requirements for
determining the capacity of facilities in certain
schools as reported in the Florida Inventory of School
Houses; amending s. 1013.37, F.S.; requiring the
Commissioner of Education to grant an exemption from
the State Requirements for Educational Facilities to a
district school board under certain circumstances;
requiring such district school board to comply with
certain Florida Building Code and Florida Fire
Prevention Code provisions; amending s. 1013.64, F.S.;
authorizing a district school board to use funds from
any source for the new construction of educational
plant space under certain circumstances; conforming
provisions to changes made by the act; providing an
effective date.

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

Section 1. Paragraph (b) of subsection (2) of 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.—

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



883124

602-03785-17

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

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

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

38 a. The locations, capacities, and planned utilization rates
39 of current educational facilities of the district. The capacity
40 of existing satisfactory facilities, as reported in the Florida
41 Inventory of School Houses, must be compared to the capital
42 outlay full-time-equivalent student enrollment as determined by
43 the department, including all enrollment used in the calculation
44 of the distribution formula in s. 1013.64. For purposes of
45 determining the capacity of school facilities at K-8 schools, as
46 reported in the Florida Inventory of School Houses, a classroom
47 housing students in kindergarten through grade 5 is considered
48 an elementary school, and a classroom housing students in grades
49 6 through 8 is considered a middle school.

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



883124

602-03785-17

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

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

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

66 f. The number and percentage of district students planned
67 to be educated in relocatable facilities during each year of the
68 tentative district facilities work program. For determining
69 future needs, student capacity may not be assigned to any
70 relocatable classroom that is scheduled for elimination or
71 replacement with a permanent educational facility in the current
72 year of the adopted district educational facilities plan and in
73 the district facilities work program adopted under this section.
74 Those relocatable classrooms clearly identified and scheduled
75 for replacement in a school-board-adopted, financially feasible,
76 5-year district facilities work program shall be counted at zero
77 capacity at the time the work program is adopted and approved by
78 the school board. However, if the district facilities work
79 program is changed and the relocatable classrooms are not
80 replaced as scheduled in the work program, the classrooms must
81 be reentered into the system and be counted at actual capacity.
82 Relocatable classrooms may not be perpetually added to the work
83 program or continually extended for purposes of circumventing
84 this section. All relocatable classrooms not identified and
85 scheduled for replacement, including those owned, lease-



883124

602-03785-17

86 purchased, or leased by the school district, must be counted at
87 actual student capacity. The district educational facilities
88 plan must identify the number of relocatable student stations
89 scheduled for replacement during the 5-year survey period and
90 the total dollar amount needed for that replacement.

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

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

99 3. The projected cost for each project identified in the
100 district facilities work program. For proposed projects for new
101 student stations, a schedule shall be prepared comparing the
102 planned cost and square footage for each new student station, by
103 elementary, middle, and high school levels, to the low, average,
104 and high cost of facilities constructed throughout the state
105 during the most recent fiscal year for which data is available
106 from the Department of Education.

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

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

114 6. A schedule of options for the generation of additional



883124

602-03785-17

115 revenues by the district for expenditure on projects identified
116 in the district facilities work program which are not funded
117 under subparagraph 5. Additional anticipated revenues may
118 include Classrooms First funds.

119 Section 2. Subsection (3) of section 1013.37, Florida
120 Statutes, is amended to read:

121 1013.37 State uniform building code for public educational
122 facilities construction.—

123 (3) REVIEW PROCEDURE; EXEMPTION.—

124 (a) The Commissioner of Education shall cooperate with the
125 Florida Building Commission in addressing all questions,
126 disputes, or interpretations involving the provisions of the
127 Florida Building Code which govern the construction of public
128 educational and ancillary facilities, and any objections to
129 decisions made by the inspectors or the department must be
130 submitted in writing.

131 (b) Upon request by a district school board, the
132 commissioner shall grant an exemption from the State
133 Requirements for Educational Facilities (SREF). A district
134 school board must provide a comprehensive cost-benefit analysis
135 along with its request for an exemption from the SREF. Any
136 district school board that is granted such exemption shall
137 continue to comply with applicable provisions of the Florida
138 Building Code and the Florida Fire Prevention Code which relate
139 to the construction, remodeling, and renovation of educational
140 facilities.

141 Section 3. Upon the expiration and reversion of the
142 amendments to section 1013.64, Florida Statutes, pursuant to
143 section 36 of chapter 2016-62, Laws of Florida, paragraph (a) of



883124

602-03785-17

144 subsection (3) and paragraphs (b) and (c) of subsection (6) of
145 section 1013.64, Florida Statutes, are amended to read:

146 1013.64 Funds for comprehensive educational plant needs;
147 construction cost maximums for school district capital
148 projects.—Allocations from the Public Education Capital Outlay
149 and Debt Service Trust Fund to the various boards for capital
150 outlay projects shall be determined as follows:

151 (3) (a) Each district school board shall receive an amount
152 from the Public Education Capital Outlay and Debt Service Trust
153 Fund to be calculated by computing the capital outlay full-time
154 equivalent membership as determined by the department. Such
155 membership must include, but is not limited to:

156 1. K-12 students for whom the school district provides the
157 educational facility, except hospital- and homebound part-time
158 students; and

159 2. Students who are career education students, and adult
160 disabled students and who are enrolled in school district career
161 centers. The capital outlay full-time equivalent membership
162 shall be determined for kindergarten through the 12th grade and
163 for career centers by averaging the unweighted full-time
164 equivalent student membership for the second and third surveys
165 and comparing the results on a school-by-school basis with the
166 Florida Inventory for School Houses. For purposes of determining
167 the capacity of school facilities at K-8 schools, as reported in
168 the Florida Inventory of School Houses, a classroom housing
169 students in kindergarten through grade 5 is considered an
170 elementary school, and a classroom housing students in grades 6
171 through 8 is considered a middle school. The capital outlay
172 full-time equivalent membership by grade level organization



883124

602-03785-17

173 shall be used in making the following calculations: The capital
174 outlay full-time equivalent membership by grade level
175 organization for the 4th prior year must be used to compute the
176 base-year allocation. The capital outlay full-time equivalent
177 membership by grade-level organization for the prior year must
178 be used to compute the growth over the highest of the 3 years
179 preceding the prior year. From the total amount appropriated by
180 the Legislature pursuant to this subsection, 40 percent shall be
181 allocated among the base capital outlay full-time equivalent
182 membership and 60 percent among the growth capital outlay full-
183 time equivalent membership. The allocation within each of these
184 groups shall be prorated to the districts based upon each
185 district's percentage of base and growth capital outlay full-
186 time membership. The most recent 4-year capital outlay full-time
187 equivalent membership data shall be used in each subsequent
188 year's calculation for the allocation of funds pursuant to this
189 subsection. If a change, correction, or recomputation of data
190 during any year results in a reduction or increase of the
191 calculated amount previously allocated to a district, the
192 allocation to that district shall be adjusted correspondingly.
193 If such recomputation results in an increase or decrease of the
194 calculated amount, such additional or reduced amounts shall be
195 added to or reduced from the district's future appropriations.
196 However, no change, correction, or recomputation of data shall
197 be made subsequent to 2 years following the initial annual
198 allocation.

199 (6)

200 (b)1. A district school board may not use funds from the
201 following sources: Public Education Capital Outlay and Debt



883124

602-03785-17

202 Service Trust Fund; School District and Community College
203 District Capital Outlay and Debt Service Trust Fund; Classrooms
204 First Program funds provided in s. 1013.68; nonvoted 1.5-mill
205 levy of ad valorem property taxes provided in s. 1011.71(2);
206 Classrooms for Kids Program funds provided in s. 1013.735;
207 District Effort Recognition Program funds provided in s.
208 1013.736; or High Growth District Capital Outlay Assistance
209 Grant Program funds provided in s. 1013.738 for any new
210 construction of educational plant space with a total cost per
211 student station, including change orders, that equals more than:
212 a. \$17,952 for an elementary school,
213 b. \$19,386 for a middle school, or
214 c. \$25,181 for a high school,

215
216 (January 2006) as adjusted annually to reflect increases or
217 decreases in the Consumer Price Index.

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

227 3. The Office of Economic and Demographic Research, in
228 consultation with the department, shall conduct a study of the
229 cost per student station amounts using the most recent available
230 information on construction costs. In this study, the costs per



883124

602-03785-17

231 student station should represent the costs of classroom
232 construction and administrative offices as well as the
233 supplemental costs of core facilities, including required media
234 centers, gymnasiums, music rooms, cafeterias and their
235 associated kitchens and food service areas, vocational areas,
236 and other defined specialty areas, including exceptional student
237 education areas. The study must take into account appropriate
238 cost-effectiveness factors in school construction and should
239 include input from industry experts. The Office of Economic and
240 Demographic Research must provide the results of the study and
241 recommendations on the cost per student station to the Governor,
242 the President of the Senate, and the Speaker of the House of
243 Representatives no later than January 31, 2017.

244 4. The Office of Program Policy Analysis and Government
245 Accountability (OPPAGA) shall conduct a study of the State
246 Requirements for Education Facilities (SREF) to identify current
247 requirements that can be eliminated or modified in order to
248 decrease the cost of construction of educational facilities
249 while ensuring student safety. OPPAGA must provide the results
250 of the study, and an overall recommendation as to whether SREF
251 should be retained, to the Governor, the President of the
252 Senate, and the Speaker of the House of Representatives no later
253 than January 31, 2017.

254 5. Effective July 1, 2017, in addition to the funding
255 sources listed in subparagraph 1., a district school board may
256 not use funds from any sources for new construction of
257 educational plant space with a total cost per student station,
258 including change orders, which equals more than the current
259 adjusted amounts provided in sub-subparagraphs 1.a.-c. which



883124

602-03785-17

260 shall subsequently be adjusted annually to reflect increases or
261 decreases in the Consumer Price Index. However, if a contract
262 has been executed for architectural and design services or for
263 construction management services before July 1, 2017, a district
264 school board may use funds from any source for the new
265 construction of educational plant space and such funds are
266 exempt from the total cost per student station requirements.

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

273 (c) Except as otherwise provided, new construction for
274 which a contract has been executed for architectural and design
275 services or for construction management services initiated by a
276 district school board on or after July 1, 2017, may not exceed
277 the cost per student station as provided in paragraph (b). A
278 school district that exceeds the cost per student station
279 provided in paragraph (b), as determined by the Auditor General,
280 shall be subject to sanctions. If the Auditor General determines
281 that the cost per student station overage is de minimus or due
282 to extraordinary circumstances outside the control of the
283 district, the sanctions shall not apply. The sanctions are as
284 follows:

285 1. The school district shall be ineligible for allocations
286 from the Public Education Capital Outlay and Debt Service Trust
287 Fund for the next 3 years in which the school district would
288 have received allocations had the violation not occurred.



883124

602-03785-17

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

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

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

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

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

304 b. An appointee to the oversight committee may not be
305 employed by the school district; be a relative, as defined in s.
306 1002.33(24)(a)2., of any school district employee; or be an
307 elected official. Each appointee must sign an affidavit
308 attesting to these conditions and affirming that no conflict of
309 interest exists in his or her oversight role.

310 Section 4. This act shall take effect July 1, 2017.