



508454

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: 1dd/AD/2R

.

03/03/2018 05:45 PM

.

.

Senators Garcia and Montford moved the following:

1 **Senate Amendment to Amendment (234288) (with title**
2 **amendment)**

3
4 Between lines 2135 and 2136
5 insert:

6 Section 30. Subsection (6) of section 1013.64, Florida
7 Statutes, is amended to read:

8 1013.64 Funds for comprehensive educational plant needs;
9 construction cost maximums for school district capital
10 projects.—Allocations from the Public Education Capital Outlay
11 and Debt Service Trust Fund to the various boards for capital



508454

12 outlay projects shall be determined as follows:

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

40 (b)1. A district school board may not use funds from the



508454

41 following sources: Public Education Capital Outlay and Debt
42 Service Trust Fund; School District and Community College
43 District Capital Outlay and Debt Service Trust Fund; Classrooms
44 First Program funds provided in s. 1013.68; nonvoted 1.5-mill
45 levy of ad valorem property taxes provided in s. 1011.71(2);
46 Classrooms for Kids Program funds provided in s. 1013.735;
47 District Effort Recognition Program funds provided in s.
48 1013.736; or High Growth District Capital Outlay Assistance
49 Grant Program funds provided in s. 1013.738 for any new
50 construction of educational plant space with a total cost per
51 student station, including change orders, that equals more than:

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

55
56 (January 2006) as adjusted annually to reflect increases or
57 decreases in the Consumer Price Index.

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

67 3. The Office of Economic and Demographic Research, in
68 consultation with the department, shall conduct a study of the
69 cost per student station amounts using the most recent available



508454

70 information on construction costs. In this study, the costs per
71 student station should represent the costs of classroom
72 construction and administrative offices as well as the
73 supplemental costs of core facilities, including required media
74 centers, gymnasiums, music rooms, cafeterias and their
75 associated kitchens and food service areas, vocational areas,
76 and other defined specialty areas, including exceptional student
77 education areas. The study must take into account appropriate
78 cost-effectiveness factors in school construction and should
79 include input from industry experts. The Office of Economic and
80 Demographic Research must provide the results of the study and
81 recommendations on the cost per student station to the Governor,
82 the President of the Senate, and the Speaker of the House of
83 Representatives no later than January 31, 2017.

84 4. The Office of Program Policy Analysis and Government
85 Accountability (OPPAGA) shall conduct a study of the State
86 Requirements for Education Facilities (SREF) to identify current
87 requirements that can be eliminated or modified in order to
88 decrease the cost of construction of educational facilities
89 while ensuring student safety. OPPAGA must provide the results
90 of the study, and an overall recommendation as to whether SREF
91 should be retained, to the Governor, the President of the
92 Senate, and the Speaker of the House of Representatives no later
93 than January 31, 2017.

94 5. Effective July 1, 2017, in addition to the funding
95 sources listed in subparagraph 1., a district school board may
96 not use funds from any sources for new construction of
97 educational plant space with a total cost per student station,
98 including change orders, which equals more than the current



508454

99 adjusted amounts provided in sub-subparagraphs 1.a.-c. which
100 shall subsequently be adjusted annually to reflect increases or
101 decreases in the Consumer Price Index. However, if a contract
102 has been executed for architectural and design services or for
103 construction management services before July 1, 2017, a district
104 school board may use funds from any source for the new
105 construction of educational plant space and such funds are
106 exempt from the total cost per student station requirements.

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

113 (c) Except as otherwise provided, new construction for
114 which a contract has been executed for architectural and design
115 services or for construction management services by a district
116 school board on or after July 1, 2017, may not exceed the cost
117 per student station as provided in paragraph (b). A school
118 district that exceeds the cost per student station provided in
119 paragraph (b), as determined by the Auditor General, shall be
120 subject to sanctions. If the Auditor General determines that the
121 cost per student station overage is de minimus or due to
122 extraordinary circumstances outside the control of the district,
123 the sanctions shall not apply. The sanctions are as follows:

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



508454

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

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

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

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

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

143 b. An appointee to the oversight committee may not be
144 employed by the school district; be a relative, as defined in s.
145 1002.33(24)(a)2., of any school district employee; or be an
146 elected official. Each appointee must sign an affidavit
147 attesting to these conditions and affirming that no conflict of
148 interest exists in his or her oversight role.

149 (d) The department shall:

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

156 2. Annually review the actual completed construction costs



508454

157 of educational facilities in each school district. For any
158 school district in which the total actual cost per student
159 station, including change orders, exceeds the statewide limits
160 established in paragraph (b), the school district shall report
161 to the department the actual cost per student station and the
162 reason for the school district's inability to adhere to the
163 limits established in paragraph (b). The department shall
164 collect all such reports and shall provide these reports to the
165 Auditor General for verification purposes.

166
167 Cost per student station includes contract costs, legal and
168 administrative costs, fees of architects and engineers,
169 furniture and equipment, and site improvement costs. Cost per
170 student station does not include the cost of purchasing or
171 leasing the site for the construction or the cost of related
172 offsite improvements. Cost per student station also does not
173 include the cost for securing entries, checkpoint construction,
174 lighting specifically designed for entry point security,
175 security cameras, automatic locks and locking devices,
176 electronic security systems, fencing designed to prevent
177 intruder entry into a building, bullet-proof glass, or other
178 capital construction items approved by the school safety
179 specialist to endure building security for new educational,
180 auxiliary, or ancillary facilities; costs for these items must
181 be below 2 percent per student station.

182
183 ===== T I T L E A M E N D M E N T =====

184 And the title is amended as follows:

185 Between lines 2652 and 2653



508454

186 insert:
187 amending s. 1013.64, F.S.; specifying that the cost
188 per student station does not include certain
189 improvements related to enhanced safety and security;