

By Senator Montford

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1 A bill to be entitled
2 An act relating to educational facilities; amending s.
3 1013.31, F.S.; authorizing a school district, in the
4 absence of a survey recommendation, to use funds from
5 a taxpayer-approved bond referendum to fund
6 construction of educational, auxiliary, or ancillary
7 facilities and to use funds from a specified district
8 school tax for certain capital outlay purposes;
9 amending s. 1013.64, F.S.; prohibiting a district
10 school board from using funds from any source, other
11 than specified local sources, for certain new
12 construction of educational plant space; requiring the
13 Commissioner of Education to annually adjust the cost
14 per student station based on certain factors;
15 requiring the commissioner to annually report the cost
16 per student station to the State Board of Education by
17 a specified date; removing a prohibition on the use of
18 funds for certain new construction; revising the costs
19 that may not be included in calculating the cost per
20 student station; requiring the Office of Economic and
21 Demographic Research to update the Review of Florida's
22 Cost per Student Station; requiring the updated report
23 to include specified information and recommendations;
24 requiring the office to provide the updated report to
25 the Governor and the Legislature by a certain date;
26 providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Paragraph (a) of subsection (1) of section
31 1013.31, Florida Statutes, is amended to read:

32 1013.31 Educational plant survey; localized need
33 assessment; PECO project funding.—

34 (1) At least every 5 years, each board shall arrange for an
35 educational plant survey, to aid in formulating plans for
36 housing the educational program and student population, faculty,
37 administrators, staff, and auxiliary and ancillary services of
38 the district or campus, including consideration of the local
39 comprehensive plan. The Department of Education shall document
40 the need for additional career and adult education programs and
41 the continuation of existing programs before facility
42 construction or renovation related to career or adult education
43 may be included in the educational plant survey of a school
44 district or Florida College System institution that delivers
45 career or adult education programs. Information used by the
46 Department of Education to establish facility needs must
47 include, but need not be limited to, labor market data, needs
48 analysis, and information submitted by the school district or
49 Florida College System institution.

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

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

58 2. A taxpayer-approved bond referendum, to fund

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59 construction of ~~If a board decides to build an educational,~~
60 ~~auxiliary, or ancillary facility without a survey recommendation~~
61 ~~and the taxpayers approve a bond referendum, the voted bond~~
62 ~~referendum;~~

- 63 3. One-half cent sales surtax revenue;
64 4. One cent local governmental surtax revenue;
65 5. Impact fees; ~~and~~
66 6. Private gifts or donations; and
67 7. The district school tax levied pursuant to s.
68 1011.71(2).

69 Section 2. Subsection (6) of section 1013.64, Florida
70 Statutes, is amended to read:

71 1013.64 Funds for comprehensive educational plant needs;
72 construction cost maximums for school district capital
73 projects.—Allocations from the Public Education Capital Outlay
74 and Debt Service Trust Fund to the various boards for capital
75 outlay projects shall be determined as follows:

76 (6) (a) Each district school board must meet all educational
77 plant space needs of its elementary, middle, and high schools
78 before spending funds from the Public Education Capital Outlay
79 and Debt Service Trust Fund or the School District and Community
80 College District Capital Outlay and Debt Service Trust Fund for
81 any ancillary plant or any other new construction, renovation,
82 or remodeling of ancillary space. Expenditures to meet such
83 space needs may include expenditures for site acquisition; new
84 construction of educational plants; renovation, remodeling, and
85 maintenance and repair of existing educational plants, including
86 auxiliary facilities; and the directly related costs of such
87 services of school district personnel. It is not the intent of

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88 the Legislature to preclude the use of capital outlay funding
89 for the labor costs necessary to accomplish the authorized uses
90 for the capital outlay funding. Day-labor contracts or any other
91 educational facilities contracting and construction techniques
92 pursuant to s. 1013.45 are authorized. Additionally, if a school
93 district has salaried maintenance staff whose duties consist
94 solely of performing the labor necessary to accomplish the
95 authorized uses for the capital outlay funding, such funding may
96 be used for those salaries; however, if a school district has
97 salaried staff whose duties consist partially of performing the
98 labor necessary to accomplish the authorized uses for the
99 capital outlay funding, the district shall prorate the portion
100 of salary of each such employee that is based on labor for
101 authorized capital outlay funding, and such funding may be used
102 to pay that portion.

103 (b)1. A district school board may not use funds from any
104 source except the local sources specified in s. 1013.31(1)(a)
105 ~~the following sources: Public Education Capital Outlay and Debt~~
106 ~~Service Trust Fund; School District and Community College~~
107 ~~District Capital Outlay and Debt Service Trust Fund; Classrooms~~
108 ~~First Program funds provided in s. 1013.68; nonvoted 1.5 mill~~
109 ~~levy of ad valorem property taxes provided in s. 1011.71(2);~~
110 ~~Classrooms for Kids Program funds provided in s. 1013.735;~~
111 ~~District Effort Recognition Program funds provided in s.~~
112 ~~1013.736; or High Growth District Capital Outlay Assistance~~
113 ~~Grant Program funds provided in s. 1013.738~~ for any new
114 construction of educational plant space with a total cost per
115 student station, including change orders, which ~~that~~ equals more
116 than:

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- 117 a. \$17,952 for an elementary school,
118 b. \$19,386 for a middle school, or
119 c. \$25,181 for a high school,
120

121 (January 2006) as adjusted annually to reflect increases or
122 decreases in the Consumer Price Index. In addition, the
123 commissioner shall annually adjust the cost per student station
124 based on unforeseen economic factors that impact the cost of
125 construction for educational facilities and construction
126 industry cost increases that exceed the price level increases
127 captured in the Consumer Price Index, including, but not limited
128 to, the availability and cost of labor, the availability and
129 cost of construction materials generally used to construct
130 public educational facilities, the impact of significant weather
131 events, and changes in building, fire, and safety codes and
132 other related state and federal laws and policies. The
133 commissioner shall report the annually adjusted cost per student
134 station to the State Board of Education by January 1, 2020, and
135 each January 1 thereafter.

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

145 3. ~~Effective July 1, 2017, in addition to the funding~~

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

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

164 (c) Except as otherwise provided, new construction for
165 which a contract has been executed for architectural and design
166 services or for construction management services by a district
167 school board on or after July 1, 2017, may not exceed the cost
168 per student station as provided in paragraph (b). A school
169 district that exceeds the cost per student station provided in
170 paragraph (b), as determined by the Auditor General, shall be
171 subject to sanctions. If the Auditor General determines that the
172 cost per student station overage is de minimis ~~minimus~~ or due to
173 extraordinary circumstances outside the control of the district,
174 the sanctions shall not apply. The sanctions are as follows:

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

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

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

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

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

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

194 b. An appointee to the oversight committee may not be
195 employed by the school district; be a relative, as defined in s.
196 1002.33(24)(a)2., of any school district employee; or be an
197 elected official. Each appointee must sign an affidavit
198 attesting to these conditions and affirming that no conflict of
199 interest exists in his or her oversight role.

200 (d) The department shall:

201 1. Compute for each calendar year the statewide average
202 construction costs for facilities serving each instructional
203 level, for relocatable educational facilities, for

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204 administrative facilities, and for other ancillary and auxiliary
205 facilities. The department shall compute the statewide average
206 costs per student station for each instructional level.

207 2. Annually review the actual completed construction costs
208 of educational facilities in each school district. For any
209 school district in which the total actual cost per student
210 station, including change orders, exceeds the statewide limits
211 established in paragraph (b), the school district shall report
212 to the department the actual cost per student station and the
213 reason for the school district's inability to adhere to the
214 limits established in paragraph (b). The department shall
215 collect all such reports and shall provide these reports to the
216 Auditor General for verification purposes.

217
218 Cost per student station includes contract costs, ~~legal and~~
219 ~~administrative costs, fees of architects and engineers,~~
220 ~~furniture and equipment, and site improvement costs.~~ Cost per
221 student station does not include legal and administrative costs,
222 architect and engineer fees, furniture and equipment costs, the
223 cost of purchasing or leasing the site, the cost of constructing
224 covered walkways, the costs of public shelter and hurricane
225 hardening requirements, ~~for the construction~~ or the cost of
226 offsite and related improvements ~~related offsite improvements.~~
227 Cost per student station also does not include the cost of any
228 security enhancements, including, but not limited to, the cost
229 for securing entries, checkpoint construction, lighting
230 specifically designed for entry point security, security
231 cameras, automatic locks and locking devices, electronic
232 security systems, fencing designed to prevent intruder entry

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233 into a building, bullet-proof glass, or other capital
234 construction items approved by the school safety specialist to
235 ensure building security for new educational, auxiliary, or
236 ancillary facilities; ~~costs for these items must be below 2~~
237 ~~percent per student station.~~

238 Section 3. The Office of Economic and Demographic Research,
239 in consultation with local school districts, shall update the
240 report issued in January 2017 entitled Review of Florida's Cost
241 per Student Station. The updated report must include
242 recommendations for modification by the Legislature of the cost
243 per student station model or implementation of a cost-per-
244 square-foot model for new school construction. The report also
245 must include at least the following: a transparent and
246 replicable categorization of costs, the use of an index or
247 process that reflects changes in construction costs, and the
248 development of a system that may be used to forecast costs of
249 new construction over time. The office shall provide the updated
250 report to the Governor, the President of the Senate, and the
251 Speaker of the House of Representatives no later than December
252 1, 2019.

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