Senator Montford moved the following:

**Senate Amendment (with title amendment)**

Delete lines 2281 - 2528

and insert:

During the 2019-2020 school year, a school district that sustained hurricane damage in the 2018-2019 school year may request funding from the Special Facility Construction Account for a new project before the completion of the district’s participation requirement for an outstanding project. 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 request a preapplication review by the Special Facility Construction Committee or a project review subcommittee convened by the chair of the committee to include two representatives of the department and two staff members from school districts not eligible to participate in the program. A school district may request a preapplication review at any time; however, if the district school board seeks inclusion in the department’s next annual capital outlay legislative budget request, the preapplication review request must be made before February 1. Within 90 days after receiving the preapplication review request, the committee or subcommittee must meet in the school district to review the project proposal and existing facilities.

To determine whether the proposed project is a critical need, the committee or subcommittee shall consider, at a minimum, the capacity of all existing facilities within the district as determined by the Florida Inventory of School Houses; the district’s pattern of student growth; the district’s existing and projected capital outlay full-time equivalent student enrollment as determined by the demographic, revenue, and education estimating conferences established in s. 216.136; the district’s existing satisfactory student stations; the use of all existing district property and facilities; grade level configurations; and any other information that may affect the need for the proposed project.
2. The construction project must be recommended in the most recent survey or survey amendment cooperatively prepared by the district and the department, and approved by the department under the rules of the State Board of Education. If a district 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.

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

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

5. The district shall 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 use of space to obtain maximum daily use of all spaces within the facility under consideration.

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 except for cost overruns created by a disaster as defined in s. 252.34 or an unforeseeable circumstance beyond the district’s control as determined 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.

7. There shall be an agreement signed by the district
school board stating that it will advertise for bids within 30
days of receipt of its encumbrance authorization from the
department.

8. For construction projects for which Special Facilities
Construction Account funding is sought before the 2019-2020
fiscal year, the district shall, at the time of the request and
for a continuing period necessary to meet the district’s
participation requirement, levy the maximum millage against its
nonexempt assessed property value as allowed in s. 1011.71(2) or
shall raise an equivalent amount of revenue from the school
capital outlay surtax authorized under s. 212.055(6). Beginning
with construction projects for which Special Facilities
Construction Account funding is sought in the 2019-2020 fiscal
year, the district shall, for a minimum of 3 years before
submitting the request and for a continuing period necessary to
meet its participation requirement, levy the maximum millage
against the district’s nonexempt assessed property value as
authorized under s. 1011.71(2) or shall raise an equivalent
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 relating to the local discretionary capital improvement millage or the equivalent amount of revenue from the school capital outlay surtax is satisfied.

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

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).

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.

12. Phase I final phase III plans must be approved certified by the district school board as being complete and in compliance with the building and life safety codes before June 1 of the year the application is made.

(b) 1. A district school board may not use funds from 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. 1013.68; 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 to pay for any
portion of the cost of 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;

c. $25,181 for a high school,

(January 2006) as adjusted annually to reflect increases or
decreases in the Consumer Price Index. The department, in
conjunction with the Office of Economic and Demographic
Research, shall review and adjust the cost per student station
limits to reflect actual construction costs by January 1, 2020,
and annually thereafter. The adjusted cost per student station
shall be used by the department for computation of the statewide
average costs per student station for each instructional level
pursuant to paragraph (d). The department shall also collaborate
with the Office of Economic and Demographic Research to select
an industry-recognized construction index to replace the
Consumer Price Index by January 1, 2020, adjusted annually to
reflect changes in the construction index.

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. Except for educational facilities and sites subject to a
lease-purchase agreement entered pursuant to s. 1011.71(2)(e)
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 minimus 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, and the cost of furniture and equipment, and site improvement costs. Cost per student station does not include the cost of purchasing
or leasing the site for the construction, legal and administrative costs, or the cost of related site or offsite improvements. Cost per student station also does not include 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.

And the title is amended as follows:

Delete lines 246 - 264

and insert:

F.S.; authorizing certain school districts to request funding from a specified account before completion of certain requirements; revising the information required to be included in a school district’s request to receive certain funding; providing that specified restrictions do not apply to certain school districts; prohibiting district school boards from using specified funds to pay for any portion of the cost of certain new construction; requiring the department, in conjunction with the Office of Economic and Demographic Research, to annually review and adjust limits on the cost per student station, based on
certain factors; requiring the department to use the adjusted cost per student station for each instructional level; requiring the department to collaborate with the office to select a certain index by a specified date; deleting a requirement that the department make the final determination on district compliance under specified circumstances; providing an exception to a prohibition on the usage of specified funds by district school boards; deleting obsolete language; revising the calculation methodology relating to a prohibition on funding for district school boards; deleting a requirement that school districts be subject to sanctions under certain circumstances; revising the costs that may be included and that may not be included in calculating the cost per student station; amending chapter 2018-6, L.O.F.;