



197934

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/12/2023	.	
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The Committee on Fiscal Policy (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1924 - 2072

and insert:

Section 41. Section 1013.48, Florida Statutes, is amended to read:

1013.48 Changes in construction requirements after award of contract.—The board may, at its option and by written policy duly adopted and entered in its official minutes, authorize the superintendent or president or other designated individual to



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11 approve change orders in the name of the board for
12 preestablished amounts. Approvals must ~~shall~~ be for the purpose
13 of expediting the work in progress and must ~~shall~~ be reported to
14 the board and entered in its official minutes. ~~For~~
15 ~~accountability, the school district shall monitor and report the~~
16 ~~impact of change orders on its district educational facilities~~
17 ~~plan pursuant to s. 1013.35.~~

18 Section 42. Section 1013.64, Florida Statutes, is amended
19 to read:

20 1013.64 Funds for comprehensive educational plant needs;
21 construction cost maximums for school district capital
22 projects.—Allocations from the Public Education Capital Outlay
23 and Debt Service Trust Fund to the various boards for capital
24 outlay projects must ~~shall~~ be determined as follows:

25 (1) (a) Funds for remodeling, renovation, maintenance,
26 repairs, and site improvement for existing satisfactory
27 facilities shall be given priority consideration by the
28 Legislature for appropriations allocated to the boards from the
29 total amount of the Public Education Capital Outlay and Debt
30 Service Trust Fund appropriated. These funds shall be calculated
31 pursuant to the following basic formula: the building value
32 times the building age over the sum of the years' digits
33 assuming a 50-year building life. For modular noncombustible
34 facilities, a 35-year life shall be used, and for relocatable
35 facilities, a 20-year life shall be used. "Building value" is
36 calculated by multiplying each building's total assignable
37 square feet times the appropriate net-to-gross conversion rate
38 found in state board rules and that product times the current
39 average new construction cost. "Building age" is calculated by



40 multiplying the prior year's building age times 1 minus the
41 prior year's sum received from this subsection divided by the
42 prior year's building value. To the net result shall be added
43 the number 1. Each board shall receive the percentage generated
44 by the preceding formula of the total amount appropriated for
45 the purposes of this section.

46 (b) Each board is prohibited from using the funds received
47 pursuant to this section to supplant funds in the current fiscal
48 year approved operating budget, and all budgeted funds shall be
49 expended at a rate not less than would have been expended had
50 the funds under this section not been received.

51 (c) Each remodeling, renovation, maintenance, repair, or
52 site improvement project will expand or upgrade current
53 educational plants to prolong the useful life of the plant.

54 (d) Each board shall maintain fund accounting in a manner
55 which will permit a detailed audit of the funds expended in this
56 program.

57 (e) Remodeling projects must ~~shall~~ be based on the
58 recommendations of a survey pursuant to s. 1013.31, or, for
59 district school boards, as indicated by the relative need as
60 determined by the Florida Inventory of School Houses and the
61 capital outlay full-time equivalent enrollment in the district.

62 (f) At least one-tenth of a Florida College System
63 institution's or state university's board of trustees' board's
64 annual allocation provided under this section must ~~shall~~ be
65 spent to correct unsafe, unhealthy, or unsanitary conditions in
66 its educational facilities, as required by s. 1013.12, or a
67 lesser amount sufficient to correct all deficiencies cited in
68 its annual comprehensive safety inspection reports. This



69 paragraph must ~~shall~~ not be construed to limit the amount a
70 board may expend to correct such deficiencies.

71 (g) When an existing educational plant is determined to be
72 unsatisfactory pursuant to the survey conducted under s.
73 1013.31, the board may, by resolution, designate the plant as a
74 historic educational facility and may use funds generated for
75 renovation and remodeling pursuant to this section to restore
76 the facility for use by the board. The board shall agree to pay
77 renovation and remodeling costs in excess of funds which such
78 facility would have generated through the depreciation formula
79 in paragraph (a) had the facility been determined to be
80 satisfactory. The board shall further agree that the plant shall
81 continue to house students. The board may designate a plant as a
82 historic educational facility only if the Division of Historical
83 Resources of the Department of State or the appropriate historic
84 preservation board under chapter 266 certifies that:

85 1. The plant is listed or determined eligible for listing
86 in the National Register of Historic Places pursuant to the
87 National Historic Preservation Act of 1966, as amended, 16
88 U.S.C. s. 470;

89 2. The plant is designated historic within a certified
90 local district pursuant to s. 48(g)(3)(B)(ii) of the Internal
91 Revenue Code; or

92 3. The division or historic preservation board otherwise
93 finds that the plant is historically significant.

94 (h) University boards of trustees may utilize funds
95 appropriated pursuant to this section for replacement of minor
96 facilities. Minor facilities may not be replaced from funds
97 provided pursuant to this section unless the board determines



98 that the cost of repair or renovation is greater than or equal
99 to the cost of replacement.

100 (2) (a) The department shall establish, as a part of the
101 Public Education Capital Outlay and Debt Service Trust Fund, a
102 separate account, in an amount determined by the Legislature, to
103 be known as the "Special Facility Construction Account." The
104 Special Facility Construction Account shall be used to provide
105 necessary construction funds to school districts which have
106 urgent construction needs but which lack sufficient resources at
107 present, and cannot reasonably anticipate sufficient resources
108 within the period of the next 3 years, for these purposes from
109 currently authorized sources of capital outlay revenue. A school
110 district requesting funding from the Special Facility
111 Construction Account shall submit one specific construction
112 project, not to exceed one complete educational plant, to the
113 Special Facility Construction Committee. A district may not
114 receive funding for more than one approved project in any 3-year
115 period or while any portion of the district's participation
116 requirement is outstanding. The first year of the 3-year period
117 shall be the first year a district receives an appropriation.
118 During the 2019-2020 school year, a school district that
119 sustained hurricane damage in the 2018-2019 school year may
120 request funding from the Special Facility Construction Account
121 for a new project before the completion of the district's
122 participation requirement for an outstanding project. The
123 department shall encourage a construction program that reduces
124 the average size of schools in the district. The request must
125 meet the following criteria to be considered by the committee:

- 126 1. The project must be deemed a critical need and must be



127 recommended for funding by the Special Facility Construction
128 Committee. Before developing construction plans for the proposed
129 facility, the district school board must request a
130 preapplication review by the Special Facility Construction
131 Committee or a project review subcommittee convened by the chair
132 of the committee to include two representatives of the
133 department and two staff members from school districts not
134 eligible to participate in the program. A school district may
135 request a preapplication review at any time; however, if the
136 district school board seeks inclusion in the department's next
137 annual capital outlay legislative budget request, the
138 preapplication review request must be made before February 1.
139 Within 90 days after receiving the preapplication review
140 request, the committee or subcommittee must meet in the school
141 district to review the project proposal and existing facilities.
142 To determine whether the proposed project is a critical need,
143 the committee or subcommittee shall consider, at a minimum, the
144 capacity of all existing facilities within the district as
145 determined by the Florida Inventory of School Houses; the
146 district's pattern of student growth; the district's existing
147 and projected capital outlay full-time equivalent student
148 enrollment as determined by the demographic, revenue, and
149 education estimating conferences established in s. 216.136; the
150 district's existing satisfactory student stations; the use of
151 all existing

152
153 ===== T I T L E A M E N D M E N T =====

154 And the title is amended as follows:

155 Delete lines 185 - 186



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156 and insert:
157 documents; amending s. 1013.48,