

# 2019 Legislative Update

## *Facilities*

---

JOY FRANK

FLORIDA ASSOCIATION OF DISTRICT SCHOOL SUPERINTENDENTS

# Disclaimer

---

## SB 7070 – Section 21

---

**Amends s. 1013.31 - Educational Plant Survey; Localized Need Assessment; PECO Project Funding**

Clarifies that a **survey recommendation is not required** when a district uses funds from specified sources for educational, auxiliary, and ancillary plant capital outlay purposes.

# *Section 21 Continued*

---

## **Specified Funds include:**

Local capital outlay improvement fund

Taxpayer-approved bond referendum

One-half cent sales surtax revenue

One cent local governmental surtax revenue

Impact fees

Private gifts or donations; and

**The district school tax levied pursuant to s. 1011.71(2)**

## *Section 21 continued*

---

The language also provides that if a **survey** does not accurately reflect need, the **Commissioner** may only direct that **fixed capital outlay funds** provided from general revenue or **state trust funds** be withheld from districts until such time as the survey accurately projects facility's needs.

# SB 7070 – Section 23

---

**Amends s. 1013.64 - Funds for Comprehensive Educational Plant Needs; Construction Cost Maximums for School District Capital Projects**

**Special Facilities Construction Program** – inserts language to provide that 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.

## *Section 23 Continued*

---

**Special Facilities Construction Program** – Modifies that language to require that upon construction, the total cost per student station, including change orders, must not exceed the cost per student station unless approved by the **Special Facility Construction Committee**.

## *Section 23 Continued*

---

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.

## *Section 23 Continued*

---

**Special Facilities Construction Program** - Modifies the criteria that must be met by a school district to have their funding request considered by the Special Facility Construction Committee. This allows districts to apply for funding based on the district school board approval of **Phase I plans**, instead of the **Phase III plans**, as being in compliance with the building and life safety codes. The modification will allow school districts to receive a response to their request for funding prior to further investment in Phase II and Phase III plans.

## *Section 23 Continued*

---

**Cost per Student Station requirements –**  
Clarifies that **PECO and other state funds**, including the nonvoted 1.5 mill levy may **not** be used to pay for any portion of the cost of any new construction of educational plant space that **exceeds** the applicable **cost per student station**.

## *Section 23 Continued*

---

Requires **DOE**, in conjunction with the **Office of Economic and Demographic Research**, to 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 DOE for computation of the statewide average costs per student station for each instructional level.

## *Section 23 Continued*

---

DOE 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.

## *Section 23 Continued*

---

**School districts must continue to maintain accurate documentation related to the costs of all new construction reported to DOE. The Auditor General must review such documentation and verify compliance. Language requiring DOE to make the final determination on district compliance based on the recommendation of the Auditor General is removed.**

## *Section 23 Continued*

---

The language prohibiting a school board from using funds from **any source** for new construction that is more than the **current adjusted cost per student station amounts** is retained but an **exception** is added for educational facilities and sites subject to a **lease-purchase agreement entered pursuant** to s. 1011.71(2)(e).

# Explanation

---

The new language **does not eliminate the cost per student (CSS) station limits when using COPs**. However, the language allows the **use of other funds** to pay the difference between the 1.5 discretionary dollars used for the cost of construction up to the CSS cap and the cost of construction plus change orders for any overage.

## *Section 23 Continued*

---

**Sanction language is removed** including:

School district being ineligible for PECO for the next 3 years.

Establishment of a District Capital Outlay Oversight Committee.

## *Section 23 Continued*

---

The **cost per student station** is modified to exclude **legal and administrative costs and site improvement costs**. In addition, the exclusion of **security costs** below 2 percent from the cost of student station is removed.

# SB 7070 – Section 16

---

## **Amends s. 1011.71(2) - District School Tax**

Deletes reference to cost per student station (s. 1013.64(6)(b)) and educational plant survey (s. 1013.31). The 1.5 discretionary millage may fund new construction, remodeling, sites and site improvement or expansion to new sites, existing sites, auxiliary facilities, athletic facilities, or ancillary facilities. *Primarily technical changes.*

# SB 7070 – Section 22

---

## **Amends s. 1013.385 – School District Construction Flexibility**

Provides more flexibility for school construction by only requiring a **majority vote** rather than a supermajority vote of the school board to adopt a resolution to implement one or more of the **exceptions** to SREF.

**Deletes language requiring a cost-benefit analysis and the requirement that specified public workshops be conducted.**

# Exceptions to SREF

---

Interior non-load-bearing walls.

Walkways, roadways, driveways, and parking areas.

Standards for relocatables used as classroom space.

Site lighting.

Any other provisions that limit the ability of a school to operate in a facility on the same basis as a **charter school**...so long as the regional planning council determines that there is sufficient shelter capacity within the school district as documents in the Statewide Emergency Shelter Plan.

# HB 7103 – Impact Fees

---

Impact fee must satisfy **all** of the following conditions:

The calculation of the impact fee must be based on the most recent and localized data.

The local government must provide for accounting and reporting of impact fee collections and expenditures.

Administrative charges for the collection of impact fees must be limited to actual costs.

The local government must provide notice not less than 90 days before the effective date of the ordinance or resolution imposing a new or increased impact fee.

# *Impact Fees Continued*

---

Collection of the impact fee may not be required to occur earlier than the date of issuance of the building permit for the property that is subject to the fee.

The impact fee must be proportional and reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.

The impact fee must be proportional and reasonably connected to, or have a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction.

## *Impact Fees Continued*

---

The local government must specifically earmark funds collected under the impact fee for use in acquiring, constructing, or improving capital facilities to benefit new users.

Revenues generated by the impact fee may not be used, in whole or in part, to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or nonresidential construction.

# HB 207 – Impact Fees

---

The governing authority must satisfy all of the following conditions:

The local government must calculate the impact fee based on the most recent and localized data.

The local government must provide for accounting and reporting of impact fee collections and expenditures.

The local government must limit administrative charges for the collection of impact fees to actual costs.

The local government must provide notice no less than 90 days before the effective date of any ordinance or resolution imposing the impact fee.

## *Impact Fees Continued*

---

The local government may not require payment of the impact fee before the date of issuance of the building permit for the property that is subject to the fee.

The impact fee must be reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.

# *Impact Fees Continued*

---

The impact fee must be reasonably connected to, or have a rational nexus with, the expenditures of the revenues generated and the benefits accruing to the new residential or commercial construction.

The local government must specifically earmark revenues generated by the impact fee to acquire, construct, or improve capital facilities to benefit new users.

The local government may not use revenues generated by the impact fee to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or commercial construction.

# General Appropriations Act – SB 2500

---

## **Fixed Capital Outlay - Line Item 18 - \$158,209,945**

Fixed Capital Outlay from **PECO funds for maintenance, repair, renovation, and remodeling**. This appropriation provides 100% of the funding required by law for charter school capital outlay. No districts will be required to share revenue from the local 1.5 mill discretionary capital outlay levy with charter schools and the state will continue to fully fund that cost. There is no PECO maintenance capital outlay funding for district-operated schools in the GAA.

# General Appropriations Act – SB 2500

---

## Fixed Capital Outlay - Special Facilities – Line Item #22 - \$32,326,046

Liberty County:	3rd and final year:	\$ 6,060,895
Jackson County:	3rd and final year:	\$19,059,807
Gilchrist:	2nd and final year:	\$7,205,344

# General Appropriations Act – SB 2500

---

## School Hardening Grant – Line Item #116A - \$50,000,000

From the funds provided in Specific Appropriation 116A, \$50,000,000 is provided for the **School Hardening Grant** program to improve the physical security of school buildings based on the security risk assessment required by s. 1006.1493, F.S. Funds may only be used for capital purchases. Funds shall be assigned initially based on each district's capital outlay FTE and charter school FTE. No district shall be assigned less than \$50,000. Funds shall be provided based on district application, which must be submitted to the Department of Education by December 1, 2019.

# Questions?

---

CONTACT INFORMATION

[JFRANK@FADSS.ORG](mailto:JFRANK@FADSS.ORG)

850.577.5784