

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

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BILL: SB 576

INTRODUCER: Senator Flores

SUBJECT: Public Educational Facilities

DATE: December 1, 2015      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Scott</u>	<u>Klebacha</u>	<u>HE</u>	<b>Favorable</b>
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	<b>Pre-meeting</b>
3.	_____	_____	<u>FP</u>	_____

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**I. Summary:**

SB 576 authorizes the construction of dormitories for up to 400 beds on a Florida College System (FCS) institution campus located within a municipality designated as an area of critical state concern<sup>1</sup> and having a comprehensive plan and land development regulations containing a building permit allocation system that limits annual growth. Current law authorizes the construction of dormitories for up to 100 beds on such FCS institution campuses.<sup>2</sup>

Currently, the only FCS institution located within a municipality designated as an area of critical state concern is Florida Keys Community College in Monroe County.<sup>3</sup>

The bill has no impact on state funds.

The bill takes effect on July 1, 2016.

**II. Present Situation:**

The state requirements and guidelines for maintaining and establishing public educational facilities of school districts and FCS institutions are contained in chapter 1013, F.S.<sup>4</sup>

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<sup>1</sup> The state land planning agency, which is the Department of Economic Opportunity, may recommend to the Administration Commission specific areas of critical state concern. Section 380.05(2), F.S., provides the criteria for designating an area of critical state concern.

<sup>2</sup> Section 1013.40(4), F.S.

<sup>3</sup> See Staff of the Florida Senate, *Legislative Bill Analysis for CS/SB 1262* (2015), available at <http://www.flsenate.gov/Session/Bill/2015/1262/Analyses/2015s1262.fp.PDF>.

<sup>4</sup> Sections 1013.01-1013.82, F.S. The State Board of Education has the authority to adopt rules to implement the provisions of chapter 1013, F.S. See Rule 6A-2.0010, F.A.C.

The Florida Building Commission is responsible for adopting a uniform statewide building code for the planning and construction of public educational and ancillary plants by district school boards and FCS institution boards of trustees.<sup>5</sup> The Department of Education's role relating to educational facilities includes, but is not limited to, the following functions:<sup>6</sup>

- Establishing and recommending minimum and maximum square footage standards;
- Requiring FCS institutions and district school boards to submit educational plant inventories data and statistical data or information relevant to construction, capital improvements, and related costs;
- Developing, reviewing, updating, revising, and recommending a mandatory portion of the Florida Building Code for educational facilities construction and capital improvement by FCS institution and district school boards;
- Providing minimum criteria, procedures, and training to boards to conduct educational plant surveys and document the determination of future needs; and
- Reviewing and validating surveys proposed or amended by boards and recommend approval of such surveys to the Commissioner of Education.

Each FCS institution board of trustees has a duty to administer the institution's facilities program pursuant to chapter 1013, F.S., including, but not limited to:<sup>7</sup>

- The construction of public educational and ancillary plants;
- The acquisition and disposal of property;
- Compliance with building and life safety codes;
- Submission of data and information relating to facilities and construction;
- Use of buildings and grounds;
- Establishment of safety and sanitation programs for the protection of building occupants; and
- Site planning and selection.

An FCS institution has limited authority to plan and construct facilities and acquire additional property.<sup>8</sup> An FCS institution must demonstrate a need for facilities through its educational plant survey<sup>9</sup> that must be approved by the State Board of Education.<sup>10</sup> An FCS institution is prohibited from expending public funds for the acquisition of additional property without specific approval by the Legislature.<sup>11</sup> Furthermore, a facility may not be acquired or constructed by an FCS institution or its direct-support organization if the facility requires general revenue funds for operation or maintenance, unless the Legislature gives prior approval.<sup>12</sup>

In 2008, the Legislature authorized an FCS institution to construct dormitories for up to 100 beds, if its campus is located within a municipality designated as an area of critical state concern

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<sup>5</sup> Section 1013.37, F.S. The State Uniform Code for Public Educational Facilities is adopted within the Florida Building Code pursuant to s. 553.73, F.S.

<sup>6</sup> Section 1013.03, F.S.

<sup>7</sup> Section 1001.64(34), F.S.

<sup>8</sup> Section 1013.40, F.S.

<sup>9</sup> An "educational plant survey" is defined as "a systematic study of present educational and ancillary plants and the determination of future needs to provide an appropriate educational program and services for each student based on projected capital outlay FTE's approved by the Department of Education." s. 1013.01(8), F.S.

<sup>10</sup> Section 1013.40(1), F.S.

<sup>11</sup> *Id.* at (2).

<sup>12</sup> *Id.* at (3).

which has a comprehensive plan and land development regulations containing a building permit allocation system that limits annual growth.<sup>13</sup> The dormitories are exempt from the building permit allocation system and may be constructed up to 45 feet in height, if:<sup>14</sup>

- The dormitories are consistent with the local comprehensive plan;
- The FCS institution has a hurricane evacuation plan requiring all dormitory occupants to be evacuated 48 hours in advance of tropical force winds; and
- Transportation is provided for dormitory occupants during an evacuation.

### III. Effect of Proposed Changes:

SB 576 authorizes the construction of dormitories for up to 400 beds on an FCS institution campus located within a municipality designated as an area of critical state concern<sup>15</sup> and having a comprehensive plan and land development regulations containing a building permit allocation system that limits annual growth. Current law authorizes the construction of dormitories for up to 100 beds on such FCS institution campuses.<sup>16</sup>

Currently, the only FCS institution located within a municipality designated as an area of critical state concern is Florida Keys Community College in Monroe County.<sup>17</sup> In effect, the bill allows Florida Keys Community College to construct a dormitory for up to 400 beds, rather than the current 100 bed limit.

The bill takes effect on July 1, 2016.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

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<sup>13</sup> Section 4, ch. 2008-213, L.O.F., codified in s. 1013.40(4), F.S. The intent was to create an exception to Monroe County's planning process for Florida Keys Community College. See *House Message Summary for CS/CS/SB 1276* (2008) available at <http://archive.flsenate.gov/data/session/2008/Senate/bills/analysis/pdf/2008s1276.hms.pdf>.

<sup>14</sup> Section 1013.40(4), F.S.

<sup>15</sup> See s. 380.05(2), F.S., which provides the criteria for designating an area of critical state concern.

<sup>16</sup> Section 1013.40(4), F.S.

<sup>17</sup> *Supra* note 3.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

The bill has no impact on state funds.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1013.40 of the Florida Statutes.

**IX. Additional Information:**

## A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

## B. Amendments:

None.