

**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 Committee on Education

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BILL: CS/SB 984

INTRODUCER: Education Committee and Senator Bean and others

SUBJECT: Shared Use of Public School Playground Facilities

DATE: April 4, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck	Graf	ED	<b>Fav/CS</b>
2.			AED	
3.			AP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 984 provides legislative intent to increase the number of school districts that open their playground facilities to community use outside of school hours. Specifically, the bill:

- Establishes a Shared Use Task Force to identify barriers in creating shared use agreements and make recommendations to facilitate the shared use of school facilities generally and in high-need communities, specifies membership of the task force, and requires the task force to submit a report to the Legislature by October 1, 2017.
- Requires the Department of Education (DOE) to provide technical assistance to school districts regarding the shared use of school facilities.
- Specifies additional duties that the DOE must perform with the funds established in the General Appropriations Act, and requires the DOE to submit to the Legislature a report on grant disbursements by December 31, 2017, and a final report on grant disbursements by June 30, 2018.

The bill takes effect on July 1, 2017.

## II. Present Situation:

### Impact of Obesity on Personal Health

The Centers for Disease Control and Prevention (CDC) estimates that 70.7 percent of adults in America are overweight, including 37.9 percent who are obese,<sup>1</sup> and 12.7 percent who have diabetes.<sup>2</sup> The CDC also estimates that 20.6 percent of children age 12-19, 17.4 percent of children age 6-11, and 9.4 percent of children age 2-5, are obese.<sup>3</sup> The CDC also finds that obesity disproportionately affects children from low-income families.<sup>4</sup> The National Institutes of Health warns that being overweight or obese substantially raises the risk of death from hypertension, dyslipidemia, type 2 diabetes, coronary heart disease, stroke, gallbladder disease, osteoarthritis, sleep apnea and respiratory problems, and endometrial, breast, prostate, and colon cancers.<sup>5</sup>

The estimated annual medical cost of obesity in the U.S. was \$147 billion in 2008; the annual medical costs for people who are obese were \$1,429 higher than those of normal weight.<sup>6</sup>

The CDC has issued a policy statement advocating the use of joint use (or shared use) agreements to increase resident's access to safe physical activity resources.<sup>7</sup>

### Playground Facilities

Florida law authorizes a district school board, a Florida College System institution board of trustees, a university board of trustees, and the Board of Trustees for the Florida School for the Deaf and the Blind to allow public access for use of educational facilities and grounds for public assemblies, community use centers, or voting locations.<sup>8</sup>

Additionally, the law requires that a county and municipality within the geographic areas of a school district enter into an interlocal agreement with the district a school board that jointly

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<sup>1</sup> U.S. Department of Health and Human Services, *Health, United States, 2015* (May 2016), at 200, available at <https://www.cdc.gov/nchs/data/abus/abus15.pdf#053>. The estimates are for 2013-2014.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Centers for Disease Control and Prevention, *Obesity Prevalence Among Low-Income, Preschool-Aged Children, United States, 1998-2008*, <https://www.cdc.gov/mmwr/preview/mmwrhtml/mm5828a1.htm> (last visited March 31, 2017).

<sup>5</sup> National Institutes of Health, *Clinical Guidelines on the Identification, Evaluation, and Treatment of Overweight and Obesity in Adults* (September, 1998), at xi, available at [https://www.nhlbi.nih.gov/files/docs/guidelines/obesity\\_guidelines\\_archive.pdf](https://www.nhlbi.nih.gov/files/docs/guidelines/obesity_guidelines_archive.pdf).

<sup>6</sup> Eric A. Finkelstein, Justin G. Trogon, Joel W. Cohen and William Dietz, *Annual Medical Spending Attributable To Obesity: Payer-And Service-Specific Estimates*, *Health Affairs* 28, no.5 (2009):w822-w831doi: 10.1377/hlthaff.28.5.w822 originally published online July 27, 2009, available at <http://content.healthaffairs.org/content/28/5/w822.full.pdf+html>.

<sup>7</sup> Centers for Disease Control and Prevention, *Joint Use Agreements*, available at <https://www.cdc.gov/nccdphp/dch/pdfs/health-equity-guide/health-equity-guide-sect-4-1.pdf>.

<sup>8</sup> Section 1013.10, F.S. Section 1013.01, F.S., defines a board as a district school board, a Florida College System institution board of trustees, a university board of trustees, and the Board of Trustees for the Florida School for the Deaf and the Blind.

establishes the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated.<sup>9</sup> The interlocal agreement must include a process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.<sup>10</sup> In these agreements, school boards and local governments, recognizing the value of shared use school facilities, may provide for a separate agreement developed for each instance of co-location and shared use, which addresses legal liability, operating and maintenance costs, scheduling of use, and facility supervision or any other issues that may arise from co-location and shared use.<sup>11</sup>

### III. Effect of Proposed Changes:

CS/SB 984 provides legislative intent to increase the number of school districts that open their playground facilities to community use outside of school hours. Specifically, the bill:

- Establishes a Shared Use Task Force to identify barriers in creating shared use agreements and make recommendations to facilitate the shared use of school facilities generally and in high-need communities; and specifies membership of the task force.
- Requires the Department of Education (DOE) to provide technical assistance to school districts regarding the shared use of school facilities.
- Specifies additional duties that the DOE must perform with the funds established in the General Appropriations Act.

#### DOE Responsibility

The bill requires the Department of Education (DOE) to provide technical assistance to school districts including, but not limited to:

- Individualized assistance;
- The creation of a shared use<sup>12</sup> technical assistance toolkit containing useful information for school districts; and
- The development of a publicly accessible online database of shared use resources and existing shared use agreements.<sup>13</sup>

The bill requires the DOE to perform the following duties with funds established in the General Appropriations Act:

- Provide short-term grants to help school districts open their facilities for shared use before or after school hours, including evenings, weekends, and school vacations.

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<sup>9</sup> Sections 163.31777(1), F.S., and 1013.33(1), F.S.

<sup>10</sup> Section 163.31777(2)(g), F.S.

<sup>11</sup> See e.g., Santa Rosa County Commission, City Council of Milton and Gulf Breeze, Town Council of the Town of Jay, and the School Board of Santa Rosa County, *Interlocal Agreement for Public School Facility Planning*, at 10-11, available at <https://sites.santarosa.k12.fl.us/admin/files/PropAmndIntrlcAgr010312wSigs.pdf>.

<sup>12</sup> “Shared use” is defined in the bill as allowing access to school playground facilities by community members for recreation or another purpose of importance to the community through a shared use agreement or a school district or school policy that opens school facilities for use by government or nongovernmental entities or the public.

<sup>13</sup> “Shared use agreement” is defined in the bill as a written agreement between a school district and a government or nongovernmental entity which defines the roles, responsibilities, terms, and conditions for community use of a school-owned facility for recreation or other purposes.

- Establish guidelines for funding eligibility consistent with this section, promote the availability of the funding statewide, provide technical assistance to applicants, evaluate applicants, determine allowable expenses, and disburse funding.
- Annually post on its website and report to the President of the Senate and the Speaker of the House of Representatives the expenditure of the funds used to administer this section, including the total amount of funding distributed, the school districts that received funding, the amount of funding each school district received, and the department’s evaluation results.
- Develop an application process for school districts to receive funding. The application must require that a school district:
  - Demonstrate that it has an active partnership with a local governmental agency or nonprofit organization or that the funds will be used to open school facilities for use by the public;
  - Agree to fully implement its shared use project within the grant period;
  - Abide by the conditions for receiving assistance;
  - Provide the department with a copy of the school district’s shared use agreement or shared use policy; and
  - Collect and provide data and other information required by the department for monitoring, accountability, and evaluation purposes.
- Give funding priority to high-need communities.<sup>14</sup> In consultation with the Shared Use Task Force, the department may establish additional criteria for funding priorities.
- Submit to the President of the Senate and the Speaker of the House of Representatives:
  - An electronic report on the grants that have been disbursed or are in the process of being disbursed, by December 31, 2017.
  - A final report on the grant disbursements by June 30, 2018.

### **Shared Use Task Force Responsibility**

The bill establishes a seven-member Shared Use Task Force (task force)<sup>15</sup> within the DOE to identify barriers in creating shared use agreements and to make recommendations to facilitate the shared use of school facilities generally and in high-need communities. The bill requires the DOE to appoint the following members to the task force:

- Two representatives from school districts, including 1 representative from school districts 1 through 33 and 1 representative from school districts 34 through 67;
- One representative from a public health department;
- Two representatives from community-based programs in high-need communities; and
- Two representatives from recreational organizations.

The bill also specifies requirements for electing a task force chair and vice chair; and conducting meetings.

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<sup>14</sup> “High-need communities” are defined in the bill as communities in which at least 50 percent of children are eligible to receive free or reduced-price meals at the school that will be the subject of the shared use agreement.

<sup>15</sup> A “task force” means an advisory body created without specific statutory enactment for a time not to exceed 1 year or created by specific statutory enactment for a time not to exceed 3 years and appointed to study a specific problem and recommend a solution or policy alternative with respect to that problem. Its existence terminates upon the completion of its assignment. Section 20.03(8), F.S.

The bill requires the task force to submit a report of its findings and recommendations to the President of the Senate and the Speaker of the House of Representatives by October 1, 2017. Additionally, the bill requires:

- The department to assist the task force; and
- The State Board of Education to adopt rules for implementing and administering bill provisions.

The bill takes effect on July 1, 2017.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

CS/SB 984 may have a minimal fiscal impact on school districts that elect to utilize the provisions created by this bill. The costs are indeterminate at this time.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 1013.101 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.)

**CS by Education on April 3, 2017:**

The committee substitute adds reporting requirements for the Department of Education (DOE) and modifies the reporting requirement for the Shared Use Task Force.

Specifically, the committee substitute:

- Adds a provision requiring the DOE to submit to the President of the Senate and the Speaker of the House of Representatives:
  - An electronic report on the grants that have been disbursed or are in the process of being disbursed, by December 31, 2017.
  - A final report on the grant disbursements by June 30, 2018.
- Modifies the deadline for the Shared Use Task force to report its findings and recommendations to the Legislature from June 30, 2018, to October 1, 2017.

**B. Amendments:**

None.