

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1233  
**SPONSOR(S):** Jenne and others  
**TIED BILLS:**

Educational Plant Surveys

**IDEN./SIM. BILLS:** SB 2356

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	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	PreK-12 Appropriations Committee	9 Y, 0 N, As CS	Seifert	Heflin
2)	PreK-12 Policy Committee	(ref. removed)		
3)	Full Appropriations Council on Education & Economic Development	(ref. removed)		
4)	Education Policy Council		White	Lowell
5)				

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### SUMMARY ANALYSIS

The bill amends s. 1031.31, F.S., to:

- Authorize a school district to apply to the Department of Education for an extension of the submission deadline for an educational plant survey.
- Prohibit school districts from contracting for new construction projects during an extension period, except for projects funded with local bonds or voter-approved ½ cent sales taxes.
- Require the State Board of Education to adopt rules.

The bill does not appear to have a state or local fiscal impact. See FISCAL COMMENTS section of this analysis.

The bill takes effect July 1, 2010.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Current Law**

The educational plant survey is a systematic study that aids in the formulation of plans for housing an educational program and its student population, faculty, administrators, staff, and auxiliary and ancillary services. The survey, which may be performed by agency staff or an agency employed by the board, must be conducted at least once five (5) years. A copy of the survey must be submitted to the Office of Educational Facilities within the Department of Education (DOE) for review and validation.<sup>1</sup>

Sections 1013.03 and 1013.64, F.S. and s. 3.1 of the State Requirements for Educational Facilities require that an educational plant survey include:<sup>2</sup>

- Correct inventory data;
- Appropriate inventory changes;
- New square footage requirements within normal allocation limits;
- Cost projections;
- Facility lists;
- Uniform utilization factors;
- Survey recommendations for existing and new plants;
- A summary of cost for survey recommendations;
- Documented need for programs offered per site;
- Documented approval of vocational and adult programs by the Division of Workforce Development;
- Assigned student stations to required areas;
- Documentation showing utilization of plants based on regular and extended day/year round operation;
- Capacity of existing satisfactory facilities;
- Past and projected membership trends;
- Financial trends in assessed valuation;
- Required local millage contribution;
- Current tax levies on non-exempt property;
- Debt service obligations;

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<sup>1</sup> Florida Department of Education Office of Educational Facilities website <http://www.fldoe.org/edfacil/k12survey.asp>

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

- Anticipated state revenue allocations; and
- Plans for financing the proposed facility program

There is no statute or rule addressing whether a school district may apply for an extension of the educational plant survey submission deadline. In practice, district superintendents have been permitted by the DOE to provide a formal written request to the Commissioner of Education for an extension of the deadline. In most cases, the extension request has been approved where the reasons for the request were persuasive, objective, and logical.<sup>3</sup>

### **Effect of Proposed Changes**

The bill amends s. 1013.31(1), F.S., to authorize a district school superintendent, with the concurrence of all school board members, to submit a request to the DOE for an extension of the submission deadline for an educational plant survey. An extension may not exceed six months and no more than four consecutive extensions may be granted by the DOE per survey.

The bill requires the DOE to develop a formal application for the extension requests, which must include sections for the following information: the purpose for requesting the extension; data that clearly and objectively support the need for the extension; the signatures of all current district school board members; and the signature of the director of the department responsible for oversight of the district's educational facility planning, design, and construction.

School districts are prohibited from contracting for new construction projects during an extension period, except for projects funded with local bonds or voter-approved ½ cent sales taxes.

The bill requires the State Board of Education (SBE) to adopt implementing rules.

#### **B. SECTION DIRECTORY:**

**Section 1:** Amends s. 1013.31, F.S., relating to educational plant surveys.

**Section 2:** Provides an effective date of July 1, 2010.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

The bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on state government expenditures. See FISCAL COMMENTS.

#### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

The bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on local government expenditures.

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<sup>3</sup> Department of Education Analysis of HB 1233, March 5, 2010.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The DOE may incur costs for the SBE to adopt implementing rules. It is anticipated that these costs can be absorbed by existing resources.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require a city or county to expend funds or take any action requiring the expenditure of funds. The bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the SBE to adopt implementing rules.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**

On March 26, 2010, the PreK-12 Appropriations Committee adopted one technical amendment and reported the bill favorably as a Committee Substitute (CS). The amendment clarified that no more than four consecutive extensions may be granted per survey.