

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1233 Educational Plant Surveys

SPONSOR(S): Jenne and others

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

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	PreK-12 Appropriations Committee		Seifert	Heflin
2)	PreK-12 Policy Committee			
3)	Full Appropriations Council on Education & Economic Development			
4)				
5)				

SUMMARY ANALYSIS

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

- Authorize an extension of the education plant survey submission deadline for local school districts through a formal application, to be developed by the Department of Education (DOE).
- Provide restrictions on school district construction during the extension period.
- Provide rule-making authority to the State Board of Education.

See FISCAL COMMENTS section of this analysis.

The bill provides an effective date of 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 the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus. The survey, which may be conducted by agency staff or an agency employed by the board, must be conducted at least every five (5) years. A copy of the survey must be submitted to the Department of Education, Office of Educational Facilities, for review and validation.¹

Sections 1013.03 and 1013.64, F.S. and State Requirements for Educational Facilities (SREF), Section 3.1, FAC, guide the components of the district educational plant surveys to include:²

- Correct inventory data
- Appropriate inventory changes; i.e., satisfactory to unsatisfactory, etc.
- New square footage within normal allocation limits
- Cost projections that are within state required cost limits
- Distribution of state-generated enrollment projections (K-12)
- Facility lists that are within normal limits
- Uniform utilization factors
- Survey recommendations for existing and new plants
- Summary of cost for survey recommendations
- Documented need of 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 - Permanent and relocatables
- Past and projected membership trends
- Financial trends in assessed valuation
- Required local millage contribution

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

² *Id.*

- Current tax levies on non-exempt property
- Debt service obligations
- Anticipated state revenue allocations
- Plan for financing the proposed facility program

There is no statute or rule guiding the extension of the educational plant survey submission deadline process for school districts.

A school district superintendent may provide a formal written request to the Commissioner of Education for a survey submission deadline extension. In most cases, a request for extension is approved if reasons submitted by the district are strong, objective, and logical.³

Effect of Proposed Changes

The bill adds a new subparagraph to authorize the DOE to grant an extension of time for a local school district to submit the educational plant survey upon request by the superintendent and concurrence of all members of the school board. The bill provides an extension for the educational plant survey submission deadline for up to six months, not to exceed a total of four consecutive extensions per survey.

The extension request must be made to the DOE no later than three months prior to the most current submission deadline. In order to be considered by the DOE, the request must contain the following information:

- A letter from the district superintendent to the Commissioner of Education, and approved by the local school board, formally requesting an extension and explaining why there is a need for such an extension.
- An application form, to be created by the DOE that describes the purpose for requesting the extension. The application must include data that clearly and objectively support the need for the extension, as based on criteria defined by the DOE. The application will require signatures of all active district school board members and the signature of department personnel overseeing the facility planning, design, and construction for the district.

The bill provides that during the extension period, a school district shall not contract for new construction projects, except those funded with local bonds or voter-approved ½ cent sales tax.⁴

The bill authorizes the DOE to adopt implementing rules.

B. SECTION DIRECTORY:

Section 1: amends s. 1013.31, F.S., requiring educational plant survey; localized need assessment; PECO project funding.

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.

³ Department of Education Analysis of HB 1233, March 5, 2010.

⁴ s. 212.055(6), F.S.

2. 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:

See FISCAL COMMENTS.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

A school district may incur a cost associated with preparing the extension application.

The Florida DOE may incur a cost associated with rulemaking to create the application form and adopting criteria for evaluating an extension application.

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 provides the Department of Education rule making authority to establish criteria in determining eligibility for an extension and to approve an extension application form.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES