

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 559 Public Educational Facilities  
**SPONSOR(S):** Duran  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 642

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Appropriations Subcommittee	14 Y, 0 N	Seifert	Potvin
2) PreK-12 Quality Subcommittee			
3) Appropriations Committee			

### SUMMARY ANALYSIS

The State Board of Education adopts by rule the State Requirements for Educational Facilities (SREF) manual. The SREF is part of the Florida Building Code and the requirements apply to construction, renovation, and remodeling of public educational facilities owned by district school boards.

The bill:

- Provides that for the purposes of determining the capacity of school facilities, as reported in the Florida Inventory of School Houses (FISH), a school containing students in kindergarten through grade 5 is considered an elementary school and a school containing students in grades 6 through 8 is considered a middle school.
- Requires the Commissioner of Education (commissioner), upon request by a district school board, to grant an exemption from the SREF.

The bill does not have a fiscal impact.

The bill takes effect July 1, 2017.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **School District Educational Facilities Plan**

###### Present Situation

Section 1013.35, Florida Statutes, specifies the standards that school districts must use in preparing the educational facilities plan, including a financially feasible district facilities work program for a five-year period (work plan). The work plan must identify the locations, capacities and planned utilization rates of the school district's current educational facilities and must compare the capacity of existing satisfactory facilities as reported in the Florida Inventory of School Houses (FISH) to the capital outlay full-time-equivalent student enrollment (COFTE) number that is used to calculate the distribution of Public Education Capital Outlay (PECO) funds for new construction pursuant to the formula in s. 1013.64(3), Florida Statutes.

State Board of Education rule 6A-2.0010, Florida Administrative Code, relates to educational facilities, and, among other things, adopts by reference the publication, the State Requirements for Educational Facilities (SREF). The SREF manual establishes utilization factors by type of school, including elementary, middle and junior high, senior high, combination schools, exceptional student centers, alternative education centers, designated area vocational centers and designated adult centers, but does not prescribe grade groupings for a school type.

The SREF manual defines a student station as the net square footage requirements per student (in full-time equivalency) based upon the instructional program to be housed; used primarily to determine student capacity of a school.<sup>1</sup>

The SREF manual defines student capacity for planning purposes as the estimated number of students (in full-time equivalency) that can be satisfactorily housed in a facility at any given time based upon a percentage, the utilization factor, of the total number of satisfactory student stations.<sup>2</sup>

Elementary schools have a utilization factor of 100 percent. Middle schools and combination schools have utilization factors of 90 percent. The utilization factors for high schools vary based on the number of student stations. Instruction at the elementary school level typically does not require students to change classrooms; thus, planning is based on all spaces being used for the full school day. Instruction at the middle schools, combination schools, and high schools usually includes programs that require students to change classrooms; thus, planning is based on utilization factors that recognize it is not possible to fully use all spaces throughout the school day.

Section 1003.01, Florida Statutes, defines "school" as an organization of students for instructional purposes on an elementary, middle or junior high school, secondary high school or other public school level authorized under the rules of the State Board of Education. The law does not prescribe grade configuration for a school type.

School districts use a diverse range of grade configurations in their schools. As of February 7, 2017, data reported by school districts include 43 different grade configurations for the 3,072 schools in the FISH, as follows:

- Prekindergarten through grade five – 1,426 (46.42 percent);

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<sup>1</sup> Section 1.2(88), SREF. The 2014 State Requirements for Educational Facilities (effective Nov. 4, 2014) are available at <http://www.fldoe.org/core/fileparse.php/7738/urlt/srefrule14.pdf>

<sup>2</sup> Section 1.2(87), SREF.

- Kindergarten through grade five – 165 schools (5.37 percent);
- Grades six through eight – 480 schools (15.63 percent); and
- Grades nine through 12 – 408 schools (13.28 percent).
- In addition, FISH includes 593 schools (19.30 percent) in 39 other unique grade configurations.

### Effect of Proposed Changes

The bill would provide that for the purposes of determining the capacity of school facilities, as reported in the FISH, a school containing students in kindergarten through grade 5 is considered an elementary school and a school containing students in grades 6 through 8 is considered a middle school.

## **State Requirements for Educational Facilities (SREF)**

### Present Situation

The uniform statewide building code for the planning and construction of public educational and ancillary plants, i.e., the SREF, is adopted by the Florida Building Commission as section 453 of the Florida Building Code.<sup>3</sup> The Department of Education (DOE) must biennially review and recommend to the Florida Building Commission updates and revisions to the provisions of the SREF of the Florida Building Code.<sup>4</sup> The law and State Board of Education rules require district school boards and Florida College System institution boards of trustees to adhere to the SREF and section 468 of the Florida Building Code when constructing, remodeling and renovating educational facilities. The State Fire Marshal adopts standards for public school fire safety within the Florida Fire Prevention Code.<sup>5</sup> Generally speaking, SREF standards are premised on providing enhanced safety of occupants and increasing the life span of the extensive, publicly funded infrastructure of Florida's public school districts.<sup>6</sup>

Before approving any construction plans, a district school board must ensure that the plans comply with the applicable standards of the Florida Building Code and the Florida Fire Prevention Code.<sup>7</sup>

### *Educational Facilities Construction Flexibility*

In 2016, the Florida Legislature enacted s. 1013.385, Florida Statutes, relating to construction flexibility. The construction flexibility enabling law:

- Authorizes a district school board to adopt, by supermajority vote, a resolution to implement exceptions to the SREF.
- Requires a transparent approval process, with the district school board holding at least one public workshop prior to considering adoption of the resolution, with the workshop and public hearing beginning no earlier than 5:00 p.m.
- Requires a cost-benefit analysis conducted using a professionally accepted methodology for each exception selected by the district school board, which may include:
  - interior nonload-bearing walls;
  - walkways, roadways, driveways, and parking areas;
  - standards for relocatables used as classroom space; and
  - site lighting.

### *Review of the SREF*

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<sup>3</sup> Section 1013.37(1), F.S.

<sup>4</sup> Section 1013.37(4), F.S.

<sup>5</sup> Sections 381.006(6) and (16) and 1013.37(1) and (4), F.S.; rule 6A-2.0010, F.A.C.

<sup>6</sup> See, e.g., s. 1013.12 (casualty, safety, sanitation, and fire safety standards and inspection of property) and 1013.451, F.S. (life-cycle cost comparison)

<sup>7</sup> Sections 1013.37(2), 1013.371(1)(c), and 1013.38(4)(a), F.S.

In 2016, the Florida Legislature also directed that the Office of Program Policy Analysis and Government Accountability (OPPAGA) review the SREF to identify current requirements that could be eliminated or modified in order to decrease the cost of construction of educational facilities while ensuring student safety.<sup>8</sup> On January 31, 2017, OPPAGA released Report 17-04, which recommended that the SREF be retained and noted that 82 percent of school districts supported retaining the SREF due to benefits to “student safety, facility quality, facility longevity, and school uniformity”<sup>9</sup> The report identified 10 potential modifications for legislative consideration, but noted that each posed potential safety drawbacks with cost savings of 1 percent or less and a lack of consensus among the school districts as to which requirements could be modified and how they should be modified.

### Effect of Proposed Changes

The bill would require the commissioner, upon the request of a district school board, to grant an exemption from the SREF. The school board must prepare a comprehensive cost-benefit analysis to support the exemption request and must continue to comply with applicable provisions of the Florida Building Code and the Florida Fire Prevention Code which relate to the construction, remodeling and renovation of educational facilities.

#### B. SECTION DIRECTORY:

Section 1. Amends s. 1013.35, Florida Statutes; providing requirements for determining the capacity of facilities in certain schools as reported in the Florida Inventory of School Houses.

Section 2. Amends s. 1013.37, Florida Statutes; requiring the Commissioner of Education to grant an exemption from the State Requirements for Educational Facilities to a district school board under certain circumstances; requiring such district school board to comply with certain Florida Building Code and Florida Fire Prevention Code provisions.

Section 3. Amends s. 1013.64, Florida Statutes; conforming provisions to changes made by the act.

Section 4. Provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

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

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

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

1. Revenues:

None.

2. Expenditures:

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<sup>8</sup> Section 1013.64(4)(b)4., F.S.

<sup>9</sup> OPPAGA Report 17-04, *The State Requirements for Educational Facilities (SREF) Should Be Retained; Some Modifications Could Be Made*, is available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1704rpt.pdf>.

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

A school district would have costs associated with preparing a comprehensive cost-benefit analysis to submit to the commissioner with the request of the SREF exemption.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES