

By Senators Scott and Latvala

31-631A-98

See CS/HB 1793

1                                   A bill to be entitled  
2           An act relating to nonprofit private schools;  
3           amending s. 159.27, F.S.; redefining the term  
4           "educational facility" to include property used  
5           for the operation of certain nonprofit private  
6           schools; providing requirements relating to  
7           financing; amending s. 623.13, F.S.;  
8           authorizing financing under the Florida  
9           Industrial Development Financing Act or by  
10          industrial development authorities; providing  
11          an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15           Section 1. Subsections (5) and (22) of section 159.27,  
16 Florida Statutes, are amended to read:

17           159.27 Definitions.--The following words and terms,  
18 unless the context clearly indicates a different meaning,  
19 shall have the following meanings:

20           (5) "Project" means any capital project comprising an  
21 industrial or manufacturing plant, a research and development  
22 park, an agricultural processing or storage facility, a  
23 warehousing or distribution facility, a headquarters facility,  
24 a tourism facility, a convention or trade show facility, an  
25 urban parking facility, a trade center, a health care  
26 facility, an educational facility, a correctional or detention  
27 facility, a motion picture production facility, a preservation  
28 or rehabilitation of a certified historic structure, an  
29 airport or port facility, a commercial project in an  
30 enterprise zone, a pollution-control facility, a hazardous or  
31 solid waste facility, a social service center, or a mass

1 commuting facility, including one or more buildings and other  
2 structures, whether or not on the same site or sites; any  
3 rehabilitation, improvement, renovation, or enlargement of, or  
4 any addition to, any buildings or structures for use as a  
5 factory, a mill, a processing plant, an assembly plant, a  
6 fabricating plant, an industrial distribution center, a  
7 repair, overhaul, or service facility, a test facility, an  
8 agricultural processing or storage facility, a warehousing or  
9 distribution facility, a headquarters facility, a tourism  
10 facility, a convention or trade show facility, an urban  
11 parking facility, a trade center, a health care facility, an  
12 educational facility, a correctional or detention facility, a  
13 motion picture production facility, a preservation or  
14 rehabilitation of a certified historic structure, an airport  
15 or port facility, a commercial project in an enterprise zone,  
16 a pollution-control facility, a hazardous or solid waste  
17 facility, a social service center, or a mass commuting  
18 facility, and other facilities, including research and  
19 development facilities, for manufacturing, processing,  
20 assembling, repairing, overhauling, servicing, testing, or  
21 handling of any products or commodities embraced in any  
22 industrial or manufacturing plant, in connection with the  
23 purposes of a research and development park, or other  
24 facilities for or used in connection with an agricultural  
25 processing or storage facility, a warehousing or distribution  
26 facility, a headquarters facility, a tourism facility, a  
27 convention or trade show facility, an urban parking facility,  
28 a trade center, a health care facility, an educational  
29 facility, a correctional or detention facility, a motion  
30 picture production facility, a preservation or rehabilitation  
31 of a certified historic structure, an airport or port

1 facility, or a commercial project in an enterprise zone or for  
2 controlling air or water pollution or for the disposal,  
3 processing, conversion, or reclamation of hazardous or solid  
4 waste, a social service center, or a mass commuting facility;  
5 and including also the sites thereof and other rights in land  
6 therefor whether improved or unimproved, machinery, equipment,  
7 site preparation and landscaping, and all appurtenances and  
8 facilities incidental thereto, such as warehouses, utilities,  
9 access roads, railroad sidings, truck docking and similar  
10 facilities, parking facilities, office or storage or training  
11 facilities, public lodging and restaurant facilities, dockage,  
12 wharfage, solar energy facilities, and other improvements  
13 necessary or convenient for any manufacturing or industrial  
14 plant, research and development park, agricultural processing  
15 or storage facility, warehousing or distribution facility,  
16 tourism facility, convention or trade show facility, urban  
17 parking facility, trade center, health care facility,  
18 educational facility, correctional or detention facility,  
19 motion picture production facility, preservation or  
20 rehabilitation of a certified historic structure, airport or  
21 port facility, commercial project in an enterprise zone,  
22 pollution-control facility, hazardous or solid waste facility,  
23 social service center, or mass commuting facility and any one  
24 or more combinations of the foregoing.

25 (22) "Educational facility" means:

26 (a) Property, limited to a structure suitable for use  
27 as a dormitory or other housing facility or a dining facility,  
28 that is operated in the public sector and used for or useful  
29 in connection with the operation of an institution for higher  
30 education, as defined in s. 243.20(8), which offers the  
31 baccalaureate or a higher degree and that is constructed in

1 compliance with applicable codes as determined by appropriate  
2 state agencies.

3 (b) Property that comprises the buildings and  
4 equipment, structures, and special educational use areas that  
5 serve primarily the educational purposes of any nonprofit  
6 private preschool, kindergarten, or elementary, middle, or  
7 high school that is established under chapter 617 or chapter  
8 623, or that is owned or operated by an organization described  
9 in section 501(c)(3) of the U.S. Internal Revenue Code.  
10 However, the requirements of this part for the financing of  
11 projects through local agencies shall also apply to such  
12 schools, and bonds issued under the provisions of this part  
13 for such schools shall not be deemed to constitute a debt,  
14 liability, or obligation of the state or any political  
15 subdivision thereof, or a pledge of the faith and credit of  
16 the state or of any such political subdivision, but shall be  
17 payable solely from the revenues provided therefor.

18 Section 2. Section 623.13, Florida Statutes, is  
19 amended to read:

20 623.13 Administration, supervision, and operation by  
21 private persons or entities.--Any corporation organized and  
22 existing under this act shall be administered, supervised,  
23 operated, financed, and controlled exclusively by private  
24 persons and private entities and their funds. All persons  
25 while acting in any public official capacity are hereby  
26 specifically prohibited from engaging in any manner in such  
27 administration, supervision, operation, financing, and control  
28 of the affairs of such corporation. This section does not  
29 prohibit the financing of educational facilities as provided  
30 in part II of chapter 159.

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1           Section 3. This act shall take effect upon becoming a  
2 law.

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5                                   SENATE SUMMARY

6           Redefines the term "educational facility" for purposes of  
7 the Industrial Development Financing Act to include  
8 nonprofit private schools. Authorizes financing of  
9 nonprofit private schools under the Industrial  
10 Development Financing Act or by industrial development  
11 authorities.

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