

By Senator Turner

36-1609-98

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A bill to be entitled  
An act relating to educational facilities;  
amending s. 235.26, F.S.; prohibiting local and  
state government boards and agencies from  
levying fees, assessments, or taxes on  
educational boards, districts, or facilities;  
providing an effective date.

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

Section 1. Subsection (1) of section 235.26, Florida  
Statutes, is amended to read:

235.26 State Uniform Building Code for Public  
Educational Facilities Construction.--The Commissioner of  
Education shall adopt a uniform statewide building code for  
the planning and construction of public educational and  
ancillary plants by district school boards and community  
college district boards of trustees. The code must be entitled  
the State Uniform Building Code for Public Educational  
Facilities Construction. Included in this code must be flood  
plain management criteria in compliance with the rules and  
regulations in 44 C.F.R. parts 59 and 60, and subsequent  
revisions thereto which are adopted by the Federal Emergency  
Management Agency. Wherever the words "Uniform Building Code"  
appear, they mean the "State Uniform Building Code for Public  
Educational Facilities Construction." It is not a purpose of  
the Uniform Building Code to inhibit the use of new materials  
or innovative techniques; nor may it specify or prohibit  
materials by brand names. The code must be flexible enough to  
cover all phases of construction so as to afford reasonable  
protection for the public safety, health, and general welfare.

1 The department may secure the service of other state agencies  
2 or such other assistance as it finds desirable in revising the  
3 code.

4 (1) UNIFORM BUILDING CODE.--

5 (a) Except as otherwise provided in paragraph (b), all  
6 public educational and ancillary plants constructed by a  
7 district school board or a community college district board of  
8 trustees must conform to the State Uniform Building Code for  
9 Public Educational Facilities Construction, and such plants  
10 are exempt from all other state, county, district, municipal,  
11 or local building codes, interpretations, building permits,  
12 and assessments of fees for building permits, ordinances, road  
13 closures, and impact fees or service availability fees. Any  
14 inspection by local or state government must be based on the  
15 Uniform Building Code as prescribed by rule. Each board shall  
16 provide for periodic inspection of the proposed educational  
17 plant during each phase of construction to determine  
18 compliance with the Uniform Building Code.

19 (b) A district school board or community college  
20 district board of trustees may conform with local building  
21 codes and the administration of such codes when constructing  
22 ancillary plants that are not attached to educational  
23 facilities, if those plants conform to the space size  
24 requirements established in the Uniform Building Code.

25 (c) The provisions of any law, county ordinance, or  
26 municipal ordinance to the contrary notwithstanding, the  
27 boards of county commissions, municipal boards, and other  
28 agencies and boards of the state may not levy any fees,  
29 charges, assessments, or taxes on school boards, boards of  
30 trustees, school or community college districts, or any

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1 educational facilities under their control except as provided  
2 in s. 235.34.

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

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7 SENATE SUMMARY

8 Prohibits state and local government boards and agencies  
9 from levying fees, assessments, or taxes on educational  
10 boards, districts, or facilities.

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