

By Representative Rodriguez-Chomat

1 A bill to be entitled
 2 An act relating to educational facilities;
 3 amending s. 163.3221, F.S.; providing that
 4 buildings and activities associated with school
 5 construction shall not be considered
 6 development for purposes of the Florida Local
 7 Government Development Agreement Act; amending
 8 s. 235.193, F.S.; requiring educational plant
 9 surveys to be provided to local governing
 10 bodies for purposes of coordination of
 11 planning; amending s. 235.211, F.S.; revising
 12 provisions relating to educational facilities
 13 day labor contracts; amending s. 267.061, F.S.;
 14 exempting district school boards from certain
 15 requirements relating to use of historic
 16 properties; providing requirements for
 17 undertakings that involve demolition or
 18 substantial alteration; amending s. 380.04,
 19 F.S.; providing that buildings and activities
 20 associated with school construction shall not
 21 be considered development for purposes of land
 22 and water management; repealing s. 235.194,
 23 F.S., relating to a general educational
 24 facilities report; providing an effective date.

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

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 28 Section 1. Paragraph (b) of subsection (3) of section
 29 163.3221, Florida Statutes, is amended to read:
 30 163.3221 Definitions.--As used in ss.
 31 163.3220-163.3243:

1 (3) "Development" means the carrying out of any
2 building activity or mining operation, the making of any
3 material change in the use or appearance of any structure or
4 land, or the dividing of land into three or more parcels.
5 (b) The following operations or uses shall not be
6 taken for the purpose of this act to involve "development":
7 1. Work by a highway or road agency or railroad
8 company for the maintenance or improvement of a road or
9 railroad track, if the work is carried out on land within the
10 boundaries of the right-of-way.
11 2. Work by any utility and other persons engaged in
12 the distribution or transmission of gas or water, for the
13 purpose of inspecting, repairing, renewing, or constructing on
14 established rights-of-way any sewers, mains, pipes, cables,
15 utility tunnels, power lines, towers, poles, tracks, or the
16 like.
17 3. Work for the maintenance, renewal, improvement, or
18 alteration of any structure, if the work affects only the
19 interior or the color of the structure or the decoration of
20 the exterior of the structure.
21 4. The use of any structure or land devoted to
22 dwelling uses for any purpose customarily incidental to
23 enjoyment of the dwelling.
24 5. The use of any land for the purpose of growing
25 plants, crops, trees, and other agricultural or forestry
26 products; raising livestock; or for other agricultural
27 purposes.
28 6. A change in use of land or structure from a use
29 within a class specified in an ordinance or rule to another
30 use in the same class.
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1 7. A change in the ownership or form of ownership of
2 any parcel or structure.

3 8. The creation or termination of rights of access,
4 riparian rights, easements, covenants concerning development
5 of land, or other rights in land.

6 9. The building and activities associated with the
7 construction of school facilities.

8 Section 2. Subsection (1) of section 235.193, Florida
9 Statutes, is amended to read:

10 235.193 Coordination of planning with local governing
11 bodies.--

12 (1) It is the policy of this state to require the
13 coordination of planning between boards and local governing
14 bodies to ensure that plans for the construction and opening
15 of public educational facilities are facilitated and
16 coordinated in time and place with plans for residential
17 development, concurrently with other necessary services. Such
18 planning shall include the integration of the educational
19 plant survey, to be provided to the local governing bodies
20 every new adoption cycle, and applicable policies and
21 procedures of a board with the local comprehensive plan and
22 land development regulations of local governing bodies. The
23 planning must include the consideration of allowing students
24 to attend the school located nearest their homes when a new
25 housing development is constructed near a county boundary and
26 it is more feasible to transport the students a short distance
27 to an existing facility in an adjacent county than to
28 construct a new facility or transport students longer
29 distances in their county of residence. The planning must also
30 consider the effects of the location of public education
31 facilities, including the feasibility of keeping central city

1 facilities viable, in order to encourage central city
2 redevelopment and the efficient use of infrastructure and to
3 discourage uncontrolled urban sprawl.

4 Section 3. Paragraph (e) of subsection (1) of section
5 235.211, Florida Statutes, is amended to read:

6 235.211 Educational facilities contracting and
7 construction techniques.--

8 (1) Boards may employ procedures to contract for
9 construction of new facilities, or major additions to existing
10 facilities, that will include, but not be limited to:

11 (e) Day-labor contracts not exceeding \$200,000 for
12 construction, renovation, or remodeling, ~~or maintenance~~ of
13 existing facilities.

14 Section 4. Subsection (7) is added to section 267.061,
15 Florida Statutes, to read:

16 267.061 Historic properties; state policy,
17 responsibilities.--

18 (7) REQUIREMENTS FOR DISTRICT SCHOOL
19 BOARDS.--Notwithstanding the provisions of this section, each
20 district school board having direct or indirect jurisdiction
21 over a proposed state or state-assisted undertaking that
22 involves either demolishing or substantially altering any
23 historic property that is included in the National Register of
24 Historic Places shall, in accordance with state policy and
25 prior to the approval of expenditure of any state funds on the
26 undertaking, consider the effect of the undertaking on the
27 historic property. Each such district school board shall
28 provide the division with its written proposal to either
29 demolish or substantially alter any historic property for the
30 purpose of providing educational facilities, and the division
31 shall have 60 days from receipt of the proposal to issue its

1 comments and recommendations. A district school board may
2 proceed with the proposed demolition or substantial alteration
3 of a historic property if the following conditions are met:

4 (a) The school board has determined that the cost
5 necessary to rehabilitate, remodel, or alter a historic
6 property to bring it into compliance with the applicable
7 building and safety criteria and to adequately serve the
8 school board's needs, combined with the projected costs of
9 maintaining the property and providing utilities and other
10 services, is excessive.

11 (b) The school board has provided the division with
12 written notification of its determination.

13 Section 5. Paragraph (i) is added to subsection (3) of
14 section 380.04, Florida Statutes, to read:

15 380.04 Definition of development.--

16 (3) The following operations or uses shall not be
17 taken for the purpose of this chapter to involve "development"
18 as defined in this section:

19 (i) The building and activities associated with the
20 construction of school facilities.

21 Section 6. Section 235.194, Florida Statutes, is
22 repealed.

23 Section 7. This act shall take effect July 1 of the
24 year in which enacted.

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HOUSE SUMMARY

Provides that buildings and activities associated with school construction shall not be considered development for purposes of the Florida Local Government Development Agreement Act and land and water management. Requires educational plant surveys to be provided to local governing bodies for purposes of coordination of planning. Revises provisions relating to educational facilities day labor contracts. Exempts district school boards from certain requirements relating to use of historic properties and provides procedures for proposed demolition or substantial alteration of historic property for the purpose of providing educational facilities. Repeals provisions relating to a general educational facilities report.