

By Senator Hargrett

21-1324-00

1 A bill to be entitled
2 An act relating to educational facilities;
3 amending s. 235.15, F.S.; authorizing a
4 district school board to seek reconsideration
5 and revision of capital-outlay data provided by
6 the Department of Education; amending s.
7 235.435, F.S.; providing criteria for a
8 district school board to justify the
9 reconsideration and revision of capital-outlay
10 data by the Commissioner of Education; creating
11 s. 847.0134, F.S.; prohibiting the location of
12 adult entertainment establishments within a
13 specified distance from a school; providing a
14 criminal penalty; providing an effective date.

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

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18 Section 1. Paragraph (b) of subsection (1) of section
19 235.15, Florida Statutes, is amended to read:

20 235.15 Educational plant survey; localized need
21 assessment; PECO project funding.--

22 (1) At least every 5 years, each board, including the
23 Board of Regents, shall arrange for an educational plant
24 survey, to aid in formulating plans for housing the
25 educational program and student population, faculty,
26 administrators, staff, and auxiliary and ancillary services of
27 the district or campus, including consideration of the local
28 comprehensive plan. The Division of Workforce Development
29 shall document the need for additional career and adult
30 education programs and the continuation of existing programs
31 before facility construction or renovation related to career

1 or adult education may be included in the educational plant
2 survey of a school district or community college that delivers
3 career or adult education programs. Information used by the
4 Division of Workforce Development to establish facility needs
5 must include, but need not be limited to, labor market data,
6 needs analysis, and information submitted by the school
7 district or community college.

8 (b) Required need assessment criteria for district,
9 community college, and state university plant surveys.--Each
10 educational plant survey completed after December 31, 1997,
11 must use uniform data sources and criteria specified in this
12 paragraph. Each educational plant survey completed after June
13 30, 1995, and before January 1, 1998, must be revised, if
14 necessary, to comply with this paragraph. Each revised
15 educational plant survey and each new educational plant survey
16 supersedes previous surveys.

17 1. Each school district's educational plant survey
18 must reflect the capacity of existing satisfactory facilities
19 as reported in the Florida Inventory of School Houses.
20 Projections of facility space needs may not exceed the norm
21 space and occupant design criteria established by the State
22 Requirements for Educational Facilities. Existing and
23 projected capital outlay full-time equivalent student
24 enrollment must be consistent with data prepared by the
25 department and must include all enrollment used in the
26 calculation of the distribution formula in s. 235.435(3). All
27 satisfactory relocatable classrooms, including those owned,
28 lease-purchased, or leased by the school district, shall be
29 included in the school district inventory of gross capacity of
30 facilities and must be counted at actual student capacity for
31 purposes of the inventory. For future needs determination,

1 student capacity shall not be assigned to any relocatable
2 classroom that is scheduled for elimination or replacement
3 with a permanent educational facility in the adopted 5-year
4 educational plant survey and in the district facilities work
5 program adopted under s. 235.185. Those relocatables clearly
6 identified and scheduled for replacement in a school board
7 adopted financially feasible 5-year district facilities work
8 program shall be counted at zero capacity at the time the work
9 program is adopted and approved by the school board. However,
10 if the district facilities work program is changed or altered
11 and the relocatables are not replaced as scheduled in the work
12 program, they must then be reentered into the system for
13 counting at actual capacity. Relocatables may not be
14 perpetually added to the work program and continually extended
15 for purposes of circumventing the intent of this section. All
16 remaining relocatable classrooms, including those owned,
17 lease-purchased, or leased by the school district, shall be
18 counted at actual student capacity. The educational plant
19 survey shall identify the number of relocatable student
20 stations scheduled for replacement during the 5-year survey
21 period and the total dollar amount needed for that
22 replacement. All district educational plant surveys revised
23 after July 1, 1998, shall include information on leased space
24 used for conducting the district's instructional program, in
25 accordance with the recommendations of the department's report
26 authorized in s. 235.056. A definition of satisfactory
27 relocatable classrooms shall be established by rule of the
28 department.

29 2. Each survey of a special facility, joint-use
30 facility, or cooperative vocational education facility must be
31 based on capital outlay full-time equivalent student

1 enrollment data prepared by the department for school
2 districts, by the Division of Community Colleges for community
3 colleges, and by the Board of Regents for state universities,
4 but a board may seek reconsideration and potential revision of
5 the capital-outlay full-time-equivalent membership data
6 prepared by the department for that board's school district if
7 the board can reasonably demonstrate that justifying
8 circumstances exist that warrant the department's
9 reconsideration of the data as provided in s. 235.435(3)(e). A
10 survey of space needs of a joint-use facility shall be based
11 upon the respective space needs of the school districts,
12 community colleges, and universities, as appropriate.
13 Projections of a school district's facility space needs may
14 not exceed the norm space and occupant design criteria
15 established by the State Requirements for Educational
16 Facilities.

17 3. Each community college's survey must reflect the
18 capacity of existing facilities as specified in the inventory
19 maintained by the Division of Community Colleges. Projections
20 of facility space needs must comply with standards for
21 determining space needs as specified by rule of the State
22 Board of Education. The 5-year projection of capital outlay
23 student enrollment must be consistent with the annual report
24 of capital outlay full-time student enrollment prepared by the
25 Division of Community Colleges.

26 4. Each state university's survey must reflect the
27 capacity of existing facilities as specified in the inventory
28 maintained and validated by the Board of Regents. Projections
29 of facility space needs must be consistent with standards for
30 determining space needs approved by the Board of Regents. The
31 projected capital outlay full-time equivalent student

1 enrollment must be consistent with the 5-year planned
2 enrollment cycle for the State University System approved by
3 the Board of Regents.

4 5. The educational plant survey of a school district,
5 community college, or state university may include space needs
6 that deviate from approved standards for determining space
7 needs if the deviation is justified by the district or
8 institution and approved by the department or the Board of
9 Regents, as appropriate, as necessary for the delivery of an
10 approved educational program.

11 Section 2. Paragraph (d) of subsection (3) of section
12 235.435, Florida Statutes, is amended and paragraph (e) is
13 added to that subsection to read:

14 235.435 Funds for comprehensive educational plant
15 needs; construction cost maximums for school district capital
16 projects.--Allocations from the Public Education Capital
17 Outlay and Debt Service Trust Fund to the various boards for
18 capital outlay projects shall be determined as follows:

19 (3)

20 (d) Funds distributed to the district school boards
21 shall be allocated solely based on the provisions of
22 paragraphs (1)(a) and (2)(a) and paragraph (a) of this
23 subsection, subject to the district school board's right to
24 request the department's reconsideration of the capital-outlay
25 full-time-equivalent membership data if a board can reasonably
26 demonstrate justifying circumstances that so warrant as
27 provided in paragraph (e). No individual school district
28 projects shall be funded off the top of funds allocated to
29 district school boards.

30 (e) A district school board may seek a reconsideration
31 and revision of capital-outlay full-time-equivalent membership

1 data prepared by the department for that district if the board
2 can demonstrate that justifying circumstances exist that
3 warrant the department's reconsideration and potential
4 revision of the data prepared for that district. The board
5 shall come forth with detailed reasons for the request for
6 reconsideration and potential revision by the department by
7 submitting a written report to the Commissioner of Education
8 within 120 days after the board's receipt of that data from
9 the department. The board's report shall reasonably
10 demonstrate that justifying circumstances exist by presenting
11 substantiated evidence such as the following information:

12 1. The capital-outlay full-time-equivalent data
13 substantially varies from the growth projections provided by a
14 comprehensive demographic study of the district or other
15 growth data generated by local governments, qualified
16 consultants, or other planning and growth management entities;

17 2. The capital-outlay full-time-equivalent data is
18 inconsistent with a local comprehensive plan, capital
19 improvements program, or established level of services
20 standards produced in accordance with the school concurrency
21 plan of a local government, county, or district as provided in
22 chapter 163;

23 3. The capital-outlay full-time-equivalent data fails
24 to account for an expected influx into or sizeable immigration
25 to the area based on corporate relocations or other similar
26 events; or

27 4. The capital-outlay full-time equivalent data is
28 inconsistent with the type or density of previously approved
29 county future development plans.
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1 Local school board requests for reconsideration and potential
2 revision will be considered and decided by the Commissioner of
3 Education. If the commissioner agrees that reconsideration is
4 warranted, the commissioner shall direct that reconsideration
5 be undertaken, which shall include a review of the materials
6 submitted by the board in its original report as well as any
7 other reasonably submitted data.

8 Section 3. Section 847.0134, Florida Statutes, is
9 created to read:

10 847.0134 Prohibition of adult entertainment
11 establishment or other adult establishment that displays,
12 sells, or distributes materials harmful to minors within 2,500
13 feet of a school.--

14 (1) Except for those establishments in operation on or
15 before July 1, 2000, an adult entertainment establishment or
16 other adult establishment that sells, rents, loans,
17 distributes, transmits, shows, or exhibits any obscene
18 material as described in s. 847.0133 or presents live
19 entertainment, motion picture, slide, or other exhibit, that,
20 in whole or in part, depicts nudity, sexual conduct, sexual
21 excitement, sexual battery, bestiality, or sadomasochistic
22 abuse and that is harmful to minors as described in s.
23 847.013, may not be located within 2,500 feet of the real
24 property that comprises a public or private elementary school,
25 middle school, or secondary school unless the county or
26 municipality approves the location under proceedings as
27 provided in s. 286.0115.

28 (2) A violation of this section constitutes a felony
29 of the third degree, punishable as provided in s. 775.082 or
30 s. 775.083.

31 Section 4. This act shall take effect July 1, 2000.

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SENATE SUMMARY

Provides criteria for a district school board to seek the reconsideration and revision of capital-outlay full-time-equivalent data prepared by the Department of Education. Requires the Commissioner of Education to decide whether requests for reconsideration and revision will be considered. Prohibits the location of an adult entertainment establishment within a specified distance from a school.