

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1693 Educational Facilities
SPONSOR(S): Attkisson
TIED BILLS: **IDEN./SIM. BILLS:** SB 1656

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Education K-20	28 Y, 0 N	Porter	Bohannon
2) Education Appropriations (Sub)	17 Y, 0 N	Hammock	Mizereck
3) Appropriations			
4)			
5)			

SUMMARY ANALYSIS

The bill will:

- Allow a school district to exempt itself from Department of Education educational facilities construction and funding standards;
- Allow a school district to adopt alternative standards upon a majority vote of the electors voting in a referendum;
- Require alternative standards to be based on a 20-year projection plan recommended by an educational facilities task force;
- Create an educational facilities task force convened by the school district consisting of local elected municipal officials and the county commissioners; and
- Require alternative standards be published in one newspaper of general circulation in the school district at least 30 days prior to the referendum.

The bill does not exempt any educational facilities environmental or safety standards.

The bill provides for an effective date of July 1, 2004.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1693b.ap.doc
DATE: April 5, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Current funding requirements for school facilities are established within Florida Statutes and the annual General Appropriations Act to ensure that state funding sources are used according to legislative intent. Some of the regulated funding areas include:

Sheltering requirements

- Maximum allowed cost per student station (s. 1013.72)
- Maximum allowable space sizes (s. 1013.03)
- Construction contract requirements and safeguards (s. 1013.47)
- Prequalification of contractors (s. 1013.46)
- Acquisition and disposal of property (s. 1013.14 and s. 1013.28)
- Historical resources
- Educational plant surveys (s. 1013.31 and s. 1013.35)
- Sole source specifications (s. 1013.46)

The bill creates s. 1013.352, F.S., to:

- Allow a school district to exempt itself from Department of Education educational facilities construction and funding standards;
- Allow a school district to adopt alternative standards upon a majority vote of the electors voting in a referendum;
- Require alternative standards to be based on a 20-year projection plan recommended by an educational facilities task force;
- Create an educational facilities task force convened by the school district consisting of local elected municipal officials and the county commissioners; and
- Require alternative standards be published in one newspaper of general circulation in the school district at least 30 days prior to the referendum.

The bill does not exempt any educational facilities environmental or safety standards.

C. SECTION DIRECTORY:

Section 1 – creates s. 1013.352, F.S., relating to educational construction and funding standards.

Section 2 – provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not impact state government.

2. Expenditures:

The bill does not impact state government.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not impact local government.

2. Expenditures:

The bill does not impact local government.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill does not impact the private sector.

D. FISCAL COMMENTS:

The bill does not affect capital outlay funds in any way other than increasing the options local school districts may have in the use of capital outlay funds. Staff requirements should not change since the reporting requirements to the DOE will remain the same. The bill is not specific on what funding sources would be impacted for school districts. The bill appears to address a district's 2-mill levy and other locally voted revenue sources like the school capital outlay surtax or local government infrastructure surtax. However, the bill could also be addressing state appropriated PECO funds and bonded fund sources as well, such as Classroom First Program dollars received from the Lottery.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not create rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill is not clear concerning the sources of revenue to be impacted by the bill. School districts receive funds from a variety of sources for capital outlay. These sources include:

- a. Public Education Capital Outlay (PECO) funds
- b. Classroom First Program funds from the Lottery
- c. 2-mill levy funds
- d. School Capital Outlay Surtax funds

- e. Local Government Infrastructure funds
- f. Bonded funding
- g. School Impact Fees

It is not clear if the bill would conflict with other laws relating to these funding sources since the specific funding sources affected by the bill are not listed.

The bill uses the term “educational facilities construction and funding standards” in the description of the exemption granted to school districts. The term is somewhat misleading in that it implies the school district can exempt itself from “educational facilities construction...standards”. However, educational facilities construction standards are included in the Florida Building Code and an exemption from the building code can’t be granted in this manner. This appears to be an unintended wording consequence and not within the actual intent of the bill.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES