

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 188

INTRODUCER: Senator Berman

SUBJECT: Solar Energy Systems Located On the Property of an Educational Facility

DATE: March 1, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	ED	Fav
2.			AED	
3.			AP	

I. Summary:

SB 188 amends s. 1013.44, F.S., to exclude any costs associated with a solar energy system that is located on the property of an educational facility from the total cost per student station for new construction.

The bill has no impact on state revenues or expenditures.

The bill takes effect July 1, 2021.

II. Present Situation:

Solar Energy Systems in Schools

Under current law, school districts are encouraged to invest in energy conservation measures including the use of “renewable energy systems, such as solar, biomass, and wind.”¹ Florida law defines “solar energy system” as “the equipment and requisite hardware that provide and are used for collecting, transferring, converting, storing, or using incident solar energy for water heating, space heating, cooling, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity.”² For hot water systems in newly-constructed educational facilities, Florida law requires that each school facility with a demand for hot water exceeding 1,000 gallons a day be constructed with a solar energy system as the primary energy source so long as it is physically and economically feasible. The solar energy system must also provide at least 65 percent of the facility’s estimated needs.³

¹ Section 1013.23, F.S.

² Section 212.02(26), F.S.

³ Section 1013.44(2), F.S.

School Construction

Florida school construction is guided by three major authorities. The Florida Building Code governs all construction in the state and is administered by the Florida Building Commission at the Florida Department of Business and Professional Regulation. The Florida Fire Prevention Code is administered by the Division of State Fire Marshal, Florida Department of Financial Services. Finally, the State Requirements for Educational Facilities (SREF) is maintained by the Department of Education. The requirements of the three authorities tend to increase the cost of construction in the state relative to national averages.⁴

Cost Per Student Station

In Florida, construction costs for traditional K-12 public school facilities are reported based on the cost per student station.⁵ In 2005, the Department of Education (DOE) conducted a study on overall inflation of school construction costs, including the Consumer Price Index (CPI) and other factors. The cost per student station levels adopted in 2006 were based on the DOE's study recommendations and is adjusted to reflect increases and decreases in the CPI.⁶ The DOE and the Office of Economic and Demographic Research (EDR)⁷ are required to work together to calculate and disseminate the new statutory caps.⁸

The November 2020 forecast by EDR for the March 2021 cost per student station caps are:⁹

- \$23,645 for an elementary school.
- \$25,533 for a middle school.
- \$33,166 for a high school.

A district school board may not use funds from any sources for new construction of educational plant space with a total cost per student station that exceeds these amounts.¹⁰ The cost per student station includes contract costs, fees of architects and engineers, and the cost of furniture and equipment.¹¹ Contract costs include costs for construction within five feet of the building, including materials and supplies, as well as any furniture or equipment permanently attached to the building.¹² Cost per student station does not include the cost of purchasing or leasing the site for the construction, legal and administrative costs, or the cost of related site or offsite improvements.¹³ Further excluded from the cost per student station are costs for school safety

⁴ Florida Department of Education, *Review and Adjustment for Florida's Cost per Student Station* (January 1, 2020), available at <http://www.fldoe.org/core/fileparse.php/7738/urlt/2020AnnCSSR.pdf>.

⁵ Section 1013.64(6), F.S.

⁶ Section 1013.64(6)(b)1., F.S.

⁷ The Office of Economic and Demographic Research (EDR) is a research arm of the Legislature principally concerned with forecasting economic and social trends that affect policy making, revenues, and appropriations. Office of Economic and Demographic Research, *Welcome*, <http://edr.state.fl.us/Content/> (last visited February 22, 2021).

⁸ Section 1013.64(6)(b)1., F.S.

⁹ Office of Economic and Demographic Research, *Student Station Cost Factors* (November 2020), available at <http://edr.state.fl.us/Content/conferences/peco/studentstation.pdf>.

¹⁰ Section 1013.64(6)(b)3., F.S.

¹¹ Section 1013.64(6)(d), F.S.

¹² Florida Department of Education, *Review and Adjustment for Florida's Cost per Student Station* (January 1, 2020), available at <http://www.fldoe.org/core/fileparse.php/7738/urlt/2020AnnCSSR.pdf>.

¹³ Section 1013.64(6)(d), F.S.

and hardening items and other capital construction items approved by the school safety specialist to ensure building security for new educational, auxiliary, or ancillary facilities.¹⁴

III. Effect of Proposed Changes:

SB 188 amends s. 1013.44, F.S., to exclude any costs associated with a solar energy system that is located on the property of an educational facility from the total cost per student station for new construction.

The bill may allow educational facilities to provide a more sustainable source of energy for their facility and increase the resiliency of such facilities during times of when grid energy may not be available.

The bill takes effect July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

¹⁴ Section 1013.64(6)(d), F.S. Such safety improvements include the cost for securing entries, checkpoint construction, lighting specifically designed for entry point security, security cameras, automatic locks and locking devices, electronic security systems, fencing designed to prevent intruder entry into a building, or bullet-proof glass. *Id.*

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1013.44 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.