

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 Pre-K -12

BILL: SB 178

INTRODUCER: Senator Berman

SUBJECT: Upgrades to Education Facilities as Emergency Shelters

DATE: February 6, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Bouck	ED	Favorable
2.			AED	
3.			FP	

I. Summary:

SB 178 excludes from the cost per student station limits on public school construction any costs less than \$2 million for upgrades that are designed to improve the capabilities of educational facilities to provide enhanced hurricane protection areas. The bill limits eligible upgrades to those necessary for:

- An area to be designated as an enhanced hurricane protection area.
- Electrical and standby emergency power systems.
- Renewable energy source devices.
- Energy storage devices.

The bill specifies that all costs associated with upgrades must be consistent with prevailing market costs in the area in which the education facility is located.

The bill takes effect July 1, 2023.

II. Present Situation:

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 Department of Business and Professional Regulation.¹ The Florida Building Code includes specifications for enhanced hurricane protection areas and electrical and standby emergency power systems.² The Florida Building Code must also promote the use of energy conservation, energy-demand management, and renewable energy technologies.³ The Florida Fire Prevention Code is administered by the Division of State Fire Marshal, Department of Financial Services.

¹ Section 553.73, F.S. The Florida Building Code, 7th Edition (2020) has been adopted by the Florida Building Commission. Rule 61G20-1.001, F.A.C.

² Sections 453.25.1.1 and 453.25.5, Florida Building Code, 7th Edition (2020).

³ Section 553.886, F.S.

The third major authority governing school construction in the state is the State Requirements for Educational Facilities (SREF), which is maintained by the Department of Education (DOE).⁴ The requirements of the three authorities tend to increase the cost of construction in the state relative to national averages.⁵

State Requirements for Educational Facilities

The SREF is the uniform statewide building code for the planning and construction of public educational facilities and ancillary plants.⁶ It is enacted as a part of the Florida Building Code adopted by the Florida Building Commission.⁷ District school boards must adhere to the SREF when planning and constructing new facilities. Generally, SREF standards are premised on providing enhanced safety for occupants and increasing the life span of the extensive, publicly funded infrastructure of Florida's public school districts.⁸ Florida law provides school districts with the flexibility to adopt, through resolution, a number of exceptions to SREF requirements. Exceptions include, for example, specifications for site lighting or the use of wood studs in interior nonload-bearing walls.⁹

Education Facilities as Emergency Shelters

The DOE, in consultation with school boards and county and state emergency management offices, must develop public shelter design criteria that are incorporated as standards into the Florida Building Code. These criteria must be designed to ensure that appropriate new educational facilities can serve as public shelters for emergency management purposes.¹⁰

If a regional planning council in which the county is located does not have a hurricane evacuation shelter deficit as determined by the Division of Emergency Management, educational facilities within the planning council region are not required to incorporate the public shelter criteria.¹¹ By January 31 of each even-numbered year, the Division of Emergency Management must prepare and submit a statewide emergency shelter plan to the Governor and Cabinet for approval.¹²

⁴ Rule 6A-2.0010, F.A.C.

⁵ 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>, at 14.

⁶ The State Requirements for Educational Facilities (SREF) is incorporated in Rule 6A-2.0010, F.A.C., is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04664>. The SREF is applicable to all public educational facilities and plants: pre-kindergarten (pre-K) through grade 12, including conversion charter schools; area vocational educational schools; area vocational/technical centers; adult education; Florida colleges and universities; the Florida School for the Deaf and the Blind (FSDB), where referenced; ancillary plants; relocatables; factory-built structures, reconstructable facilities, modular buildings and manufactured buildings; lease and lease-purchase; and new construction, remodeling, renovation, improvements and site-development projects. *Id.* The SREF does not apply to charter schools. Section 1002.33(18), F.S.

⁷ Section 1013.37(1), F.S.

⁸ *See, e.g.*, s. 1013.12, F.S. (casualty, safety, sanitation, and fire safety standards and inspection of property) and s. 1013.451, F.S. (life-cycle cost comparison).

⁹ *See* s. 1013.385(2), F.S.

¹⁰ Section 1013.372(1), F.S.

¹¹ *Id.*

¹² Section 1013.372(2), F.S.

Cost Per Student Station

In Florida, construction costs for traditional K-12 public school facilities are reported based on the cost per student station.¹³ In 2005, the 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.¹⁴ The DOE and the Office of Economic and Demographic Research (EDR)¹⁵ are required to work together to calculate and disseminate new statutory caps.¹⁶

The forecast by EDR for the July 2022 cost per student station limits are:¹⁷

- \$26,500 for an elementary school.
- \$28,617 for a middle school.
- \$37,171 for a high school.

Except for certain educational facilities and sites subject to a lease-purchase agreement that may be paid for by a district school board levy,¹⁸ or funded solely through local impact fees, 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.¹⁹ The cost per student station includes, for example, contract costs, fees of architects and engineers, and the cost of furniture and equipment.²⁰ The cost per student station specifically does not include the cost of purchasing or leasing the site for the construction, legal and administrative costs, the cost of related site or offsite improvements, and costs for school safety 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.²¹

Solar Energy Systems in Schools

District school boards are encouraged to invest in energy conservation measures including the use of renewable energy systems, such as solar, biomass, and wind.²² 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

¹³ Section 1013.64(6), F.S.

¹⁴ Office of Economic and Demographic Research, *Review of Florida's Cost Per Student Station* (January 2017), available at <http://edr.state.fl.us/content/special-research-projects/education/CostPerStudentStation.pdf>, at 6.

¹⁵ The Office of Economic and Demographic Research 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 January 26, 2023).

¹⁶ Section 1013.64(6)(b)1., F.S.

¹⁷ Office of Economic and Demographic Research, *Student Station Cost Factors* (July 2022), available at <http://edr.state.fl.us/Content/conferences/peco/studentstation.pdf>.

¹⁸ Section 1011.71(2)(e), F.S., sets forth the guidelines for authorized district school board lease-purchase agreements.

¹⁹ Section 1013.64(6)(b)3., F.S.

²⁰ Section 1013.64(6)(d), F.S.

²¹ 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.*

²² Section 1013.23, F.S.

conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity.”²³

III. Effect of Proposed Changes:

SB 178 modifies s. 1013.372, F.S., to exclude from the cost per student station limits on public school construction any costs less than \$2 million for upgrades that are designed to improve the capabilities of educational facilities to provide enhanced hurricane protection areas. The bill limits eligible upgrades to those necessary for:

- An area to be designated as an enhanced hurricane protection area.
- Electrical and standby emergency power systems.
- Renewable energy source devices.²⁴
- Energy storage devices.²⁵

The bill specifies that all costs associated with upgrades must be consistent with prevailing market costs in the area where the education facility is located.

The bill takes effect July 1, 2023.

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.

²³ Section 212.02(26), F.S.

²⁴ A renewable energy source device is a device that collects, transmits, stores, or uses solar energy, wind energy, or energy derived from geothermal deposits. Section 193.624(1), F.S.

²⁵ An energy storage device is used in a power system network to store the surplus energy during the off-peak period and utilize the stored energy during peak period. Vasundhara Mahajan et al., *Reliability modeling of renewable energy sources with energy storage devices*, Energy Storage in Energy Markets (2021), Academic Press, <https://www.sciencedirect.com/topics/engineering/storage-device> (last visited Jan. 26, 2023).

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s.1013.372 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.