

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 195 Upgrades to Education Facilities as Emergency Shelters

**SPONSOR(S):** Casello and others

**TIED BILLS:** IDEN./SIM. BILLS: SB 178

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Appropriations Subcommittee	15 Y, 0 N	Bailey	Potvin
2) Education & Employment Committee			
3) Appropriations Committee			

**SUMMARY ANALYSIS**

Current law prohibits a school district from using certain local and state funds to construct educational facilities that exceed statutory caps on the total cost per student station. The law specifies what costs are included in the calculation of the cost per student station and provides limited exceptions. There is no current exception for costs associated with upgrades to an education facility which are designed to improve the capabilities of the facility to provide enhanced hurricane protection areas.

The bill excludes from the cost per student station caps on public school construction any costs less than \$2 million associated with upgrades to an education facility which are designed to improve the capabilities of facilities to provide enhanced hurricane protection areas. Eligible upgrades are those necessary for an area to be designated as an enhanced hurricane protection area; electrical and standby emergency power systems; renewable energy source devices; and energy storage devices. All costs associated with such upgrades must be consistent with prevailing market costs in the area where the education facility is located.

The fiscal impact is indeterminate. See FISCAL COMMENTS.

The bill has an effective date of July 1, 2023.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### **State Requirements for Educational Facilities (SREF)**

The State Requirements for Educational Facilities (SREF) is the uniform statewide building code for the planning and construction of public educational facilities and ancillary plants. It is enacted as a part of the Florida Building Code adopted by the Florida Building Commission.<sup>1</sup> 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.<sup>2</sup> Florida law provides school districts with the flexibility to adopt, through resolution, a number of exceptions to SREF requirements, including site lighting and use of wood studs in interior nonload-bearing walls, among others.<sup>3</sup>

##### **Education Facilities as Emergency Shelters**

Under current law, the Department of Education (DOE), in consultation with boards and county and state emergency management offices, must develop public shelter design criteria that must be 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.<sup>4</sup>

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.<sup>5</sup>

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.<sup>6</sup>

##### **Cost Per Student Station**

In Florida, construction costs for traditional K-12 public school facilities are reported based on the cost per student station.<sup>7</sup> The statutory cost per student station baseline was initially set in 1997 and was amended in 2003 and in 2006.<sup>8</sup> 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.<sup>9</sup> The statutory cost per student station is adjusted to reflect increases or decreases in the CPI. The law does not specifically assign this adjustment function; however, the DOE and the Office of Economic and Demographic Research (EDR)<sup>10</sup> work together to calculate and disseminate the new statutory caps.<sup>11</sup>

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<sup>1</sup> Section 1013.37(1), F.S.

<sup>2</sup> 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).

<sup>3</sup> See s. 1013.385(2), F.S.

<sup>4</sup> Section 1013.372(1), F.S.

<sup>5</sup> *Id.*

<sup>6</sup> Section 1013.372(2), F.S.

<sup>7</sup> Section 1013.64(6), F.S.

<sup>8</sup> Office of Economic and Demographic Research, *Special Research Projects, available at <http://edr.state.fl.us/Content/special-research-projects/education/CostPerStudentStation.pdf>*.

<sup>9</sup> Section 1013.64(6)(b)1., F.S.

<sup>10</sup> 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, available at <http://edr.state.fl.us/Content/>* (last visited February 7, 2023).

The table below summarizes the July 2022 forecast by EDR for the July 2023 cost per student station caps:<sup>12</sup>

Type of School	Cost Per Student Station
Elementary School	\$27,212
Middle School	\$29,385
High School	\$38,169

The law states that cost per student station includes contract costs, fees of architects and engineers, and the cost of furniture and equipment.<sup>13</sup> 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.<sup>14</sup> 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.<sup>15</sup> Further excluded from the cost per student station are 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.<sup>16</sup>

District school boards are prohibited from using funds from specified sources, including the nonvoted 1.5 mill levy of ad valorem property taxes, for any new construction of education plant space with a total cost per student station that exceeds the caps in the table above.<sup>17</sup> An exception is provided for a contract for architectural and design services or for construction management services executed before July 1, 2017.<sup>18</sup>

### **Effects of Proposed Changes**

The bill excludes from the cost per student station caps on public school construction any costs less than \$2 million associated with upgrades to an education facility which are designed to improve the capabilities of facilities to provide enhanced hurricane protection areas. Eligible upgrades are those necessary for an area to be designated as an enhanced hurricane protection area; electrical and standby emergency power systems; renewable energy source devices; and energy storage devices. All costs associated with upgrades made must be consistent with prevailing market costs in the area where the education facility is located.

## **B. SECTION DIRECTORY:**

**Section 1.** Amends s. 1013.372, F.S.; excluding any costs less than \$2 million associated with upgrades to education facilities which are designed to improve the capabilities of facilities to provide enhanced hurricane protection areas from the cost per student station caps.

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<sup>11</sup> Office of Economic and Demographic Research, *supra* note 8.

<sup>12</sup> Office of Economic and Demographic Research, *Student Station Cost Factors* (July 2022), available at <http://edr.state.fl.us/Content/conferences/peco/studentstation.pdf>

<sup>13</sup> Section 1013.64(6)(d), F.S.

<sup>14</sup> 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> [hereinafter referred to as Florida's Cost per Student Station].

<sup>15</sup> Section 1013.64(6)(d), F.S.

<sup>16</sup> Section 1013.64(6)(d), F.S.

<sup>17</sup> Section 1013.64(6)(b)1., F.S.

<sup>18</sup> Section 1013.64(6)(b)3., F.S.

**Section 2.** Provides an effective date of July 1, 2023.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

The fiscal impact to school districts is indeterminate. Most school district facilities are funded with local school district revenues derived from the collection of the local capital improvement tax, local sales surtax, and discretionary tax levies.<sup>19</sup> Any additional costs associated with complying with the public shelter design criteria would be borne by the school district.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

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<sup>19</sup> See Florida Department of Education, *2021-22 Funding for Florida School Districts*, available at <https://www.fldoe.org/core/fileparse.php/7507/urll/Fefpdist.pdf>.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**