

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 Appropriations Committee on Education

BILL: CS/SB 222

INTRODUCER: Education Postsecondary Committee and Senator Rodriguez

SUBJECT: College Campus Facilities in Areas of Critical State Concern

DATE: January 23, 2024 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	HE	Fav/CS
2.	Gray	Elwell	AED	Pre-meeting
3.			AP	

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 222 provides that additional beds for healthcare workers may be included in the construction of dormitories on the campus of a Florida College System (FCS) institution, and revises the number of beds that may be provided in such dormitories for employees, educators, healthcare workers, and first responders. The bill revises the evacuation requirement for an FCS institution’s hurricane evacuation plan. Additionally, the bill authorizes certain funds to be used to construct or maintain dormitories.

This bill has no fiscal impact. See fiscal, section V.

The bill is effective July 1, 2024.

II. Present Situation:

Florida College System Dormitory Facilities

A Florida College System (FCS) institution or its direct-support organization has limited authority to plan and construct facilities and to acquire additional property.¹ Residency opportunities within the FCS are predominantly off campus and provided through a third party, often for specific student populations such as international students, student-athletes, or specific

¹ Section 1013.40, F.S.

scholarship recipients.² FCS institutions were developed as commuter schools. With 28 institutions and multiple campuses all over the state, colleges were located so students would drive no further than 50 miles to be able to attend college.³ Historically, two colleges have institution-owned dormitories, Chipola College and Florida Gateway College, which were started in facilities that originally housed World War II bases for servicemen. Chipola College continues to operate a college-owned dormitory for athletes only. Florida Gateway College allows any student to apply for their limited number of beds.⁴

An FCS institution campus within a municipality designated as an area of critical state concern,⁵ which meets planning and development requirements, may construct dormitories for up to 340 beds for FCS institution students and an additional 25 beds for employees, educators, and first responders. Such dormitories are exempt from the building permit allocation system and may be constructed up to 60 feet in height if the dormitories are otherwise consistent with the comprehensive plan, the FCS institution has a hurricane evacuation plan that requires all dormitory occupants to be evacuated 48 hours in advance of tropical force winds, and transportation is provided for dormitory occupants during an evacuation.⁶

In 2008, the College of the Florida Keys (CFK) was granted legislative authority to build a dormitory facility with 100 beds, which was subsequently constructed and opened in 2011. Although there has been no further construction of student housing at CFK, the authorized number of beds has increased to 365, and there are restrictions regarding bonding and the revenues CFK can use for construction, debt service payments, maintenance and operation of dorm facilities. CFK is the only college within a municipality designated as an area of critical state concern that meets the requirements specified in law.⁷

Other colleges can provide student housing only through their foundations. A direct-support organization may, at the request of the board of trustees, provide residency opportunities on or near campus for students.⁸

State funds and tuition and fee revenues may not be used for construction, debt service payments, maintenance, or operation of such dormitories. Additional dormitory beds constructed after July 1, 2016, may not be financed through the issuance of bonds. However, nonpublic

² Florida College System, *Student Housing in the Florida College System*, available at <http://www.fldoe.org/core/fileparse.php/7480/urlt/0082726-faqhousing.pdf> (last visited Jan. 16, 2024).

³ Email, Florida Department of Education, Division of Florida Colleges (Nov. 20, 2023), with attachment (on file with the Senate Committee on Higher Education).

⁴ Email, Florida Department of Education, Division of Florida Colleges (Nov. 20, 2023), (on file with the Senate Committee on Higher Education).

⁵ Section 380.05, F.S. The Areas of Critical State Concern Program was created by the "Florida Environmental Land and Water Management Act of 1972." The program is intended to protect resources and public facilities of major statewide significance, within designated geographic areas, from uncontrolled development that would cause substantial deterioration of such resources. The designated Areas of Critical State Concern are the Apalachicola Bay Area, the Green Swamp Area, the Big Cypress Area, the Florida Keys Area, and the City of Key West Area.

⁶ Section 1013.40(4), F.S.

⁷ *Id.*, F.S. Email, Florida Department of Education, Division of Florida Colleges (Nov. 20, 2023) (on file with Senate Committee on Higher Education).

⁸ Section 1004.70(4), F.S.

entities may issue bonds as part of a public-private partnership between the college and a nonpublic entity.⁹

III. Effect of Proposed Changes:

This bill amends s. 1013.40, F.S., to provide that beds for healthcare workers may be included in the additional beds authorized for employees, educators, and first responders in the construction of dormitories on the campus of a Florida College System (FCS) institution. The bill also revises from 25 to 50 the number of dormitory beds that may be provided for such individuals.

The bill revises an FCS institution's hurricane evacuation plan to require all dormitory occupants to be evacuated 48 hours in advance from hurricane-force winds rather than tropical force winds. Additionally, the bill authorizes state grant funds and capital improvement fees to be used for the construction, debt service payments, maintenance, or operation of dormitories.

The bill is effective July 1, 2024.

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.

⁹ Section 1013.40(4), F.S.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill revises the requirements for the FCS institution's hurricane evacuation plan to require all dormitory occupants to be evacuated 48 hours in advance of hurricane-force winds, rather than tropical force winds. This change conflicts with local regulations and the 2012 Hurricane Evacuation Clearance Time Memorandum of Understanding between the Department of Economic Opportunity and the affected local governments.¹⁰

VIII. Statutes Affected:

This bill substantially amends section 1013.40 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

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

CS by Education Postsecondary on January 9, 2023:

The committee substitute retains the provisions in the bill regarding dormitory beds and makes the following modifications:

- Revises a Florida College System institution's hurricane evacuation plan to require all dormitory occupants to be evacuated 48 hours in advance from hurricane-force winds rather than tropical storm-force winds.
- Authorizes state grant funds and capital improvement fees to be used for the construction and maintenance of dormitories.

B. Amendments:

None.

¹⁰ Florida Department of Commerce, *Florida Keys Hurricane Clearance Time Memorandum of Understanding*, available at <https://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern/city-of-key-west-and-the-florida-keys/florida-keys-hurricane-clearance-time-memorandum-of-understanding> (last visited Jan. 21, 2024); see also Monroe County, *Comprehensive Plan Policy 215.1.4*, which sets forth the staged evacuation procedures, available at https://library.municode.com/fl/monroe_county/codes/comprehensive_plan?nodeId=n3.0GOOBPO_3.2COCOMA_GOAL_2_15_OBJECTIVE_215.1 (last visited Jan. 21, 2024).

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
