

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 Education Pre-K - 12 Appropriations Committee

BILL: SB 2356
 INTRODUCER: Senator Sobel
 SUBJECT: Educational Plant Surveys
 DATE: April 19, 2010 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Matthews</u>	<u>ED</u>	Favorable
2.	<u>Armstrong</u>	<u>Hamon</u>	<u>EA</u>	Favorable
3.	_____	_____	<u>WPSC</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill provides an extension of up to 180 days to school districts for submission of educational plant surveys. Requests for extension must be made by a district school superintendent to the Department of Education no later than 90 days before the submission deadline, and are limited to four consecutive extensions per survey. This bill specifies requirements for request content. The Department is required to develop and provide the application for request for extension.

During an extension, this bill prohibits school districts from contracting for new construction projects, except for local bonded projects and those funded by voter-approved, one-half-cent sales surtax for public school capital outlay monies.

The State Board of Education is authorized to adopt rules.

This bill substantially amends section 1013.31, of the Florida Statutes.

II. Present Situation:

Educational Plant Surveys

Section 1013.31, F.S., requires school districts to provide for educational plant surveys at least once every five years. These surveys are required prior to the expenditure of Public Education Capital outlay (PECO), Lottery, or Capital Outlay and Debt Service funds.¹

¹ s. 1013.31(1), F.S.

Surveys must be conducted by the local school boards themselves, or an agency employed by the board. Areas to be addressed in the surveys include:

- An inventory of existing educational and ancillary plants;
- Recommendations for existing and new educational plants;
- The use of school plants based on an extended school day or year-round operation; and
- Other needs as determined by the Department of Education.²

After completion, surveys must be reviewed and approved by the board, with a copy submitted to the Department of Education.³

The school district's survey must be submitted as part of the overall district educational facilities plan.⁴ The district educational facilities plan, provided in s. 1013.35, F.S., represents a long-range plan for facility needs over five, 10, and 20 year periods, through a coordinated approach with local government. The plan generally provides estimates for new school needs based on projected student population, an inventory of existing schools, and alternative options to reduce the need for additional permanent student stations.⁵

OPPAGA Study

OPPAGA recently published a report on current authority for granting extensions for educational plant surveys.⁶ The report indicated that state law does not include express criteria for evaluating district requests to extend deadlines for school district educational plant surveys. However, s. 1001.42(13)(b), F.S., does grant general authority to the Department of Education (Department) to withhold salaries of district superintendents who fail to file required reports within the specified period. The Department has not used this option and typically grants the request for extension instead.

OPPAGA notes that the pool of school districts that fail to submit educational plant surveys timely is relatively small. In the last five-year period, the Department has either accepted a late submission or granted an extension for submission from five school districts. These were Broward, Duval, Highlands, Pinellas, and Polk counties. Of these, Broward County received the most extensions, which were two six-month extensions and a one-year extension.⁷

The Department indicates that late educational plant surveys may result in unnecessary construction, as follows:

...delays in submitting...surveys...may enable a school district to circumvent the state-level review and approval process prior to beginning a major construction project....For example, during its extension period,

² s. 1013.31(1)(a), F.S.

³ *Id.*

⁴ s. 1013.31(1)(b)1., F.S.

⁵ s. 1013.35(2)(a), F.S.

⁶ *The Criteria Used to Grant Extensions for Educational Plant Surveys Should Be Clarified*, Research Memorandum, OPPAGA (February 12, 2010).

⁷ *Id.* at 2.

the Broward County School Board began constructing several new schools and upgrading existing schools based on outdated survey data that was seven years old. The department reports that in May 2009, it received and approved Broward's new...survey but could not halt several construction projects that the district began during the extension period, even though the department deemed these projects to be unnecessary based on the new survey data. Broward County currently has 32,000 excess student stations.⁸

Based on these findings, OPPAGA recommends a more formal criteria approval process, and a statutory prohibition on new project construction during an extension period.

III. Effect of Proposed Changes:

This bill provides an extension of up to 180 days to school districts for submission of educational plant surveys. Requests for extension must be made by a district school superintendent to the Department of Education no later than 90 days before the submission deadline, and are limited to four consecutive extensions per survey. This bill specifies requirements for request content. The Department is required to develop and provide the application for request for extension.

During an extension, this bill prohibits school districts from contracting for new construction projects, except for local bonded projects and those funded by voter-approved, one-half-cent sales surtax for public school capital outlay monies.

The prohibition on new project construction during the duration of the extension may prevent unnecessary construction. It is unclear whether an extension can be requested based upon the rejection of an earlier request.

The State Board of Education is authorized to adopt rules.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁸ *Id.*

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Education will incur a minimal level of cost to develop a rule to create the application form and adopt criteria for evaluating applications for extensions.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

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

None.

B. Amendments:

None.