

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 217 College Campus Facilities in Areas of Critical State Concern

SPONSOR(S): Mooney

TIED BILLS: None. **IDEN./SIM. BILLS:** SB 222

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Postsecondary Education & Workforce Subcommittee		Collins	Kiner
2) Education & Employment Committee			

SUMMARY ANALYSIS

The bill maintains the cap of 340 dormitory beds that may be provided for students at a Florida College System (FCS) institution located in a municipality within an area of critical state concern, but expands the categories of non-students that may be housed within such dormitories to include health care workers. Additionally, the bill increases the cap on non-student beds to 50 from 25.

The bill also repeals the prohibition on the use of state funds and tuition and fee revenues for the construction, debt service payments, maintenance, or operation of FCS dormitories located in a municipality designated as an area of critical state concern. Instead, the bill specifies any funds used to construct, maintain, or operate dormitories may not come from state appropriations.

As the College of Florida Keys is the only FCS institution located in a municipality designated as an area of critical state concern, the bill's changes only apply to the College of the Florida Keys.

The bill has an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Areas of Critical State Concern

The Areas of Critical State Concern Program (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.¹ The designated Areas of Critical State Concern are the Apalachicola Bay Area (Franklin County), Brevard Barrier Island Area (Brevard County), Green Swamp Area (portions of Polk and Lake Counties), the Big Cypress Area (portions of Collier, Miami-Dade, and Monroe Counties), the Florida Keys Area (Monroe County), and the City of Key West Area (Monroe County).² Currently, the College of the Florida Keys in Monroe County is the only FCS institution located within a municipality designated as an area of critical state concern.³

Florida College System Dormitory Facilities

An FCS institution and its direct-support organization have limited authority to plan and construct facilities and to acquire additional property.⁴ Residency opportunities within the FCS are predominately off campus and provided through a third party, often for specific student populations such as international students, student athletes, or specific scholarship recipients.⁵ 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. 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.

Florida law also authorizes an FCS institution campus within a municipality designated as an area of critical state concern, and having a comprehensive plan and land development regulations containing a building permit allocation system that limits annual growth, to construct dormitories for up to 340 beds for FCS institution students, and an additional 25 beds for employees, educators, and first responders.⁶ 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.⁷

State funds and tuition and fee revenues may not be used for construction, debt service payments, maintenance, or operation of such dormitories.⁸ Additional dormitory beds constructed after July 1,

¹ See 'Areas of Critical State Concern Program,' on Florida Department of Commerce's website at <https://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern>. (last visited November 28, 2023).

² Sections 380.05 – 380.0555, F.S.

³ Section 1013.40(4), F.S.

⁴ Section 1013.40, F.S.

⁵ Florida College System, *Student Housing in the Florida College System*, available at <http://www.fldoe.org/core/fileparse.php/7480/urlt/0082726-faqhousing.pdf>.

⁶ Section 1013.40(4), F.S. Currently, only the College of the Florida Keys meets this requirement and is able to construct such dormitory facilities.

⁷ *Id.*

⁸ *Id.*

2016, may not be financed through the issuance of bonds.⁹ However, nonpublic entities may issue bonds as part of a public-private partnership between the college and a nonpublic entity.¹⁰

Currently, the College of the Florida Keys (CFK) is the only college within a municipality designated as an area of critical state concern that meets the requirements specified in law.

The College of the Florida Keys

In 2008, 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 340 beds for FCS students and 25 beds for employees, educators, and first responders.

Effect of the Bill

The bill maintains the cap of 340 beds that may be provided for students in an FCS dormitory located in an area of critical state concern, but expands the categories of non-students that may be housed within such dormitories to include health care workers. Additionally, the bill increases the cap on non-student beds to 50 from 25.

The bill also repeals the prohibition on the use of state funds and tuition and fee revenues for the construction, debt service payments, maintenance, or operation of FCS dormitories located in a municipality designated as an area of critical state concern. Instead, the bill specifies any funds used to construct, maintain, or operate dormitories may not come from state appropriations.

As CFK is the only FCS institution located in a municipality designated as an area of critical state concern, the bill's proposed changes only apply to CFK.

B. SECTION DIRECTORY:

Section 1: Amends s. 1013.40, F.S.; to expand the categories of non-students that may be housed within certain FCS dormitories, increases the cap on non-student beds in such dormitories, and allows state funds, such as tuition and fee revenues to be used for construction, debt service, or operation of such dormitories.

Section 2: Provides an effective date of July 1, 2024.

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:

⁹ *Id.*

¹⁰ *Id.*

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill repeals the prohibition on the use of state funds and tuition and fee revenues for the construction, debt service payments, maintenance, or operation of FCS dormitories located in a municipality designated as an area of critical state concern. Instead, the bill specifies any funds used to construct, maintain, or operate dormitories may not come from state appropriations.

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:

The bill's proposed changes are intended to authorize CFK to use of tuition and fee revenue for the construction, debt service payments, or operation of a new dormitory. However, tuition revenue is intended to cover the cost of instruction. Further, the bill does not specify which fee or fees the revenue of which the college would like to use.

The bill revises language related to the requirement CFK have a hurricane evacuation plan that requires all dormitory occupants to be evacuated 48 hours in advance of tropical force winds. In doing so, the bill substitutes the term, 'tropical storm-force winds' for 'tropical force winds.' It is unclear if this is intended to be a substantive change, or rather, a bill drafting error.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.