

POLICY 7.25

- 5-E** I recommend the Board approve the proposed new Policy 7.25, entitled "Historic Designation of School Board Facilities."
[Contact: Angela Usher, 434-8800]

Development

CONSENT ITEM

- This new policy, requested by the Planning Department, is based on applicable legal authority, such as the State Requirements for Educational Facilities (SREF).
- CORC reviewed the draft, provided input, and endorsed the proposed new Policy on Nov. 13, 2003.

1 **PROPOSED NEW POLICY 7.25**

2 **HISTORIC DESIGNATION OF SCHOOL BOARD FACILITIES**

3 **1. Purpose.--** The School Board recognizes the importance of preserving
4 historic facilities; however, fiscal and code constraints often make historic
5 restoration and renovation impractical. The School Board therefore has
6 implemented the measures outlined below on preserving facilities owned by
7 the School Board.

8 **2. Recognition of Local-Government Historic Designations.--** Pursuant to
9 Fla. Stat. § 1013.371(1)(a), the School Board is exempt from all local
10 government ordinances and building codes. The School Board does not
11 recognize as binding any local government's designations of School Board
12 facilities as historic unless, pursuant to Fla. Stat. § 1013.64 and SREF § 1.5,
13 the School Board itself has designated an educational facility to be historic
14 by resolution.

15 a. Before adopting such a resolution, the Board may consider whether the
16 Division of Historical Resources of the Department of State or the
17 appropriate historic preservation board under Fla. Stat. Chapter 266
18 has certified that:

19 i. the facility is listed or determined eligible for listing in the National
20 Register of Historic Places pursuant to the National Historic
21 Preservation Act of 1966, as amended, 16 U.S.C. s. 470;

22 ii. The facility is designated as historic within a certified local district
23 pursuant to s. 48(g)(3)(B)(ii) of the Internal Revenue Code; or

24 iii. The Division of Historical Resources or the Historic Preservation
25 Board has otherwise found that the plant is historically significant.

26 b. Additional factors that may be considered on a case-by-case basis
27 before the School Board designates a facility as historic and a
28 candidate for restoration include:

29 i. whether the historic designation would unreasonably limit or inhibit
30 the School Board's current or future use(s) of the facility; or
31 planned or foreseeable alterations of the facility would be
32 prohibited or unreasonably limited;

33 ii. whether the local government would require the School Board to
34 restore the facility beyond a level necessary for School District
35 intended purposes; and

36 iii. whether the School Board has the unilateral right to remove the
37 historic designation in the future.

38 **3. Preservation of Historic Structures and Buildings.--** The Superintendent
39 or designee shall coordinate with the public, community groups, and local
40 governments to explore the feasibility of preserving existing School Board
41 facilities. It is the policy of the School Board to minimize or eliminate the
42 potential unfunded financial impacts and potential scheduling delays
43 associated with preservation and renovation of existing facilities.

44 a. To be considered for preservation and renovation, a facility must be
45 defined as having historical significance based on:

46 i. events that have made a significant contribution to history;

47 ii. association with the lives of persons significant in our history;

48 iii. distinctive characteristics of a type, period, or method of
49 architecture or construction that represents the work of a
50 recognized master, or possesses high artistic values; or

51 iv. location of the structure in a national-designated historic district.

52 b. Existing School Board facilities meeting at least one of the criteria set
53 forth in paragraphs (3)(a)(i)-(iv) above may be considered for
54 preservation and renovation in the following circumstances:

55 i. The School Board determines that there is a practical educational
56 need and use for the building;

57 ii. Funding is available from outside agencies or private parties
58 including local governments, other public or private entities to fund
59 the additional cost of renovating the building above and beyond the
60 School District's need (i.e., the incremental cost of renovating in
61 excess of new construction), provided that, in the event School
62 District funding is used for restoration, it will be provided equitably
63 to existing structures that meet the historic preservation criteria
64 regardless of location; and

65 iii. Preserving the building does not unduly delay the planned
66 modernization of the facility or inhibit the site planning and design
67 of the school to meet the students' needs.

68 **4. Use of Restored Buildings.--** School Board owned buildings that are
69 restored with public funds should be opened to the public when not in use by
70 the School District, subject to the terms of an Interlocal Agreement to be
71 negotiated with the appropriate agency.

72 5. Sale or Lease of Facilities to Private Entities.-- School Board facilities
73 may be sold or leased to private entities, consistent with Fla. Stat. §
74 1013.28, SREF §1.4(7), and School Board Policy 7.12 under the following
75 conditions:

76 a. the School Board does not have any need or use for the facility and
77 surrounding land, if the building will not be relocated currently or in the
78 foreseeable future;

79 b. prospective recipient candidates who apply to purchase or lease any
80 school facility for restoration must provide a financial commitment to
81 restore the building for public use;

82 c. a specific time frame for restoration has been agreed upon;

83 d. the terms and conditions of the sale or lease are acceptable to the
84 School Board;

85 e. the loss of land, if any, to the school campus does not unreasonably
86 restrict, limit or delay the School Board's flexibility and ability to
87 implement its current modernization plans or plan for future expansion;
88 nor does it increase the School Board's costs;

89 f. the private party prospective candidate will assume all responsibility
90 and will bear all costs in obtaining all approval(s) from the local
91 government, including but not limited to, compliance with local
92 subdivision requirements and platting of the property; and

93 g. if the building is leased, the lessee will be financially responsible for the
94 incremental costs associated with the security of the contiguous school
95 campus, if the designated property cannot be properly separated from
96 the contiguous school campus.

97 STATUTORY AUTHORITY: §§ 1001.41(2); 1001.43(4), Fla. Stat.

98 LAWS IMPLEMENTED: §§ 267.021; 267.061; 1001.42(1), (3); 1013.28;
99 1013.64, Fla. Stat.

100 RULES SUPPLEMENTED: SREF §§ 1.4(7) and 1.5; F.A.C. r. 6A-2.011

101 History: New: ___/___/04

Legal Signoff:

The Legal Department has reviewed proposed Policy 7.25 and finds it legally sufficient for development by the Board.

Attorney

Date