

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1393 Florida School for Competitive Academics

**SPONSOR(S):** Snyder

**TIED BILLS:** None. **IDEN./SIM. BILLS:** SB 1386

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	12 Y, 0 N	Dixon	Sleap
2) PreK-12 Appropriations Subcommittee			
3) Education & Employment Committee			

### SUMMARY ANALYSIS

The bill establishes the Florida School for Competitive Academics (FSCA) as a public school in Alachua County for students in grades 6-12, to be admitted starting in the 2024-2025 school year. The school is intended to provide a rigorous academic curriculum, and to prepare students for regional, state, and national academic competitions in all areas of study, including, but not limited to, science, technology, engineering, and mathematics.

The bill establishes a board of trustees to govern the FSCA, appointed by the Governor and confirmed by the Senate. The board of trustees is authorized to manage, maintain, support, and control the FSCA. Specific authority includes, but is not limited to, admissions, personnel, purchasing, school safety, budgets, and records.

The FSCA is exempted from Florida Statutes in the same manner as charter schools, and is subject to financial and operational audits by the Auditor General in the same manner as other public educational institutions.

The bill has an indeterminate but significant fiscal impact on state government expenditures. See Fiscal Analysis.

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

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### Background

##### *Florida's Early Learning-20 Education System*

Florida's Early Learning-20 education system includes publicly supported and controlled K-12 schools, Florida College System institutions, state universities and other postsecondary educational institutions, other educational institutions, and other educational services as provided or authorized by the Constitution and laws of the state. These include:<sup>1</sup>

- The Voluntary Prekindergarten Education Program and the school readiness program.
- Public K-12 schools, which include charter schools and consist of kindergarten classes; elementary, middle, and high school grades and special classes; virtual instruction programs; workforce education; career centers; adult, part-time, and evening schools, courses, or classes, as authorized by law to be operated under the control of district school boards; and lab schools operated under the control of state universities.
- Public postsecondary educational institutions, which include workforce education; Florida College System institutions; state universities; and all other state-supported postsecondary educational institutions that are authorized and established by law.
- The Florida School for the Deaf and the Blind.<sup>2</sup>
- The Florida Virtual School.<sup>3</sup>

##### *Advanced Academic Public Schools in Florida*

Florida offers a number of public school options for academically talented students, for example:

- **The Pine View School**, established in 1969 in Sarasota County, serves intellectually gifted students in grades 2-12. Its mission is to provide a qualitatively different learning environment that nurtures a passion for intellectual curiosity, encourages risk taking, independence and innovation, and is committed to a tradition of academic excellence and social responsibility. Children are admitted based on a series of tests, recommendations, and other pertinent admissions data. These are reviewed by a committee of teachers and other personnel. The basic curriculum conforms to local and state requirements as expressed in accreditation standards and the officially approved programs of studies.<sup>4</sup>
- **Stanton College Preparatory School** opened in 1981 in Duval County as the district's first magnet school. The school serves grades 9-12, with a mission to provide a rigorous academic program of all advanced academic courses supplemented by philanthropic, artistic, and forensic activities. Stanton consistently ranks first in the county and in the top three in the state for the number of National Merit Semi-Finalists.<sup>5</sup>
- **The School for Advanced Studies (SAS)** is a nationally recognized collegiate high school of excellence, a combined effort between Miami-Dade County Public Schools and Miami Dade College. Students attending SAS complete their last two years of high school while they obtain a two-year Associate in Arts degree from Miami Dade College. The opportunity for acceleration and enrichment attracts motivated and academically talented students. SAS provides its students with a rich and rigorous liberal arts education with many of its students specializing in science, technology, engineering, and mathematics (STEM). SAS was recently recognized by

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<sup>1</sup> Section 1000.04, F.S.

<sup>2</sup> See also, Section 1002.36, F.S.

<sup>3</sup> See also, Section 1002.37, F.S.

<sup>4</sup> Pine View School, *About Pine View School*, <https://www.sarasotacountyschools.net/domain/1447> (last visited Mar. 23, 2023).

<sup>5</sup> School for Advanced Studies, *About Us*, [https://sasdreamfactory.org/apps/pages/index.jsp?uREC\\_ID=473938&type=d](https://sasdreamfactory.org/apps/pages/index.jsp?uREC_ID=473938&type=d) (last visited Mar. 23, 2023).

U.S. News and World Report and the "Best High School in Florida" and the "Fifth Best High School in the United States."<sup>6</sup> Admissions is based on a variety of factors including GPA, attendance record, and college placement test scores.<sup>7</sup>

- **Buchholz High School (BHS)** in Alachua county has won 14 national championships in 15 years at the National Mu Alpha Theta<sup>8</sup> Competition. The team broke records by winning a total of 304 trophies, with many of the team members earning first-place awards. The team has taken first place in 32 out of 39 national competitions.<sup>9</sup>

### *Other States Advanced Academic Public Schools*

Other states have public schools that offer specialized advanced academic instruction. The Alabama School of Mathematics and Science was founded in 1989 as a public residential high school in Mobile, Alabama. While the school is located in Mobile, the recruitment of candidates for the school encompasses the state's 67 counties, serving sophomores, juniors and seniors. The mission of the school is to provide academically motivated Alabama students with exceptional preparations in the fields of math and science, empowering them to improve their community, state, and nation.<sup>10</sup>

North Carolina has the North Carolina School of Science and Mathematics founded in 1980 as a public residential school with campuses in Durham and Morganton, North Carolina. In addition, the school offers an online component for admitted 11<sup>th</sup> and 12<sup>th</sup> graders to supplement their local high school education. The school is part of the University of North Carolina system and is open to high school juniors and seniors across North Carolina. The school provides an intellectually stimulating, diverse, inclusive, and collaborative community, which among other criteria, offers challenging programs, with an emphasis in STEM.<sup>11</sup>

### *Local Education Agencies*

Charter schools, like traditional public schools, receive federal education funding through such programs as Title I of the Elementary and Secondary Education Act<sup>12</sup> and the Individuals with Disabilities Education Act.<sup>13</sup> Typically, these programs are structured so that funding flows from the federal government to a state educational agency,<sup>14</sup> which then awards subgrants to local education agencies (LEA) within the state.<sup>15</sup>

Each federal education funding program has unique policy goals and program requirements. A LEA must submit a separate application and implementation plan for each federal program.<sup>16</sup> LEAs must have the personnel and infrastructure necessary to maintain financial, procurement, and inventory management systems that meet federal requirements.<sup>17</sup> LEAs must also comply with record keeping

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<sup>6</sup> School for Advanced Studies, *About Us*, [https://sasdreamfactory.org/apps/pages/index.jsp?uREC\\_ID=473938&type=d](https://sasdreamfactory.org/apps/pages/index.jsp?uREC_ID=473938&type=d) (last visited Mar. 22, 2023).

<sup>7</sup> *Id.*

<sup>8</sup> Mu Alpha Theta, the National High School and Two-Year College Mathematics Honor Society is dedicated to inspiring a keen interest in mathematics, developing strong scholarship in the subject, and promoting the enjoyment of mathematics in high school and two-year college students. Currently, more than 100,000 students are Mu Alpha Theta members at more than 2,420 schools in the United States and in 23 foreign countries. Mu Alpha Theta, *About Us*, <https://mualphatheta.org/about-us> (last visited Mar. 22, 2023).

<sup>9</sup> The Gainesville Sun, *Buchholz High School takes home 14th national math championship win in 15-year span*, <https://www.gainesville.com/story/news/2022/07/19/buchholz-high-school-wins-14th-national-championship/10089688002/> (last visited Mar. 22, 2023).

<sup>10</sup> The Alabama School of Math and Science, *available at* <https://www.asms.net/about> (last visited Mar. 22, 2023). *see also*, ALA. CODE § 16-26A-3 (2016).

<sup>11</sup> North Carolina School of Science and Mathematics, *available at* <https://www.ncssm.edu/> (last visited Mar. 22, 2023).

<sup>12</sup> 20 U.S.C. s. 6301 et. seq.

<sup>13</sup> 20 U.S.C. s. 1400 et. seq.; s. 1002.33(17)(c)-(d), F.S.

<sup>14</sup> The Florida Department of Education is Florida's state educational agency for federal funding purposes. *See* 20 U.S.C. s. 1412(a).

<sup>15</sup> *See* 20 U.S.C. ss. 1412(a) and 1413(a).

<sup>16</sup> *See, e.g.*, 20 U.S.C. s. 6312 (local education agency Title I plans).

<sup>17</sup> 34 C.F.R. s. 76.702 and 2 C.F.R. 200.302-200.308 (financial management); 2 C.F.R. s. 200.318 (procurement management); 2 C.F.R. ss. 200.313 and 200.314 (inventory management).

and annual financial and performance accountability reporting requirements.<sup>18</sup> A LEA that fails to comply with the terms of a federal grant may be subject to withholding, suspension, or termination of grant funds or designated as a “high risk” grantee.<sup>19</sup> Grant recipients who commit fraud may be debarred or suspended from participation in all federally funded programs.<sup>20</sup>

Each state determines which entities may serve as LEAs.<sup>21</sup> In most cases, Florida’s school districts are the LEA for district public schools, including charter schools. Federal education funds are received by the school district, which then distributes to the charter school its proportionate share of funding.<sup>22</sup>

### **Effect of Proposed Changes**

The bill establishes the Florida School for Competitive Academics (FSCA) in Alachua County as a state-supported public school for Florida residents in grades 6-12 and modifies the Florida Early Learning-20 public education system to include the FSCA.

The bill states that the primary purpose of the FSCA is to provide a rigorous academic curriculum, and the secondary purpose is to prepare students for regional, state, and national academic competitions in all areas of study, such as, science, technology, engineering, and mathematics. The school may admit students in grades 6-12 beginning in the 2024-2025 school year.

The bill also establishes the mission of the FSCA to provide students who meet selective admissions requirements an environment that will foster high academic engagement and advanced understanding of subject areas, develop productive work habits, build resiliency, connect students with industry leaders, and promote civic leadership.

To assist in the recruitment of students to the FSCA, the bill requires the Commissioner of Education (commissioner) to ensure all eligible students are informed of the FSCA. The commissioner must inform parents of public school students that they may provide their child’s student records to the FSCA’s board of trustees for recruitment purposes.

#### *Board of Trustees*

The bill provides for the FSCA to be governed by a board of trustees. The bill establishes that the FSCA board of trustees will be composed of seven members appointed by the Governor to 4-year terms and confirmed by the Senate. For purposes of staggering terms, four members, including the chair as designated by the Governor, will be appointed to 4-year terms beginning July 1, 2023, and three members will be appointed to 2-year terms beginning July 1, 2023. After the initial 4-year term, the chair will be elected by the board. The bill specifies that no more than one employee of the school may serve on the board of trustees as a member or as chairman. The members of the board of trustees serve without compensation, but may be reimbursed for per diem and travel expenses.

The bill specifies that the board of trustees is established as a public agency entitled to sovereign immunity, and the members as public officers who bear fiduciary responsibility for the FSCA. As a corporation, the board of trustees is authorized by the bill to operate and manage the FSCA. Gifts, donations, or bequests to the FSCA are under the jurisdiction of the board of trustees; all other property and assets are under the jurisdiction of the SBE.

The bill establishes the powers and authority of the board of trustees, that include:

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<sup>18</sup> 34 C.F.R. s. 76.702 and 2 C.F.R. ss. 200.318, 200.313, 200.314, and 200.334 (fiscal, procurement, and inventory management records); 2 C.F.R. ss. 200.328-200.330 (financial reporting).

<sup>19</sup> 2 C.F.R. ss 200.339-343 (noncompliance with grant terms); 2 C.F.R. s. 200.206 (high-risk grantees).

<sup>20</sup> 2 C.F.R. s. 200.339

<sup>21</sup> Federal law broadly defines the term LEA to include state boards of education, state departments of education, local school boards, cities, counties, political subdivisions, public postsecondary institutions, or any other public entities that a state’s law authorizes to administer public elementary and secondary schools. *See, e.g.*, 34 C.F.R. s. 77.1.

<sup>22</sup> Section 1002.33(17)(c), F.S.

- Adopting rules for the operation of the school that comply with state law and must be submitted to the SBE for approval.
- Appointing and removing a principal, administrators, teachers, and other employees.
- Determining eligibility of students and procedures for admission.
- Providing for the proper keeping of accounts and records and for budgeting of funds.
- Receiving gifts, donations, and bequests of money or property, real or personal, tangible or intangible, from any person, firm, corporation, or other legal entity for the use and benefit of the school.
- Recommending to the Legislature for the school to become a residential public school.
- Performing every other matter or thing requisite to the proper management, maintenance, support, and control of the school at the highest efficiency economically possible.
- Having a stand-alone law enforcement agency.
- After receiving approval from the Administration Commission, exercising the power of eminent domain in the manner as provided in law.

The bill also requires the board of trustees to:

- Prepare and submit legislative budget requests for operations and fixed capital outlay to the Department of Education (DOE) for review and approval. The DOE will analyze the request for fixed capital outlay to determine if the request is consistent with the school's campus master plan, educational plant survey, and facilities master plan.
- Approve and administer an annual operating budget in accordance with law.
- Require all purchases to be in accordance requirements in law, except for purchases made with funds received as gifts, donations, or bequests or funds raised by or belonging to student clubs or student organizations.
- Administer and maintain personnel programs for all employees of the board of trustees and the FSCA, who shall be school employees, including the personnel.
- Ensure that the FSCA complies with laws concerning the coordination of planning between the FSCA and local governing bodies.
- Ensure that the FSCA complies with laws concerning per diem and travel expenses.
- Adopt a master plan that specifies the objectives of the FSCA. The plan must be for a period of 5 years and must be reviewed for needed modifications every 2 years. The board of trustees must submit the initial plan and subsequent modifications to the President of the Senate and the Speaker of the House of Representatives.

### *Student and Employee Records*

The bill requires the board of trustees to provide for the content and custody of student records subject to current law regarding education records in accordance with the Family Educational Rights and Privacy Act. The board of trustees must maintain employee records subject to current law regarding public school personnel files, which include all records, information, data, or materials uniquely applicable to that employee whether maintained in one or more locations.

### *Personnel*

The FSCA board of trustees and all employees and applicants for employment must undergo a Level 2 background screening similar to the requirement for all public school personnel who seek an educator certificate. The bill specifies that an individual may not be employed as an employee or contract personnel of the FSCA or serve as a member of the board of trustees if the individual is on the disqualification list maintained by the DOE.

The bill requires the FSCA board of trustees to administer and maintain personnel programs for all employees, which must include:

- Rules, policies, and procedures related to the appointment, employment, and removal of personnel.
- Compensation, including salaries and fringe benefits, and other conditions of employment for such personnel.

- A requirement that classroom teachers employed by the school must be certified.
- A requirement that each person employed by the board of trustees in an academic administrative or instructional capacity with the FSCA is entitled to a contract as provided by rules of the board of trustees.
- A requirement that all employees except temporary, seasonal, and student employees may be provided Florida Retirement System benefits from the school through operational costs.

The bill makes conforming changes to other statutes regarding personnel authority by the FSCA board of trustees.

The bill includes the FSCA in the selected exempt class for academic and administrative personnel, and specifies that, like the FSDB, salaries are set not by the Department of Management Services (DMS) but by FSCA board of trustees, subject to approval by the State Board of Education (SBE).

Currently, DMS maintains a classification and compensation program addressing Career Service, Selected Exempt Service, and Senior Management Service positions.<sup>23</sup> The list of members who are exempted from career service are specified in law, and include all officers and employees of the state universities and the academic personnel and academic administrative personnel of the Florida School for the Deaf and the Blind (FSDB). The salaries for academic personnel and academic administrative personnel of the FSDB are set by the board of trustees for the FSDB, subject only to the approval of the SBE.<sup>24</sup>

The bill specifies that FSCA salaries are provided within the classification and pay plans established by the board of trustees for the FSCA and approved by the SBE for academic and academic administrative personnel.

Salary rates are currently provided in the General Appropriations Act (GAA).<sup>25</sup> Those salary rates not listed in the GAA are provided in DMS classification programs, in a classification plan by the board of trustees of the FSDB and approved by the SBE, with the Board of Governors of the State University System, with the Legislature, or with the judicial branch.<sup>26</sup>

The bill specifies that the board of trustees of the FSCA is deemed to be the public employer with respect to the academic and academic administrative personnel of the FSCA.

The Florida Constitution deems collective bargaining is a constitutional right afforded to public employees<sup>27</sup> in Florida.<sup>28</sup> Through collective bargaining, public employees collectively negotiate with their public employer in the determination of the terms and conditions of their employment.<sup>29</sup> Educational institution public employers include:<sup>30</sup>

- The Board of Governors of the State University System for all public employees of each constituent state university.
- The board of trustees of a community college for all employees of the community college.
- The district school board for all employees of the school district.
- The Board of Trustees of the Florida School for the Deaf and the Blind for the academic and administrative personnel of the Florida School for the Deaf and the Blind.
- The Governor for all employees in the Correctional Education Program of the Department of Corrections.

<sup>23</sup> Section 110.2035(1), F.S.

<sup>24</sup> Section 110.205(2)(d), F.S.

<sup>25</sup> Section 216.251(1), F.S.

<sup>26</sup> Section 216.251(2), F.S.

<sup>27</sup> “Public employee” means any person employed by a public employer except: Governor appointees; elected officials; members of boards and commissions; those in an organized militia; negotiating representatives; specified persons associated with the Public Employee Relations Commission; employees of the Florida Legislature; inmates; inspector positions for federal or state fruit and vegetable inspection service; and undergraduate students at a state university. Section 447.203(3), F.S.

<sup>28</sup> Art. I, s. 6, Fla. Const.

<sup>29</sup> Section 447.301(2), F.S.

<sup>30</sup> Section 447.203(2), F.S.

## *Funding*

The bill specifies that the FSCA must receive state funds for operating purposes as provided in the GAA. The bill does not establish the FSCA as a special school district, so it is likely the FSCA will receive funds similar to the Florida School for the Deaf and the Blind rather than as an allocation through the Florida Education Finance Program based on the full-time enrollment of its students. In addition to the funds provided in the GAA, the bill authorizes the FSCA to receive other funds from grants and donations.

Since the school is created as a public school independent of any school district, the school will be responsible for complying with federal requirements for federal funds.

## *Audits and Investigations*

The bill requires the Auditor General to conduct audits of the accounts and records of the FSCA as provided in law. In addition, the bill provides for the DOE's Inspector General to conduct investigations at the FSCA as provided in law.

## *Exemption from Statutes*

In order to provide maximum flexibility to the FSCA, the bill provides exemptions from statute in the same manner as provided to charter schools.<sup>31</sup>

The FSCA is exempt from all statutes in chapters 1000-1013, except that FSCA is required to be in compliance with the following statutes in chapters 1000-1013:

- Section 1002.351 specifically regarding the FSCA.
- Statutes pertaining to the student assessment program and school grading system.
- Statutes pertaining to the provisions of services to students with disabilities.
- Statutes pertaining to civil rights and to the Florida Educational Equity Act.
- Statutes pertaining to student health, safety and welfare.

The FSCA must be in compliance with the following statutes:

- Chapter 119, relating to public records.
- Section 1006.12, relating to safe-school officers.
- Section 1006.07(7), relating to threat assessment teams.
- Section 1006.07(9), relating to school environmental safety incident reporting.
- Section 1006.07(10), relating to reporting of involuntary examinations.
- Section 1006.1493, relating to the Florida Safe Schools Assessment Tool.
- Section 1006.07(6)(d), relating to adopting active assailant response plans.
- Section 943.082(4)(b), relating to the mobile suspicious activity reporting tool.
- Section 1012.584, relating to youth mental health awareness and assistance training.
- Section 1003.4282, relating to requirements for a standard high school diploma.
- Section 1003.03(1), relating to class size maximums.
- Section 1011.61, relating to instructional hours requirements, but may provide instruction that exceeds the minimum time requirements for the purposes of offering a summer program.

The bill provides that the duties assigned to a district school superintendent apply to the director of the FSCA and the duties assigned to a district school board apply to the FSCA board of trustees.

## *Budget*

The bill establishes procedures for the FSCA to prepare and submit legislative budget requests (LBRs).

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<sup>31</sup> Section 1002.33(16), F.S.  
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**DATE:** 3/27/2023

The bill requires that the LBR of the FSCA must be prepared using the same format, procedures, and timelines required for the submission of the legislative budget of the DOE. The FSCA must submit its LBR and an implementation plan to the DOE for review and approval. Once approved, the commissioner must include the FSCA in the DOE's LBR to the SBE, the Governor, and the Legislature. The LBR for the FSCA must be a separate identifiable sum in the DOE's LBR.

The bill requires the annual appropriation for the FSCA to be distributed quarterly, without using the Florida Education Finance Program, in payments as nearly equal as possible. Appropriations for textbooks, instructional technology, and school buses may be released and distributed as necessary to serve the instructional program for the students.

The bill also requires the FSCA to submit its fixed capital outlay request to the DOE for review and approval in the same manner as the Florida School for the Deaf and Blind. Subsequent to the department's approval, the FSCA's request must be included within the DOE's public education capital outlay LBR.

The bill creates flexibility in managing the FSCA funds. The bill authorizes that, notwithstanding specified sections of law, and subject to the GAA, funds for the operation of the FSCA must be requested and appropriated within budget entities, program components, program categories, lump sums, or special categories, but may be transferred to traditional categories for expenditure by the board of trustees of the FSCA. The board of trustees must develop an annual operating budget that allocates funds by program component and traditional expenditure category.

The bill exempts the FSCA from preparing a lump-sum plan to implement the special categories, program categories, or lump-sum appropriations, subject to the GAA. Upon request of the board of trustees, the Chief Financial Officer must transfer or reallocate funds to or among accounts established for disbursement purposes. The board of trustees must maintain records to account for the original appropriation.

The bill authorizes the FSCA board of trustees, subject to the GAA, to establish the authorized positions at the school, but may amend such positions within the total funds authorized annually in the GAA.

The bill authorizes all unexpended funds appropriated for the FSCA to be carried forward and included as the balance forward for that fund in the approved operating budget for the following year. For the 2023-2024 through 2027-2028 fiscal years, the FSCA's board of trustees may expend, reserve, or carry forward balances from prior year operational and programmatic appropriations for fixed capital outlay projects needed for the establishment of the school.

## B. SECTION DIRECTORY:

**Section 1:** Amends s. 1000.04, F.S.; revising the components of the delivery of public education within the Florida Early Learning-20 education system to include the Florida School for Competitive Academics.

**Section 2:** Creates s. 1002.351, F.S.; providing for the establishment of the Florida School for Competitive Academics; providing for providing for the purpose and mission of the school; requiring the Commissioner of Education to ensure eligible students are informed of the school; providing for the appointment of the board of trustees; prescribing the powers and duties of the board of trustees; providing sovereign immunity to the board of trustees; specifying the board's duties regarding the maintenance of student and employee records; providing requirements regarding background screening of school personnel; specifying duties of the board regarding personnel; providing for funding of the school; requiring the Auditor General to conduct audits of the school; authorizing the Department of Education's Office of Inspector General to conduct investigations, as appropriate; exempting the school from specified requirements in the Florida Early Learning-20 Education Code; providing exceptions; specifying applicability of certain provisions of law.



- Section 3:** Creates s. 1011.58, F.S.; prescribing procedures for the school's submittal of legislative budget requests; requiring the school to submit an implementation plan to the Department of Education; requiring the Commissioner of Education to include the school in the department's legislative budget request, subject to specified conditions; requiring the school to submit its fixed capital outlay request to the department.
- Section 4:** Creates s. 1011.58, F.S.; prescribing procedures for the school's submittal of legislative budget requests; requiring the school to submit an implementation plan to the Department of Education; requiring the Commissioner of Education to include the school in the department's legislative budget request, subject to specified conditions; requiring the school to submit its fixed capital outlay request to the department.
- Section 5:** Creates s. 1011.59, F.S.; prescribing procedures and requirements governing the request and the appropriation of funds for the operation of the school; requiring the board to develop an annual operating budget; requiring the Chief Financial Officer to transfer or reallocate funds if certain conditions are met; requiring the board to establish authorized positions within funds appropriated to the school; providing for the carry forward of any unexpended funds; providing that the board of trustees may expend, reserve, or carry forward of certain balances for fixed capital outlay projects.
- Section 6:** Amends s. 11.45, F.S.; revising the duties of the Auditor General to conform to changes made by the act.
- Section 7:** Amends s. 110.205, F.S. exempting school personnel from provisions governing the state career service system.
- Section 8:** Amends s. 216.251, F.S.; specifying the manner of setting salaries for positions within the school.
- Section 9:** Amends s. 447.203, F.S.; revising the definition of the terms "public employer" or "employer" to include the school for purposes of part II of ch. 447, F.S.; making technical changes.
- Section 10:** Amends s. 1001.20, F.S.; revising the powers of the department's Office of Inspector General to conform to changes made by the act; providing a directive to the Division of Law Revision.
- Section 11:** Provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill creates the Florida School for Competitive Academics and has an indeterminate but significant fiscal impact.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill creates the Florida School for Competitive Academics and has an indeterminate but significant fiscal impact.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the board of trustees for the Florida School for Competitive Academics (FSCA) to adopt rules to implement the operation of the FSCA. The rules must be submitted to the State Board of Education for approval or disapproval, and if approved, filed with the Department of State.

C. DRAFTING ISSUES OR OTHER COMMENTS:

- The bill authorizes the FSCA to have a stand-alone law-enforcement agency, but does not describe the jurisdiction of the agency, how the agency will exercise such authority, or the standards it must meet.
- The bill authorizes the FSCA to exercise the power of eminent domain, requires the school to adopt a master plan, and coordinate planning with local governments. “The planning must consider the effect of the location of new facilities to be located on property acquired on or after January 1, 1998, including the efficient use of local infrastructure, the proximity of the proposed new facilities to the school’s existing campus, and the effect and impact of any property proposed to be acquired by the school.” Section 1013.351(2), F.S. The bill also requires the FSCA to “submit an implementation plan to the department before the department may approve a budget request.”
- The bill authorizes the FSCA to purchase school buses, but does not require the school to comply with subpart I.E. of chapter 1006, F.S. or s. 1012.45, F.S.
- The bill requires the FSCA to submit a legislative budget request and that the funds will be distributed in quarterly payments outside the Florida Education Finance Program. It is unclear how the school will calculate the funding amount per pupil.
- The bill authorizes the FSCA to receive fixed capital outlay within the department’s public education capital outlay legislative budget request, but it is unclear whether facilities purchased or constructed with such funds must meet the same standards as other facilities that receive fixed capital outlay.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.