

By the Committee on Fiscal Policy; and Senator Legg

594-04430-15

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1 A bill to be entitled
2 An act relating to education; amending s. 1003.576,
3 F.S.; requiring the Department of Education to have an
4 operating electronic Individual Education Plan system
5 in place for statewide use; amending s. 1005.22, F.S.;
6 requiring the Commission for Independent Education to
7 report certain data to the department annually by a
8 certain date regarding institutions licensed by the
9 commission; amending s. 1012.796, F.S.; authorizing
10 the Commissioner of Education to issue a letter of
11 guidance in response to a complaint against a teacher
12 or administrator in lieu of a probable cause
13 determination; creating s. 1013.385, F.S.; providing
14 for school district construction flexibility;
15 authorizing exceptions to construction requirements
16 for educational facilities under certain
17 circumstances; amending s. 1013.40, F.S.; increasing
18 the number of beds which may be in a dormitory
19 constructed by certain Florida College System
20 institutions; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

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24 Section 1. Section 1003.576, Florida Statutes, is amended
25 to read:

26 1003.576 Individual education plans for exceptional
27 students.—The Department of Education must develop and have an
28 operating electronic IEP system in place for ~~potential~~ statewide
29 use ~~no later than July 1, 2007~~. The statewide system shall be

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30 developed collaboratively with school districts and must include
31 input from school districts currently developing or operating
32 electronic IEP systems.

33 Section 2. Paragraph (i) of subsection (1) of section
34 1005.22, Florida Statutes, is amended to read:

35 1005.22 Powers and duties of commission.—

36 (1) The commission shall:

37 (i) Serve as a central agency for collecting and
38 distributing current information regarding institutions licensed
39 by the commission. The commission shall annually collect, and
40 all institutions licensed by the commission shall annually
41 report, student-level data from the prior year for each student
42 who receives state funds, in a format prescribed by the
43 Department of Education. At a minimum, data from the prior year
44 must include retention rates, transfer rates, completion rates,
45 graduation rates, employment and placement rates, and earnings
46 of graduates. By October 1 of each year ~~December 31, 2013,~~ the
47 commission shall report the data for the ~~2012–2013~~ academic year
48 to the Department of Education. ~~By October 1 of each year~~
49 ~~thereafter, the commission shall report the data to the~~
50 ~~department.~~

51 Section 3. Subsection (3) of section 1012.796, Florida
52 Statutes, is amended to read:

53 1012.796 Complaints against teachers and administrators;
54 procedure; penalties.—

55 (3) The department staff shall advise the commissioner
56 concerning the findings of the investigation. The department
57 general counsel or members of that staff shall review the
58 investigation and advise the commissioner concerning probable

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59 cause or lack thereof. The determination of probable cause shall
60 be made by the commissioner. The commissioner shall provide an
61 opportunity for a conference, if requested, prior to determining
62 probable cause. The commissioner may enter into deferred
63 prosecution agreements in lieu of finding probable cause if, in
64 his or her judgment, such agreements are in the best interests
65 of the department, the certificateholder, and the public. Such
66 deferred prosecution agreements shall become effective when
67 filed with the clerk of the Education Practices Commission.
68 However, a deferred prosecution agreement may ~~shall~~ not be
69 entered into if there is probable cause to believe that a felony
70 or an act of moral turpitude, as defined by rule of the State
71 Board of Education, has occurred. Upon finding no probable
72 cause, the commissioner shall dismiss the complaint. In lieu of
73 a finding of probable cause, the commissioner may also issue a
74 letter of guidance to the educator.

75 Section 4. Section 1013.385, Florida Statutes, is created
76 to read:

77 1013.385 School district construction flexibility.-

78 (1) A district school board, with a supermajority vote at a
79 public meeting that begins no earlier than 5 p.m., may adopt a
80 resolution to implement one or more of the exceptions to the
81 educational facilities construction requirements provided in
82 this section. Before voting on the resolution, a district school
83 board must conduct a cost-benefit analysis prepared according to
84 a professionally accepted methodology that describes how each
85 exception selected by the district school board achieves cost
86 savings, improves the efficient use of school district
87 resources, and impacts the life-cycle costs and life span, as

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88 applicable, for each educational facility to be constructed, as
89 applicable, and demonstrates that implementation of the
90 exception will not compromise student safety or the quality of
91 student instruction. The district school board must conduct at
92 least one public workshop to discuss and receive public comment
93 on the proposed resolution and cost-benefit analysis, which must
94 begin no earlier than 5 p.m. and may occur at the same meeting
95 at which the resolution will be voted upon.

96 (2) A resolution adopted under this section may propose
97 implementation of exceptions to requirements of the uniform
98 statewide building code for the planning and construction of
99 public educational and ancillary plants adopted pursuant to ss.
100 553.73 and 1013.37 relating to:

101 (a) Interior nonload-bearing walls, by approving the use of
102 fire-rated wood stud walls in new construction or remodeling for
103 interior nonload-bearing wall assemblies that will not be
104 exposed to water or located in wet areas.

105 (b) Walkways, roadways, driveways, and parking areas, by
106 approving the use of designated, stabilized, and well-drained
107 gravel or grassed student parking areas.

108 (c) Standards for relocatables used as classroom space, as
109 specified in s. 1013.20, by approving construction
110 specifications for installation of relocatable buildings that do
111 not have covered walkways leading to the permanent buildings
112 onsite.

113 (d) Site lighting, by approving construction specifications
114 regarding site lighting which:

115 1. Do not provide for lighting of gravel or grassed
116 auxiliary or student parking areas.

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117 2. Provide lighting for walkways, roadways, driveways,
118 paved parking lots, exterior stairs, ramps, and walkways from
119 the exterior of the building to a public walkway through
120 installation of a timer that is set to provide lighting only
121 during periods in which the site is occupied.

122 3. Allow lighting for building entrances and exits to be
123 installed with a timer that is set to provide lighting only
124 during periods in which the building is occupied. The minimum
125 illumination level at single-door exits may be reduced to no
126 less than 1 footcandle.

127 Section 5. Subsection (4) of section 1013.40, Florida
128 Statutes, is amended to read:

129 1013.40 Planning and construction of Florida College System
130 institution facilities; property acquisition.—

131 (4) The campus of a Florida College System institution
132 within a municipality designated as an area of critical state
133 concern, as defined in s. 380.05, and having a comprehensive
134 plan and land development regulations containing a building
135 permit allocation system that limits annual growth, may
136 construct dormitories for up to 400 ~~100~~ beds for Florida College
137 System institution students. Such dormitories are ~~shall be~~
138 exempt from the building permit allocation system and may be
139 constructed up to 45 feet in height if the dormitories ~~provided~~
140 ~~that they~~ are otherwise consistent with the comprehensive plan,
141 the Florida College System institution has a hurricane
142 evacuation plan that requires all dormitory occupants to be
143 evacuated 48 hours in advance of tropical force winds, and ~~that~~
144 transportation is provided for dormitory occupants during an
145 evacuation.

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Section 6. This act shall take effect July 1, 2015.