

1 A bill to be entitled
2 An act relating to structurally sound and accessible
3 school facilities; creating s. 1002.24, F.S.;
4 providing legislative intent; defining a term;
5 providing that all students have certain rights
6 relating to attending schools that meet specific
7 standards; providing construction; requiring that
8 certain new school facilities be constructed in
9 compliance with public shelter design criteria;
10 requiring each district school board, the governing
11 authority of each state scholarship-participating
12 private school, and the governing authority of any
13 school not located on district school board property
14 to implement certain procedures; providing for duties
15 of existing state scholarship-participating private
16 schools and certain startup charter schools; providing
17 for duties of the Department of Education; providing
18 for rulemaking; providing for preemption of the State
19 Requirements for Educational Facilities and the
20 Florida Building Code; providing that schools are not
21 required to add certain technology or infrastructure
22 for specified purposes; amending s. 1002.33, F.S.;
23 requiring a startup charter school to use facilities
24 that comply with the State Requirements for
25 Educational Facilities; amending s. 1002.42, F.S.;

26 requiring the governing authority of a state
27 scholarship-participating private school to require
28 that any new construction, remodeling, or renovation
29 of school facilities comply with the Florida Building
30 Code and the State Requirements for Educational
31 Facilities; providing an effective date.

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33 Be It Enacted by the Legislature of the State of Florida:

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35 Section 1. Section 1002.24, Florida Statutes, is created
36 to read:

37 1002.24 Students' Bill of Rights.—

38 (1) It is the intent of the Legislature that students
39 attending public schools or state scholarship-participating
40 private schools enjoy the same basic protections to ensure their
41 ability to learn.

42 (2) As used in this section, the term "board" has the same
43 meaning as in the State Requirements for Educational Facilities
44 (SREF) of the Florida Building Code adopted pursuant to s.
45 1013.37.

46 (3) As used in this section, the term "state scholarship-
47 participating private schools" means private schools
48 participating in a state scholarship program under s. 1002.385,
49 s. 1002.39, s. 1002.395, or s. 1002.40, or any other similar
50 program.

51 (4) Each student is afforded the rights and privileges
52 specified in this section. Each student has the right to:

53 (a) Attend a school that is a structurally sound and
54 accessible facility for learning.

55 (b) Attend a school that meets firesafety and sanitation
56 standards and conducts annual inspections in accordance with the
57 SREF.

58 (c) Attend a school that provides a secure learning
59 environment in new, renovated, or remodeled facilities that
60 reflect the strategies approved for safe school design under the
61 SREF.

62 (d) Attend a school that is designed and constructed to
63 minimize the impact of a hurricane or other natural disaster and
64 built in accordance with the public shelter design criteria of
65 the Florida Building Code.

66 (e) Attend a school that is usable by and accessible to
67 individuals with disabilities, as required by federal law.

68 (f) Attend a school that meets at least the minimum
69 casualty safety and sanitation requirements specified in the
70 SREF for sites; concrete; masonry; metals; wood; insulation and
71 moisture protection; doors and windows; finishes; specialties;
72 equipment; furnishings; special construction; relocatable
73 buildings; conveying, mechanical, and electrical systems; and
74 HVAC services.

75 (5) The rights granted under this section are not

76 exclusive to other rights, and a student does not forfeit any
77 rights otherwise held under federal, state, or local law.

78 (6) The new construction of any school facility located
79 outside of a Category A, Category B, or Category C evacuation
80 zone, as specified in the Statewide Emergency Shelter Plan
81 published by the Division of Emergency Management, must comply
82 with the public shelter design criteria adopted under the
83 Florida Building Code.

84 (7) Each district school board and the governing authority
85 of each state scholarship-participating private school and any
86 school not located on district school board property shall adopt
87 procedures to comply with this section.

88 (8) State scholarship-participating private schools and
89 startup charter schools not operating on school district
90 property, any of which are existing before June 1, 2022, shall
91 comply with this section and, within 120 days after June 1,
92 2022, the department shall verify whether such schools are in
93 compliance.

94 (9) The department shall establish a verification process
95 for state scholarship-participating private schools and startup
96 charter schools that are newly constructed after June 1, 2023,
97 or that have undergone remodeling or renovation since their
98 previous verification. The verifications performed under this
99 subsection must be completed by June 1 of each year following
100 such new construction, remodeling, or renovation.

101 (10) The results of the verification process under this
102 section must be published on the department's website prior to
103 each school year, but no later than August 1.

104 (11) The State Board of Education may adopt rules pursuant
105 to ss. 120.536 and 120.54 to implement this section.

106 (12) This section preempts any provision of s.
107 1002.33(18), the SREF, or the Florida Building Code which is
108 inconsistent with this section.

109 (13) Nothing in this section requires a school to add
110 security technology or other infrastructure for the purpose of
111 protection from school violence.

112 Section 2. Paragraph (a) of subsection (18) of section
113 1002.33, Florida Statutes, is amended to read:

114 1002.33 Charter schools.—

115 (18) FACILITIES.—

116 (a) A startup charter school shall use ~~utilize~~ facilities
117 that ~~which~~ comply with the Florida Building Code pursuant to
118 chapter 553 and ~~except for~~ the State Requirements for
119 Educational Facilities pursuant to s. 1002.24. Conversion
120 charter schools shall use ~~utilize~~ facilities that comply with
121 the State Requirements for Educational Facilities, provided that
122 the school district and the charter school have entered into a
123 mutual management plan for the reasonable maintenance of such
124 facilities. The mutual management plan shall contain a provision
125 by which the district school board agrees to maintain charter

126 school facilities in the same manner as its other public schools
 127 within the district. Charter schools, with the exception of
 128 conversion charter schools, are not required to comply, but may
 129 choose to comply, with the State Requirements for Educational
 130 Facilities of the Florida Building Code adopted pursuant to s.
 131 1013.37. The local governing authority shall not adopt or impose
 132 any local building requirements or site-development
 133 restrictions, such as parking and site-size criteria, student
 134 enrollment, and occupant load, that are addressed by and more
 135 stringent than those found in the State Requirements for
 136 Educational Facilities of the Florida Building Code. A local
 137 governing authority must treat charter schools equitably in
 138 comparison to similar requirements, restrictions, and site
 139 planning processes imposed upon public schools that are not
 140 charter schools. The agency having jurisdiction for inspection
 141 of a facility and issuance of a certificate of occupancy or use
 142 shall be the local municipality or, if in an unincorporated
 143 area, the county governing authority. If an official or employee
 144 of the local governing authority refuses to comply with this
 145 paragraph, the aggrieved school or entity has an immediate right
 146 to bring an action in circuit court to enforce its rights by
 147 injunction. An aggrieved party that receives injunctive relief
 148 may be awarded attorney fees and court costs.

149 Section 3. Subsection (18) is added to section 1002.42,
 150 Florida Statutes, to read:

HB 1233

2019

151 1002.42 Private schools.—

152 (18) STRUCTURALLY SOUND AND ACCESSIBLE SCHOOL FACILITIES.—

153 The governing authority of each state scholarship-participating
154 private school, as defined in s. 1002.24(3), shall require any
155 new construction, remodeling, or renovation of school facilities
156 to comply with the Florida Building Code pursuant to chapter 553
157 and the State Requirements for Educational Facilities pursuant
158 to s. 1002.24.

159 Section 4. This act shall take effect July 1, 2019.