

By Senator Cruz

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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 terms;
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 owned by a board to implement certain
14 procedures; providing for duties of existing state
15 scholarship-participating private schools and certain
16 startup charter schools; providing for duties of the
17 Department of Education; providing for rulemaking;
18 providing for preemption of the State Requirements for
19 Educational Facilities and the Florida Building Code;
20 amending s. 1002.33, F.S.; requiring a startup charter
21 school to use facilities that comply with the State
22 Requirements for Educational Facilities; amending s.
23 1002.42, F.S.; requiring the governing authority of a
24 state scholarship-participating private school to
25 require that any new construction, remodeling, or
26 renovation of school facilities comply with the
27 Florida Building Code and the State Requirements for
28 Educational Facilities; providing an effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

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32 Section 1. Section 1002.24, Florida Statutes, is created to
33 read:

34 1002.24 Students' Bill of Rights.-

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

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

43 (3) As used in this section, the term "state scholarship-
44 participating private schools" means private schools
45 participating in a state scholarship program under this chapter
46 or any other similar program.

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

49 (a) Attend a school that is a structurally sound and
50 accessible facility for learning.

51 (b) Attend a school that meets firesafety and sanitation
52 standards and conducts annual inspections in accordance with the
53 SREF.

54 (c) Attend a school that provides a secure learning
55 environment in new, renovated, or remodeled facilities that
56 reflect the strategies approved for safe school design under the
57 SREF.

58 (d) Attend a school that is designed and constructed to

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59 minimize the impact of a hurricane or other natural disaster and
60 built in accordance with the public shelter design criteria of
61 the Florida Building Code.

62 (e) Attend a school that meets at least the minimum
63 casualty safety and sanitation requirements specified in the
64 SREF for sites; concrete; masonry; metals; wood; insulation and
65 moisture protection; doors and windows; finishes; specialties;
66 equipment; furnishings; special construction; relocatable
67 buildings; conveying, mechanical, and electrical systems; and
68 HVAC services.

69 (5) The rights granted under this section are not exclusive
70 to other rights, and a student does not forfeit any rights
71 otherwise held under federal, state, or local law.

72 (6) The new construction of any school facility located
73 outside of a Category A, Category B, or Category C evacuation
74 zone, as specified in the Statewide Emergency Shelter Plan
75 published by the Division of Emergency Management, must comply
76 with the public shelter design criteria adopted under the
77 Florida Building Code.

78 (7) Each district school board and the governing authority
79 of each state scholarship-participating private school and any
80 school not owned by a board shall adopt procedures to comply
81 with this section.

82 (8) State scholarship-participating private schools and
83 startup charter schools not operating on school district
84 property, any of which are existing before June 1, 2022, shall
85 comply with this section, and, by June 1, 2023, the department
86 shall verify whether such schools are in compliance.

87 (9) The department shall establish a verification process

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88 for state scholarship-participating private schools and startup
89 charter schools that are newly constructed after June 1, 2023,
90 or that have undergone remodeling or renovation since their
91 previous verification. The verifications performed under this
92 subsection must be completed by June 1 of each year following
93 such new construction, remodeling, or renovation.

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

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

99 (12) This section preempts any provision of the SREF or the
100 Florida Building Code which is inconsistent with this section.

101 Section 2. Paragraph (a) of subsection (18) of section
102 1002.33, Florida Statutes, is amended to read:

103 1002.33 Charter schools.—

104 (18) FACILITIES.—

105 (a) A startup charter school shall use ~~utilize~~ facilities
106 that ~~which~~ comply with the Florida Building Code pursuant to
107 chapter 553 and ~~except for~~ the State Requirements for
108 Educational Facilities pursuant to s. 1002.24. Conversion
109 charter schools shall use ~~utilize~~ facilities that comply with
110 the State Requirements for Educational Facilities, provided that
111 the school district and the charter school have entered into a
112 mutual management plan for the reasonable maintenance of such
113 facilities. The mutual management plan shall contain a provision
114 by which the district school board agrees to maintain charter
115 school facilities in the same manner as its other public schools
116 within the district. Charter schools, with the exception of

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117 conversion charter schools, are not required to comply, but may
118 choose to comply, with the State Requirements for Educational
119 Facilities of the Florida Building Code adopted pursuant to s.
120 1013.37. The local governing authority shall not adopt or impose
121 any local building requirements or site-development
122 restrictions, such as parking and site-size criteria, student
123 enrollment, and occupant load, that are addressed by and more
124 stringent than those found in the State Requirements for
125 Educational Facilities of the Florida Building Code. A local
126 governing authority must treat charter schools equitably in
127 comparison to similar requirements, restrictions, and site
128 planning processes imposed upon public schools that are not
129 charter schools. The agency having jurisdiction for inspection
130 of a facility and issuance of a certificate of occupancy or use
131 shall be the local municipality or, if in an unincorporated
132 area, the county governing authority. If an official or employee
133 of the local governing authority refuses to comply with this
134 paragraph, the aggrieved school or entity has an immediate right
135 to bring an action in circuit court to enforce its rights by
136 injunction. An aggrieved party that receives injunctive relief
137 may be awarded attorney fees and court costs.

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

140 1002.42 Private schools.—

141 (18) STRUCTURALLY SOUND AND ACCESSIBLE SCHOOL FACILITIES.—
142 The governing authority of each state scholarship-participating
143 private school, as defined in s. 1002.24(3), shall require any
144 new construction, remodeling, or renovation of school facilities
145 to comply with the Florida Building Code pursuant to chapter 553

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146 and the State Requirements for Educational Facilities pursuant
147 to s. 1002.24.

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