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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2023	.	
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The Committee on Fiscal Policy (Perry) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 99 - 399  
and insert:

(b) To assist in the recruitment of students, the Florida School for Competitive Academics must be included in the school choice online portal established in s. 1001.10(10). The portal must include information about the opportunity for parents to submit their child's educational records to the Florida School for Competitive Academics for consideration for admission.



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11 (3) BOARD OF TRUSTEES.-

12 (a)1. The Florida School for Competitive Academics shall be  
13 governed by a board of trustees composed of seven members  
14 appointed by the Governor to 4-year terms and confirmed by the  
15 Senate. For purposes of staggering terms, four members,  
16 including the chair as designated by the Governor, shall be  
17 appointed to 4-year terms beginning July 1, 2023, and three  
18 members shall be appointed to 2-year terms beginning July 1,  
19 2023. After the initial 4-year term, the chair shall be elected  
20 by the board.

21 2. No more than one employee of the school may serve on the  
22 board of trustees as a member or as chairman.

23 (b) Members of the board of trustees shall serve without  
24 compensation, but may be reimbursed for per diem and travel  
25 expenses pursuant to s. 112.061.

26 (c) The board of trustees is a public agency entitled to  
27 sovereign immunity pursuant to s. 768.28, and board members are  
28 public officers who bear fiduciary responsibility for the  
29 Florida School for Competitive Academics.

30 (d) The board of trustees is a body corporate with all the  
31 powers of a body corporate and with such authority as is needed  
32 for the proper operation and improvement of the Florida School  
33 for Competitive Academics. Title to any gift, donation, or  
34 bequest received by the board of trustees must vest in the board  
35 of trustees. Title to all other property and other assets of the  
36 Florida School for Competitive Academics must vest in the State  
37 Board of Education, but the board of trustees has complete  
38 jurisdiction over the management of the school.

39 (e) The board of trustees has the full power and authority



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40 to:

41 1. Adopt rules pursuant to ss. 120.536(1) and 120.54 to  
42 implement provisions of law relating to operation of the Florida  
43 School for Competitive Academics. Such rules must be submitted  
44 to the State Board of Education for approval or disapproval.  
45 After a rule is approved by the State Board of Education, the  
46 rule must be filed immediately with the Department of State. The  
47 board of trustees shall act at all times in conjunction with the  
48 rules of the State Board of Education.

49 2. Appoint a principal, administrators, teachers, and other  
50 employees.

51 3. Remove principals, administrators, teachers, and other  
52 employees at the board's discretion.

53 4. Determine eligibility of students and procedures for  
54 admission.

55 5. Provide for the proper keeping of accounts and records  
56 and for budgeting of funds.

57 6. Receive gifts, donations, and bequests of money or  
58 property, real or personal, tangible or intangible, from any  
59 person, firm, corporation, or other legal entity for the use and  
60 benefit of the school.

61 7. Recommend to the Legislature for the school to become a  
62 residential public school.

63 8. Do and perform every other matter or thing requisite to  
64 the proper management, maintenance, support, and control of the  
65 school at the highest efficiency economically possible.

66 (f) The board of trustees shall:

67 1. Prepare and submit legislative budget requests for  
68 operations and fixed capital outlay, in accordance with chapter



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69 216 and ss. 1011.56 and 1013.60, to the Department of Education  
70 for review and approval. The department shall analyze the amount  
71 requested for fixed capital outlay to determine if the request  
72 is consistent with the school's campus master plan, educational  
73 plant survey, and facilities master plan.

74 2. Approve and administer an annual operating budget in  
75 accordance with ss. 1011.56 and 1011.57.

76 3. Require all purchases to be in accordance with chapter  
77 287 except for purchases made with funds received as gifts,  
78 donations, or bequests or funds raised by or belonging to  
79 student clubs or student organizations.

80 4. Administer and maintain personnel programs for all  
81 employees of the board of trustees and the Florida School for  
82 Competitive Academics, who shall be school employees, including  
83 the personnel.

84 5. Ensure that the Florida School for Competitive Academics  
85 complies with s. 1013.351 concerning the coordination of  
86 planning between the Florida School for Competitive Academics  
87 and local governing bodies.

88 6. Ensure that the Florida School for Competitive Academics  
89 complies with s. 112.061 concerning per diem and travel  
90 expenses.

91 7. Adopt a master plan that specifies the objectives of the  
92 Florida School for Competitive Academics. The plan must be for a  
93 period of 5 years and must be reviewed for needed modifications  
94 every 2 years. The board of trustees shall submit the initial  
95 plan and subsequent modifications to the President of the Senate  
96 and the Speaker of the House of Representatives.

97 (4) STUDENT AND EMPLOYEE RECORDS.—The board of trustees



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98 shall provide for the content and custody of student and  
99 employee personnel records. Student records are subject to s.  
100 1002.22. Employee records are subject to s. 1012.31.

101 (5) PERSONNEL.—

102 (a) The Florida School for Competitive Academics Board of  
103 Trustees shall require all employees and applicants for  
104 employment to undergo background screening as provided in s.  
105 1012.32 as a condition of employment and continued employment.  
106 Members of the board of trustees must also undergo background  
107 screening in accordance with the relevant provisions of s.  
108 1012.32. An individual may not be employed as an employee or as  
109 contract personnel of the school or serve as a member of the  
110 board of trustees if the individual is on the disqualification  
111 list maintained by the department pursuant to s. 1001.10(4)(b).

112 (b) In accordance with law and rules of the State Board of  
113 Education, the board of trustees shall administer and maintain  
114 personnel programs for all employees of the board of trustees  
115 and the Florida School for Competitive Academics. The board of  
116 trustees may adopt rules, policies, and procedures related to  
117 the appointment, employment, and removal of personnel.

118 1. The board of trustees shall determine the compensation,  
119 including salaries and fringe benefits, and other conditions of  
120 employment for such personnel.

121 2. Classroom teachers employed by the school must be  
122 certified pursuant to chapter 1012.

123 3. Each person employed by the board of trustees in an  
124 academic administrative or instructional capacity with the  
125 Florida School for Competitive Academics is entitled to a  
126 contract as provided by rules of the board of trustees.



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127       4. All employees except temporary, seasonal, and student  
128 employees may be provided Florida Retirement System benefits  
129 from the school through operational costs.

130       (6) FUNDING.—

131       (a) The Florida School for Competitive Academics shall  
132 receive state funds for operating purposes as provided in the  
133 General Appropriations Act.

134       (b) In addition to the funds provided in the General  
135 Appropriations Act, the Florida School for Competitive Academics  
136 may receive other funds from grants and donations.

137       (7) AUDITS.—The Auditor General shall conduct audits of the  
138 accounts and records of the Florida School for Competitive  
139 Academics as provided in s. 11.45. The Department of Education's  
140 Inspector General is authorized to conduct investigations at the  
141 school as provided in s. 1001.20(4)(e).

142       (8) EXEMPTION FROM STATUTES.—

143       (a) The Florida School for Competitive Academics is exempt  
144 from all statutes in chapters 1000-1013. However, the Florida  
145 School for Competitive Academics shall be in compliance with the  
146 following statutes in chapters 1000-1013:

147       1. This section.

148       2. Those statutes pertaining to the student assessment  
149 program and school grading system.

150       3. Those statutes pertaining to the provision of services  
151 to students with disabilities.

152       4. Those statutes pertaining to civil rights, including,  
153 but not limited to, s. 1000.05, relating to discrimination.

154       5. Those statutes pertaining to student health, safety, and  
155 welfare.



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156           (b) Additionally, the Florida School for Competitive  
157 Academics shall be in compliance with the following statutes:  
158           1. Section 286.011, relating to public meetings and  
159 records, public inspection, and criminal and civil penalties.  
160           2. Chapter 119, relating to public records.  
161           3. Section 1006.12, relating to safe-school officers.  
162           4. Section 1006.07(7), relating to threat assessment teams.  
163           5. Section 1006.07(9), relating to school environmental  
164 safety incident reporting.  
165           6. Section 1006.07(10), relating to reporting of  
166 involuntary examinations.  
167           7. Section 1006.1493, relating to the Florida Safe Schools  
168 Assessment Tool.  
169           8. Section 1006.07(6)(d), relating to adopting active  
170 assailant response plans.  
171           9. Section 943.082(4)(b), relating to the mobile suspicious  
172 activity reporting tool.  
173           10. Section 1012.584, relating to youth mental health  
174 awareness and assistance training.  
175           11. Section 1003.4282, relating to requirements for a  
176 standard high school diploma.  
177           12. Section 1003.03(1), relating to class size maximums.  
178           13.a. Section 1011.61, relating to instructional hours  
179 requirements.  
180           b. Notwithstanding sub-subparagraph a., the school may  
181 provide instruction that exceeds the minimum time requirements  
182 for the purposes of offering a summer program.  
183           (c) For purposes of this subsection:  
184           1. The duties assigned to a district school superintendent



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185 apply to the director of the Florida School for Competitive  
186 Academics.

187 2. The duties assigned to a district school board apply to  
188 the board of trustees.

189 Section 3. Section 1011.58, Florida Statutes, is created to  
190 read:

191 1011.58 Procedure for legislative budget requests for the  
192 Florida School for Competitive Academics.—

193 (1)(a) The legislative budget request of the Florida School  
194 for Competitive Academics established in s. 1002.351 must be  
195 prepared using the same format, procedures, and timelines  
196 required for the submission of the legislative budget of the  
197 Department of Education.

198 (b) The Florida School for Competitive Academics shall  
199 submit its legislative budget request to the Department of  
200 Education for review and approval. The school must create and  
201 submit to the department an implementation plan before the  
202 department may approve the budget request.

203 (c) Subsequent to the Department of Education's approval,  
204 the Commissioner of Education shall include the Florida School  
205 for Competitive Academics in the department's legislative budget  
206 request to the State Board of Education, the Governor, and the  
207 Legislature. The legislative budget request and the  
208 appropriation for the Florida School for Competitive Academics  
209 must be a separate identifiable sum in the public schools budget  
210 entity of the Department of Education.

211 (d) The annual appropriation for the school shall be  
212 distributed monthly, without using the Florida Education Finance  
213 Program, in payments as nearly equal as possible. Appropriations





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214 for textbooks, instructional technology, and school buses may be  
215 released and distributed as necessary to serve the instructional  
216 program for the students.

217 (2) The school shall submit its fixed capital outlay  
218 request to the Department of Education for review and approval  
219 in accordance with s. 1002.36(4)(f)1. Subsequent to the  
220 department's approval, the school's request must be included  
221 within the department's public education capital outlay  
222 legislative budget request.

223 Section 4. Section 1011.59, Florida Statutes, is created to  
224 read:

225 1011.59 Florida School for Competitive Academics; board of  
226 trustees; management flexibility.-

227 (1) Notwithstanding ss. 216.031, 216.181, and 216.262 to  
228 the contrary and pursuant to s. 216.351, but subject to any  
229 guidelines imposed in the General Appropriations Act, funds for  
230 the operation of the Florida School for Competitive Academics  
231 must be requested and appropriated within budget entities,  
232 program components, program categories, lump sums, or special  
233 categories. Funds appropriated to the Florida School for  
234 Competitive Academics for each program category, lump sum, or  
235 special category may be transferred to traditional categories  
236 for expenditure by the board of trustees of the school. The  
237 board of trustees shall develop an annual operating budget that  
238 allocates funds by program component and traditional expenditure  
239 category.

240 (2) Notwithstanding s. 216.181 and pursuant to s. 216.351,  
241 but subject to any requirements imposed in the General  
242 Appropriations Act, a lump-sum plan is not required to implement



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243 the special categories, program categories, or lump-sum  
244 appropriations. Upon release of the special categories, program  
245 categories, or lump-sum appropriations to the board of trustees,  
246 the Chief Financial Officer shall, upon the request of the board  
247 of trustees, transfer or reallocate funds to or among accounts  
248 established for disbursement purposes. The board of trustees  
249 shall maintain records to account for the original  
250 appropriation.

251 (3) Notwithstanding ss. 216.031, 216.181, 216.251, and  
252 216.262 to the contrary and pursuant to s. 216.351, but subject  
253 to any requirements imposed in the General Appropriations Act,  
254 the board of trustees shall establish the authorized positions  
255 and may amend such positions within the total funds authorized  
256 annually in the appropriations act.

257 (4) Notwithstanding s. 216.301 to the contrary, all  
258 unexpended funds appropriated for the Florida School for  
259 Competitive Academics must be carried forward and included as  
260 the balance forward for that fund in the approved operating  
261 budget for the following year.

262 Section 5. Paragraphs (d) and (f) of subsection (2) of  
263 section 11.45, Florida Statutes, are amended to read:

264 11.45 Definitions; duties; authorities; reports; rules.—

265 (2) DUTIES.—The Auditor General shall:

266 (d) Annually conduct financial audits of the accounts and  
267 records of all district school boards in counties with  
268 populations of fewer than 150,000, according to the most recent  
269 federal decennial statewide census, ~~and~~ the Florida School for  
270 the Deaf and the Blind, and the Florida School for Competitive  
271 Academics.



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272 (f) At least every 3 years, conduct operational audits of  
273 the accounts and records of state agencies, state universities,  
274 state colleges, district school boards, the Florida Clerks of  
275 Court Operations Corporation, water management districts, ~~and~~  
276 the Florida School for the Deaf and the Blind, and the Florida  
277 School for Competitive Academics.

278  
279 The Auditor General shall perform his or her duties  
280 independently but under the general policies established by the  
281 Legislative Auditing Committee. This subsection does not limit  
282 the Auditor General's discretionary authority to conduct other  
283 audits or engagements of governmental entities as authorized in  
284 subsection (3).

285  
286 ===== T I T L E A M E N D M E N T =====

287 And the title is amended as follows:

288 Delete lines 10 - 51

289 and insert:

290 the school; requiring that the school be included in  
291 the school choice online portal and that the portal  
292 include information to assist parents who wish their  
293 children to considered for admission; providing for  
294 the appointment of the board of trustees; prescribing  
295 the powers and duties of the board of trustees;  
296 providing sovereign immunity to the board of trustees;  
297 specifying the board's duties regarding the  
298 maintenance of student and employee records; providing  
299 requirements regarding background screening of school  
300 personnel; specifying duties of the board regarding



301 personnel; providing for funding of the school;  
302 requiring the Auditor General to conduct audits of the  
303 school; authorizing the Department of Education's  
304 Office of Inspector General to conduct investigations,  
305 as appropriate; exempting the school from specified  
306 requirements in the Florida Early Learning-20  
307 Education Code; providing exceptions; specifying  
308 applicability of certain provisions of law; creating  
309 s. 1011.58, F.S.; prescribing procedures for the  
310 school's submittal of legislative budget requests;  
311 requiring the school to submit an implementation plan  
312 to the Department of Education; requiring the  
313 Commissioner of Education to include the school in the  
314 department's legislative budget request, subject to  
315 specified conditions; requiring the school to submit  
316 its fixed capital outlay request to the department;  
317 creating s. 1011.59, F.S.; prescribing procedures and  
318 requirements governing the request and the  
319 appropriation of funds for the operation of the  
320 school; requiring the board to develop an annual  
321 operating budget; requiring the Chief Financial  
322 Officer to transfer or reallocate funds if certain  
323 conditions are met; requiring the board to establish  
324 authorized positions within funds appropriated to the  
325 school; requiring the carry forward of any unexpended  
326 funds; amending s. 11.45, F.S.; revising the duties of  
327 the Auditor General to conform to changes made by the  
328 act; amending s. 216.251, F.S.; specifying