

By the Appropriations Committee on Education; and Senators Perry and Collins

602-03780-23

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1 A bill to be entitled
2 An act relating to the Florida School for Competitive
3 Academics; amending s. 1000.04, F.S.; revising the
4 components of the delivery of public education within
5 the Florida Early Learning-20 education system to
6 include the Florida School for Competitive Academics;
7 creating s. 1002.351, F.S.; providing for the
8 establishment of the Florida School for Competitive
9 Academics; providing for the purpose and mission of
10 the school; requiring each district school board to
11 ensure eligible students are informed of the school;
12 providing for the appointment of the board of
13 trustees; prescribing the powers and duties of the
14 board of trustees; providing sovereign immunity to the
15 board of trustees; specifying the board's duties
16 regarding the maintenance of student and employee
17 records; providing requirements regarding background
18 screening of school personnel; specifying duties of
19 the board regarding personnel; providing for funding
20 of the school; requiring the Auditor General to
21 conduct audits of the school; authorizing the
22 Department of Education's Office of Inspector General
23 to conduct investigations, as appropriate; exempting
24 the school from specified requirements in the Florida
25 Early Learning-20 Education Code; providing
26 exceptions; specifying applicability of certain
27 provisions of law; creating s. 1011.58, F.S.;
28 prescribing procedures for the school's submittal of
29 legislative budget requests; requiring the school to

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30 submit an implementation plan to the Department of
31 Education; requiring the Commissioner of Education to
32 include the school in the department's legislative
33 budget request, subject to specified conditions;
34 requiring the school to submit its fixed capital
35 outlay request to the department; creating s. 1011.59,
36 F.S.; prescribing procedures and requirements
37 governing the request and the appropriation of funds
38 for the operation of the school; requiring the board
39 to develop an annual operating budget; requiring the
40 Chief Financial Officer to transfer or reallocate
41 funds if certain conditions are met; requiring the
42 board to establish authorized positions within funds
43 appropriated to the school; providing for the carry
44 forward of any unexpended funds; providing that the
45 board of trustees may expend, reserve, or carry
46 forward of certain balances for fixed capital outlay
47 projects; amending s. 11.45, F.S.; revising the duties
48 of the Auditor General to conform to changes made by
49 the act; amending s. 110.205, F.S.; exempting school
50 personnel from provisions governing the state career
51 service system; amending s. 216.251, F.S.; specifying
52 the manner of setting salaries for positions within
53 the school; amending s. 447.203, F.S.; revising the
54 definition of the terms "public employer" or
55 "employer" to include the school for purposes of part
56 II of ch. 447, F.S.; making technical changes;
57 amending s. 1001.20, F.S.; revising the powers of the
58 department's Office of Inspector General to conform to

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59 changes made by the act; providing a directive to the
60 Division of Law Revision; providing an effective date.

61
62 Be It Enacted by the Legislature of the State of Florida:

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64 Section 1. Subsection (6) is added to section 1000.04,
65 Florida Statutes, to read:

66 1000.04 Components for the delivery of public education
67 within the Florida Early Learning-20 education system.—Florida's
68 Early Learning-20 education system provides for the delivery of
69 early learning and public education through publicly supported
70 and controlled K-12 schools, Florida College System
71 institutions, state universities and other postsecondary
72 educational institutions, other educational institutions, and
73 other educational services as provided or authorized by the
74 Constitution and laws of the state.

75 (6) THE FLORIDA SCHOOL FOR COMPETITIVE ACADEMICS.—The
76 Florida School for Competitive Academics is a component of the
77 delivery of public education within Florida's Early Learning-20
78 education system.

79 Section 2. Section 1002.351, Florida Statutes, is created
80 to read:

81 1002.351 The Florida School for Competitive Academics.—

82 (1) ESTABLISHMENT.—There is established the Florida School
83 for Competitive Academics. The school shall be located in
84 Alachua County and is a state-supported public school for
85 Florida residents in grades 6-12. The primary purpose of the
86 school is to provide a rigorous academic curriculum, and the
87 secondary purpose is to prepare students for regional, state,

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88 and national academic competitions in all areas of study,
89 including, but not limited to, science, technology, engineering,
90 and mathematics. The school may admit students in grades 6-12
91 beginning in the 2024-2025 school year.

92 (2) MISSION.—

93 (a) The mission of the Florida School for Competitive
94 Academics is to provide students who meet selective admissions
95 requirements an environment that will foster high academic
96 engagement and advanced understanding of subject areas, develop
97 productive work habits, build resiliency, connect students with
98 industry leaders, and promote civic leadership.

99 (b) To assist in the recruitment of students, each district
100 school board shall ensure all eligible students are informed of
101 the Florida School for Competitive Academics. Each district
102 school board shall inform parents of public school students that
103 they may provide their child's student records to the Florida
104 School for Competitive Academics Board of Trustees for
105 recruitment purposes.

106 (3) BOARD OF TRUSTEES.—

107 (a)1. The Florida School for Competitive Academics shall be
108 governed by a board of trustees composed of seven members
109 appointed by the Governor to 4-year terms and confirmed by the
110 Senate. For purposes of staggering terms, four members,
111 including the chair as designated by the Governor, shall be
112 appointed to 4-year terms beginning July 1, 2023, and three
113 members shall be appointed to 2-year terms beginning July 1,
114 2023. After the initial 4-year term, the chair shall be elected
115 by the board.

116 2. No more than one employee of the school may serve on the

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117 board of trustees as a member or as chairman.

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

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

125 (d) The board of trustees is a body corporate with all the
126 powers of a body corporate and with such authority as is needed
127 for the proper operation and improvement of the Florida School
128 for Competitive Academics. Title to any gift, donation, or
129 bequest received by the board of trustees must vest in the board
130 of trustees. Title to all other property and other assets of the
131 Florida School for Competitive Academics must vest in the State
132 Board of Education, but the board of trustees has complete
133 jurisdiction over the management of the school.

134 (e) The board of trustees has the full power and authority
135 to:

136 1. Adopt rules pursuant to ss. 120.536(1) and 120.54 to
137 implement provisions of law relating to operation of the Florida
138 School for Competitive Academics. Such rules must be submitted
139 to the State Board of Education for approval or disapproval.
140 After a rule is approved by the State Board of Education, the
141 rule must be filed immediately with the Department of State. The
142 board of trustees shall act at all times in conjunction with the
143 rules of the State Board of Education.

144 2. Appoint a principal, administrators, teachers, and other
145 employees.

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

148 4. Determine eligibility of students and procedures for
149 admission.

150 5. Provide for the proper keeping of accounts and records
151 and for budgeting of funds.

152 6. Receive gifts, donations, and bequests of money or
153 property, real or personal, tangible or intangible, from any
154 person, firm, corporation, or other legal entity for the use and
155 benefit of the school.

156 7. Recommend to the Legislature for the school to become a
157 residential public school.

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

161 (f) The board of trustees shall:

162 1. Prepare and submit legislative budget requests for
163 operations and fixed capital outlay, in accordance with chapter
164 216 and ss. 1011.56 and 1013.60, to the Department of Education
165 for review and approval. The department must analyze the amount
166 requested for fixed capital outlay to determine if the request
167 is consistent with the school's campus master plan, educational
168 plant survey, and facilities master plan.

169 2. Approve and administer an annual operating budget in
170 accordance with ss. 1011.56 and 1011.57.

171 3. Require all purchases to be in accordance with chapter
172 287 except for purchases made with funds received as gifts,
173 donations, or bequests or funds raised by or belonging to
174 student clubs or student organizations.

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175 4. Administer and maintain personnel programs for all
176 employees of the board of trustees and the Florida School for
177 Competitive Academics, who shall be school employees, including
178 the personnel.

179 5. Ensure that the Florida School for Competitive Academics
180 complies with s. 1013.351 concerning the coordination of
181 planning between the Florida School for Competitive Academics
182 and local governing bodies.

183 6. Ensure that the Florida School for Competitive Academics
184 complies with s. 112.061 concerning per diem and travel
185 expenses.

186 7. Adopt a master plan that specifies the objectives of the
187 Florida School for Competitive Academics. The plan must be for a
188 period of 5 years and must be reviewed for needed modifications
189 every 2 years. The board of trustees shall submit the initial
190 plan and subsequent modifications to the President of the Senate
191 and the Speaker of the House of Representatives.

192 (4) STUDENT AND EMPLOYEE RECORDS.—The board of trustees
193 shall provide for the content and custody of student and
194 employee personnel records. Student records are subject to s.
195 1002.22. Employee records are subject to s. 1012.31.

196 (5) PERSONNEL.—

197 (a) The Florida School for Competitive Academics Board of
198 Trustees shall require all employees and applicants for
199 employment to undergo background screening as provided in s.
200 1012.32 as a condition of employment and continued employment.
201 Members of the board of trustees must also undergo background
202 screening in accordance with the relevant provisions of s.
203 1012.32. An individual may not be employed as an employee or

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204 contract personnel of the school or serve as a member of the
205 board of trustees if the individual is on the disqualification
206 list maintained by the department pursuant to s. 1001.10(4)(b).

207 (b) In accordance with law and rules of the State Board of
208 Education, the board of trustees shall administer and maintain
209 personnel programs for all employees of the board of trustees
210 and the Florida School for Competitive Academics. The board of
211 trustees may adopt rules, policies, and procedures related to
212 the appointment, employment, and removal of personnel.

213 1. The board of trustees shall determine the compensation,
214 including salaries and fringe benefits, and other conditions of
215 employment for such personnel.

216 2. Classroom teachers employed by the school must be
217 certified pursuant to chapter 1012.

218 3. Each person employed by the board of trustees in an
219 academic administrative or instructional capacity with the
220 Florida School for Competitive Academics is entitled to a
221 contract as provided by rules of the board of trustees.

222 4. All employees except temporary, seasonal, and student
223 employees may be provided Florida Retirement System benefits
224 from the school through operational costs.

225 (6) FUNDING.—

226 (a) The Florida School for Competitive Academics shall
227 receive state funds for operating purposes as provided in the
228 General Appropriations Act.

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

232 (7) AUDITS.—The Auditor General shall conduct audits of the

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233 accounts and records of the Florida School for Competitive
234 Academics as provided in s. 11.45. The Department of Education's
235 Inspector General is authorized to conduct investigations at the
236 school as provided in s. 1001.20(4)(e).

237 (8) EXEMPTION FROM STATUTES.—

238 (a) The Florida School for Competitive Academics is exempt
239 from all statutes in chapters 1000-1013. However, the Florida
240 School for Competitive Academics shall be in compliance with the
241 following statutes in chapters 1000-1013:

242 1. This section.

243 2. Those statutes pertaining to the student assessment
244 program and school grading system.

245 3. Those statutes pertaining to the provision of services
246 to students with disabilities.

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

249 5. Those statutes pertaining to student health, safety, and
250 welfare.

251 (b) Additionally, the Florida School for Competitive
252 Academics shall be in compliance with the following statutes:

253 1. Section 286.011, relating to public meetings and
254 records, public inspection, and criminal and civil penalties.

255 2. Chapter 119, relating to public records.

256 3. Section 1006.12, relating to safe-school officers.

257 4. Section 1006.07(7), relating to threat assessment teams.

258 5. Section 1006.07(9), relating to school environmental
259 safety incident reporting.

260 6. Section 1006.07(10), relating to reporting of
261 involuntary examinations.

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262 7. Section 1006.1493, relating to the Florida Safe Schools
263 Assessment Tool.

264 8. Section 1006.07(6)(d), relating to adopting active
265 assailant response plans.

266 9. Section 943.082(4)(b), relating to the mobile suspicious
267 activity reporting tool.

268 10. Section 1012.584, relating to youth mental health
269 awareness and assistance training.

270 11. Section 1003.4282, relating to requirements for a
271 standard high school diploma.

272 12. Section 1003.03(1), relating to class size maximums.

273 13.a. Section 1011.61, relating to instructional hours
274 requirements.

275 b. Notwithstanding sub-subparagraph a., the school may
276 provide instruction that exceeds the minimum time requirements
277 for the purposes of offering a summer program.

278 (c) For purposes of this subsection:

279 1. The duties assigned to a district school superintendent
280 apply to the director of the Florida School for Competitive
281 Academics.

282 2. The duties assigned to a district school board apply to
283 the board of trustees.

284 Section 3. Section 1011.58, Florida Statutes, is created to
285 read:

286 1011.58 Procedure for legislative budget requests for the
287 Florida School for Competitive Academics.-

288 (1)(a) The legislative budget request of the Florida School
289 for Competitive Academics established in s. 1002.351 must be
290 prepared using the same format, procedures, and timelines

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291 required for the submission of the legislative budget of the
292 Department of Education.

293 (b) The Florida School for Competitive Academics shall
294 submit its legislative budget request to the Department of
295 Education for review and approval. The school must create and
296 submit to the department an implementation plan before the
297 department may approve the budget request.

298 (c) Subsequent to the Department of Education's approval,
299 the Commissioner of Education shall include the Florida School
300 for Competitive Academics in the department's legislative budget
301 request to the State Board of Education, the Governor, and the
302 Legislature. The legislative budget request and the
303 appropriation for the Florida School for Competitive Academics
304 must be a separate identifiable sum in the public schools budget
305 entity of the Department of Education.

306 (d) The annual appropriation for the school shall be
307 distributed monthly, without using the Florida Education Finance
308 Program, in payments as nearly equal as possible. Appropriations
309 for textbooks, instructional technology, and school buses may be
310 released and distributed as necessary to serve the instructional
311 program for the students.

312 (2) The school shall submit its fixed capital outlay
313 request to the Department of Education for review and approval
314 in accordance with s. 1002.36(4)(f)1. Subsequent to the
315 department's approval, the school's request must be included
316 within the department's public education capital outlay
317 legislative budget request.

318 Section 4. Section 1011.59, Florida Statutes, is created to
319 read:

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320 1011.59 Florida School for Competitive Academics; board of
321 trustees; management flexibility.-

322 (1) Notwithstanding ss. 216.031, 216.181, and 216.262 to
323 the contrary and pursuant to s. 216.351, but subject to any
324 guidelines imposed in the General Appropriations Act, funds for
325 the operation of the Florida School for Competitive Academics
326 shall be requested and appropriated within budget entities,
327 program components, program categories, lump sums, or special
328 categories. Funds appropriated to the Florida School for
329 Competitive Academics for each program category, lump sum, or
330 special category may be transferred to traditional categories
331 for expenditure by the board of trustees of the school. The
332 board of trustees shall develop an annual operating budget that
333 allocates funds by program component and traditional expenditure
334 category.

335 (2) Notwithstanding s. 216.181 and pursuant to s. 216.351,
336 but subject to any requirements imposed in the General
337 Appropriations Act, a lump-sum plan is not required to implement
338 the special categories, program categories, or lump-sum
339 appropriations. Upon release of the special categories, program
340 categories, or lump-sum appropriations to the board of trustees,
341 the Chief Financial Officer shall, upon the request of the board
342 of trustees, transfer or reallocate funds to or among accounts
343 established for disbursement purposes. The board of trustees
344 shall maintain records to account for the original
345 appropriation.

346 (3) Notwithstanding ss. 216.031, 216.181, 216.251, and
347 216.262 to the contrary and pursuant to s. 216.351, but subject
348 to any requirements imposed in the General Appropriations Act,

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349 the board of trustees shall establish the authorized positions
350 and may amend such positions within the total funds authorized
351 annually in the appropriations act.

352 (4) (a) Notwithstanding s. 216.301 to the contrary, all
353 unexpended funds appropriated for the Florida School for
354 Competitive Academics shall be carried forward and included as
355 the balance forward for that fund in the approved operating
356 budget for the following year.

357 (b) Notwithstanding any other law, for the 2023-2024
358 through 2027-2028 fiscal years, the school's board of trustees
359 may expend, reserve, or carry forward balances from prior year
360 operational and programmatic appropriations for fixed capital
361 outlay projects needed for the establishment of this school.

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

364 11.45 Definitions; duties; authorities; reports; rules.—

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

366 (d) Annually conduct financial audits of the accounts and
367 records of all district school boards in counties with
368 populations of fewer than 150,000, according to the most recent
369 federal decennial statewide census, ~~and~~ the Florida School for
370 the Deaf and the Blind, and the Florida School for Competitive
371 Academics.

372 (f) At least every 3 years, conduct operational audits of
373 the accounts and records of state agencies, state universities,
374 state colleges, district school boards, the Florida Clerks of
375 Court Operations Corporation, water management districts, ~~and~~
376 the Florida School for the Deaf and the Blind, and the Florida
377 School for Competitive Academics.

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379 The Auditor General shall perform his or her duties
380 independently but under the general policies established by the
381 Legislative Auditing Committee. This subsection does not limit
382 the Auditor General's discretionary authority to conduct other
383 audits or engagements of governmental entities as authorized in
384 subsection (3).

385 Section 6. Paragraph (d) of subsection (2) of section
386 110.205, Florida Statutes, is amended to read:

387 110.205 Career service; exemptions.—

388 (2) EXEMPT POSITIONS.—The exempt positions that are not
389 covered by this part include the following:

390 (d) All officers and employees of the state universities
391 and the academic personnel and academic administrative personnel
392 of the Florida School for the Deaf and the Blind and the Florida
393 School for Competitive Academics. In accordance with ~~the~~
394 ~~provisions of s. 1002.36~~, the salaries for academic personnel
395 and academic administrative personnel of the Florida School for
396 the Deaf and the Blind and the Florida School for Competitive
397 Academics shall be set by the board of trustees for the
398 respective schools ~~school~~, subject only to the approval of the
399 State Board of Education.

400 Section 7. Paragraph (a) of subsection (2) of section
401 216.251, Florida Statutes, is amended to read:

402 216.251 Salary appropriations; limitations.—

403 (2) (a) The salary for each position not specifically
404 indicated in the appropriations acts shall be as provided in one
405 of the following subparagraphs:

406 1. Within the classification and pay plans provided for in

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407 chapter 110.

408 2. Within the classification and pay plans established by
409 the Board of Trustees for the Florida School for the Deaf and
410 the Blind of the Department of Education and approved by the
411 State Board of Education for academic and academic
412 administrative personnel.

413 3. Within the classification and pay plan approved and
414 administered by the Board of Governors or the designee of the
415 board for those positions in the State University System.

416 4. Within the classification and pay plan approved by the
417 President of the Senate and the Speaker of the House of
418 Representatives, as the case may be, for employees of the
419 Legislature.

420 5. Within the approved classification and pay plan for the
421 judicial branch.

422 6. Within the classification and pay plans established by
423 the Board of Trustees for the Florida School for Competitive
424 Academics of the Department of Education and approved by the
425 State Board of Education for academic and academic
426 administrative personnel.

427 Section 8. Subsection (2) of section 447.203, Florida
428 Statutes, is amended to read:

429 447.203 Definitions.—As used in this part:

430 (2) "Public employer" or "employer" means the state or any
431 county, municipality, or special district or any subdivision or
432 agency thereof which the commission determines has sufficient
433 legal distinctiveness properly to carry out the functions of a
434 public employer. With respect to all public employees determined
435 by the commission as properly belonging to a statewide

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436 bargaining unit composed of State Career Service System
437 employees or Selected Professional Service employees, the
438 Governor is ~~shall be~~ deemed to be the public employer; and the
439 Board of Governors of the State University System, or the
440 board's designee, is ~~shall be~~ deemed to be the public employer
441 with respect to all public employees of each constituent state
442 university. The board of trustees of a community college is
443 ~~shall be~~ deemed to be the public employer with respect to all
444 employees of the community college. The district school board is
445 ~~shall be~~ deemed to be the public employer with respect to all
446 employees of the school district. The Board of Trustees of the
447 Florida School for the Deaf and the Blind is ~~shall be~~ deemed to
448 be the public employer with respect to the academic and academic
449 administrative personnel of the Florida School for the Deaf and
450 the Blind. The Board of Trustees of the Florida School for
451 Competitive Academics is deemed to be the public employer with
452 respect to the academic and academic administrative personnel of
453 the Florida School for Competitive Academics. The Governor is
454 ~~shall be~~ deemed to be the public employer with respect to all
455 employees in the Correctional Education Program of the
456 Department of Corrections established pursuant to s. 944.801.

457 Section 9. Paragraph (e) of subsection (4) of section
458 1001.20, Florida Statutes, is amended to read:

459 1001.20 Department under direction of state board.—

460 (4) The Department of Education shall establish the
461 following offices within the Office of the Commissioner of
462 Education which shall coordinate their activities with all other
463 divisions and offices:

464 (e) *Office of Inspector General.*—Organized using existing

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465 resources and funds and responsible for promoting
466 accountability, efficiency, and effectiveness and detecting
467 fraud and abuse within school districts, the Florida School for
468 the Deaf and the Blind, the Florida School for Competitive
469 Academics, and Florida College System institutions in Florida.
470 If the Commissioner of Education determines that a district
471 school board, the Board of Trustees for the Florida School for
472 the Deaf and the Blind, the Board of Trustees for the Florida
473 School for Competitive Academics, or a Florida College System
474 institution board of trustees is unwilling or unable to address
475 substantiated allegations made by any person relating to waste,
476 fraud, or financial mismanagement within the school district,
477 the Florida School for the Deaf and the Blind, the Florida
478 School for Competitive Academics, or the Florida College System
479 institution, the office must ~~shall~~ conduct, coordinate, or
480 request investigations into such substantiated allegations. The
481 office shall investigate allegations or reports of possible
482 fraud or abuse against a district school board made by any
483 member of the Cabinet; the presiding officer of either house of
484 the Legislature; a chair of a substantive or appropriations
485 committee with jurisdiction; or a member of the board for which
486 an investigation is sought. The office shall have access to all
487 information and personnel necessary to perform its duties and
488 shall have all of its current powers, duties, and
489 responsibilities authorized in s. 20.055.

490 Section 10. The Division of Law Revision is directed to
491 revise the title of subpart D of part I of chapter 1011, Florida
492 Statutes, consisting of ss. 1011.55-1011.59, Florida Statutes,
493 to read "Florida School for the Deaf and the Blind and Florida

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494 School for Competitive Academics: Preparation, Adoption, and
495 Implementation of Budgets" to conform to the amendments made by
496 this act.

497 Section 11. This act shall take effect July 1, 2023.