

By the Committee on Fiscal Policy; the Appropriations Committee on Education; and Senators Perry, Collins, Calatayud, and Wright

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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 that the school be included in
11 the school choice online portal and that the portal
12 include information to assist parents who wish their
13 children to be considered for admission; providing for
14 the appointment of the board of trustees; requiring
15 the board members to serve without compensation, but
16 authorizing them to be reimbursed for certain
17 expenses; providing sovereign immunity to the board of
18 trustees; prescribing the powers and duties of the
19 board of trustees; specifying the board's duties
20 regarding the maintenance of student and employee
21 records; providing requirements regarding background
22 screening of school personnel; specifying duties of
23 the board regarding personnel; providing for funding
24 of the school; requiring the Auditor General to
25 conduct audits of the school's accounts and records;
26 authorizing the Department of Education's Office of
27 Inspector General to conduct investigations, as
28 appropriate; exempting the school from specified
29 requirements in the Florida Early Learning-20

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30 Education Code; providing exceptions; specifying
31 applicability of certain provisions of law; creating
32 s. 1011.58, F.S.; prescribing procedures for the
33 school's submittal of legislative budget requests;
34 requiring the school to submit an implementation plan
35 to the Department of Education; requiring the
36 Commissioner of Education to include the school in the
37 department's legislative budget request, subject to
38 specified conditions; requiring the school to submit
39 its fixed capital outlay request to the department;
40 creating s. 1011.59, F.S.; prescribing procedures and
41 requirements governing the request and the
42 appropriation of funds for the operation of the
43 school; requiring the board of trustees to develop an
44 annual operating budget; requiring the Chief Financial
45 Officer to transfer or reallocate funds if certain
46 conditions are met; requiring the board to establish
47 authorized positions within funds appropriated to the
48 school; requiring the carry forward of any unexpended
49 funds; amending s. 11.45, F.S.; revising the duties of
50 the Auditor General to conform to changes made by the
51 act; amending s. 216.251, F.S.; specifying the manner
52 of setting salaries for positions within the school;
53 amending s. 447.203, F.S.; revising the definition of
54 the terms "public employer" or "employer" to include
55 the school for purposes of part II of ch. 447, F.S.;
56 making technical changes; amending s. 1001.20, F.S.;
57 revising the powers of the department's Office of
58 Inspector General to conform to changes made by the

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act; providing a directive to the Division of Law
Revision; providing an effective date.

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

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

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

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

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

1002.351 The Florida School for Competitive Academics.—

(1) ESTABLISHMENT.—There is established the Florida School
for Competitive Academics. The school shall be located in
Alachua County and is a state-supported public school for
Florida residents in grades 6-12. The primary purpose of the
school is to provide a rigorous academic curriculum, and the
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, the Florida
100 School for Competitive Academics must be included in the school
101 choice online portal established in s. 1001.10(10). The portal
102 must include information about the opportunity for parents to
103 submit their child's educational records to the Florida School
104 for Competitive Academics for consideration for admission.

105 (3) BOARD OF TRUSTEES.—

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

115 2. No more than one employee of the school may serve on the
116 board of trustees as a member or as the chair.

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

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

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

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

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

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

145 3. Remove principals, administrators, teachers, and other

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146 employees at the board's discretion.

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

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

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

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

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

160 (f) The board of trustees shall:

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

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

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

174 4. Administer and maintain personnel programs for all

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175 employees of the board of trustees and the Florida School for
176 Competitive Academics, who shall be school employees, including
177 the personnel.

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

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

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

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

195 (5) PERSONNEL.—

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

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204 board of trustees if the individual is on the disqualification
205 list maintained by the department pursuant to s. 1001.10(4)(b).

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

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

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

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

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

224 (6) FUNDING.—

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

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

231 (7) AUDITS.—The Auditor General shall conduct audits of the
232 accounts and records of the Florida School for Competitive

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233 Academics as provided in s. 11.45. The Department of Education's
234 Inspector General is authorized to conduct investigations at the
235 school as provided in s. 1001.20(4)(e).

236 (8) EXEMPTION FROM STATUTES.—

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

241 1. This section.

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

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

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

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

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

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

254 2. Chapter 119, relating to public records.

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

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

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

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

261 7. Section 1006.1493, relating to the Florida Safe Schools

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262 Assessment Tool.

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

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

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

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

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

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

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

277 (c) For purposes of this subsection:

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

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

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

285 1011.58 Procedure for legislative budget requests for the
286 Florida School for Competitive Academics.-

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

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291 Department of Education.

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

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

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

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

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

319 1011.59 Florida School for Competitive Academics; board of

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320 trustees; management flexibility.-

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

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

345 (3) Notwithstanding ss. 216.031, 216.181, 216.251, and
346 216.262 to the contrary and pursuant to s. 216.351, but subject
347 to any requirements imposed in the General Appropriations Act,
348 the board of trustees shall establish the authorized positions

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349 and may amend such positions within the total funds authorized
350 annually in the appropriations act.

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

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

358 11.45 Definitions; duties; authorities; reports; rules.—

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

360 (d) Annually conduct financial audits of the accounts and
361 records of all district school boards in counties with
362 populations of fewer than 150,000, according to the most recent
363 federal decennial statewide census, ~~and~~ the Florida School for
364 the Deaf and the Blind, and the Florida School for Competitive
365 Academics.

366 (f) At least every 3 years, conduct operational audits of
367 the accounts and records of state agencies, state universities,
368 state colleges, district school boards, the Florida Clerks of
369 Court Operations Corporation, water management districts, ~~and~~
370 the Florida School for the Deaf and the Blind, and the Florida
371 School for Competitive Academics.

372

373 The Auditor General shall perform his or her duties
374 independently but under the general policies established by the
375 Legislative Auditing Committee. This subsection does not limit
376 the Auditor General's discretionary authority to conduct other
377 audits or engagements of governmental entities as authorized in

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378 subsection (3).

379 Section 6. Paragraph (a) of subsection (2) of section
380 216.251, Florida Statutes, is amended to read:

381 216.251 Salary appropriations; limitations.—

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

385 1. Within the classification and pay plans provided for in
386 chapter 110.

387 2. Within the classification and pay plans established by
388 the Board of Trustees for the Florida School for the Deaf and
389 the Blind of the Department of Education and approved by the
390 State Board of Education for academic and academic
391 administrative personnel.

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

395 4. Within the classification and pay plan approved by the
396 President of the Senate and the Speaker of the House of
397 Representatives, as the case may be, for employees of the
398 Legislature.

399 5. Within the approved classification and pay plan for the
400 judicial branch.

401 6. Within the classification and pay plans established by
402 the Board of Trustees for the Florida School for Competitive
403 Academics of the Department of Education and approved by the
404 State Board of Education for academic and academic
405 administrative personnel.

406 Section 7. Subsection (2) of section 447.203, Florida

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407 Statutes, is amended to read:

408 447.203 Definitions.—As used in this part:

409 (2) "Public employer" or "employer" means the state or any
410 county, municipality, or special district or any subdivision or
411 agency thereof which the commission determines has sufficient
412 legal distinctiveness properly to carry out the functions of a
413 public employer. With respect to all public employees determined
414 by the commission as properly belonging to a statewide
415 bargaining unit composed of State Career Service System
416 employees or Selected Professional Service employees, the
417 Governor is ~~shall be~~ deemed to be the public employer; and the
418 Board of Governors of the State University System, or the
419 board's designee, is ~~shall be~~ deemed to be the public employer
420 with respect to all public employees of each constituent state
421 university. The board of trustees of a community college is
422 ~~shall be~~ deemed to be the public employer with respect to all
423 employees of the community college. The district school board is
424 ~~shall be~~ deemed to be the public employer with respect to all
425 employees of the school district. The Board of Trustees of the
426 Florida School for the Deaf and the Blind is ~~shall be~~ deemed to
427 be the public employer with respect to the academic and academic
428 administrative personnel of the Florida School for the Deaf and
429 the Blind. The Board of Trustees of the Florida School for
430 Competitive Academics is deemed to be the public employer with
431 respect to the academic and academic administrative personnel of
432 the Florida School for Competitive Academics. The Governor is
433 ~~shall be~~ deemed to be the public employer with respect to all
434 employees in the Correctional Education Program of the
435 Department of Corrections established pursuant to s. 944.801.

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436 Section 8. Paragraph (e) of subsection (4) of section
437 1001.20, Florida Statutes, is amended to read:

438 1001.20 Department under direction of state board.—

439 (4) The Department of Education shall establish the
440 following offices within the Office of the Commissioner of
441 Education which shall coordinate their activities with all other
442 divisions and offices:

443 (e) *Office of Inspector General.*—Organized using existing
444 resources and funds and responsible for promoting
445 accountability, efficiency, and effectiveness and detecting
446 fraud and abuse within school districts, the Florida School for
447 the Deaf and the Blind, the Florida School for Competitive
448 Academics, and Florida College System institutions in Florida.
449 If the Commissioner of Education determines that a district
450 school board, the Board of Trustees for the Florida School for
451 the Deaf and the Blind, the Board of Trustees for the Florida
452 School for Competitive Academics, or a Florida College System
453 institution board of trustees is unwilling or unable to address
454 substantiated allegations made by any person relating to waste,
455 fraud, or financial mismanagement within the school district,
456 the Florida School for the Deaf and the Blind, the Florida
457 School for Competitive Academics, or the Florida College System
458 institution, the office must ~~shall~~ conduct, coordinate, or
459 request investigations into such substantiated allegations. The
460 office shall investigate allegations or reports of possible
461 fraud or abuse against a district school board made by any
462 member of the Cabinet; the presiding officer of either house of
463 the Legislature; a chair of a substantive or appropriations
464 committee with jurisdiction; or a member of the board for which

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465 an investigation is sought. The office shall have access to all
466 information and personnel necessary to perform its duties and
467 shall have all of its current powers, duties, and
468 responsibilities authorized in s. 20.055.

469 Section 9. The Division of Law Revision is directed to
470 revise the title of subpart D of part I of chapter 1011, Florida
471 Statutes, consisting of ss. 1011.55-1011.59, Florida Statutes,
472 to read "Florida School for the Deaf and the Blind and Florida
473 School for Competitive Academics: Preparation, Adoption, and
474 Implementation of Budgets" to conform to the amendments made by
475 this act.

476 Section 10. This act shall take effect July 1, 2023.