

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 the Commissioner of Education 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
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
 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:

63

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,
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
100 Commissioner of Education shall ensure all eligible students are

101 informed of the Florida School for Competitive Academics. The
102 commissioner 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
108 be 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
117 one employee of the school may serve on the board of trustees as
118 a member or as chairman.

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

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

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

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

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

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

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

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

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

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

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

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

162 9. Allow the school to have a stand-alone law
163 enforcement agency.

164 10. After receiving approval from the
165 Administration Commission, exercise the power of eminent domain
166 in the manner provided in chapter 73 or chapter 74.

167 (f) The board of trustees shall:

168 1. Prepare and submit legislative budget requests for
169 operations and fixed capital outlay, in accordance with chapter
170 216 and ss. 1011.56 and 1013.60, to the Department of Education
171 for review and approval. The department must analyze the amount
172 requested for fixed capital outlay to determine if the request
173 is consistent with the school's campus master plan, educational
174 plant survey, and facilities master plan.

175 2. Approve and administer an annual operating budget in

176 accordance with ss. 1011.56 and 1011.57.

177 3. Require all purchases to be in accordance with chapter
178 287 except for purchases made with funds received as gifts,
179 donations, or bequests or funds raised by or belonging to
180 student clubs or student organizations.

181 4. Administer and maintain personnel programs for all
182 employees of the board of trustees and the Florida School for
183 Competitive Academics, who shall be school employees, including
184 the personnel.

185 5. Ensure that the Florida School for Competitive
186 Academics complies with s. 1013.351 concerning the coordination
187 of planning between the Florida School for Competitive Academics
188 and local governing bodies.

189 6. Ensure that the Florida School for Competitive
190 Academics complies with s. 112.061 concerning per diem and
191 travel expenses.

192 7. Adopt a master plan that specifies the objectives of
193 the Florida School for Competitive Academics. The plan must be
194 for a period of 5 years and must be reviewed for needed
195 modifications every 2 years. The board of trustees shall submit
196 the initial plan and subsequent modifications to the President
197 of the Senate and the Speaker of the House of Representatives.

198 (4) STUDENT AND EMPLOYEE RECORDS.—The board of trustees
199 shall provide for the content and custody of student and
200 employee personnel records. Student records are subject to s.

201 1002.22. Employee records are subject to s. 1012.31.

202 (5) PERSONNEL.—

203 (a) The Florida School for Competitive Academics Board of
 204 Trustees shall require all employees and applicants for
 205 employment to undergo background screening as provided in s.
 206 1012.32 as a condition of employment and continued employment.
 207 Members of the board of trustees must also undergo background
 208 screening in accordance with the relevant provisions of s.
 209 1012.32. An individual may not be employed as an employee or
 210 contract personnel of the school or serve as a member of the
 211 board of trustees if the individual is on the disqualification
 212 list maintained by the department pursuant to s. 1001.10(4)(b).

213 (b) In accordance with law and rules of the State Board of
 214 Education, the board of trustees shall administer and maintain
 215 personnel programs for all employees of the board of trustees
 216 and the Florida School for Competitive Academics. The board of
 217 trustees may adopt rules, policies, and procedures related to
 218 the appointment, employment, and removal of personnel.

219 1. The board of trustees shall determine the compensation,
 220 including salaries and fringe benefits, and other conditions of
 221 employment for such personnel.

222 2. Classroom teachers employed by the school must be
 223 certified pursuant to chapter 1012.

224 3. Each person employed by the board of trustees in an
 225 academic administrative or instructional capacity with the

226 Florida School for Competitive Academics is entitled to a
227 contract as provided by rules of the board of trustees.

228 4. All employees except temporary, seasonal, and student
229 employees may be provided Florida Retirement System benefits
230 from the school through operational costs.

231 (6) FUNDING.—

232 (a) The Florida School for Competitive Academics shall
233 receive state funds for operating purposes as provided in the
234 General Appropriations Act.

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

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

243 (8) EXEMPTION FROM STATUTES.—

244 (a) The Florida School for Competitive Academics is exempt
245 from all statutes in chapters 1000-1013. However, the Florida
246 School for Competitive Academics shall be in compliance with the
247 following statutes in chapters 1000-1013:

248 1. This section.

249 2. Those statutes pertaining to the student assessment
250 program and school grading system.

251 3. Those statutes pertaining to the provision of services
252 to students with disabilities.

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

255 5. Those statutes pertaining to student health, safety,
256 and welfare.

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

259 1. Section 286.011, relating to public meetings and
260 records, public inspection, and criminal and civil penalties.

261 2. Chapter 119, relating to public records.

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

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

265 5. Section 1006.07(9), relating to school environmental
266 safety incident reporting.

267 6. Section 1006.07(10), relating to reporting of
268 involuntary examinations.

269 7. Section 1006.1493, relating to the Florida Safe Schools
270 Assessment Tool.

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

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

275 10. Section 1012.584, relating to youth mental health

276 awareness and assistance training.

277 11. Section 1003.4282, relating to requirements for a
 278 standard high school diploma.

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

280 13.a. Section 1011.61, relating to instructional
 281 hours requirements.

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

285 (c) For purposes of this subsection:

286 1. The duties assigned to a district school superintendent
 287 apply to the director of the Florida School for Competitive
 288 Academics.

289 2. The duties assigned to a district school board apply to
 290 the board of trustees.

291 Section 3. Section 1011.58, Florida Statutes, is created
 292 to read:

293 1011.58 Procedure for legislative budget requests for the
 294 Florida School for Competitive Academics.—

295 (1)(a) The legislative budget request of the Florida
 296 School for Competitive Academics established in s. 1002.351 must
 297 be prepared using the same format, procedures, and timelines
 298 required for the submission of the legislative budget of the
 299 Department of Education.

300 (b) The Florida School for Competitive Academics shall

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301 submit its legislative budget request to the Department of
302 Education for review and approval. The school must create and
303 submit to the department an implementation plan before the
304 department may approve the budget request.

305 (c) Subsequent to the Department of Education's approval,
306 the Commissioner of Education shall include the Florida School
307 for Competitive Academics in the department's legislative budget
308 request to the State Board of Education, the Governor, and the
309 Legislature. The legislative budget request and the
310 appropriation for the Florida School for Competitive Academics
311 must be a separate identifiable sum in the public schools budget
312 entity of the Department of Education.

313 (d) The annual appropriation for the school shall be
314 distributed quarterly, without using the Florida Education
315 Finance Program, in payments as nearly equal as possible.
316 Appropriations for textbooks, instructional technology, and
317 school buses may be released and distributed as necessary to
318 serve the instructional program for the students.

319 (2) The school shall submit its fixed capital outlay
320 request to the Department of Education for review and approval
321 in accordance with s. 1002.36(4)(f)1. Subsequent to the
322 department's approval, the school's request must be included
323 within the department's public education capital outlay
324 legislative budget request.

325 Section 4. Section 1011.59, Florida Statutes, is created

326 to read:

327 1011.59 Florida School for Competitive Academics; board of
328 trustees; management flexibility.-

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

342 (2) Notwithstanding s. 216.181 and pursuant to s. 216.351,
343 but subject to any requirements imposed in the General
344 Appropriations Act, a lump-sum plan is not required to implement
345 the special categories, program categories, or lump-sum
346 appropriations. Upon release of the special categories, program
347 categories, or lump-sum appropriations to the board of trustees,
348 the Chief Financial Officer shall, upon the request of the board
349 of trustees, transfer or reallocate funds to or among accounts
350 established for disbursement purposes. The board of trustees

351 shall maintain records to account for the original
 352 appropriation.

353 (3) Notwithstanding ss. 216.031, 216.181, 216.251, and
 354 216.262 to the contrary and pursuant to s. 216.351, but subject
 355 to any requirements imposed in the General Appropriations Act,
 356 the board of trustees shall establish the authorized positions
 357 and may amend such positions within the total funds authorized
 358 annually in the appropriations act.

359 (4)(a) Notwithstanding s. 216.301 to the contrary, all
 360 unexpended funds appropriated for the Florida School for
 361 Competitive Academics shall be carried forward and included as
 362 the balance forward for that fund in the approved operating
 363 budget for the following year.

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

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

371 11.45 Definitions; duties; authorities; reports; rules.—

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

373 (d) Annually conduct financial audits of the accounts and
 374 records of all district school boards in counties with
 375 populations of fewer than 150,000, according to the most recent

376 federal decennial statewide census, ~~and~~ the Florida School for
 377 the Deaf and the Blind, and the Florida School for Competitive
 378 Academics.

379 (f) At least every 3 years, conduct operational audits of
 380 the accounts and records of state agencies, state universities,
 381 state colleges, district school boards, the Florida Clerks of
 382 Court Operations Corporation, water management districts, ~~and~~
 383 the Florida School for the Deaf and the Blind, and the Florida
 384 School for Competitive Academics.

385
 386 The Auditor General shall perform his or her duties
 387 independently but under the general policies established by the
 388 Legislative Auditing Committee. This subsection does not limit
 389 the Auditor General's discretionary authority to conduct other
 390 audits or engagements of governmental entities as authorized in
 391 subsection (3).

392 Section 6. Paragraph (d) of subsection (2) of section
 393 110.205, Florida Statutes, is amended to read:

394 110.205 Career service; exemptions.—

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

397 (d) All officers and employees of the state universities
 398 and the academic personnel and academic administrative personnel
 399 of the Florida School for the Deaf and the Blind and the Florida
 400 School for Competitive Academics. In accordance with ~~the~~

401 ~~provisions of s. 1002.36,~~ the salaries for academic personnel
402 and academic administrative personnel of the Florida School for
403 the Deaf and the Blind and the Florida School for Competitive
404 Academics shall be set by the board of trustees for the
405 respective schools ~~school,~~ subject only to the approval of the
406 State Board of Education.

407 Section 7. Paragraph (a) of subsection (2) of section
408 216.251, Florida Statutes, is amended to read:

409 216.251 Salary appropriations; limitations.—

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

413 1. Within the classification and pay plans provided for in
414 chapter 110.

415 2. Within the classification and pay plans established by
416 the Board of Trustees for the Florida School for the Deaf and
417 the Blind of the Department of Education and approved by the
418 State Board of Education for academic and academic
419 administrative personnel.

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

423 4. Within the classification and pay plan approved by the
424 President of the Senate and the Speaker of the House of
425 Representatives, as the case may be, for employees of the

426 Legislature.

427 5. Within the approved classification and pay plan for the
428 judicial branch.

429 6. Within the classification and pay plans established by
430 the Board of Trustees for the Florida School for Competitive
431 Academics of the Department of Education and approved by the
432 State Board of Education for academic and academic
433 administrative personnel.

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

436 447.203 Definitions.—As used in this part:

437 (2) "Public employer" or "employer" means the state or any
438 county, municipality, or special district or any subdivision or
439 agency thereof which the commission determines has sufficient
440 legal distinctiveness properly to carry out the functions of a
441 public employer. With respect to all public employees determined
442 by the commission as properly belonging to a statewide
443 bargaining unit composed of State Career Service System
444 employees or Selected Professional Service employees, the
445 Governor is ~~shall be~~ deemed to be the public employer; and the
446 Board of Governors of the State University System, or the
447 board's designee, is ~~shall be~~ deemed to be the public employer
448 with respect to all public employees of each constituent state
449 university. The board of trustees of a community college is
450 ~~shall be~~ deemed to be the public employer with respect to all

451 employees of the community college. The district school board is
 452 ~~shall be~~ deemed to be the public employer with respect to all
 453 employees of the school district. The Board of Trustees of the
 454 Florida School for the Deaf and the Blind is ~~shall be~~ deemed to
 455 be the public employer with respect to the academic and academic
 456 administrative personnel of the Florida School for the Deaf and
 457 the Blind. The Board of Trustees of the Florida School for
 458 Competitive Academics is deemed to be the public employer with
 459 respect to the academic and academic administrative personnel of
 460 the Florida School for Competitive Academics. The Governor is
 461 ~~shall be~~ deemed to be the public employer with respect to all
 462 employees in the Correctional Education Program of the
 463 Department of Corrections established pursuant to s. 944.801.

464 Section 9. Paragraph (e) of subsection (4) of section
 465 1001.20, Florida Statutes, is amended to read:

466 1001.20 Department under direction of state board.—

467 (4) The Department of Education shall establish the
 468 following offices within the Office of the Commissioner of
 469 Education which shall coordinate their activities with all other
 470 divisions and offices:

471 (e) *Office of Inspector General.*—Organized using existing
 472 resources and funds and responsible for promoting
 473 accountability, efficiency, and effectiveness and detecting
 474 fraud and abuse within school districts, the Florida School for
 475 the Deaf and the Blind, the Florida School for Competitive

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

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

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501 | School for Competitive Academics: Preparation, Adoption, and
502 | Implementation of Budgets" to conform to the amendments made by
503 | this act.

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