

By the Committee on Education Pre-K -12

581-01443-24

20247002__

1 A bill to be entitled
2 An act relating to deregulation of public
3 schools/school district finance and budgets,
4 facilities, and administration and oversight; amending
5 s. 120.81, F.S.; providing that district school boards
6 are not subject to certain rule requirements under
7 certain circumstances; amending s. 163.31777, F.S.;
8 revising requirements for what a district school
9 board's interlocal agreement must address; amending s.
10 200.065, F.S.; requiring a district school board to
11 advertise its intent to adopt a tentative budget on a
12 publicly available website if it does not advertise
13 such intent in a newspaper of general circulation;
14 defining the term "publicly accessible website";
15 amending s. 252.38, F.S.; requiring district school
16 boards to provide personnel access to facilities for
17 emergency management, rather than staffing such
18 facilities; amending s. 316.173, F.S.; revising
19 requirements for signage that must be posted on
20 certain school buses; amending s. 1001.02, F.S.;
21 revising a duty of the State Board of Education to
22 adopt certain rules; amending s. 1001.23, F.S.;
23 requiring the Department of Education to annually
24 inform district school superintendents that they may
25 petition to receive a specified declaratory statement;
26 requiring the department to annually provide school
27 districts with a list of statutory and rule
28 requirements; providing requirements for such list;
29 amending s. 1001.372, F.S.; requiring public notices

581-01443-24

20247002__

30 for district school board meetings be posted on a
31 publicly accessible website; deleting a requirement
32 for public notices to be published in a newspaper;
33 amending s. 1001.42, F.S.; deleting requirements for
34 financial procedures that must be followed by district
35 school boards to ensure adequate educational
36 facilities for students; amending s. 1001.49, F.S.;
37 revising the general powers of district school
38 superintendents to include establishing a process for
39 the review and approval of certain policies and
40 procedures through the delegated authority of district
41 school boards; amending s. 1002.20, F.S.; revising a
42 requirement relating to how a parent is informed of
43 placement of a student in a specified program;
44 revising requirements for student inhaler use and
45 epinephrine use; revising requirements relating to
46 student diabetes management; revising requirements
47 relating to student use of prescribed pancreatic
48 enzyme supplements; revising a requirement relating to
49 how a parent is informed of a student's suspension;
50 deleting a requirement that the school financial
51 report be in the student handbook; requiring the
52 department to produce specified reports relating to
53 school accountability and make such reports available
54 on the department's website; requiring each school
55 district to provide a link to such reports; deleting a
56 requirement that an economic security report of
57 employment and earning outcomes be provided to
58 students; amending s. 1002.33, F.S.; deleting a

581-01443-24

20247002__

59 requirement for an unused district school board
60 facility or property to be provided for a charter
61 school's use; revising a requirement for school
62 districts to provide certain information relating to
63 vacant classrooms to the department; amending s.
64 1002.333, F.S.; revising a provision authorizing
65 school districts to make certain unused facilities
66 available to hope operators; amending s. 1003.03,
67 F.S.; deleting a requirement for district school
68 boards to provide an accountability plan to the
69 Commissioner of Education under certain conditions;
70 amending s. 1003.53, F.S.; revising how district
71 school boards may provide notice to parents relating
72 to a dropout prevention and academic intervention
73 program; repealing s. 1006.025, F.S., relating to
74 guidance services; amending s. 1006.09, F.S.;

75 authorizing a school principal or the principal's
76 designee to inform a parent of a student's suspension
77 by electronic means if permitted by district school
78 board policy; amending s. 1006.1494, F.S.; providing
79 that provisions relating to student online personal
80 information protection do not require a K-12 school,
81 school district, or school board to include any
82 provisions in an operator or vendor contract; amending
83 s. 1010.02, F.S.; providing that school districts are
84 subject to varying reporting frequencies based on
85 financial status; requiring the State Board of
86 Education to adopt rules; amending s. 1010.11, F.S.;

87 providing that school districts are exempt from

581-01443-24

20247002__

88 certain requirements relating to electronic transfer
89 of funds; amending s. 1010.20, F.S.; requiring charter
90 schools to respond to monitoring questions from the
91 department; amending s. 1011.03, F.S.; requiring
92 district school boards to publish their tentative
93 budgets on a publicly accessible website if not
94 published on the district's official website; deleting
95 a requirement for district school boards to publish
96 their tentative budgets in a newspaper or at a
97 courthouse under certain circumstances; amending s.
98 1011.035, F.S.; revising requirements relating to a
99 district school board publishing its tentative budget
100 online; amending s. 1011.14, F.S.; revising the types
101 of facilities on which district school boards may
102 incur certain financial obligations; amending s.
103 1011.60, F.S.; revising circumstances under which the
104 State Board of Education may alter the requirement for
105 the minimum term schools must be open; amending s.
106 1011.68, F.S.; deleting a prohibition on use of funds
107 by school districts to purchase certain transportation
108 equipment and supplies; amending s. 1011.69, F.S.;
109 deleting a requirement relating to Title I fund
110 allocations to schools; providing a new category of
111 funding school districts are authorized to withhold;
112 revising a category of funding a school district is
113 authorized to withhold; requiring the department to
114 make certain funds available to local education
115 agencies; amending s. 1011.71, F.S.; revising the
116 types of facilities and expenditures for which

581-01443-24

20247002__

117 district school boards may use millage levies to fund;
118 amending s. 1013.15, F.S.; conforming provisions to
119 changes made by the act; providing that the lease-
120 purchase of certain facilities is exempt from certain
121 requirements; making a technical change; amending s.
122 1013.16, F.S.; providing that a minimum lease term
123 requirement for land for certain construction projects
124 does not apply to district school boards; amending s.
125 1013.19, F.S.; requiring proceeds from certain sales
126 or leases of property to be used by boards of trustees
127 for a Florida College System institution or state
128 university; amending s. 1013.20, F.S.; deleting a
129 district school board requirement to plan for the use
130 of relocatables; deleting a requirement for the
131 commissioner to provide a progress report to the
132 Legislature; repealing s. 1013.21, F.S., relating to
133 reduction of relocatable facilities in use; amending
134 s. 1013.28, F.S.; deleting a requirement for surplus
135 tangible personal property to be provided to charter
136 schools; amending s. 1013.31, F.S.; requiring each
137 Florida College System institution board of trustees
138 and state university board of trustees to arrange for
139 educational plant surveys; deleting provisions
140 relating to when an educational plant survey
141 recommendation is not required; requiring Florida
142 College System institution and state university
143 boards, but not district school boards, to participate
144 in specified surveys; deleting a requirement for
145 school districts to submit certain data to the

581-01443-24

20247002__

146 department; revising requirements for what a survey
147 report must include; deleting a requirement that a
148 school district's survey must be submitted as part of
149 the district educational facilities plan; deleting a
150 requirement for the department to perform an analysis
151 of such surveys; revising requirements for a
152 facilities needs survey submitted by a district school
153 board; requiring that the release of funds for a PECO
154 project be subject to certain authorizations; amending
155 s. 1013.35, F.S.; deleting definitions; revising
156 requirements for the contents of a district school
157 board tentative district educational facilities plan;
158 deleting a requirement for district school boards to
159 coordinate with local governments to ensure
160 consistency between school district and local
161 government plans; authorizing, rather than requiring,
162 local governments to review tentative district
163 educational facilities plans; making conforming
164 changes; amending s. 1013.356, F.S.; revising
165 requirements for lease terms for certain construction
166 projects; deleting a requirement relating to certain
167 construction costs; amending s. 1013.385, F.S.;
168 deleting requirements for a resolution relating to
169 educational facilities construction which may be
170 adopted by district school boards; providing that
171 exceptions to requirements for public shelter design
172 criteria remain subject to certain emergency
173 management provisions; providing that a school board
174 may not be required to build more emergency-shelter

581-01443-24

20247002__

175 space than identified as needed; amending s. 1013.41,
176 F.S.; revising requirements for an educational
177 facilities plan; revising the duties of the Office of
178 Educational Facilities; amending s. 1013.45, F.S.;
179 exempting district school boards from certain contract
180 limitations; specifying that a requirement for the
181 services of a registered architect apply to Florida
182 College System institution and state university boards
183 of trustees; deleting a requirement for district
184 school boards to reuse existing construction
185 documents; repealing s. 1013.451, F.S., relating to
186 life-cycle costs comparison; amending s. 1013.48,
187 F.S.; deleting a requirement for a school district to
188 monitor and report change orders on a district
189 educational facilities plan; amending s. 1013.64,
190 F.S.; providing that remodeling projects for district
191 school boards must be based on specified
192 determinations; providing that a requirement for how
193 certain funds must be spent only applies to Florida
194 College System institution and state university
195 boards; revising requirements for the use of funds
196 from the Special Facility Construction Account;
197 deleting prohibitions on the use of specified funds
198 that meet certain thresholds; requiring the department
199 to estimate, rather than review and adjust, the cost
200 per student station to reflect actual construction
201 costs; deleting a requirement for the Auditor General
202 to review certain documentation; deleting requirements
203 relating to district school board use of funds for

581-01443-24

20247002__

204 construction projects; amending s. 1013.68, F.S.;

205 revising requirements for a school district to receive

206 a specified distribution of funds; amending ss.

207 163.3180, 1002.31, 1003.621, 1003.631, 1011.6202,

208 1011.73, 1012.555, and 1013.62, F.S.; conforming

209 cross-references and provisions to changes made by the

210 act; providing an effective date.

211

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

213

214 Section 1. Paragraph (m) is added to subsection (1) of

215 section 120.81, Florida Statutes, to read:

216 120.81 Exceptions and special requirements; general areas.-

217 (1) EDUCATIONAL UNITS.-

218 (m) District school boards are not subject to the

219 requirements for rules in this chapter when exercising their

220 powers and duties identified in chapters 1000-1014 to formulate

221 policy with public input at a public meeting.

222 Section 2. Paragraphs (e) and (f) of subsection (2) and

223 subsection (4) of section 163.31777, Florida Statutes, are

224 amended to read:

225 163.31777 Public schools interlocal agreement.-

226 (2) At a minimum, the interlocal agreement must address the

227 following issues:

228 (e) A process for the school board to inform the local

229 government regarding the effect of comprehensive plan amendments

230 on school capacity. The capacity reporting must be consistent

231 with laws and rules relating to measurement of school facility

232 capacity and must also identify how the district school board

581-01443-24

20247002__

233 will meet the public school demand based on the facilities plan
234 ~~work program~~ adopted pursuant to s. 1013.35.

235 (f) Participation of the local governments in the
236 preparation of the annual update to the district school board's
237 ~~5-year district~~ facilities plan ~~work program and educational~~
238 ~~plant survey~~ prepared pursuant to s. 1013.35.

239 (4) At the time of the evaluation and appraisal of its
240 comprehensive plan pursuant to s. 163.3191, each exempt
241 municipality shall assess the extent to which it continues to
242 meet the criteria for exemption under subsection (3). If the
243 municipality continues to meet the criteria for exemption under
244 subsection (3), the municipality shall continue to be exempt
245 from the interlocal agreement requirement. Each municipality
246 exempt under subsection (3) must comply with this section within
247 1 year after the district school board proposes, in its ~~5-year~~
248 district facilities plan ~~work program~~, a new school within the
249 municipality's jurisdiction.

250 Section 3. Paragraph (f) of subsection (2) of section
251 200.065, Florida Statutes, is amended to read:

252 200.065 Method of fixing millage.—

253 (2) No millage shall be levied until a resolution or
254 ordinance has been approved by the governing board of the taxing
255 authority which resolution or ordinance must be approved by the
256 taxing authority according to the following procedure:

257 (f)1. Notwithstanding any provisions of paragraph (c) to
258 the contrary, each school district shall advertise its intent to
259 adopt a tentative budget on a publicly accessible website
260 pursuant to s. 50.0311 or in a newspaper of general circulation
261 pursuant to subsection (3) within 29 days of certification of

581-01443-24

20247002__

262 value pursuant to subsection (1). For the purpose of this
263 paragraph, the term "publicly accessible website" includes a
264 district school board's official website if the school board
265 website satisfies the remaining requirements of s. 50.0311. Not
266 less than 2 days or more than 5 days thereafter, the district
267 shall hold a public hearing on the tentative budget pursuant to
268 the applicable provisions of paragraph (c). In the event of
269 postponement or recess due to a declared state of emergency, the
270 school district may postpone or recess the hearing for up to 7
271 days and shall post a prominent notice at the place of the
272 original hearing showing the date, time, and place where the
273 hearing will be reconvened. The posted notice shall measure not
274 less than 8.5 by 11 inches. The school district shall make every
275 reasonable effort to provide reasonable notification of the
276 continued hearing to the taxpayers. The information must also be
277 posted on the school district's website if the district school
278 board uses a different method of advertisement.

279 2. Notwithstanding any provisions of paragraph (b) to the
280 contrary, each school district shall advise the property
281 appraiser of its recomputed proposed millage rate within 35 days
282 of certification of value pursuant to subsection (1). The
283 recomputed proposed millage rate of the school district shall be
284 considered its proposed millage rate for the purposes of
285 paragraph (b).

286 3. Notwithstanding any provisions of paragraph (d) to the
287 contrary, each school district shall hold a public hearing to
288 finalize the budget and adopt a millage rate within 80 days of
289 certification of value pursuant to subsection (1), but not
290 earlier than 65 days after certification. The hearing shall be

581-01443-24

20247002__

291 held in accordance with the applicable provisions of paragraph
292 (d), except that a newspaper advertisement need not precede the
293 hearing.

294 Section 4. Paragraph (d) of subsection (1) of section
295 252.38, Florida Statutes, is amended to read:

296 252.38 Emergency management powers of political
297 subdivisions.—Safeguarding the life and property of its citizens
298 is an innate responsibility of the governing body of each
299 political subdivision of the state.

300 (1) COUNTIES.—

301 (d) During a declared state or local emergency and upon the
302 request of the director of a local emergency management agency,
303 the district school board or school boards in the affected area
304 shall participate in emergency management by providing
305 facilities and necessary personnel to access ~~staff~~ such
306 facilities. Each school board providing transportation
307 assistance in an emergency evacuation shall coordinate the use
308 of its vehicles and personnel with the local emergency
309 management agency.

310 Section 5. Paragraph (a) of subsection (2) of section
311 316.173, Florida Statutes, is amended to read:

312 316.173 School bus infraction detection systems.—

313 (2) (a) The school district must post ~~high-visibility~~
314 ~~reflective~~ signage on the rear of each school bus in which a
315 school bus infraction detection system is installed and
316 operational which indicates the use of such system. The signage
317 must be in the form of one or more signs or stickers and must
318 contain the following elements in substantially the following
319 form:

581-01443-24

20247002__

320 1. The words "STOP WHEN RED LIGHTS FLASH" or "DO NOT PASS
321 WHEN RED LIGHTS FLASH."

322 2. The words "CAMERA ENFORCED."

323 3. A graphic depiction of a camera.

324 Section 6. Paragraph (n) of subsection (2) of section
325 1001.02, Florida Statutes, is amended to read:

326 1001.02 General powers of State Board of Education.—

327 (2) The State Board of Education has the following duties:

328 (n) To adopt cohesive rules pursuant to ss. 120.536(1) and
329 120.54, within statutory authority as specifically provided by
330 law.

331 Section 7. Subsections (5) and (6) are added to section
332 1001.23, Florida Statutes, to read:

333 1001.23 Specific powers and duties of the Department of
334 Education.—In addition to all other duties assigned to it by law
335 or by rule of the State Board of Education, the department
336 shall:

337 (5) Annually by August 1, inform district school
338 superintendents that pursuant to s. 120.565, the superintendents
339 may receive a declaratory statement, within 90 days of
340 submitting a petition to receive such statement, regarding the
341 department's opinion as to the applicability to a school
342 district of a statutory or rule provision as it applies to the
343 district's particular set of circumstances.

344 (6) Annually maintain and make available to school
345 districts a list of all requirements in statute and rule
346 relating to required actions by district school boards or
347 superintendents. The list must include, but is not limited to,
348 required parent notifications; information that must be posted

581-01443-24

20247002__

349 to the district website; and reporting, filing, and
350 certification requirements.

351 Section 8. Paragraphs (b) and (c) of subsection (2) of
352 section 1001.372, Florida Statutes, are amended to read:

353 1001.372 District school board meetings.—

354 (2) PLACE OF MEETINGS.—

355 (b) Upon the giving of due public notice on a publicly
356 accessible website as provided in s. 50.0311, regular or special
357 meetings of the district school board may be held at any
358 appropriate public place in the county.

359 ~~(c) For purpose of this section, due public notice shall~~
360 ~~consist of publication in a newspaper of general circulation in~~
361 ~~the county or in each county where there is no newspaper of~~
362 ~~general circulation in the county an announcement over at least~~
363 ~~one radio station whose signal is generally received in the~~
364 ~~county, a reasonable number of times daily during the 48 hours~~
365 ~~immediately preceding the date of such meeting, or by posting a~~
366 ~~notice at the courthouse door if no newspaper is published in~~
367 ~~the county, at least 2 days after ~~prior to~~ the giving of notice~~
368 ~~meeting.~~

369 Section 9. Paragraph (1) of subsection (12) of section
370 1001.42, Florida Statutes, is amended to read:

371 1001.42 Powers and duties of district school board.—The
372 district school board, acting as a board, shall exercise all
373 powers and perform all duties listed below:

374 (12) FINANCE.—Take steps to assure students adequate
375 educational facilities through the financial procedure
376 authorized in chapters 1010 and 1011 and as prescribed below:

377 ~~(1) Internal auditor. May or, in the case of a school~~

581-01443-24

20247002__

378 ~~district receiving annual federal, state, and local funds in~~
379 ~~excess of \$500 million, shall employ an internal auditor. The~~
380 ~~scope of the internal auditor shall not be restricted and shall~~
381 ~~include every functional and program area of the school system.~~

382 ~~1. The internal auditor shall perform ongoing financial~~
383 ~~verification of the financial records of the school district, a~~
384 ~~comprehensive risk assessment of all areas of the school system~~
385 ~~every 5 years, and other audits and reviews as the district~~
386 ~~school board directs for determining:~~

387 ~~a. The adequacy of internal controls designed to prevent~~
388 ~~and detect fraud, waste, and abuse as defined in s. 11.45(1).~~

389 ~~b. Compliance with applicable laws, rules, contracts, grant~~
390 ~~agreements, district school board-approved policies, and best~~
391 ~~practices.~~

392 ~~e. The efficiency of operations.~~

393 ~~d. The reliability of financial records and reports.~~

394 ~~e. The safeguarding of assets.~~

395 ~~f. Financial solvency.~~

396 ~~g. Projected revenues and expenditures.~~

397 ~~h. The rate of change in the general fund balance.~~

398 ~~2. The internal auditor shall prepare audit reports of his~~
399 ~~or her findings and report directly to the district school board~~
400 ~~or its designee.~~

401 ~~3. Any person responsible for furnishing or producing any~~
402 ~~book, record, paper, document, data, or sufficient information~~
403 ~~necessary to conduct a proper audit or examination which the~~
404 ~~internal auditor is by law authorized to perform is subject to~~
405 ~~the provisions of s. 11.47(3) and (4).~~

406 Section 10. Subsection (3) of section 1001.49, Florida

581-01443-24

20247002__

407 Statutes, is amended to read:

408 1001.49 General powers of district school superintendent.—
409 The district school superintendent shall have the authority, and
410 when necessary for the more efficient and adequate operation of
411 the district school system, the district school superintendent
412 shall exercise the following powers:

413 (3) APPROVE OPERATIONAL POLICIES THROUGH THE DELEGATED
414 AUTHORITY OF THE DISTRICT SCHOOL BOARD.—Establish a process for
415 the review and approval of districtwide policies and procedures,
416 through the formal delegated authority of the district school
417 board, RECOMMEND POLICIES. Recommend to the district school
418 ~~board for adoption such policies~~ pertaining to the district
419 school system as the district school superintendent may consider
420 necessary for its more efficient operation.

421 Section 11. Paragraph (e) of subsection (2), paragraphs (h)
422 through (k) of subsection (3), paragraph (a) of subsection (4),
423 and subsections (16) and (24) of section 1002.20, Florida
424 Statutes, are amended to read:

425 1002.20 K-12 student and parent rights.—Parents of public
426 school students must receive accurate and timely information
427 regarding their child's academic progress and must be informed
428 of ways they can help their child to succeed in school. K-12
429 students and their parents are afforded numerous statutory
430 rights including, but not limited to, the following:

431 (2) ATTENDANCE.—

432 (e) *Dropout prevention and academic intervention programs.*—
433 The parent of a public school student has the right to receive
434 written notice ~~by certified mail~~ prior to placement of the
435 student in a dropout prevention and academic intervention

581-01443-24

20247002__

436 program and shall be notified in writing and entitled to an
437 administrative review of any action by school personnel relating
438 to the student's placement, in accordance with the provisions of
439 s. 1003.53(5).

440 (3) HEALTH ISSUES.—

441 (h) *Inhaler use.*—Asthmatic students whose parent approves
442 ~~and physician provide their approval to the school principal~~ may
443 carry a metered dose inhaler on their person while in school.
444 The school principal shall be provided a copy of the parent's
445 approval and the student's prescription, a receipt of
446 prescription issued by a pharmacist, or a ~~parent's and~~
447 physician's approval.

448 (i) *Epinephrine use and supply.*—

449 1. A student who has experienced or is at risk for life-
450 threatening allergic reactions may carry an epinephrine auto-
451 injector and self-administer epinephrine by auto-injector while
452 in school, participating in school-sponsored activities, or in
453 transit to or from school or school-sponsored activities if the
454 school has been provided with parental ~~and physician~~
455 authorization and a copy of the student's prescription, receipt
456 of prescription issued by a pharmacist, or a physician's
457 approval. The State Board of Education, in cooperation with the
458 Department of Health, shall adopt rules for such use of
459 epinephrine auto-injectors that shall include provisions to
460 protect the safety of all students from the misuse or abuse of
461 auto-injectors. A school district, county health department,
462 public-private partner, and their employees and volunteers shall
463 be indemnified by the parent of a student authorized to carry an
464 epinephrine auto-injector for any and all liability with respect

581-01443-24

20247002__

465 to the student's use of an epinephrine auto-injector pursuant to
466 this paragraph.

467 2. A public school may purchase a supply of epinephrine
468 auto-injectors from a wholesale distributor as defined in s.
469 499.003 or may enter into an arrangement with a wholesale
470 distributor or manufacturer as defined in s. 499.003 for the
471 epinephrine auto-injectors at fair-market, free, or reduced
472 prices for use in the event a student has an anaphylactic
473 reaction. The epinephrine auto-injectors must be maintained in a
474 secure location on the public school's premises. The
475 participating school district shall adopt a protocol developed
476 by a licensed physician for the administration by school
477 personnel who are trained to recognize an anaphylactic reaction
478 and to administer an epinephrine auto-injection. The supply of
479 epinephrine auto-injectors may be provided to and used by a
480 student authorized to self-administer epinephrine by auto-
481 injector under subparagraph 1. or trained school personnel.

482 3. The school district and its employees, agents, and the
483 physician who provides the standing protocol for school
484 epinephrine auto-injectors are not liable for any injury arising
485 from the use of an epinephrine auto-injector administered by
486 trained school personnel who follow the adopted protocol and
487 whose professional opinion is that the student is having an
488 anaphylactic reaction:

489 a. Unless the trained school personnel's action is willful
490 and wanton;

491 b. Notwithstanding that the parents or guardians of the
492 student to whom the epinephrine is administered have not been
493 provided notice or have not signed a statement acknowledging

581-01443-24

20247002__

494 that the school district is not liable; and

495 c. Regardless of whether authorization has been given by
496 the student's parents or guardians or by the student's
497 physician, physician assistant, or advanced practice registered
498 nurse.

499 (j) *Diabetes management.*—A school district may not restrict
500 the assignment of a student who has diabetes to a particular
501 school on the basis that the student has diabetes, that the
502 school does not have a full-time school nurse, or that the
503 school does not have trained diabetes personnel. Diabetic
504 students whose parent provides his or her ~~and physician provide~~
505 ~~their~~ written authorization and the student's prescription,
506 receipt of prescription issued by a pharmacist, or a physician's
507 approval to the school principal may carry diabetic supplies and
508 equipment on their person and attend to the management and care
509 of their diabetes while in school, participating in school-
510 sponsored activities, or in transit to or from school or school-
511 sponsored activities to the extent authorized by the parent and
512 physician and within the parameters set forth by State Board of
513 Education rule. The written authorization shall identify the
514 diabetic supplies and equipment that the student is authorized
515 to carry and shall describe the activities the child is capable
516 of performing without assistance, such as performing blood-
517 glucose level checks and urine ketone testing, administering
518 insulin through the insulin-delivery system used by the student,
519 and treating hypoglycemia and hyperglycemia. The State Board of
520 Education, in cooperation with the Department of Health, shall
521 adopt rules to encourage every school in which a student with
522 diabetes is enrolled to have personnel trained in routine and

581-01443-24

20247002__

523 emergency diabetes care. The State Board of Education, in
524 cooperation with the Department of Health, shall also adopt
525 rules for the management and care of diabetes by students in
526 schools that include provisions to protect the safety of all
527 students from the misuse or abuse of diabetic supplies or
528 equipment. A school district, county health department, and
529 public-private partner, and the employees and volunteers of
530 those entities, shall be indemnified by the parent of a student
531 authorized to carry diabetic supplies or equipment for any and
532 all liability with respect to the student's use of such supplies
533 and equipment pursuant to this paragraph.

534 (k) *Use of prescribed pancreatic enzyme supplements.*—A
535 student who has experienced or is at risk for pancreatic
536 insufficiency or who has been diagnosed as having cystic
537 fibrosis may carry and self-administer a prescribed pancreatic
538 enzyme supplement while in school, participating in school-
539 sponsored activities, or in transit to or from school or school-
540 sponsored activities if the school has been provided with
541 authorization from the student's parent and the student's
542 prescription, a receipt of prescription issued by a pharmacist,
543 or a physician's approval ~~prescribing practitioner~~. The State
544 Board of Education, in cooperation with the Department of
545 Health, shall adopt rules for the use of prescribed pancreatic
546 enzyme supplements which shall include provisions to protect the
547 safety of all students from the misuse or abuse of the
548 supplements. A school district, county health department,
549 public-private partner, and their employees and volunteers shall
550 be indemnified by the parent of a student authorized to use
551 prescribed pancreatic enzyme supplements for any and all

581-01443-24

20247002__

552 liability with respect to the student's use of the supplements
553 under this paragraph.

554 (4) DISCIPLINE.—

555 (a) *Suspension of public school student.*—In accordance with
556 the provisions of s. 1006.09(1)-(4):

557 1. A student may be suspended only as provided by rule of
558 the district school board. A good faith effort must be made to
559 immediately inform the parent by telephone of the student's
560 suspension and the reason. Each suspension and the reason must
561 be reported in writing within 24 hours to the parent by United
562 States mail or other method as adopted in district school board
563 policy which is reasonably calculated to notify the parent. A
564 good faith effort must be made to use parental assistance before
565 suspension unless the situation requires immediate suspension.

566 2. A student with a disability may only be recommended for
567 suspension or expulsion in accordance with State Board of
568 Education rules.

569 (16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT RATING
570 REPORTS; FISCAL TRANSPARENCY.—Parents of public school students
571 have the right to an easy-to-read report card about the school's
572 grade designation or, if applicable under s. 1008.341, the
573 school's improvement rating, and the school's accountability
574 report, including the school financial report as required under
575 s. 1010.215. The school financial report must be provided to the
576 parents and indicate the average amount of money expended per
577 student in the school, ~~which must also be included in the~~
578 ~~student handbook or a similar publication.~~ The department shall
579 produce the reports under this subsection and make the reports
580 for each school available on the department's website in a

581-01443-24

20247002__

581 prominent location. Each public school district must provide a
582 link on its website to these reports for parent access.

583 ~~(24) ECONOMIC SECURITY REPORT.—Beginning in the 2014-2015~~
584 ~~school year and annually thereafter, each middle school and high~~
585 ~~school student or the student's parent prior to registration~~
586 ~~shall be provided a two-page summary of the Department of~~
587 ~~Economic Opportunity's economic security report of employment~~
588 ~~and earning outcomes prepared pursuant to s. 445.07 and~~
589 ~~electronic access to the report.~~

590 Section 12. Paragraphs (e) and (g) of subsection (18) of
591 section 1002.33, Florida Statutes, are amended to read:

592 1002.33 Charter schools.—

593 (18) FACILITIES.—

594 (e) ~~If a district school board facility or property is~~
595 ~~available because it is surplus, marked for disposal, or~~
596 ~~otherwise unused, it shall be provided for a charter school's~~
597 ~~use on the same basis as it is made available to other public~~
598 ~~schools in the district. A charter school that receives surplus,~~
599 ~~marked for disposal, or otherwise unused facilities or receiving~~
600 ~~property from the sponsor may not sell or dispose of such~~
601 ~~facilities or property without written permission of the~~
602 ~~sponsor. Similarly, for an existing public school converting to~~
603 ~~charter status, no rental or leasing fee for the existing~~
604 ~~facility or for the property normally inventoried to the~~
605 ~~conversion school may be charged by the district school board to~~
606 ~~the parents and teachers organizing the charter school. The~~
607 ~~charter school shall agree to reasonable maintenance provisions~~
608 ~~in order to maintain the facility in a manner similar to~~
609 ~~district school board standards. The Public Education Capital~~

581-01443-24

20247002__

610 Outlay maintenance funds or any other maintenance funds
611 generated by the facility operated as a conversion school shall
612 remain with the conversion school.

613 (g) Each school district shall annually provide to the
614 Department of Education ~~as part of its 5-year work plan~~ the
615 number of existing vacant classrooms in each school that the
616 district does not intend to use or does not project will be
617 needed for educational purposes for the following school year.
618 The department may recommend that a district make such space
619 available to an appropriate charter school.

620 Section 13. Paragraph (d) of subsection (7) of section
621 1002.333, Florida Statutes, is amended to read:

622 1002.333 Persistently low-performing schools.—

623 (7) FACILITIES.—

624 (d) A school district may make available ~~No later than~~
625 ~~January 1, the department shall annually provide to school~~
626 ~~districts a list of all~~ underused, vacant, or surplus facilities
627 owned or operated by the school district to ~~as reported in the~~
628 ~~Florida Inventory of School Houses. A school district may~~
629 ~~provide evidence to the department that the list contains errors~~
630 ~~or omissions within 30 days after receipt of the list. By each~~
631 ~~April 1, the department shall update and publish a final list of~~
632 ~~all underused, vacant, or surplus facilities owned or operated~~
633 ~~by each school district, based upon updated information provided~~
634 ~~by each school district.~~ a hope operator establishing a school
635 of hope ~~may use an educational facility identified in this~~
636 ~~paragraph~~ at no cost or at a mutually agreeable cost not to
637 exceed \$600 per student. A hope operator using a facility
638 pursuant to this paragraph may not sell or dispose of such

581-01443-24

20247002__

639 facility without the written permission of the school district.
640 For purposes of this paragraph, the term "underused, vacant, or
641 surplus facility" means an entire facility or portion thereof
642 which is not fully used or is used irregularly or intermittently
643 by the school district for instructional or program use.

644 Section 14. Subsection (4) of section 1003.03, Florida
645 Statutes, is amended to read:

646 1003.03 Maximum class size.—

647 ~~(4) ACCOUNTABILITY. Each district that has not complied~~
648 ~~with the requirements in subsection (1), based on the October~~
649 ~~student membership survey, shall submit to the commissioner by~~
650 ~~February 1 a plan certified by the district school board that~~
651 ~~describes the specific actions the district will take in order~~
652 ~~to fully comply with the requirements in subsection (1) by~~
653 ~~October of the following school year.~~

654 Section 15. Subsection (5) of section 1003.53, Florida
655 Statutes, is amended to read:

656 1003.53 Dropout prevention and academic intervention.—

657 (5) Each district school board providing a dropout
658 prevention and academic intervention program pursuant to this
659 section shall maintain for each participating student records
660 documenting the student's eligibility, the length of
661 participation, the type of program to which the student was
662 assigned or the type of academic intervention services provided,
663 and an evaluation of the student's academic and behavioral
664 performance while in the program. The school principal or his or
665 her designee shall, prior to placement in a dropout prevention
666 and academic intervention program or the provision of an
667 academic service, provide written notice of placement or

581-01443-24

20247002__

668 services ~~by certified mail, return receipt requested,~~ to the
669 student's parent. Written notice may be provided to the parent
670 by United States mail or by electronic transmission if
671 authorized by district school board policy as reasonably
672 calculated to notify the parent ~~The parent of the student shall~~
673 ~~sign an acknowledgment of the notice of placement or service and~~
674 ~~return the signed acknowledgment to the principal within 3 days~~
675 ~~after receipt of the notice.~~ The parents of a student assigned
676 to such a dropout prevention and academic intervention program
677 shall be notified in writing and entitled to an administrative
678 review of any action by school personnel relating to such
679 placement pursuant to the provisions of chapter 120.

680 Section 16. Section 1006.025, Florida Statutes, is
681 repealed.

682 Section 17. Paragraph (b) of subsection (1) of section
683 1006.09, Florida Statutes, is amended to read:

684 1006.09 Duties of school principal relating to student
685 discipline and school safety.—

686 (1)

687 (b) The principal or the principal's designee may suspend a
688 student only in accordance with the rules of the district school
689 board. The principal or the principal's designee shall make a
690 good faith effort to immediately inform a student's parent by
691 telephone of a student's suspension and the reasons for the
692 suspension. Each suspension and the reasons for the suspension
693 shall be reported in writing within 24 hours to the student's
694 parent by United States mail or by electronic transmission if
695 authorized by district school board policy as reasonably
696 calculated to notify the parent. Each suspension and the reasons

581-01443-24

20247002__

697 for the suspension shall also be reported in writing within 24
698 hours to the district school superintendent. A good faith effort
699 shall be made by the principal or the principal's designee to
700 employ parental assistance or other alternative measures prior
701 to suspension, except in the case of emergency or disruptive
702 conditions which require immediate suspension or in the case of
703 a serious breach of conduct as defined by rules of the district
704 school board. Such rules shall require oral and written notice
705 to the student of the charges and an explanation of the evidence
706 against him or her prior to the suspension. Each student shall
707 be given an opportunity to present his or her side of the story.
708 No student shall be suspended for unexcused tardiness, lateness,
709 absence, or truancy. The principal or the principal's designee
710 may suspend any student transported to or from school at public
711 expense from the privilege of riding on a school bus for
712 violation of district school board transportation policies,
713 which shall include a policy regarding behavior at school bus
714 stops, and the principal or the principal's designee shall give
715 notice in writing to the student's parent and to the district
716 school superintendent within 24 hours. School personnel shall
717 not be held legally responsible for suspensions of students made
718 in good faith.

719 Section 18. Paragraph (j) is added to subsection (6) of
720 section 1006.1494, Florida Statutes, to read:

721 1006.1494 Student online personal information protection.-

722 (6) This section does not do any of the following:

723 (j) Require a K-12 school, school district, or district
724 school board to include any provision in a contract with any
725 operator or vendor.

581-01443-24

20247002__

726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754

The State Board of Education may adopt rules to implement this section.

Section 19. Subsection (1) of section 1010.02, Florida Statutes, is amended to read:

1010.02 Financial accounting and expenditures.—

(1) All funds accruing to a school district or a Florida College System institution must be received, accounted for, and expended in accordance with law and rules of the State Board of Education.

(a) A school district may be subject to varying reporting frequencies based on its financial status, as determined in State Board of Education rule:

1. A school district identified as having a financial concern may be required to submit monthly financial reports.

2. A school district not identified as having a financial concern may be required to submit financial reports no more often than once every quarter.

(b) The State Board of Education shall adopt rules to establish criteria for determining the financial status of school districts for the purpose of financial reporting.

Section 20. Section 1010.11, Florida Statutes, is amended to read:

1010.11 Electronic transfer of funds.—Pursuant to the provisions of s. 215.85, each district school board, Florida College System institution board of trustees, and university board of trustees shall adopt written policies prescribing the accounting and control procedures under which any funds under their control are allowed to be moved by electronic transaction

581-01443-24

20247002__

755 for any purpose including direct deposit, wire transfer,
756 withdrawal, investment, or payment. Electronic transactions
757 shall comply with the provisions of chapter 668. However,
758 district school boards are exempt from the requirements in s.
759 668.50(18)(b).

760 Section 21. Subsection (2) of section 1010.20, Florida
761 Statutes, is amended to read:

762 1010.20 Cost accounting and reporting for school
763 districts.—

764 (2) COST REPORTING.—

765 (a) Each district shall report on a district-aggregate
766 basis expenditures for inservice training pursuant to s.
767 1011.62(3) and for categorical programs as provided in s.
768 1011.62(17).

769 (b) Each district shall report to the department on a
770 school-by-school and on an aggregate district basis expenditures
771 for:

772 1. Each program funded in s. 1011.62(1)(c).

773 2. Total operating costs as reported pursuant to s.
774 1010.215.

775 3. Expenditures for classroom instruction pursuant to the
776 calculation in s. 1010.215(4)(b)1. and 2.

777 (c) Each charter school shall receive and respond to
778 monitoring questions from the department.

779 (d) The department shall:

780 1. Categorize all public schools and districts into
781 appropriate groups based primarily on average full-time
782 equivalent student enrollment as reported on the most recent
783 student membership survey under s. 1011.62 and in state board

581-01443-24

20247002__

784 rule to determine groups of peer schools and districts.

785 2. Annually calculate for each public school, district, and
786 for the entire state, the percentage of classroom expenditures
787 to total operating expenditures reported in subparagraphs (b)2.
788 and 3. The results shall be categorized pursuant to this
789 paragraph.

790 3. Annually calculate for all public schools, districts,
791 and the state, the average percentage of classroom expenditures
792 to total operating expenditures reported in subparagraphs (b)2.
793 and 3. The results shall be categorized pursuant to this
794 paragraph.

795 4. Develop a web-based fiscal transparency tool that
796 identifies public schools and districts that produce high
797 academic achievement based on the ratio of classroom instruction
798 expenditures to total expenditures. The fiscal transparency tool
799 shall combine the data calculated pursuant to this paragraph
800 with the student performance measurements calculated pursuant to
801 s. 1012.34(7) to determine the financial efficiency of each
802 public school and district. The results shall be displayed in an
803 easy to use format that enables the user to compare performance
804 among public schools and districts.

805 (e)~~(d)~~ The Commissioner of Education shall present to the
806 Legislature, prior to the opening of the regular session each
807 year, a district-by-district report of the expenditures reported
808 pursuant to paragraphs (a) and (b). The report shall include
809 total expenditures, a detailed analysis showing expenditures for
810 each program, and such other data as may be useful for
811 management of the education system. The Commissioner of
812 Education shall also compute cost factors relative to the base

581-01443-24

20247002__

813 student allocation for each funded program in s. 1011.62(1)(c).

814 Section 22. Subsections (1) and (3) of section 1011.03,
815 Florida Statutes, are amended to read:

816 1011.03 Public hearings; budget to be submitted to
817 Department of Education.—

818 (1) Each district school board shall cause a summary of its
819 tentative budget, including the proposed millage levies as
820 provided for by law, to be posted on the district's official
821 website ~~and advertised once in a newspaper of general~~
822 ~~circulation published in the district~~ or on a publicly
823 accessible website as provided in s. 50.0311 ~~to be posted at the~~
824 ~~courthouse if there be no such newspaper.~~

825 (3) The board shall hold public hearings to adopt tentative
826 and final budgets pursuant to s. 200.065. The hearings shall be
827 primarily for the purpose of hearing requests and complaints
828 from the public regarding the budgets and the proposed tax
829 levies and for explaining the budget and proposed or adopted
830 amendments thereto, if any. The tentative budget must be posted
831 on the district's official website at least 2 days before the
832 budget hearing held pursuant to s. 200.065 or other law. The
833 final adopted budget must be posted on the district's official
834 website within 30 days after adoption. The board shall require
835 the superintendent to transmit ~~two copies of~~ the adopted budget
836 to the Department of Education as prescribed by law and rules of
837 the State Board of Education.

838 Section 23. Subsections (2) and (4) of section 1011.035,
839 Florida Statutes, are amended to read:

840 1011.035 School district fiscal transparency.—

841 (2) Each district school board shall post on its website:

581-01443-24

20247002__

842 (a) A plain language version of each proposed, tentative,
843 and official budget which describes each budget item in terms
844 that are easily understandable to the public ~~and includes:~~

845 ~~(a) Graphical representations, for each public school~~
846 ~~within the district and for the school district, of the~~
847 ~~following:~~

848 1. ~~Summary financial efficiency data.~~

849 2. ~~Fiscal trend information for the previous 3 years on:~~

850 a. ~~The ratio of full-time equivalent students to full-time~~
851 ~~equivalent instructional personnel.~~

852 b. ~~The ratio of full-time equivalent students to full-time~~
853 ~~equivalent administrative personnel.~~

854 c. ~~The total operating expenditures per full-time~~
855 ~~equivalent student.~~

856 d. ~~The total instructional expenditures per full-time~~
857 ~~equivalent student.~~

858 e. ~~The general administrative expenditures as a percentage~~
859 ~~of total budget.~~

860 f. ~~The rate of change in the general fund's ending fund~~
861 ~~balance not classified as restricted.~~

862 (b) A link to the web-based fiscal transparency tool
863 developed by the department pursuant to s. 1010.20 to enable
864 taxpayers to evaluate the financial efficiency of the school
865 district and compare the financial efficiency of the school
866 district with other similarly situated school districts.

867

868 This information must be prominently posted on the school
869 district's website in a manner that is readily accessible to the
870 public.

581-01443-24

20247002__

- 871 (4) The website should contain links to:
- 872 ~~(a) Help explain or provide background information on~~
873 ~~various budget items that are required by state or federal law.~~
- 874 ~~(b) Allow users to navigate to related sites to view~~
875 ~~supporting details.~~
- 876 ~~(c) enable taxpayers, parents, and education advocates to~~
877 ~~send e-mails asking questions about the budget and enable others~~
878 ~~to view the questions and responses.~~

879 Section 24. Subsection (1) of section 1011.14, Florida
880 Statutes, is amended to read:

881 1011.14 Obligations for a period of 1 year.—District school
882 boards are authorized only under the following conditions to
883 create obligations by way of anticipation of budgeted revenues
884 accruing on a current basis without pledging the credit of the
885 district or requiring future levy of taxes for certain purposes
886 for a period of 1 year; however, such obligations may be
887 extended from year to year with the consent of the lender for a
888 period not to exceed 4 years, or for a total of 5 years
889 including the initial year of the loan:

890 (1) PURPOSES.—The purposes for which such obligations may
891 be incurred within the intent of this section shall include only
892 the purchase of school buses, land, and equipment for
893 educational purposes; the erection of, alteration to, or
894 addition to educational plants, ancillary plants, and auxiliary
895 facilities; and the adjustment of insurance on educational
896 property on a 5-year plan, as provided by rules of the State
897 Board of Education.

898 Section 25. Subsection (2) of section 1011.60, Florida
899 Statutes, is amended to read:

581-01443-24

20247002__

900 1011.60 Minimum requirements of the Florida Education
901 Finance Program.—Each district which participates in the state
902 appropriations for the Florida Education Finance Program shall
903 provide evidence of its effort to maintain an adequate school
904 program throughout the district and shall meet at least the
905 following requirements:

906 (2) MINIMUM TERM.—Operate all schools for a term of 180
907 actual teaching days or the equivalent on an hourly basis as
908 specified by rules of the State Board of Education each school
909 year. The State Board of Education may prescribe procedures for
910 altering, and, upon written application, may alter, this
911 requirement during a national, state, or local emergency as it
912 may apply to an individual school or schools in any district or
913 districts if the district school board certifies to the
914 Commissioner of Education that ~~if, in the opinion of the board,~~
915 it is not necessary ~~feasible~~ to make up lost days or hours, and
916 the apportionment may, at the discretion of the Commissioner of
917 Education and if the board determines that the reduction of
918 school days or hours is caused by the existence of a bona fide
919 emergency, be reduced for such district or districts in
920 proportion to the decrease in the length of term in any such
921 school or schools. A strike, as defined in s. 447.203(6), by
922 employees of the school district may not be considered an
923 emergency.

924 Section 26. Subsection (4) of section 1011.68, Florida
925 Statutes, is amended to read:

926 1011.68 Funds for student transportation.—The annual
927 allocation to each district for transportation to public school
928 programs, including charter schools as provided in s.

581-01443-24

20247002__

929 1002.33(17)(b), of students in membership in kindergarten
930 through grade 12 and in migrant and exceptional student programs
931 below kindergarten shall be determined as follows:

932 ~~(4) No district shall use funds to purchase transportation~~
933 ~~equipment and supplies at prices which exceed those determined~~
934 ~~by the department to be the lowest which can be obtained, as~~
935 ~~prescribed in s. 1006.27(1).~~

936 Section 27. Subsection (4) of section 1011.69, Florida
937 Statutes, is amended, and subsection (5) is added to that
938 section, to read:

939 1011.69 Equity in School-Level Funding Act.—

940 (4) After providing Title I, Part A, Basic funds to schools
941 above the 75 percent poverty threshold, which may include high
942 schools above the 50 percent threshold as permitted by federal
943 law, school districts shall provide any remaining Title I, Part
944 A, Basic funds directly to all eligible schools as provided in
945 this subsection. For purposes of this subsection, an eligible
946 school is a school that is eligible to receive Title I funds,
947 including a charter school. ~~The threshold for identifying~~
948 ~~eligible schools may not exceed the threshold established by a~~
949 ~~school district for the 2016-2017 school year or the statewide~~
950 ~~percentage of economically disadvantaged students, as determined~~
951 ~~annually.~~

952 (a) Prior to the allocation of Title I funds to eligible
953 schools, a school district may withhold funds only as follows:

954 1. One percent for parent involvement, in addition to the
955 one percent the district must reserve under federal law for
956 allocations to eligible schools for parent involvement;

957 2. A necessary and reasonable amount for administration

581-01443-24

20247002__

958 which includes the district's indirect cost rate, not to exceed
959 a total of 10 percent;

960 3. A reasonable and necessary amount to provide:

961 a. Homeless programs;

962 b. Delinquent and neglected programs;

963 c. Prekindergarten programs and activities;

964 d. Private school equitable services; and

965 e. Transportation for foster care children to their school
966 of origin or choice programs;

967 4. Up to 5 percent to provide financial incentives and
968 rewards to teachers who serve students in Title I schools
969 identified for comprehensive support and improvement activities
970 or targeted support and improvement activities, for the purpose
971 of attracting and retaining qualified and effective teachers,
972 including teachers of any subject or grade level for whom a
973 measurement under s. 1012.34(7) or a state-approved Alternative
974 Student Growth Model is unavailable; and

975 ~~5.4. A necessary and reasonable amount, not to exceed 1~~
976 ~~percent,~~ for eligible schools to provide educational services in
977 accordance with the approved Title I plan.

978 (b) All remaining Title I funds shall be distributed to all
979 eligible schools in accordance with federal law and regulation.
980 An eligible school may use funds under this subsection to
981 participate in discretionary educational services provided by
982 the school district. Any funds provided by an eligible school to
983 participate in discretionary educational services provided by
984 the school district are not subject to the requirements of this
985 subsection.

986 (c) Any funds carried forward by the school district are

581-01443-24

20247002__

987 not subject to the requirements of this subsection.

988 (5) The Department of Education shall make funds from Title
989 I, Title II, and Title III programs available to local education
990 agencies for the full period of availability provided in federal
991 law.

992 Section 28. Paragraphs (e) and (h) of subsection (2) and
993 subsections (5) and (6) of section 1011.71, Florida Statutes,
994 are amended, and paragraphs (l) and (m) are added to subsection
995 (2) of that section, to read:

996 1011.71 District school tax.—

997 (2) In addition to the maximum millage levy as provided in
998 subsection (1), each school board may levy not more than 1.5
999 mills against the taxable value for school purposes for charter
1000 schools pursuant to s. 1013.62(1) and (3) and for district
1001 schools to fund:

1002 (e) Payments for educational plants, ancillary plants, and
1003 auxiliary facilities and sites due under a lease-purchase
1004 agreement entered into by a district school board pursuant to s.
1005 1003.02(1)(f) or s. 1013.15(2), not exceeding, in the aggregate,
1006 an amount equal to three-fourths of the proceeds from the
1007 millage levied by a district school board pursuant to this
1008 subsection. The three-fourths limit is waived for lease-purchase
1009 agreements entered into before June 30, 2009, by a district
1010 school board pursuant to this paragraph. If payments under
1011 lease-purchase agreements in the aggregate, including lease-
1012 purchase agreements entered into before June 30, 2009, exceed
1013 three-fourths of the proceeds from the millage levied pursuant
1014 to this subsection, the district school board may not withhold
1015 the administrative fees authorized by s. 1002.33(20) from any

581-01443-24

20247002__

1016 charter school operating in the school district.

1017 (h) Payment of costs of leasing relocatable educational
1018 plants, ancillary plants, and auxiliary facilities, of renting
1019 or leasing educational plants, ancillary plants, and auxiliary
1020 facilities and sites pursuant to s. 1013.15(2), or of renting or
1021 leasing buildings or space within existing buildings pursuant to
1022 s. 1013.15(4).

1023 (l) The purchase, lease-purchase, or lease of driver
1024 education vehicles; motor vehicles used for the maintenance or
1025 operation of plants and equipment; security vehicles; or
1026 vehicles used in storing or distributing materials and
1027 equipment.

1028 (m) Payment of the cost of premiums, as defined in s.
1029 627.403, for property and casualty insurance necessary to insure
1030 school district educational and ancillary plants. As used in
1031 this paragraph, the term "casualty insurance" means the lines of
1032 insurance specified in s. 624.605(1)(d), (f), (g), (h), and (m).
1033 Operating revenues that are made available through the payment
1034 of property and casualty insurance premiums from revenues
1035 generated under this subsection may be expended only for
1036 nonrecurring operational expenditures of the school district.

1037 ~~(5) A school district may expend, subject to s. 200.065, up~~
1038 ~~to \$175 per unweighted full-time equivalent student from the~~
1039 ~~revenue generated by the millage levy authorized by subsection~~
1040 ~~(2) to fund, in addition to expenditures authorized in~~
1041 ~~paragraphs (2)(a)-(j), expenses for the following:~~

1042 ~~(a) The purchase, lease-purchase, or lease of driver's~~
1043 ~~education vehicles; motor vehicles used for the maintenance or~~
1044 ~~operation of plants and equipment; security vehicles; or~~

581-01443-24

20247002__

1045 ~~vehicles used in storing or distributing materials and~~
1046 ~~equipment.~~

1047 ~~(b) Payment of the cost of premiums, as defined in s.~~
1048 ~~627.403, for property and casualty insurance necessary to insure~~
1049 ~~school district educational and ancillary plants. As used in~~
1050 ~~this paragraph, casualty insurance has the same meaning as in s.~~
1051 ~~624.605(1) (d), (f), (g), (h), and (m). Operating revenues that~~
1052 ~~are made available through the payment of property and casualty~~
1053 ~~insurance premiums from revenues generated under this subsection~~
1054 ~~may be expended only for nonrecurring operational expenditures~~
1055 ~~of the school district.~~

1056 ~~(6)~~ Violations of the expenditure provisions in subsection
1057 (2) ~~or subsection (5)~~ shall result in an equal dollar reduction
1058 in the Florida Education Finance Program (FEFP) funds for the
1059 violating district in the fiscal year following the audit
1060 citation.

1061 Section 29. Section 1013.15, Florida Statutes, is amended
1062 to read:

1063 1013.15 Lease, rental, and lease-purchase of educational
1064 plants, ancillary plants, and auxiliary facilities and sites.-

1065 (1) A board may lease any land, facilities, or educational
1066 plants owned by it to any person or entity for such term, for
1067 such rent, and upon such terms and conditions as the board
1068 determines to be in its best interests; any such lease may
1069 provide for the optional or binding purchase of the land,
1070 facilities, or educational plants by the lessee upon such terms
1071 and conditions as the board determines are in its best
1072 interests. A determination that any such land, facility, or
1073 educational plant so leased is unnecessary for educational

581-01443-24

20247002__

1074 purposes is not a prerequisite to the leasing or lease-purchase
1075 of such land, facility, or educational plant. Prior to entering
1076 into or executing any such lease, a board shall consider
1077 approval of the lease or lease-purchase agreement at a public
1078 meeting, at which a copy of the proposed agreement in its final
1079 form shall be available for inspection and review by the public,
1080 after due notice as required by law.

1081 (2) (a) A district school board may rent or lease
1082 educational plants, ancillary plants, and auxiliary facilities
1083 and sites as defined in s. 1013.01. Educational plants,
1084 ancillary plants, and auxiliary facilities and sites rented or
1085 leased for 1 year or less shall be funded through the operations
1086 budget or funds derived from millage proceeds pursuant to s.
1087 1011.71(2). A lease contract for 1 year or less, when extended
1088 or renewed beyond a year, becomes a multiple-year lease.
1089 Operational funds or funds derived from millage proceeds
1090 pursuant to s. 1011.71(2) may be authorized to be expended for
1091 multiple-year leases. All leased facilities and sites must be
1092 inspected prior to occupancy by the authority having
1093 jurisdiction.

1094 1. All newly leased spaces must be inspected and brought
1095 into compliance with the Florida Building Code pursuant to
1096 chapter 553 and the life safety codes pursuant to chapter 633,
1097 prior to occupancy, using the board's operations budget or funds
1098 derived from millage proceeds pursuant to s. 1011.71(2).

1099 2. Plans for renovation or remodeling of leased space shall
1100 conform to the Florida Building Code and the Florida Fire
1101 Prevention Code for educational occupancies or other
1102 occupancies, as appropriate and as required in chapters 553 and

581-01443-24

20247002__

1103 633, prior to occupancy.

1104 3. All leased facilities must be inspected annually for
 1105 firesafety deficiencies in accordance with the applicable code
 1106 and have corrections made in accordance with s. 1013.12.
 1107 Operational funds or funds derived from millage proceeds
 1108 pursuant to s. 1011.71(2) may be used to correct deficiencies in
 1109 leased space.

1110 4. When the board declares that a public emergency exists,
 1111 it may take up to 30 days to bring the leased facility into
 1112 compliance with the requirements of State Board of Education
 1113 rules.

1114 (b) A board is authorized to lease-purchase educational
 1115 plants, ancillary plants, and auxiliary facilities and sites as
 1116 defined in s. 1013.01, and a district school board is authorized
 1117 to lease-purchase educational plants, ancillary plants, and
 1118 auxiliary facilities and sites. The lease-purchase of
 1119 educational plants, ancillary plants, and auxiliary facilities
 1120 and sites must, where applicable, comply with ~~shall be as~~
 1121 required by s. 1013.37, subject to the authorization in s.
 1122 1013.385 to exempt certain facilities from the requirements of
 1123 that section; must ~~shall~~ be advertised for and receive
 1124 competitive proposals and be awarded to the best proposer;⁷ and
 1125 must ~~shall~~ be funded using current or other funds specifically
 1126 authorized by law to be used for such purpose.

1127 1. A district school board, by itself, or through a direct-
 1128 support organization formed pursuant to s. 1001.453 or nonprofit
 1129 educational organization or a consortium of district school
 1130 boards, may, in developing a lease-purchase of educational
 1131 plants, ancillary plants, and auxiliary facilities and sites

581-01443-24

20247002__

1132 provide for separately advertising for and receiving competitive
1133 bids or proposals on the construction of facilities and the
1134 selection of financing to provide the lowest cost funding
1135 available, so long as the board determines that such process
1136 would best serve the public interest and the available pledged
1137 revenues are limited to those authorized in s. 1011.71(2) ~~s.~~
1138 ~~1011.71(2)(e)~~.

1139 2. All activities and information, including lists of
1140 individual participants, associated with agreements made
1141 pursuant to this section shall be subject to the provisions of
1142 chapter 119 and s. 286.011.

1143 (c)1. The term of any lease-purchase agreement, including
1144 the initial term and any subsequent renewals, shall not exceed
1145 the useful life of the educational facilities and sites for
1146 which the agreement is made, or 30 years, whichever is less.

1147 2. The initial term or any renewal term of any lease-
1148 purchase agreement shall expire on June 30 of each fiscal year,
1149 but may be automatically renewed annually, subject to a board
1150 making sufficient annual appropriations therefor. Under no
1151 circumstances shall the failure of a board to renew a lease-
1152 purchase agreement constitute a default or require payment of
1153 any penalty or in any way limit the right of a board to purchase
1154 or utilize educational plants, ancillary plants, and auxiliary
1155 facilities and sites similar in function to the educational
1156 plants, ancillary plants, and auxiliary facilities and sites
1157 that are the subject of the said lease-purchase agreement.
1158 Educational plants, ancillary plants, and auxiliary facilities
1159 and sites being acquired pursuant to a lease-purchase agreement
1160 shall be exempt from ad valorem taxation.

581-01443-24

20247002__

1161 3. No lease-purchase agreement entered into pursuant to
1162 this subsection shall constitute a debt, liability, or
1163 obligation of the state or a board or shall be a pledge of the
1164 faith and credit of the state or a board.

1165 4. Any lease-purchase agreement entered into pursuant to
1166 this subsection shall stipulate an annual rate which may consist
1167 of a principal component and an interest component, provided
1168 that the maximum interest rate of any interest component payable
1169 under any such lease-purchase agreement, or any participation or
1170 certificated portion thereof, shall be calculated in accordance
1171 with and be governed by the provisions of s. 215.84.

1172 (3) Lease or lease-purchase agreements entered into by
1173 university boards of trustees shall comply with the provisions
1174 of ss. 1013.171 and 1010.62.

1175 (4) (a) A board may rent or lease existing buildings, or
1176 space within existing buildings, originally constructed or used
1177 for purposes other than education, for conversion to use as
1178 educational facilities. Such buildings rented or leased for 1
1179 year or less shall be funded through the operations budget or
1180 funds derived from millage pursuant to s. 1011.71(2). A rental
1181 agreement or lease contract for 1 year or less, when extended or
1182 renewed beyond a year, becomes a multiple-year rental or lease.
1183 Operational funds or funds derived from millage proceeds
1184 pursuant to s. 1011.71(2) may be authorized to be expended for
1185 multiple-year rentals or leases. Notwithstanding any other
1186 provisions of this section, if a building was constructed in
1187 conformance with all applicable building and life safety codes,
1188 it shall be deemed to meet the requirements for use and
1189 occupancy as an educational facility subject only to the

581-01443-24

20247002__

1190 provisions of this subsection.

1191 (b) Prior to occupying a rented or a leased existing
1192 building, or space within an existing building, pursuant to this
1193 subsection, a school board shall, in a public meeting, adopt a
1194 resolution certifying that the following circumstances apply to
1195 the building proposed for occupancy:

1196 1. Growth among the school-age population in the school
1197 district has created a need for new educational facilities in a
1198 neighborhood where there is little or no vacant land.

1199 2. There exists a supply of vacant space in existing
1200 buildings that meet state minimum building and life safety
1201 codes.

1202 3. Acquisition and conversion to use as educational
1203 facilities of an existing building or buildings is a cost-saving
1204 means of providing the needed classroom space as determined by
1205 the difference between the cost of new construction, including
1206 land acquisition and preparation and, if applicable, demolition
1207 of existing structures, and the cost of acquisition through
1208 rental or lease and conversion of an existing building or
1209 buildings.

1210 4. The building has been examined for suitability, safety,
1211 and conformance with state minimum building and life safety
1212 codes. The building examination shall consist, at a minimum, of
1213 a review of existing documents, building site reconnaissance,
1214 and analysis of the building conducted by, or under the
1215 responsible charge of, a licensed structural engineer.

1216 5. A certificate of evaluation has been issued by an
1217 appropriately licensed design professional which states that,
1218 based on available documents, building site reconnaissance,

581-01443-24

20247002__

1219 current knowledge, and design judgment in the professional's
1220 opinion, the building meets the requirements of state minimum
1221 building and life safety codes, provides safe egress of
1222 occupants from the building, provides adequate firesafety, and
1223 does not pose a substantial threat to life to persons who would
1224 occupy the building for classroom use.

1225 6. The plans for conversion of the building were prepared
1226 by an appropriate design professional licensed in this state and
1227 the work of conversion was performed by contractors licensed in
1228 this state.

1229 7. The conversion of the building was observed by an
1230 appropriate design professional licensed in this state.

1231 8. The building has been reviewed, inspected, and granted a
1232 certificate of occupancy by the local building department.

1233 9. All ceilings, light fixtures, ducts, and registers
1234 within the area to be occupied for classroom purposes were
1235 constructed or have been reconstructed to meet state minimum
1236 requirements.

1237 Section 30. Subsection (1) of section 1013.16, Florida
1238 Statutes, is amended to read:

1239 1013.16 Construction of facilities on leased property;
1240 conditions.—

1241 (1) A board may construct or place educational facilities
1242 and ancillary facilities on land that is owned by any person
1243 after the board has acquired from the owner of the land a long-
1244 term lease for the use of this land for a period of not less
1245 than 40 years or the life expectancy of the permanent facilities
1246 constructed thereon, whichever is longer; however, the minimum
1247 lease term of 40 years does not apply to district school boards.

581-01443-24

20247002__

1248 Section 31. Section 1013.19, Florida Statutes, is amended
1249 to read:

1250 1013.19 Purchase, conveyance, or encumbrance of property
1251 interests above surface of land; joint-occupancy structures.—For
1252 the purpose of implementing jointly financed construction
1253 project agreements, or for the construction of combined
1254 occupancy structures, any board may purchase, own, convey, sell,
1255 lease, or encumber airspace or any other interests in property
1256 above the surface of the land, provided the lease of airspace
1257 for nonpublic use is for such reasonable rent, length of term,
1258 and conditions as the board in its discretion may determine. All
1259 proceeds from such sale or lease shall be used by a the board of
1260 trustees for a Florida College System institution or state
1261 university ~~or boards~~ receiving the proceeds solely for fixed
1262 capital outlay purposes. These purposes may include the
1263 renovation or remodeling of existing facilities owned by the
1264 board or the construction of new facilities; however, for a
1265 Florida College System institution board or university board,
1266 such new facility must be authorized by the Legislature. It is
1267 declared that the use of such rental by the board for public
1268 purposes in accordance with its statutory authority is a public
1269 use. Airspace or any other interest in property held by the
1270 Board of Trustees of the Internal Improvement Trust Fund or the
1271 State Board of Education may not be divested or conveyed without
1272 approval of the respective board. Any building, including any
1273 building or facility component that is common to both nonpublic
1274 and educational portions thereof, constructed in airspace that
1275 is sold or leased for nonpublic use pursuant to this section is
1276 subject to all applicable state, county, and municipal

581-01443-24

20247002__

1277 regulations pertaining to land use, zoning, construction of
1278 buildings, fire protection, health, and safety to the same
1279 extent and in the same manner as such regulations would be
1280 applicable to the construction of a building for nonpublic use
1281 on the appurtenant land beneath the subject airspace. Any
1282 educational facility constructed or leased as a part of a joint-
1283 occupancy facility is subject to all rules and requirements of
1284 the respective boards or departments having jurisdiction over
1285 educational facilities. Any contract executed by a university
1286 board of trustees pursuant to this section is subject to the
1287 provisions of s. 1010.62.

1288 Section 32. Subsection (1) of section 1013.20, Florida
1289 Statutes, is amended to read:

1290 1013.20 Standards for relocatables used as classroom space;
1291 inspections.—

1292 (1) The State Board of Education shall adopt rules
1293 establishing standards for relocatables intended for long-term
1294 use as classroom space at a public elementary school, middle
1295 school, or high school. "Long-term use" means the use of
1296 relocatables at the same educational plant for a period of 4
1297 years or more. Each relocatable acquired by a district school
1298 board after the effective date of the rules and intended for
1299 long-term use must comply with the standards. ~~District school~~
1300 ~~boards shall submit a plan for the use of existing relocatables~~
1301 ~~within the 5-year work program to be reviewed and approved by~~
1302 ~~the commissioner by January 1, 2003. A progress report shall be~~
1303 ~~provided by the commissioner to the Speaker of the House of~~
1304 ~~Representatives and the President of the Senate each January~~
1305 ~~thereafter. Relocatables that fail to meet the standards after~~

581-01443-24

20247002__

1306 ~~completion of the approved plan may not be used as classrooms.~~
1307 The standards shall protect the health, safety, and welfare of
1308 occupants by requiring compliance with the Florida Building Code
1309 or the State Requirements for Educational Facilities for
1310 existing relocatables, as applicable, to ensure the safety and
1311 stability of construction and onsite installation; fire and
1312 moisture protection; air quality and ventilation; appropriate
1313 wind resistance; and compliance with the requirements of the
1314 Americans with Disabilities Act of 1990. If appropriate and
1315 where relocatables are not scheduled for replacement, the
1316 standards must also require relocatables to provide access to
1317 the same technologies available to similar classrooms within the
1318 main school facility and, if appropriate, and where relocatables
1319 are not scheduled for replacement, to be accessible by adequate
1320 covered walkways. A relocatable that is subject to this section
1321 and does not meet the standards shall not be reported as
1322 providing satisfactory student stations in the Florida Inventory
1323 of School Houses.

1324 Section 33. Section 1013.21, Florida Statutes, is repealed.

1325 Section 34. Paragraph (a) of subsection (2) of section
1326 1013.28, Florida Statutes, is amended to read:

1327 1013.28 Disposal of property.—

1328 (2) TANGIBLE PERSONAL PROPERTY.—

1329 (a) Tangible personal property that has been properly
1330 classified as surplus by a district school board or Florida
1331 College System institution board of trustees shall be disposed
1332 of in accordance with the procedure established by chapter 274.
1333 However, the provisions of chapter 274 shall not be applicable
1334 to a motor vehicle used in driver education to which title is

581-01443-24

20247002__

1335 obtained for a token amount from an automobile dealer or
1336 manufacturer. In such cases, the disposal of the vehicle shall
1337 be as prescribed in the contractual agreement between the
1338 automotive agency or manufacturer and the board. ~~Tangible~~
1339 ~~personal property that has been properly classified as surplus,~~
1340 ~~marked for disposal, or otherwise unused by a district school~~
1341 ~~board shall be provided for a charter school's use on the same~~
1342 ~~basis as it is made available to other public schools in the~~
1343 ~~district.~~ A charter school receiving tangible personal property
1344 that has been properly classified as surplus, marked for
1345 disposal, or otherwise unused by a district school board
1346 ~~property from the school district~~ may not sell or dispose of
1347 such property without the written permission of the school
1348 district.

1349 Section 35. Section 1013.31, Florida Statutes, is amended
1350 to read:

1351 1013.31 Educational plant survey; localized need
1352 assessment; PECO project funding.—

1353 (1) At least every 5 years, each Florida College System
1354 institution and state university board shall arrange for an
1355 educational plant survey, to aid in formulating plans for
1356 housing the educational program and student population, faculty,
1357 administrators, staff, and auxiliary and ancillary services of
1358 the district or campus, including consideration of the local
1359 comprehensive plan. The Department of Education shall document
1360 the need for additional career and adult education programs and
1361 the continuation of existing programs before facility
1362 construction or renovation related to career or adult education
1363 may be included in the educational plant survey of a ~~school~~

581-01443-24

20247002__

1364 ~~district or~~ Florida College System institution that delivers
 1365 career or adult education programs. Information used by the
 1366 Department of Education to establish facility needs must
 1367 include, but need not be limited to, labor market data, needs
 1368 analysis, and information submitted by the ~~school district or~~
 1369 Florida College System institution.

1370 (a) ~~Educational plant survey and localized need assessment~~
 1371 ~~for capital outlay purposes. A survey recommendation is not~~
 1372 ~~required when a district uses funds from the following sources~~
 1373 ~~for educational, auxiliary, and ancillary plant capital outlay~~
 1374 ~~purposes:~~

1375 1. ~~The local capital outlay improvement fund, consisting of~~
 1376 ~~funds that come from and are a part of the district's basic~~
 1377 ~~operating budget;~~

1378 2. ~~A taxpayer-approved bond referendum, to fund~~
 1379 ~~construction of an educational, auxiliary, or ancillary plant~~
 1380 ~~facility;~~

1381 3. ~~One-half cent sales surtax revenue;~~

1382 4. ~~One cent local governmental surtax revenue;~~

1383 5. ~~Impact fees;~~

1384 6. ~~Private gifts or donations; and~~

1385 7. ~~The district school tax levied pursuant to s.~~

1386 ~~1011.71(2).~~

1387 ~~(b) Survey preparation and required data.~~—Each survey must
 1388 shall be conducted by the Florida College System institution or
 1389 state university board or an agency employed by the board.
 1390 Surveys must shall be reviewed and approved by the board, and a
 1391 file copy must shall be submitted to the Department of Education
 1392 or the Chancellor of the State University System, as

581-01443-24

20247002__

1393 appropriate. The survey report must ~~shall~~ include at least an
1394 inventory of existing educational and ancillary plants,
1395 including safe access facilities; recommendations for existing
1396 educational and ancillary plants; recommendations for new
1397 educational or ancillary plants, including the general location
1398 of each in coordination with the land use plan and safe access
1399 facilities; campus master plan update and detail for Florida
1400 College System institutions; ~~the utilization of school plants~~
1401 ~~based on an extended school day or year-round operation;~~ and
1402 such other information as may be required by the Department of
1403 Education. This report may be amended, if conditions warrant, at
1404 the request of the department or commissioner.

1405 (b) ~~(e)~~ *Required need assessment criteria for district,*
1406 *Florida College System institution, state university, and*
1407 *Florida School for the Deaf and the Blind plant surveys.-*
1408 Educational plant surveys must use uniform data sources and
1409 criteria specified in this paragraph. Each revised educational
1410 plant survey and each new educational plant survey supersedes
1411 previous surveys.

1412 1. ~~The school district's survey must be submitted as a part~~
1413 ~~of the district educational facilities plan defined in s.~~
1414 ~~1013.35. To ensure that the data reported to the Department of~~
1415 ~~Education as required by this section is correct, the department~~
1416 ~~shall annually conduct an onsite review of 5 percent of the~~
1417 ~~facilities reported for each school district completing a new~~
1418 ~~survey that year. If the department's review finds the data~~
1419 ~~reported by a district is less than 95 percent accurate, within~~
1420 ~~1 year from the time of notification by the department the~~
1421 ~~district must submit revised reports correcting its data. If a~~

581-01443-24

20247002__

1422 ~~district fails to correct its reports, the commissioner may~~
1423 ~~direct that future fixed capital outlay funds be withheld until~~
1424 ~~such time as the district has corrected its reports so that they~~
1425 ~~are not less than 95 percent accurate.~~

1426 2. Each survey of a special facility, joint-use facility,
1427 or cooperative career education facility must be based on
1428 capital outlay full-time equivalent student enrollment data
1429 prepared by the department for school districts and Florida
1430 College System institutions and by the Chancellor of the State
1431 University System for universities. A survey of space needs of a
1432 joint-use facility shall be based upon the respective space
1433 needs of the school districts, Florida College System
1434 institutions, and universities, as appropriate. Projections of a
1435 school district's facility space needs may not exceed the norm
1436 space and occupant design criteria established by the State
1437 Requirements for Educational Facilities.

1438 2.3. Each Florida College System institution's survey must
1439 reflect the capacity of existing facilities as specified in the
1440 inventory maintained by the Department of Education. Projections
1441 of facility space needs must comply with standards for
1442 determining space needs as specified by rule of the State Board
1443 of Education. The 5-year projection of capital outlay student
1444 enrollment must be consistent with the annual report of capital
1445 outlay full-time student enrollment prepared by the Department
1446 of Education.

1447 3.4. Each state university's survey must reflect the
1448 capacity of existing facilities as specified in the inventory
1449 maintained and validated by the Chancellor of the State
1450 University System. Projections of facility space needs must be

581-01443-24

20247002__

1451 consistent with standards for determining space needs as
1452 specified by regulation of the Board of Governors. The projected
1453 capital outlay full-time equivalent student enrollment must be
1454 consistent with the 5-year planned enrollment cycle for the
1455 State University System approved by the Board of Governors.

1456 4.5. The district educational facilities plan of a school
1457 district and the educational plant survey of a Florida College
1458 System institution, state university, or the Florida School for
1459 the Deaf and the Blind may include space needs that deviate from
1460 approved standards for determining space needs if the deviation
1461 is justified by the district or institution and approved by the
1462 department or the Board of Governors, as appropriate, as
1463 necessary for the delivery of an approved educational program.

1464 (c)~~(d)~~ *Review and validation.*—The Department of Education
1465 shall review and validate the surveys of school districts and
1466 Florida College System institutions, and the Chancellor of the
1467 State University System shall review and validate the surveys of
1468 universities, and any amendments thereto for compliance with the
1469 requirements of this chapter and shall recommend those in
1470 compliance for approval by the State Board of Education or the
1471 Board of Governors, as appropriate. ~~Annually, the department~~
1472 ~~shall perform an in-depth analysis of a representative sample of~~
1473 ~~each survey of recommended needs for five districts selected by~~
1474 ~~the commissioner from among districts with the largest need to~~
1475 ~~revenue ratio. For the purpose of this subsection, the need to~~
1476 ~~revenue ratio is determined by dividing the total 5-year cost of~~
1477 ~~projects listed on the district survey by the total 5-year fixed~~
1478 ~~capital outlay revenue projections from state and local sources~~
1479 ~~as determined by the department.~~ The commissioner may condition

581-01443-24

20247002__

1480 the receipt of ~~direct~~ fixed capital outlay funds provided from
1481 general revenue or from state trust funds by district school
1482 boards ~~to be withheld from districts~~ until such time as the
1483 district school board submits a survey that accurately projects
1484 facilities needs as indicated by the Florida Inventory of School
1485 Houses, as compared with the district's capital outlay full-time
1486 equivalent enrollment, as determined by the department.

1487 (d) ~~(e)~~ *Periodic update of Florida Inventory of School*
1488 *Houses.*—School districts shall periodically update their
1489 inventory of educational facilities as new capacity becomes
1490 available and as unsatisfactory space is eliminated. The State
1491 Board of Education shall adopt rules to determine the timeframe
1492 in which districts must provide a periodic update.

1493 (2) Only the district school superintendent, Florida
1494 College System institution president, or the university
1495 president shall certify to the Department of Education a
1496 project's compliance with the requirements for expenditure of
1497 PECO funds prior to release of funds.

1498 (a) Upon request for release of PECO funds for planning
1499 purposes, certification must be made to the Department of
1500 Education that the need for and location of the facility are in
1501 compliance with the board-approved survey recommendations, that
1502 the project meets the definition of a PECO project and the
1503 limiting criteria for expenditures of PECO funding, and that the
1504 plan is consistent with the local government comprehensive plan.

1505 (b) Upon request for release of construction funds,
1506 certification must be made to the Department of Education that
1507 the need and location of the facility are in compliance with the
1508 board-approved survey recommendations, that the project meets

581-01443-24

20247002__

1509 the definition of a PECO project and the limiting criteria for
1510 expenditures of PECO funding, and that the construction
1511 documents meet the requirements of the Florida Building Code for
1512 educational facilities construction, subject to the
1513 authorization in s. 1013.385 to exempt certain facilities from
1514 the requirements of s. 1013.37, or other applicable codes as
1515 authorized in this chapter.

1516 Section 36. Section 1013.35, Florida Statutes, is amended
1517 to read:

1518 1013.35 School district educational facilities plan;
1519 definitions; preparation, adoption, and amendment; long-term
1520 work programs.—

1521 (1) ~~DEFINITIONS.—As used in this section, the term:~~

1522 (a) ~~“Adopted educational facilities plan” means the~~
1523 ~~comprehensive planning document that is adopted annually by the~~
1524 ~~district school board as provided in subsection (2) and that~~
1525 ~~contains the educational plant survey.~~

1526 (b) ~~“District facilities work program” means the 5-year~~
1527 ~~listing of capital outlay projects adopted by the district~~
1528 ~~school board as provided in subparagraph (2)(a)2. and paragraph~~
1529 ~~(2)(b) as part of the district educational facilities plan,~~
1530 ~~which is required in order to:~~

1531 1. ~~Properly maintain the educational plant and ancillary~~
1532 ~~facilities of the district.~~

1533 2. ~~Provide an adequate number of satisfactory student~~
1534 ~~stations for the projected student enrollment of the district in~~
1535 ~~K-12 programs in accordance with the goal in s. 1013.21.~~

1536 (c) ~~“Tentative educational facilities plan” means the~~
1537 ~~comprehensive planning document prepared annually by the~~

581-01443-24

20247002__

1538 ~~district school board and submitted to the Office of Educational~~
1539 ~~Facilities and the affected general purpose local governments.~~

1540 ~~(2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL~~
1541 ~~FACILITIES PLAN.~~

1542 ~~(a) Annually, before ~~prior to~~ the adoption of the district~~
1543 ~~school budget, each district school board shall prepare a~~
1544 ~~tentative district educational facilities plan that includes~~
1545 ~~long-range planning for facilities needs over 5-year, 10-year,~~
1546 ~~and 20-year periods. The plan must be developed in coordination~~
1547 ~~with the general purpose local governments and be consistent~~
1548 ~~with the local government comprehensive plans. The school~~
1549 ~~board's plan for provision of new schools must meet the needs of~~
1550 ~~all growing communities in the district, ranging from small~~
1551 ~~rural communities to large urban cities. The plan must include:~~

1552 ~~1. Projected student populations apportioned geographically~~
1553 ~~at the local level. The projections must be based on information~~
1554 ~~produced by the demographic, revenue, and education estimating~~
1555 ~~conferences pursuant to s. 216.136, where available, as modified~~
1556 ~~by the district based on development data and agreement with the~~
1557 ~~local governments and the Office of Educational Facilities. The~~
1558 ~~projections must be apportioned geographically with assistance~~
1559 ~~from the local governments using local development trend data~~
1560 ~~and the school district student enrollment data.~~

1561 ~~2. An inventory of existing school facilities. Any~~
1562 ~~anticipated expansions or closures of existing school sites over~~
1563 ~~the 5-year, 10-year, and 20-year periods must be identified. The~~
1564 ~~inventory must include an assessment of areas proximate to~~
1565 ~~existing schools and identification of the need for improvements~~
1566 ~~to infrastructure, safety, including safe access routes, and~~

581-01443-24

20247002__

1567 ~~conditions in the community. The plan must also provide a~~
1568 ~~listing of major repairs and renovation projects anticipated~~
1569 ~~over the period of the plan.~~

1570 ~~3. Projections of facilities space needs, which may not~~
1571 ~~exceed the norm space and occupant design criteria established~~
1572 ~~in the State Requirements for Educational Facilities.~~

1573 ~~4. Information on leased, loaned, and donated space and~~
1574 ~~relocatables used for conducting the district's instructional~~
1575 ~~programs.~~

1576 ~~5. The general location of public schools proposed to be~~
1577 ~~constructed over the 5-year, 10-year, and 20-year time periods,~~
1578 ~~including a listing of the proposed schools' site acreage needs~~
1579 ~~and anticipated capacity and maps showing the general locations.~~
1580 ~~The school board's identification of general locations of future~~
1581 ~~school sites must be based on the school siting requirements of~~
1582 ~~s. 163.3177(6)(a) and policies in the comprehensive plan which~~
1583 ~~provide guidance for appropriate locations for school sites.~~

1584 ~~6. The identification of options deemed reasonable and~~
1585 ~~approved by the school board which reduce the need for~~
1586 ~~additional permanent student stations. Such options may include,~~
1587 ~~but need not be limited to:~~

1588 ~~a. Acceptable capacity;~~

1589 ~~b. Redistricting;~~

1590 ~~c. Busing;~~

1591 ~~d. Year-round schools;~~

1592 ~~e. Charter schools;~~

1593 ~~f. Magnet schools; and~~

1594 ~~g. Public-private partnerships.~~

1595 ~~7. The criteria and method, jointly determined by the local~~

581-01443-24

20247002__

1596 ~~government and the school board, for determining the impact of~~
1597 ~~proposed development to public school capacity.~~

1598 ~~(b) The plan must also include a financially feasible~~
1599 ~~district facilities work program for a 5-year period. The work~~
1600 ~~program must include:~~

1601 ~~1. A schedule of major repair and renovation projects~~
1602 ~~necessary to maintain the educational facilities and ancillary~~
1603 ~~facilities of the district.~~

1604 ~~2. A schedule of capital outlay projects necessary to~~
1605 ~~ensure the availability of satisfactory student stations for the~~
1606 ~~projected student enrollment in K-12 programs. This schedule~~
1607 ~~shall consider:~~

1608 ~~a. The locations, capacities, and planned utilization rates~~
1609 ~~of current educational facilities of the district. The capacity~~
1610 ~~of existing satisfactory facilities, as reported in the Florida~~
1611 ~~Inventory of School Houses must be compared to the capital~~
1612 ~~outlay full-time equivalent student enrollment as determined by~~
1613 ~~the department, including all enrollment used in the calculation~~
1614 ~~of the distribution formula in s. 1013.64.~~

1615 ~~b. The proposed locations of planned facilities, whether~~
1616 ~~those locations are consistent with the comprehensive plans of~~
1617 ~~all affected local governments, and recommendations for~~
1618 ~~infrastructure and other improvements to land adjacent to~~
1619 ~~existing facilities. The provisions of ss. 1013.33(6), (7), and~~
1620 ~~(8) and 1013.36 must be addressed for new facilities planned~~
1621 ~~within the first 3 years of the work plan, as appropriate.~~

1622 ~~e. Plans for the use and location of relocatable~~
1623 ~~facilities, leased facilities, and charter school facilities.~~

1624 ~~d. Plans for multitrack scheduling, grade level~~

581-01443-24

20247002__

1625 ~~organization, block scheduling, or other alternatives that~~
1626 ~~reduce the need for additional permanent student stations.~~

1627 ~~e. Information concerning average class size and~~
1628 ~~utilization rate by grade level within the district which will~~
1629 ~~result if the tentative district facilities work program is~~
1630 ~~fully implemented.~~

1631 ~~f. The number and percentage of district students planned~~
1632 ~~to be educated in relocatable facilities during each year of the~~
1633 ~~tentative district facilities work program. For determining~~
1634 ~~future needs, student capacity may not be assigned to any~~
1635 ~~relocatable classroom that is scheduled for elimination or~~
1636 ~~replacement with a permanent educational facility in the current~~
1637 ~~year of the adopted district educational facilities plan and in~~
1638 ~~the district facilities work program adopted under this section.~~
1639 ~~Those relocatable classrooms clearly identified and scheduled~~
1640 ~~for replacement in a school-board-adopted, financially feasible,~~
1641 ~~5-year district facilities work program shall be counted at zero~~
1642 ~~capacity at the time the work program is adopted and approved by~~
1643 ~~the school board. However, if the district facilities work~~
1644 ~~program is changed and the relocatable classrooms are not~~
1645 ~~replaced as scheduled in the work program, the classrooms must~~
1646 ~~be reentered into the system and be counted at actual capacity.~~
1647 ~~Relocatable classrooms may not be perpetually added to the work~~
1648 ~~program or continually extended for purposes of circumventing~~
1649 ~~this section. All relocatable classrooms not identified and~~
1650 ~~scheduled for replacement, including those owned, lease-~~
1651 ~~purchased, or leased by the school district, must be counted at~~
1652 ~~actual student capacity. The district educational facilities~~
1653 ~~plan must identify the number of relocatable student stations~~

581-01443-24

20247002__

1654 ~~scheduled for replacement during the 5-year survey period and~~
1655 ~~the total dollar amount needed for that replacement.~~

1656 ~~g. Plans for the closure of any school, including plans for~~
1657 ~~disposition of the facility or usage of facility space, and~~
1658 ~~anticipated revenues.~~

1659 ~~h. Projects for which capital outlay and debt service funds~~
1660 ~~accruing under s. 9(d), Art. XII of the State Constitution are~~
1661 ~~to be used shall be identified separately in priority order on a~~
1662 ~~project priority list within the district facilities work~~
1663 ~~program.~~

1664 ~~3. The projected cost for each project identified in the~~
1665 ~~district facilities work program. For proposed projects for new~~
1666 ~~student stations, a schedule shall be prepared comparing the~~
1667 ~~planned cost and square footage for each new student station, by~~
1668 ~~elementary, middle, and high school levels, to the low, average,~~
1669 ~~and high cost of facilities constructed throughout the state~~
1670 ~~during the most recent fiscal year for which data is available~~
1671 ~~from the Department of Education.~~

1672 ~~4. A schedule of estimated capital outlay revenues from~~
1673 ~~each currently approved source which is estimated to be~~
1674 ~~available for expenditure on the projects included in the~~
1675 ~~district facilities work program.~~

1676 ~~5. A schedule indicating which projects included in the~~
1677 ~~district facilities work program will be funded from current~~
1678 ~~revenues projected in subparagraph 4.~~

1679 ~~6. A schedule of options for the generation of additional~~
1680 ~~revenues by the district for expenditure on projects identified~~
1681 ~~in the district facilities work program which are not funded~~
1682 ~~under subparagraph 5. Additional anticipated revenues may~~

581-01443-24

20247002__

1683 ~~include Classrooms First funds.~~

1684 ~~(c) To the extent available, the tentative district~~
1685 ~~educational facilities plan shall be based on information~~
1686 ~~produced by the demographic, revenue, and education estimating~~
1687 ~~conferences pursuant to s. 216.136.~~

1688 ~~(2)(d)~~ Provision must shall be made for public comment
1689 concerning the tentative district educational facilities plan.

1690 ~~(e) The district school board shall coordinate with each~~
1691 ~~affected local government to ensure consistency between the~~
1692 ~~tentative district educational facilities plan and the local~~
1693 ~~government comprehensive plans of the affected local governments~~
1694 ~~during the development of the tentative district educational~~
1695 ~~facilities plan.~~

1696 ~~(3)(f)~~ Not less than once every 5 years, the district
1697 school board shall have an audit conducted of the district's
1698 educational planning and construction activities. An operational
1699 audit conducted by the Auditor General pursuant to s. 11.45
1700 satisfies this requirement.

1701 ~~(4)(3) SUBMITTAL OF TENTATIVE DISTRICT EDUCATIONAL~~
1702 ~~FACILITIES PLAN TO LOCAL GOVERNMENT.~~ The district school board
1703 shall submit a copy of its tentative district educational
1704 facilities plan to all affected local governments before ~~prior~~
1705 ~~to~~ adoption by the board. The affected local governments may
1706 ~~shall~~ review the tentative district educational facilities plan
1707 and comment to the district school board on the consistency of
1708 the plan with the local comprehensive plan, whether a
1709 comprehensive plan amendment will be necessary for any proposed
1710 educational facility, and whether the local government supports
1711 a necessary comprehensive plan amendment. If the local

581-01443-24

20247002__

1712 government does not support a comprehensive plan amendment for a
1713 proposed educational facility, the matter must ~~shall~~ be resolved
1714 pursuant to the interlocal agreement when required by ss.
1715 163.3177(6)(h), 163.31777, and 1013.33(2). The process for the
1716 submittal and review must ~~shall~~ be detailed in the interlocal
1717 agreement when required pursuant to ss. 163.3177(6)(h),
1718 163.31777, and 1013.33(2).

1719 ~~(5)(4) ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN.~~

1720 Annually, the district school board shall consider and adopt the
1721 tentative district educational facilities plan ~~completed~~
1722 ~~pursuant to subsection (2)~~. Upon giving proper notice to the
1723 public and local governments and opportunity for public comment,
1724 the district school board may amend the plan to revise the
1725 priority of projects, to add or delete projects, to reflect the
1726 impact of change orders, or to reflect the approval of new
1727 revenue sources which may become available. The adopted district
1728 educational facilities plan must ~~shall~~:

1729 (a) Be a complete, balanced, and financially feasible
1730 capital outlay financial plan for the district.

1731 (b) Set forth the proposed commitments and planned
1732 expenditures of the district to address the educational
1733 facilities needs of its students and to adequately provide for
1734 the maintenance of the educational plant and ancillary
1735 facilities, including safe access ways from neighborhoods to
1736 schools.

1737 ~~(6)(5) EXECUTION OF ADOPTED DISTRICT EDUCATIONAL FACILITIES~~
1738 ~~PLAN.~~The first year of the adopted district educational
1739 facilities plan constitutes ~~shall constitute~~ the capital outlay
1740 budget required in s. 1013.61. ~~The adopted district educational~~

581-01443-24

20247002__

1741 ~~facilities plan shall include the information required in~~
1742 ~~subparagraphs (2) (b) 1., 2., and 3., based upon projects actually~~
1743 ~~funded in the plan.~~

1744 Section 37. Section 1013.356, Florida Statutes, is amended
1745 to read:

1746 1013.356 Local funding for educational facilities benefit
1747 districts or community development districts.—Upon confirmation
1748 by a district school board of the commitment of revenues by an
1749 educational facilities benefit district or community development
1750 district necessary to construct and maintain an educational
1751 facility contained within an individual district facilities work
1752 program or proposed by an approved charter school or a charter
1753 school applicant, the following funds shall be provided to the
1754 educational facilities benefit district or community development
1755 district annually, beginning with the next fiscal year after
1756 confirmation until the district's financial obligations are
1757 completed:

1758 (1) All educational facilities impact fee revenue collected
1759 for new development within the educational facilities benefit
1760 district or community development district. Funds provided under
1761 this subsection shall be used to fund the construction and
1762 capital maintenance costs of educational facilities.

1763 (2) For construction and capital maintenance costs not
1764 covered by the funds provided under subsection (1), an annual
1765 amount contributed by the district school board equal to one-
1766 half of the remaining costs of construction and capital
1767 maintenance of the educational facility. ~~Any construction costs~~
1768 ~~above the cost-per-student criteria established in s.~~
1769 ~~1013.64(6) (b) 1. shall be funded exclusively by the educational~~

581-01443-24

20247002__

1770 ~~facilities benefit district or the community development~~
 1771 ~~district.~~ Funds contributed by a district school board shall not
 1772 be used to fund operational costs.

1773
 1774 Educational facilities funded pursuant to this act may be
 1775 constructed on land that is owned by any person after the
 1776 district school board has acquired from the owner of the land a
 1777 long-term lease for the use of this land for a period of not
 1778 less than ~~40 years or~~ the life expectancy of the permanent
 1779 facilities constructed thereon, ~~whichever is longer.~~ All
 1780 interlocal agreements entered into pursuant to this act must
 1781 ~~shall~~ provide for ownership of educational facilities funded
 1782 pursuant to this act to revert to the district school board if
 1783 such facilities cease to be used for public educational purposes
 1784 before ~~prior to 40 years after construction or prior to the end~~
 1785 of the life expectancy of the educational facilities, ~~whichever~~
 1786 ~~is longer.~~

1787 Section 38. Section 1013.385, Florida Statutes, is amended
 1788 to read:

1789 1013.385 School district construction flexibility.—

1790 ~~(1)~~ A district school board may, with a majority vote at a
 1791 public meeting that begins no earlier than 5 p.m., adopt a
 1792 resolution to implement one or more ~~of the~~ exceptions to the
 1793 educational facilities construction requirements to provide
 1794 ~~provided in this section.~~

1795 ~~(2)~~ ~~A resolution adopted under this section may propose~~
 1796 ~~implementation of exceptions to requirements of the uniform~~
 1797 ~~statewide building code for the planning and construction of~~
 1798 ~~public educational and ancillary plants adopted pursuant to ss.~~

581-01443-24

20247002__

1799 ~~553.73 and 1013.37 relating to:~~

1800 ~~(a) Interior non-load-bearing walls, by approving the use~~
1801 ~~of fire-rated wood stud walls in new construction or remodeling~~
1802 ~~for interior non-load-bearing wall assemblies that will not be~~
1803 ~~exposed to water or located in wet areas.~~

1804 ~~(b) Walkways, roadways, driveways, and parking areas, by~~
1805 ~~approving the use of designated, stabilized, and well-drained~~
1806 ~~gravel or grassed student parking areas.~~

1807 ~~(c) Standards for relocatables used as classroom space, as~~
1808 ~~specified in s. 1013.20, by approving construction~~
1809 ~~specifications for installation of relocatable buildings that do~~
1810 ~~not have covered walkways leading to the permanent buildings~~
1811 ~~onsite.~~

1812 ~~(d) Site lighting, by approving construction specifications~~
1813 ~~regarding site lighting that:~~

1814 ~~1. Do not provide for lighting of gravel or grassed~~
1815 ~~auxiliary or student parking areas.~~

1816 ~~2. Provide lighting for walkways, roadways, driveways,~~
1817 ~~paved parking lots, exterior stairs, ramps, and walkways from~~
1818 ~~the exterior of the building to a public walkway through~~
1819 ~~installation of a timer that is set to provide lighting only~~
1820 ~~during periods when the site is occupied.~~

1821 ~~3. Allow lighting for building entrances and exits to be~~
1822 ~~installed with a timer that is set to provide lighting only~~
1823 ~~during periods in which the building is occupied. The minimum~~
1824 ~~illumination level at single-door exits may be reduced to no~~
1825 ~~less than 1 foot-candle.~~

1826 ~~(e) Any other provisions that limit a school with the~~
1827 ~~ability of a school to operate in a facility on the same basis~~

581-01443-24

20247002__

1828 as a charter school pursuant to s. 1002.33(18). When a hurricane
1829 evacuation shelter deficit, as determined by the Division of
1830 Emergency Management, in the regional planning council region in
1831 which the county is located makes public shelter design criteria
1832 applicable, any exceptions to the public shelter design criteria
1833 remain subject to the concurrence of the applicable local
1834 emergency management agency or the Division of Emergency
1835 Management so long as the regional planning council determines
1836 that there is sufficient shelter capacity within the school
1837 district as documented in the Statewide Emergency Shelter Plan.
1838 A school board may not be required to build more emergency-
1839 shelter space than identified as needed in the Statewide
1840 Emergency Shelter Plan.

1841 Section 39. Subsections (3) and (4) of section 1013.41,
1842 Florida Statutes, are amended to read:

1843 1013.41 SMART schools; Classrooms First; legislative
1844 purpose.—

1845 (3) SCHOOL DISTRICT EDUCATIONAL FACILITIES PLAN.—It is the
1846 purpose of the Legislature to create s. 1013.35, requiring each
1847 school district annually to adopt an educational facilities plan
1848 that provides an integrated long-range facilities plan,
1849 ~~including the survey of projected needs and the 5-year work~~
1850 ~~program~~. The purpose of the educational facilities plan is to
1851 keep the district school board, local governments, and the
1852 public fully informed as to whether the district is using sound
1853 policies and practices that meet the essential needs of students
1854 and that warrant public confidence in district operations. The
1855 educational facilities plan will be monitored by the Office of
1856 Educational Facilities, which will also apply performance

581-01443-24

20247002__

1857 standards pursuant to s. 1013.04.

1858 (4) OFFICE OF EDUCATIONAL FACILITIES.—It is the purpose of
1859 the Legislature to require the Office of Educational Facilities
1860 to assist school districts in building SMART schools utilizing
1861 functional and frugal practices. The Office of Educational
1862 Facilities shall ~~must~~ review district facilities ~~work programs~~
1863 ~~and~~ projects and identify opportunities to maximize design and
1864 construction savings; ~~develop school district facilities work~~
1865 ~~program performance standards;~~ and provide for review and
1866 recommendations to the Governor, the Legislature, and the State
1867 Board of Education.

1868 Section 40. Paragraph (e) of subsection (1) and subsection
1869 (4) of section 1013.45, Florida Statutes, are amended to read:

1870 1013.45 Educational facilities contracting and construction
1871 techniques for school districts and Florida College System
1872 institutions.—

1873 (1) District school boards and boards of trustees of
1874 Florida College System institutions may employ procedures to
1875 contract for construction of new facilities, or for additions,
1876 remodeling, renovation, maintenance, or repairs to existing
1877 facilities, which include, but are not limited to:

1878 (e) Day-labor contracts not exceeding \$280,000 for
1879 construction, renovation, remodeling, or maintenance of existing
1880 facilities. This amount shall be adjusted annually based upon
1881 changes in the Consumer Price Index. District school boards are
1882 exempt from the contract limitations provided in this paragraph.

1883 (4) Except as otherwise provided in this section and s.
1884 481.229, the services of a registered architect must be used by
1885 Florida College System institution and state university boards

581-01443-24

20247002__

1886 of trustees for the development of plans for the erection,
1887 enlargement, or alteration of any educational facility. The
1888 services of a registered architect are not required for a minor
1889 renovation project for which the construction cost is less than
1890 \$50,000 or for the placement or hookup of relocatable
1891 educational-facilities that conform to standards adopted under
1892 s. 1013.37. However, boards must provide compliance with
1893 building code requirements and ensure that these structures are
1894 adequately anchored for wind resistance as required by law. A
1895 ~~district school board shall reuse existing construction~~
1896 ~~documents or design criteria packages if such reuse is feasible~~
1897 ~~and practical. If a school district's 5-year educational~~
1898 ~~facilities work plan includes the construction of two or more~~
1899 ~~new schools for students in the same grade group and program,~~
1900 ~~such as elementary, middle, or high school, the district school~~
1901 ~~board must require that prototype design and construction be~~
1902 ~~used for the construction of these schools.~~ Notwithstanding s.
1903 287.055, a board may purchase the architectural services for the
1904 design of educational or ancillary facilities under an existing
1905 contract agreement for professional services held by a district
1906 school board in the State of Florida, provided that the purchase
1907 is to the economic advantage of the purchasing board, the
1908 services conform to the standards prescribed by rules of the
1909 State Board of Education, and such reuse is not without notice
1910 to, and permission from, the architect of record whose plans or
1911 design criteria are being reused. Plans must be reviewed for
1912 compliance with the State Requirements for Educational
1913 Facilities. Rules adopted under this section must establish
1914 uniform prequalification, selection, bidding, and negotiation

581-01443-24

20247002__

1915 procedures applicable to construction management contracts and
1916 the design-build process. This section does not supersede any
1917 small, woman-owned, or minority-owned business enterprise
1918 preference program adopted by a board. Except as otherwise
1919 provided in this section, the negotiation procedures applicable
1920 to construction management contracts and the design-build
1921 process must conform to the requirements of s. 287.055. A board
1922 may not modify any rules regarding construction management
1923 contracts or the design-build process.

1924 Section 41. Section 1013.451, Florida Statutes, is
1925 repealed.

1926 Section 42. Section 1013.48, Florida Statutes, is amended
1927 to read:

1928 1013.48 Changes in construction requirements after award of
1929 contract.—The board may, at its option and by written policy
1930 duly adopted and entered in its official minutes, authorize the
1931 superintendent or president or other designated individual to
1932 approve change orders in the name of the board for
1933 preestablished amounts. Approvals must ~~shall~~ be for the purpose
1934 of expediting the work in progress and must ~~shall~~ be reported to
1935 the board and entered in its official minutes. ~~For~~
1936 ~~accountability, the school district shall monitor and report the~~
1937 ~~impact of change orders on its district educational facilities~~
1938 ~~plan pursuant to s. 1013.35.~~

1939 Section 43. Section 1013.64, Florida Statutes, is amended
1940 to read:

1941 1013.64 Funds for comprehensive educational plant needs;
1942 construction cost maximums for school district capital
1943 projects.—Allocations from the Public Education Capital Outlay

581-01443-24

20247002__

1944 and Debt Service Trust Fund to the various boards for capital
1945 outlay projects must ~~shall~~ be determined as follows:

1946 (1) (a) Funds for remodeling, renovation, maintenance,
1947 repairs, and site improvement for existing satisfactory
1948 facilities shall be given priority consideration by the
1949 Legislature for appropriations allocated to the boards from the
1950 total amount of the Public Education Capital Outlay and Debt
1951 Service Trust Fund appropriated. These funds shall be calculated
1952 pursuant to the following basic formula: the building value
1953 times the building age over the sum of the years' digits
1954 assuming a 50-year building life. For modular noncombustible
1955 facilities, a 35-year life shall be used, and for relocatable
1956 facilities, a 20-year life shall be used. "Building value" is
1957 calculated by multiplying each building's total assignable
1958 square feet times the appropriate net-to-gross conversion rate
1959 found in state board rules and that product times the current
1960 average new construction cost. "Building age" is calculated by
1961 multiplying the prior year's building age times 1 minus the
1962 prior year's sum received from this subsection divided by the
1963 prior year's building value. To the net result shall be added
1964 the number 1. Each board shall receive the percentage generated
1965 by the preceding formula of the total amount appropriated for
1966 the purposes of this section.

1967 (b) Each board is prohibited from using the funds received
1968 pursuant to this section to supplant funds in the current fiscal
1969 year approved operating budget, and all budgeted funds shall be
1970 expended at a rate not less than would have been expended had
1971 the funds under this section not been received.

1972 (c) Each remodeling, renovation, maintenance, repair, or

581-01443-24

20247002__

1973 site improvement project will expand or upgrade current
1974 educational plants to prolong the useful life of the plant.

1975 (d) Each board shall maintain fund accounting in a manner
1976 which will permit a detailed audit of the funds expended in this
1977 program.

1978 (e) Remodeling projects must ~~shall~~ be based on the
1979 recommendations of a survey pursuant to s. 1013.31, or, for
1980 district school boards, as indicated by the relative need as
1981 determined by the Florida Inventory of School Houses and the
1982 capital outlay full-time equivalent enrollment in the district.

1983 (f) At least one-tenth of a Florida College System
1984 institution's or state university's board of trustees' board's
1985 annual allocation provided under this section must ~~shall~~ be
1986 spent to correct unsafe, unhealthy, or unsanitary conditions in
1987 its educational facilities, as required by s. 1013.12, or a
1988 lesser amount sufficient to correct all deficiencies cited in
1989 its annual comprehensive safety inspection reports. This
1990 paragraph must ~~shall~~ not be construed to limit the amount a
1991 board may expend to correct such deficiencies.

1992 (g) When an existing educational plant is determined to be
1993 unsatisfactory pursuant to the survey conducted under s.
1994 1013.31, the board may, by resolution, designate the plant as a
1995 historic educational facility and may use funds generated for
1996 renovation and remodeling pursuant to this section to restore
1997 the facility for use by the board. The board shall agree to pay
1998 renovation and remodeling costs in excess of funds which such
1999 facility would have generated through the depreciation formula
2000 in paragraph (a) had the facility been determined to be
2001 satisfactory. The board shall further agree that the plant shall

581-01443-24

20247002__

2002 continue to house students. The board may designate a plant as a
2003 historic educational facility only if the Division of Historical
2004 Resources of the Department of State or the appropriate historic
2005 preservation board under chapter 266 certifies that:

2006 1. The plant is listed or determined eligible for listing
2007 in the National Register of Historic Places pursuant to the
2008 National Historic Preservation Act of 1966, as amended, 16
2009 U.S.C. s. 470;

2010 2. The plant is designated historic within a certified
2011 local district pursuant to s. 48(g)(3)(B)(ii) of the Internal
2012 Revenue Code; or

2013 3. The division or historic preservation board otherwise
2014 finds that the plant is historically significant.

2015 (h) University boards of trustees may utilize funds
2016 appropriated pursuant to this section for replacement of minor
2017 facilities. Minor facilities may not be replaced from funds
2018 provided pursuant to this section unless the board determines
2019 that the cost of repair or renovation is greater than or equal
2020 to the cost of replacement.

2021 (2)(a) The department shall establish, as a part of the
2022 Public Education Capital Outlay and Debt Service Trust Fund, a
2023 separate account, in an amount determined by the Legislature, to
2024 be known as the "Special Facility Construction Account." The
2025 Special Facility Construction Account shall be used to provide
2026 necessary construction funds to school districts which have
2027 urgent construction needs but which lack sufficient resources at
2028 present, and cannot reasonably anticipate sufficient resources
2029 within the period of the next 3 years, for these purposes from
2030 currently authorized sources of capital outlay revenue. A school

581-01443-24

20247002__

2031 district requesting funding from the Special Facility
2032 Construction Account shall submit one specific construction
2033 project, not to exceed one complete educational plant, to the
2034 Special Facility Construction Committee. A district may not
2035 receive funding for more than one approved project in any 3-year
2036 period or while any portion of the district's participation
2037 requirement is outstanding. The first year of the 3-year period
2038 shall be the first year a district receives an appropriation.
2039 During the 2019-2020 school year, a school district that
2040 sustained hurricane damage in the 2018-2019 school year may
2041 request funding from the Special Facility Construction Account
2042 for a new project before the completion of the district's
2043 participation requirement for an outstanding project. The
2044 department shall encourage a construction program that reduces
2045 the average size of schools in the district. The request must
2046 meet the following criteria to be considered by the committee:

2047 1. The project must be deemed a critical need and must be
2048 recommended for funding by the Special Facility Construction
2049 Committee. Before developing construction plans for the proposed
2050 facility, the district school board must request a
2051 preapplication review by the Special Facility Construction
2052 Committee or a project review subcommittee convened by the chair
2053 of the committee to include two representatives of the
2054 department and two staff members from school districts not
2055 eligible to participate in the program. A school district may
2056 request a preapplication review at any time; however, if the
2057 district school board seeks inclusion in the department's next
2058 annual capital outlay legislative budget request, the
2059 preapplication review request must be made before February 1.

581-01443-24

20247002__

2060 Within 90 days after receiving the preapplication review
2061 request, the committee or subcommittee must meet in the school
2062 district to review the project proposal and existing facilities.
2063 To determine whether the proposed project is a critical need,
2064 the committee or subcommittee shall consider, at a minimum, the
2065 capacity of all existing facilities within the district as
2066 determined by the Florida Inventory of School Houses; the
2067 district's pattern of student growth; the district's existing
2068 and projected capital outlay full-time equivalent student
2069 enrollment as determined by the demographic, revenue, and
2070 education estimating conferences established in s. 216.136; the
2071 district's existing satisfactory student stations in the
2072 vicinity of the proposed facility; the use of all existing
2073 district property and facilities; grade level configurations;
2074 and any other information that may affect the need for the
2075 proposed project.

2076 2. The construction project must be recommended ~~in the most~~
2077 ~~recent survey or survey amendment cooperatively prepared~~ by the
2078 district school board ~~and the department~~, and approved by the
2079 department under the rules of the State Board of Education. If a
2080 district school board employs a consultant in the preparation of
2081 a survey or survey amendment, the consultant may not be employed
2082 by or receive compensation from a third party that designs or
2083 constructs a project recommended by the survey.

2084 3. The construction project must appear on the district's
2085 approved project priority list under the rules of the State
2086 Board of Education.

2087 4. The district school board must have selected and had
2088 approved a site for the construction project in compliance with

581-01443-24

20247002__

2089 s. 1013.36 and the rules of the State Board of Education.

2090 5. The district school board shall have developed a
2091 district school board adopted list of facilities that do not
2092 exceed the norm for net square feet occupancy requirements under
2093 the State Requirements for Educational Facilities, using all
2094 possible programmatic combinations for multiple use of space to
2095 obtain maximum daily use of all spaces within the facility under
2096 consideration.

2097 ~~6. Upon construction, the total cost per student station,~~
2098 ~~including change orders, must not exceed the cost per student~~
2099 ~~station as provided in subsection (6) unless approved by the~~
2100 ~~Special Facility Construction Committee. At the discretion of~~
2101 ~~the committee, costs that exceed the cost per student station~~
2102 ~~for special facilities may include legal and administrative~~
2103 ~~fees, the cost of site improvements or related offsite~~
2104 ~~improvements, the cost of complying with public shelter and~~
2105 ~~hurricane hardening requirements, cost overruns created by a~~
2106 ~~disaster as defined in s. 252.34(2), costs of security~~
2107 ~~enhancements approved by the school safety specialist, and~~
2108 ~~unforeseeable circumstances beyond the district's control.~~

2109 ~~7.~~ There shall be an agreement signed by the district
2110 school board stating that it will advertise for bids within 30
2111 days of receipt of its encumbrance authorization from the
2112 department.

2113 ~~7.8.~~ For construction projects for which Special Facilities
2114 Construction Account funding is sought before the 2019-2020
2115 fiscal year, the district shall, at the time of the request and
2116 for a continuing period necessary to meet the district's
2117 participation requirement, levy the maximum millage against its

581-01443-24

20247002__

2118 nonexempt assessed property value as allowed in s. 1011.71(2) or
2119 shall raise an equivalent amount of revenue from the school
2120 capital outlay surtax authorized under s. 212.055(6). Beginning
2121 with construction projects for which Special Facilities
2122 Construction Account funding is sought in the 2019-2020 fiscal
2123 year, the district shall, for a minimum of 3 years before
2124 submitting the request and for a continuing period necessary to
2125 meet its participation requirement, levy the maximum millage
2126 against the district's nonexempt assessed property value as
2127 authorized under s. 1011.71(2) or shall raise an equivalent
2128 amount of revenue from the school capital outlay surtax
2129 authorized under s. 212.055(6). Any district with a new or
2130 active project, funded under the provisions of this subsection,
2131 shall be required to budget no more than the value of 1 mill per
2132 year to the project until the district's participation
2133 requirement relating to the local discretionary capital
2134 improvement millage or the equivalent amount of revenue from the
2135 school capital outlay surtax is satisfied.

2136 8.9. If a contract has not been signed 90 days after the
2137 advertising of bids, the funding for the specific project shall
2138 revert to the Special Facility New Construction Account to be
2139 reallocated to other projects on the list. However, an
2140 additional 90 days may be granted by the commissioner.

2141 9.10. The department shall certify the inability of the
2142 district to fund the ~~survey-recommended~~ project over a
2143 continuous 3-year period using projected capital outlay revenue
2144 derived from s. 9(d), Art. XII of the State Constitution, as
2145 amended, paragraph (3)(a) of this section, and s. 1011.71(2).

2146 10.11. The district shall have on file with the department

581-01443-24

20247002__

2147 an adopted resolution acknowledging its commitment to satisfy
2148 its participation requirement, which is equivalent to all
2149 unencumbered and future revenue acquired from s. 9(d), Art. XII
2150 of the State Constitution, as amended, paragraph (3)(a) of this
2151 section, and s. 1011.71(2), in the year of the initial
2152 appropriation and for the 2 years immediately following the
2153 initial appropriation.

2154 11.12. Phase I plans must be approved by the district
2155 school board as being in compliance with the building and life
2156 safety codes before June 1 of the year the application is made.

2157 (b) The Special Facility Construction Committee shall be
2158 composed of the following: two representatives of the Department
2159 of Education, a representative from the Governor's office, a
2160 representative selected annually by the district school boards,
2161 and a representative selected annually by the superintendents. A
2162 representative of the department shall chair the committee.

2163 (c) The committee shall review the requests submitted from
2164 the districts, evaluate the ability of the project to relieve
2165 critical needs, and rank the requests in priority order. This
2166 statewide priority list for special facilities construction
2167 shall be submitted to the Legislature in the commissioner's
2168 annual capital outlay legislative budget request at least 45
2169 days prior to the legislative session.

2170 (3)(a) Each district school board shall receive an amount
2171 from the Public Education Capital Outlay and Debt Service Trust
2172 Fund to be calculated by computing the capital outlay membership
2173 as determined by the department. Such membership must include,
2174 but is not limited to, prekindergarten through grade 12 students
2175 whose instruction is funded by the Florida Education Finance

581-01443-24

20247002__

2176 Program and for whom the school district provides the
2177 educational facility.

2178 (b) The capital outlay full-time equivalent membership
2179 shall be determined by counting the reported unweighted full-
2180 time equivalent student membership for the second and third
2181 surveys with each survey limited to 0.5 full-time equivalent
2182 student membership per student and comparing the results on a
2183 school-by-school basis with the Florida Inventory of School
2184 Houses.

2185 (c) The capital outlay full-time equivalent membership by
2186 grade level organization shall be used in making calculations.
2187 The capital outlay membership by grade level organization for
2188 the 4th prior year must be used to compute the base-year
2189 allocation. The capital outlay full-time equivalent membership
2190 by grade-level organization for the prior year must be used to
2191 compute the growth over the highest of the 3 years preceding the
2192 prior year. From the total amount appropriated by the
2193 Legislature pursuant to this subsection, 40 percent shall be
2194 allocated among the base capital outlay full-time equivalent
2195 membership and 60 percent among the growth capital outlay full-
2196 time equivalent membership. The allocation within each of these
2197 groups shall be prorated to the districts based upon each
2198 district's percentage of base and growth capital outlay full-
2199 time equivalent membership. The most recent 4-year capital
2200 outlay full-time equivalent membership data shall be used in
2201 each subsequent year's calculation for the allocation of funds
2202 pursuant to this subsection. If a change, correction, or
2203 recomputation of data during any year results in a reduction or
2204 increase of the calculated amount previously allocated to a

581-01443-24

20247002__

2205 district, the allocation to that district shall be adjusted
2206 accordingly. If such recomputation results in an increase or
2207 decrease of the calculated amount, such additional or reduced
2208 amounts shall be added to or reduced from the district's future
2209 appropriations. However, no change, correction, or recomputation
2210 of data shall be made subsequent to 2 years following the
2211 initial annual allocation.

2212 (d) Funds accruing to a district school board from the
2213 provisions of this section shall be expended on needed projects
2214 as shown ~~by survey or surveys~~ under the rules of the State Board
2215 of Education.

2216 (e) A district school board may lease relocatable
2217 educational facilities for up to 3 years using nonbonded PECO
2218 funds and for any time period using local capital outlay
2219 millage.

2220 (f) Funds distributed to the district school boards shall
2221 be allocated solely based on the provisions of paragraphs (1)(a)
2222 and (2)(a) and paragraphs (a)-(c) of this subsection. No
2223 individual school district projects shall be funded off the top
2224 of funds allocated to district school boards.

2225 (4)(a) Florida College System institution boards of
2226 trustees and university boards of trustees shall receive funds
2227 for projects based on a 3-year priority list, to be updated
2228 annually, which is submitted to the Legislature in the
2229 legislative budget request at least 90 days prior to the
2230 legislative session. The State Board of Education shall submit a
2231 3-year priority list for Florida College System institutions,
2232 and the Board of Governors shall submit a 3-year priority list
2233 for universities. The lists shall reflect decisions by the State

581-01443-24

20247002__

2234 Board of Education for Florida College System institutions and
2235 the Board of Governors for state universities concerning program
2236 priorities that implement the statewide plan for program growth
2237 and quality improvement in education. No remodeling or
2238 renovation project shall be included on the 3-year priority list
2239 unless the project has been recommended pursuant to s. 1013.31
2240 or is for the purpose of correcting health and safety
2241 deficiencies. No new construction project shall be included on
2242 the first year of the 3-year priority list unless the
2243 educational specifications have been approved by the
2244 commissioner for a Florida College System institution project or
2245 by the Board of Governors for a university project, as
2246 applicable. The funds requested for a new construction project
2247 in the first year of the 3-year priority list shall be in
2248 conformance with the scope of the project as defined in the
2249 educational specifications. Any new construction project
2250 requested in the first year of the 3-year priority list which is
2251 not funded by the Legislature shall be carried forward to be
2252 listed first in developing the updated 3-year priority list for
2253 the subsequent year's capital outlay budget. Should the order of
2254 the priority of the projects change from year to year, a
2255 justification for such change shall be included with the updated
2256 priority list.

2257 (b) Florida College System institution boards of trustees
2258 and university boards of trustees may lease relocatable
2259 educational facilities for up to 3 years using nonbonded PECO
2260 funds.

2261 (c) Florida College System institution boards of trustees
2262 and university boards of trustees shall receive funds for

581-01443-24

20247002__

2263 remodeling, renovation, maintenance and repairs, and site
2264 improvement for existing satisfactory facilities pursuant to
2265 subsection (1).

2266 (5) District school boards shall identify each fund source
2267 and the use of each proportionate to the project cost, as
2268 identified in the bid document, to assure compliance with this
2269 section. The data shall be submitted to the department, which
2270 shall track this information as submitted by the boards. PECO
2271 funds shall not be expended as indicated in the following:

2272 (a) District school boards shall provide landscaping by
2273 local funding sources or initiatives. District school boards are
2274 exempt from local landscape ordinances but may comply with the
2275 local requirements if such compliance is less costly than
2276 compliance with the landscape requirements of the Florida
2277 Building Code for public educational facilities.

2278 (b) PECO funds shall not be used for the construction of
2279 football fields, bleachers, site lighting for athletic
2280 facilities, tennis courts, stadiums, racquetball courts, or any
2281 other competition-type facilities not required for physical
2282 education curriculum. Regional or intradistrict football
2283 stadiums may be constructed with these funds provided a minimum
2284 of two high schools and two middle schools are assigned to the
2285 facility ~~and the stadiums are survey recommended~~. Sophisticated
2286 auditoria shall be limited to magnet performing arts schools,
2287 with all other schools using basic lighting and sound systems as
2288 determined by rule. Local funds shall be used for enhancement of
2289 athletic and performing arts facilities.

2290 (6) (a) Each district school board must meet all educational
2291 plant space needs of its elementary, middle, and high schools

581-01443-24

20247002__

2292 before spending funds from the Public Education Capital Outlay
2293 and Debt Service Trust Fund or the School District and Community
2294 College District Capital Outlay and Debt Service Trust Fund for
2295 any ancillary plant or any other new construction, renovation,
2296 or remodeling of ancillary space. Expenditures to meet such
2297 space needs may include expenditures for site acquisition; new
2298 construction of educational plants; renovation, remodeling, and
2299 maintenance and repair of existing educational plants, including
2300 auxiliary facilities; and the directly related costs of such
2301 services of school district personnel. It is not the intent of
2302 the Legislature to preclude the use of capital outlay funding
2303 for the labor costs necessary to accomplish the authorized uses
2304 for the capital outlay funding. Day-labor contracts or any other
2305 educational facilities contracting and construction techniques
2306 pursuant to s. 1013.45 are authorized. Additionally, if a school
2307 district has salaried maintenance staff whose duties consist
2308 solely of performing the labor necessary to accomplish the
2309 authorized uses for the capital outlay funding, such funding may
2310 be used for those salaries; however, if a school district has
2311 salaried staff whose duties consist partially of performing the
2312 labor necessary to accomplish the authorized uses for the
2313 capital outlay funding, the district shall prorate the portion
2314 of salary of each such employee that is based on labor for
2315 authorized capital outlay funding, and such funding may be used
2316 to pay that portion.

2317 (b)1. ~~A district school board may not use funds from the~~
2318 ~~following sources: Public Education Capital Outlay and Debt~~
2319 ~~Service Trust Fund; School District and Community College~~
2320 ~~District Capital Outlay and Debt Service Trust Fund; Classrooms~~

581-01443-24

20247002__

2321 ~~First Program funds provided in s. 1013.68; nonvoted 1.5 mill~~
 2322 ~~levy of ad valorem property taxes provided in s. 1011.71(2);~~
 2323 ~~Classrooms for Kids Program funds provided in s. 1013.735;~~
 2324 ~~District Effort Recognition Program funds provided in s.~~
 2325 ~~1013.736; or High Growth District Capital Outlay Assistance~~
 2326 ~~Grant Program funds provided in s. 1013.738 to pay for any~~
 2327 ~~portion of the cost of any new construction of educational plant~~
 2328 ~~space with a total cost per student station, including change~~
 2329 ~~orders, which exceeds:~~

- 2330 ~~a. \$17,952 for an elementary school;~~
 2331 ~~b. \$19,386 for a middle school; or~~
 2332 ~~c. \$25,181 for a high school,~~

2333
 2334 ~~(January 2006) as adjusted annually to reflect increases or~~
 2335 ~~decreases in the Consumer Price Index. The department, in~~
 2336 ~~conjunction with the Office of Economic and Demographic~~
 2337 ~~Research, shall estimate review and adjust the cost per student~~
 2338 ~~station limits to reflect actual construction costs by January~~
 2339 ~~1, 2020, and annually thereafter. The adjusted cost per student~~
 2340 ~~station shall be used by the department for computation of the~~
 2341 ~~statewide average costs per student station for each~~
 2342 ~~instructional level pursuant to paragraph (d). The department~~
 2343 ~~may shall also collaborate with the Office of Economic and~~
 2344 ~~Demographic Research to select an industry-recognized~~
 2345 ~~construction index to reflect annual changes in the cost per~~
 2346 ~~student station replace the Consumer Price Index by January 1,~~
 2347 ~~2020, adjusted annually to reflect changes in the construction~~
 2348 ~~index.~~

2349 2. District school boards ~~School districts~~ shall maintain

581-01443-24

20247002__

2350 accurate documentation related to the costs of all new
2351 construction of educational plant space reported to the
2352 Department of Education pursuant to paragraph (c) ~~(d)~~. The
2353 ~~Auditor General shall review the documentation maintained by the~~
2354 ~~school districts and verify compliance with the limits under~~
2355 ~~this paragraph during its scheduled operational audits of the~~
2356 ~~school district.~~

2357 ~~3. Except for educational facilities and sites subject to a~~
2358 ~~lease purchase agreement entered pursuant to s. 1011.71(2)(e) or~~
2359 ~~funded solely through local impact fees, in addition to the~~
2360 ~~funding sources listed in subparagraph 1., a district school~~
2361 ~~board may not use funds from any sources for new construction of~~
2362 ~~educational plant space with a total cost per student station,~~
2363 ~~including change orders, which equals more than the current~~
2364 ~~adjusted amounts provided in sub-subparagraphs 1.a.-c. However,~~
2365 ~~if a contract has been executed for architectural and design~~
2366 ~~services or for construction management services before July 1,~~
2367 ~~2017, a district school board may use funds from any source for~~
2368 ~~the new construction of educational plant space and such funds~~
2369 ~~are exempt from the total cost per student station requirements.~~

2370 ~~4. A district school board must not use funds from the~~
2371 ~~Public Education Capital Outlay and Debt Service Trust Fund or~~
2372 ~~the School District and Community College District Capital~~
2373 ~~Outlay and Debt Service Trust Fund for any new construction of~~
2374 ~~an ancillary plant that exceeds 70 percent of the average cost~~
2375 ~~per square foot of new construction for all schools.~~

2376 ~~(c) Except as otherwise provided, new construction for~~
2377 ~~which a contract has been executed for architectural and design~~
2378 ~~services or for construction management services by a district~~

581-01443-24

20247002__

2379 ~~school board on or after July 1, 2017, may not exceed the cost~~
2380 ~~per student station as provided in paragraph (b).~~

2381 ~~(d)~~ The department shall:

2382 1. Compute for each calendar year the statewide average
2383 construction costs for facilities serving each instructional
2384 level, for relocatable educational facilities, for
2385 administrative facilities, and for other ancillary and auxiliary
2386 facilities. The department shall compute the statewide average
2387 costs per student station for each instructional level.

2388 2. Annually review the actual completed construction costs
2389 of educational facilities in each school district. ~~For any~~
2390 ~~school district in which the total actual cost per student~~
2391 ~~station, including change orders, exceeds the statewide limits~~
2392 ~~established in paragraph (b), the school district shall report~~
2393 ~~to the department the actual cost per student station and the~~
2394 ~~reason for the school district's inability to adhere to the~~
2395 ~~limits established in paragraph (b). The department shall~~
2396 ~~collect all such reports and shall provide these reports to the~~
2397 ~~Auditor General for verification purposes.~~

2398
2399 ~~Cost per student station includes contract costs, fees of~~
2400 ~~architects and engineers, and the cost of furniture and~~
2401 ~~equipment. Cost per student station does not include the cost of~~
2402 ~~purchasing or leasing the site for the construction, legal and~~
2403 ~~administrative costs, or the cost of related site or offsite~~
2404 ~~improvements. Cost per student station also does not include the~~
2405 ~~cost for securing entries, checkpoint construction, lighting~~
2406 ~~specifically designed for entry point security, security~~
2407 ~~cameras, automatic locks and locking devices, electronic~~

581-01443-24

20247002__

2408 ~~security systems, fencing designed to prevent intruder entry~~
2409 ~~into a building, bullet-proof glass, or other capital~~
2410 ~~construction items approved by the school safety specialist to~~
2411 ~~ensure building security for new educational, auxiliary, or~~
2412 ~~ancillary facilities.~~

2413 ~~(e) Notwithstanding the requirements of this subsection, an~~
2414 ~~unfinished construction project for new construction of~~
2415 ~~educational plant space that was started on or before July 1,~~
2416 ~~2026, is exempt from the total cost per student station~~
2417 ~~requirements established in paragraph (b).~~

2418 Section 44. Subsections (5) and (6) of section 1013.68,
2419 Florida Statutes, are amended to read:

2420 1013.68 Classrooms First Program; uses.—

2421 (5) A school district may only receive a distribution for
2422 use pursuant to paragraph (2) (a) if the district school board
2423 certifies to the Commissioner of Education that the district has
2424 no immediate unmet need for permanent classroom facilities in
2425 its facilities ~~5-year capital outlay work~~ plan. If the ~~work~~ plan
2426 contains such unmet needs, the district must use its
2427 distribution for the payment of bonds pursuant to paragraph
2428 (2) (b). If the district does not require its full bonded
2429 distribution to eliminate such unmet need, it may bond only that
2430 portion of its allocation necessary to meet the needs.

2431 (6) School districts may enter into interlocal agreements
2432 to lend their Classrooms First Program funds as provided in
2433 paragraph (2) (c). A school district or multiple school districts
2434 that receive cash proceeds may, after considering their own new
2435 construction needs ~~outlined in their 5-year district facilities~~
2436 ~~work program~~, lend their Classrooms First Program funds to

581-01443-24

20247002__

2437 another school district that has need for new facilities. The
2438 interlocal agreement must be approved by the Commissioner of
2439 Education and must outline the amount of the funds to be lent,
2440 the term of the loan, the repayment schedule, and any interest
2441 amount to be repaid in addition to the principal amount of the
2442 loan.

2443 Section 45. Paragraph (e) of subsection (6) of section
2444 163.3180, Florida Statutes, is amended to read:

2445 163.3180 Concurrency.—

2446 (6)

2447 (e) A school district that includes relocatable facilities
2448 in its inventory of student stations shall include the capacity
2449 of such relocatable facilities ~~as provided in s.~~

2450 ~~1013.35(2)(b)2.f.~~, provided the relocatable facilities were
2451 purchased after 1998 and the relocatable facilities meet the
2452 standards for long-term use pursuant to s. 1013.20.

2453 Section 46. Subsection (5) of section 1002.31, Florida
2454 Statutes, is amended to read:

2455 1002.31 Controlled open enrollment; public school parental
2456 choice.—

2457 (5) For a school or program that is a public school of
2458 choice under this section, the calculation for compliance with
2459 maximum class size pursuant to s. 1003.03(1) ~~s. 1003.03(4)~~ is
2460 the average number of students at the school level.

2461 Section 47. Paragraph (i) of subsection (2) of section
2462 1003.621, Florida Statutes, is amended to read:

2463 1003.621 Academically high-performing school districts.—It
2464 is the intent of the Legislature to recognize and reward school
2465 districts that demonstrate the ability to consistently maintain

581-01443-24

20247002__

2466 or improve their high-performing status. The purpose of this
2467 section is to provide high-performing school districts with
2468 flexibility in meeting the specific requirements in statute and
2469 rules of the State Board of Education.

2470 (2) COMPLIANCE WITH STATUTES AND RULES.—Each academically
2471 high-performing school district shall comply with all of the
2472 provisions in chapters 1000-1013, and rules of the State Board
2473 of Education which implement these provisions, pertaining to the
2474 following:

2475 (i) Those statutes pertaining to educational facilities,
2476 including chapter 1013, except that s. 1013.20, relating to
2477 covered walkways for portables, and ~~s. 1013.21, relating to the~~
2478 ~~use of relocatable facilities that exceed 20 years of age,~~ are
2479 eligible for exemption.

2480 Section 48. Paragraph (e) of subsection (2) of section
2481 1003.631, Florida Statutes, is amended to read:

2482 1003.631 Schools of Excellence.—The Schools of Excellence
2483 Program is established to provide administrative flexibility to
2484 the state's top schools so that the instructional personnel and
2485 administrative staff at such schools can continue to serve their
2486 communities and increase student learning to the best of their
2487 professional ability.

2488 (2) ADMINISTRATIVE FLEXIBILITIES.—A School of Excellence
2489 must be provided the following administrative flexibilities:

2490 (e) Calculation for compliance with maximum class size
2491 pursuant to s. 1003.03(1) ~~s. 1003.03(4)~~ based on the average
2492 number of students at the school level.

2493 Section 49. Paragraph (b) of subsection (3) of section
2494 1011.6202, Florida Statutes, is amended to read:

581-01443-24

20247002__

2495 1011.6202 Principal Autonomy Program Initiative.—The
2496 Principal Autonomy Program Initiative is created within the
2497 Department of Education. The purpose of the program is to
2498 provide a highly effective principal of a participating school
2499 with increased autonomy and authority to operate his or her
2500 school, as well as other schools, in a way that produces
2501 significant improvements in student achievement and school
2502 management while complying with constitutional requirements. The
2503 State Board of Education may, upon approval of a principal
2504 autonomy proposal, enter into a performance contract with the
2505 district school board for participation in the program.

2506 (3) EXEMPTION FROM LAWS.—

2507 (b) A participating school or a school operated by a
2508 principal pursuant to subsection (5) shall comply with the
2509 provisions of chapters 1000-1013, and rules of the state board
2510 that implement those provisions, pertaining to the following:

2511 1. Those laws relating to the election and compensation of
2512 district school board members, the election or appointment and
2513 compensation of district school superintendents, public meetings
2514 and public records requirements, financial disclosure, and
2515 conflicts of interest.

2516 2. Those laws relating to the student assessment program
2517 and school grading system, including chapter 1008.

2518 3. Those laws relating to the provision of services to
2519 students with disabilities.

2520 4. Those laws relating to civil rights, including s.
2521 1000.05, relating to discrimination.

2522 5. Those laws relating to student health, safety, and
2523 welfare.

581-01443-24

20247002__

2524 6. Section 1001.42(4)(f), relating to the uniform opening
2525 date for public schools.

2526 7. Section 1003.03, governing maximum class size, except
2527 that the calculation for compliance pursuant to s. 1003.03 is
2528 the average at the school level for a participating school.

2529 8. Sections 1012.22(1)(c) and 1012.27(2), relating to
2530 compensation and salary schedules.

2531 9. Section 1012.33(5), relating to workforce reductions for
2532 annual contracts for instructional personnel. This subparagraph
2533 does not apply to at-will employees.

2534 10. Section 1012.335, relating to annual contracts for
2535 instructional personnel hired on or after July 1, 2011. This
2536 subparagraph does not apply to at-will employees.

2537 11. Section 1012.34, relating to personnel evaluation
2538 procedures and criteria.

2539 12. Those laws pertaining to educational facilities,
2540 including chapter 1013, except that s. 1013.20, relating to
2541 covered walkways for relocatables, and ~~s. 1013.21, relating to~~
2542 ~~the use of relocatable facilities exceeding 20 years of age,~~ are
2543 eligible for exemption.

2544 13. Those laws pertaining to participating school
2545 districts, including this section and ss. 1011.69(2) and
2546 1012.28(8).

2547 Section 50. Subsection (2) of section 1011.73, Florida
2548 Statutes, is amended to read:

2549 1011.73 District millage elections.—

2550 (2) MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.—The district
2551 school board, pursuant to resolution adopted at a regular
2552 meeting, shall direct the county commissioners to call an

581-01443-24

20247002__

2553 election at which the electors within the school district may
2554 approve an ad valorem tax millage as authorized under s.
2555 1011.71(8) ~~s. 1011.71(9)~~. Such election may be held at any time,
2556 except that not more than one such election shall be held during
2557 any 12-month period. Any millage so authorized shall be levied
2558 for a period not in excess of 4 years or until changed by
2559 another millage election, whichever is earlier. If any such
2560 election is invalidated by a court of competent jurisdiction,
2561 such invalidated election shall be considered not to have been
2562 held.

2563 Section 51. Paragraph (b) of subsection (2) of section
2564 1012.555, Florida Statutes, is amended to read:

2565 1012.555 Teacher Apprenticeship Program.—

2566 (2)

2567 (b) As a condition of participating in the program, an
2568 apprentice teacher must commit to spending the first 2 years in
2569 the classroom of a mentor teacher using team teaching strategies
2570 identified in s. 1003.03(4)(b) ~~s. 1003.03(5)(b)~~ and fulfilling
2571 the on-the-job training component of the registered
2572 apprenticeship and its associated standards.

2573 Section 52. Paragraph (a) of subsection (3) of section
2574 1013.62, Florida Statutes, is amended to read:

2575 1013.62 Charter schools capital outlay funding.—

2576 (3) If the school board levies the discretionary millage
2577 authorized in s. 1011.71(2), the department shall use the
2578 following calculation methodology to determine the amount of
2579 revenue that a school district must distribute to each eligible
2580 charter school:

2581 (a) Reduce the total discretionary millage revenue by the

581-01443-24

20247002__

2582 school district's annual debt service obligation incurred as of
2583 March 1, 2017, which has not been subsequently retired, and any
2584 amount of participation requirement pursuant to s.
2585 1013.64(2)(a)7. ~~s. 1013.64(2)(a)8.~~ that is being satisfied by
2586 revenues raised by the discretionary millage.

2587
2588 By October 1 of each year, each school district shall certify to
2589 the department the amount of debt service and participation
2590 requirement that complies with the requirement of paragraph (a)
2591 and can be reduced from the total discretionary millage revenue.
2592 The Auditor General shall verify compliance with the
2593 requirements of paragraph (a) and s. 1011.71(2)(e) during
2594 scheduled operational audits of school districts.

2595 Section 53. This act shall take effect July 1, 2024.