

By the Committees on Fiscal Policy; and Education Pre-K -12

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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, or perform other specified duties as may  
19      be required in the county emergency management plan;  
20      amending s. 316.173, F.S.; revising requirements for  
21      signage that must be posted on certain school buses;  
22      authorizing certain civil penalties to be used by a  
23      district school board to recruit and retain specified  
24      school bus drivers; amending s. 1001.02, F.S.;  
25      revising a duty of the State Board of Education to  
26      adopt certain rules; amending s. 1001.23, F.S.;  
27      requiring the Department of Education to annually  
28      inform district school superintendents that they may  
29      petition to receive a specified declaratory statement;

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30 requiring the department to annually provide school  
31 districts with a list of statutory and rule  
32 requirements; providing requirements for such list;  
33 amending s. 1001.372, F.S.; authorizing public notices  
34 for district school board meetings to be posted on a  
35 publicly accessible website or the official district  
36 school board website; amending s. 1001.42, F.S.;  
37 deleting requirements for financial procedures that  
38 must be followed by district school boards to ensure  
39 adequate educational facilities for students; amending  
40 s. 1001.49, F.S.; revising the general powers of  
41 district school superintendents to include  
42 establishing a process for the review and approval of  
43 certain policies and procedures through the delegated  
44 authority of district school boards; amending s.  
45 1002.20, F.S.; revising a requirement relating to how  
46 a parent is informed of placement of a student in a  
47 specified program; revising a requirement relating to  
48 how a parent is informed of a student's suspension;  
49 deleting a requirement that the school financial  
50 report be in the student handbook; requiring the  
51 department to produce specified reports relating to  
52 school accountability and make such reports available  
53 on the department's website; requiring each school  
54 district to provide a link to such reports; deleting a  
55 requirement that an economic security report of  
56 employment and earning outcomes be provided to  
57 students; amending s. 1002.33, F.S.; deleting a  
58 requirement for an unused district school board

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59 facility or property to be provided for a charter  
60 school's use; revising a requirement for school  
61 districts to provide certain information relating to  
62 vacant classrooms to the department; amending s.  
63 1002.333, F.S.; revising a provision authorizing  
64 school districts to make certain unused facilities  
65 available to hope operators; amending s. 1003.03,  
66 F.S.; deleting a requirement for district school  
67 boards to provide an accountability plan to the  
68 Commissioner of Education under certain conditions;  
69 amending s. 1003.53, F.S.; revising how district  
70 school boards may provide notice to parents relating  
71 to a dropout prevention and academic intervention  
72 program; repealing s. 1006.025, F.S., relating to  
73 guidance services; amending s. 1006.09, F.S.; revising  
74 how a school principal or the principal's designee may  
75 provide notice to inform a parent of a student's  
76 suspension; amending s. 1006.1494, F.S.; providing  
77 that provisions relating to student online personal  
78 information protection do not require a K-12 school,  
79 school district, or school board to include any  
80 provisions in an operator or vendor contract; amending  
81 s. 1010.02, F.S.; providing that school districts are  
82 subject to varying reporting frequencies based on  
83 financial status; requiring the State Board of  
84 Education to adopt rules; amending s. 1010.11, F.S.;  
85 providing that school districts are exempt from  
86 certain requirements relating to electronic transfer  
87 of funds; amending s. 1010.20, F.S.; requiring charter

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88 schools to respond to monitoring questions from the  
89 department; amending s. 1011.03, F.S.; requiring  
90 district school boards to publish their tentative  
91 budgets on a publicly accessible website if not  
92 published on the district's official website; deleting  
93 a requirement for district school boards to publish  
94 their tentative budgets in a newspaper or at a  
95 courthouse under certain circumstances; amending s.  
96 1011.035, F.S.; revising requirements relating to a  
97 district school board publishing its tentative budget  
98 online; amending s. 1011.14, F.S.; revising the types  
99 of facilities on which district school boards may  
100 incur certain financial obligations; amending s.  
101 1011.60, F.S.; revising circumstances under which the  
102 State Board of Education may alter the requirement for  
103 the minimum term schools must be open; amending s.  
104 1011.68, F.S.; deleting a prohibition on use of funds  
105 by school districts to purchase certain transportation  
106 equipment and supplies; amending s. 1011.69, F.S.;  
107 deleting a requirement relating to Title I fund  
108 allocations to schools; providing a new category of  
109 funding school districts are authorized to withhold;  
110 revising a category of funding a school district is  
111 authorized to withhold; requiring the department to  
112 make certain funds available to local education  
113 agencies; amending s. 1011.71, F.S.; revising the  
114 types of facilities and expenditures for which  
115 district school boards may use millage levies to fund;  
116 amending s. 1013.15, F.S.; conforming provisions to

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

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146 school district's survey must be submitted as part of  
147 the district educational facilities plan; deleting a  
148 requirement for the department to perform an analysis  
149 of such surveys; revising requirements for a  
150 facilities needs survey submitted by a district school  
151 board; requiring that the release of funds for a PECO  
152 project be subject to certain authorizations; amending  
153 s. 1013.35, F.S.; deleting definitions; revising  
154 requirements for the contents of a district school  
155 board tentative district educational facilities plan;  
156 deleting a requirement for district school boards to  
157 coordinate with local governments to ensure  
158 consistency between school district and local  
159 government plans; authorizing, rather than requiring,  
160 local governments to review tentative district  
161 educational facilities plans; making conforming  
162 changes; amending s. 1013.356, F.S.; revising  
163 requirements for lease terms for certain construction  
164 projects; deleting a requirement relating to certain  
165 construction costs; amending s. 1013.385, F.S.;  
166 deleting requirements for a resolution relating to  
167 educational facilities construction which may be  
168 adopted by district school boards; providing that  
169 exceptions to requirements for public shelter design  
170 criteria remain subject to certain emergency  
171 management provisions; providing that a school board  
172 may not be required to build more emergency-shelter  
173 space than identified as needed; amending s. 1013.41,  
174 F.S.; revising requirements for an educational

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175 facilities plan; revising the duties of the Office of  
176 Educational Facilities; amending s. 1013.45, F.S.;  
177 exempting district school boards from certain contract  
178 limitations; specifying that a requirement for the  
179 services of a registered architect apply to Florida  
180 College System institution and state university boards  
181 of trustees; deleting a requirement for district  
182 school boards to reuse existing construction  
183 documents; amending s. 1013.48, F.S.; deleting a  
184 requirement for a school district to monitor and  
185 report change orders on a district educational  
186 facilities plan; amending s. 1013.64, F.S.; providing  
187 that remodeling projects for district school boards  
188 must be based on specified determinations; providing  
189 that a requirement for how certain funds must be spent  
190 only applies to Florida College System institution and  
191 state university boards; revising requirements for the  
192 use of funds from the Special Facility Construction  
193 Account; deleting prohibitions on the use of specified  
194 funds that meet certain thresholds; requiring the  
195 department to estimate, rather than review and adjust,  
196 the cost per student station to reflect actual  
197 construction costs; deleting a requirement for the  
198 Auditor General to review certain documentation;  
199 deleting requirements relating to district school  
200 board use of funds for construction projects; amending  
201 s. 1013.68, F.S.; revising requirements for a school  
202 district to receive a specified distribution of funds;  
203 amending ss. 163.3180, 1002.31, 1003.621, 1003.631,

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204 1011.6202, 1011.73, 1012.555, and 1013.62, F.S.;

205 conforming cross-references and provisions to changes

206 made by the act; providing an effective date.

207

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

209

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

211 section 120.81, Florida Statutes, to read:

212 120.81 Exceptions and special requirements; general areas.-

213 (1) EDUCATIONAL UNITS.-

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

215 requirements for rules in this chapter when exercising their

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

217 policy with public input at a public meeting.

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

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

220 amended to read:

221 163.31777 Public schools interlocal agreement.-

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

223 following issues:

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

225 government regarding the effect of comprehensive plan amendments

226 on school capacity. The capacity reporting must be consistent

227 with laws and rules relating to measurement of school facility

228 capacity and must also identify how the district school board

229 will meet the public school demand based on the facilities plan

230 ~~work program~~ adopted pursuant to s. 1013.35.

231 (f) Participation of the local governments in the

232 preparation of the annual update to the district school board's



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233 ~~5-year district facilities plan work program and educational~~  
234 ~~plant survey~~ prepared pursuant to s. 1013.35.

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

246 Section 3. Paragraph (f) of subsection (2) of section  
247 200.065, Florida Statutes, is amended to read:

248 200.065 Method of fixing millage.—

249 (2) No millage shall be levied until a resolution or  
250 ordinance has been approved by the governing board of the taxing  
251 authority which resolution or ordinance must be approved by the  
252 taxing authority according to the following procedure:

253 (f)1. Notwithstanding any provisions of paragraph (c) to  
254 the contrary, each school district shall advertise its intent to  
255 adopt a tentative budget on a publicly accessible website  
256 pursuant to s. 50.0311 or in a newspaper of general circulation  
257 pursuant to subsection (3) within 29 days of certification of  
258 value pursuant to subsection (1). For the purpose of this  
259 paragraph, the term "publicly accessible website" includes a  
260 district school board's official website if the school board  
261 website satisfies the remaining requirements of s. 50.0311. Not

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

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

282 3. Notwithstanding any provisions of paragraph (d) to the  
283 contrary, each school district shall hold a public hearing to  
284 finalize the budget and adopt a millage rate within 80 days of  
285 certification of value pursuant to subsection (1), but not  
286 earlier than 65 days after certification. The hearing shall be  
287 held in accordance with the applicable provisions of paragraph  
288 (d), except that a newspaper advertisement need not precede the  
289 hearing.

290 Section 4. Paragraph (d) of subsection (1) of section

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291 252.38, Florida Statutes, is amended to read:

292 252.38 Emergency management powers of political  
293 subdivisions.—Safeguarding the life and property of its citizens  
294 is an innate responsibility of the governing body of each  
295 political subdivision of the state.

296 (1) COUNTIES.—

297 (d) During a declared state or local emergency and upon the  
298 request of the director of a local emergency management agency,  
299 the district school board or school boards in the affected area  
300 shall participate in emergency management by providing  
301 facilities and necessary personnel to access ~~staff~~ such  
302 facilities or perform other duties related to the facilities as  
303 may be required pursuant to the county emergency management plan  
304 and program. Each school board providing transportation  
305 assistance in an emergency evacuation shall coordinate the use  
306 of its vehicles and personnel with the local emergency  
307 management agency.

308 Section 5. Paragraph (a) of subsection (2) and subsection  
309 (7) of section 316.173, Florida Statutes, are amended to read:

310 316.173 School bus infraction detection systems.—

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

318 1. The words "STOP WHEN RED LIGHTS FLASH" or "DO NOT PASS  
319 WHEN RED LIGHTS FLASH."

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320 2. The words "CAMERA ENFORCED."

321 3. A graphic depiction of a camera.

322 (7) The civil penalties assessed and collected for a  
323 violation of s. 316.172(1)(a) or (b) enforced by a school bus  
324 infraction detection system must be remitted to the school  
325 district in which the violation occurred. Such civil penalties  
326 must be used for the installation or maintenance of school bus  
327 infraction detection systems on school buses, for any other  
328 technology that increases the safety of the transportation of  
329 students, ~~or~~ for the administration and costs associated with  
330 the enforcement of violations as described in this section, or  
331 to provide financial awards to recruit or retain school bus  
332 drivers in the school district in which the civil penalties are  
333 assessed and collected.

334 Section 6. Paragraph (n) of subsection (2) of section  
335 1001.02, Florida Statutes, is amended to read:

336 1001.02 General powers of State Board of Education.—

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

338 (n) To adopt cohesive rules pursuant to ss. 120.536(1) and  
339 120.54, within statutory authority as specifically provided by  
340 law.

341 Section 7. Subsections (5) and (6) are added to section  
342 1001.23, Florida Statutes, to read:

343 1001.23 Specific powers and duties of the Department of  
344 Education.—In addition to all other duties assigned to it by law  
345 or by rule of the State Board of Education, the department  
346 shall:

347 (5) Annually by August 1, inform district school  
348 superintendents that pursuant to s. 120.565, the superintendents

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349 may receive a declaratory statement, within 90 days of  
350 submitting a petition to receive such statement, regarding the  
351 department's opinion as to the applicability to a school  
352 district of a statutory or rule provision as it applies to the  
353 district's particular set of circumstances.

354 (6) Annually maintain and make available to school  
355 districts a list of all requirements in statute and rule  
356 relating to required actions by district school boards or  
357 superintendents. The list must include, but is not limited to,  
358 required parent notifications; information that must be posted  
359 to the district website; and reporting, filing, and  
360 certification requirements.

361 Section 8. Paragraph (c) of subsection (2) of section  
362 1001.372, Florida Statutes, is amended to read:

363 1001.372 District school board meetings.—

364 (2) PLACE OF MEETINGS.—

365 (c) For purpose of this section, due public notice shall  
366 consist of, at least 2 days prior to the meeting: continuous  
367 publication on a publicly accessible website as provided in s.  
368 50.0311 or the official district school board website; by  
369 publication in a newspaper of general circulation in the county  
370 or in each county where there is no newspaper of general  
371 circulation in the county an announcement over at least one  
372 radio station whose signal is generally received in the county,  
373 a reasonable number of times daily during the 48 hours  
374 immediately preceding the date of such meeting;~~7~~ or by posting a  
375 notice at the courthouse door if no newspaper is published in  
376 the county, ~~at least 2 days prior to the meeting.~~

377 Section 9. Paragraph (1) of subsection (12) of section

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378 1001.42, Florida Statutes, is amended to read:

379 1001.42 Powers and duties of district school board.—The  
380 district school board, acting as a board, shall exercise all  
381 powers and perform all duties listed below:

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

385 ~~(1) Internal auditor. May or, in the case of a school~~  
386 ~~district receiving annual federal, state, and local funds in~~  
387 ~~excess of \$500 million, shall employ an internal auditor. The~~  
388 ~~scope of the internal auditor shall not be restricted and shall~~  
389 ~~include every functional and program area of the school system.~~

390 ~~1. The internal auditor shall perform ongoing financial~~  
391 ~~verification of the financial records of the school district, a~~  
392 ~~comprehensive risk assessment of all areas of the school system~~  
393 ~~every 5 years, and other audits and reviews as the district~~  
394 ~~school board directs for determining:~~

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

397 ~~b. Compliance with applicable laws, rules, contracts, grant~~  
398 ~~agreements, district school board approved policies, and best~~  
399 ~~practices.~~

400 ~~e. The efficiency of operations.~~

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

402 ~~e. The safeguarding of assets.~~

403 ~~f. Financial solvency.~~

404 ~~g. Projected revenues and expenditures.~~

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

406 ~~2. The internal auditor shall prepare audit reports of his~~

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407 ~~or her findings and report directly to the district school board~~  
408 ~~or its designee.~~

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

414 Section 10. Subsection (3) of section 1001.49, Florida  
415 Statutes, is amended to read:

416 1001.49 General powers of district school superintendent.—  
417 The district school superintendent shall have the authority, and  
418 when necessary for the more efficient and adequate operation of  
419 the district school system, the district school superintendent  
420 shall exercise the following powers:

421 (3) APPROVE OPERATIONAL POLICIES THROUGH THE DELEGATED  
422 AUTHORITY OF THE DISTRICT SCHOOL BOARD.—Establish a process for  
423 the review and approval of districtwide policies and procedures,  
424 through the formal delegated authority of the district school  
425 board, RECOMMEND POLICIES.—Recommend to the district school  
426 ~~board for adoption such policies~~ pertaining to the district  
427 school system as the district school superintendent may consider  
428 necessary for its more efficient operation.

429 Section 11. Paragraph (e) of subsection (2), paragraph (a)  
430 of subsection (4), and subsections (16) and (24) of section  
431 1002.20, Florida Statutes, are amended to read:

432 1002.20 K-12 student and parent rights.—Parents of public  
433 school students must receive accurate and timely information  
434 regarding their child's academic progress and must be informed  
435 of ways they can help their child to succeed in school. K-12

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436 students and their parents are afforded numerous statutory  
437 rights including, but not limited to, the following:

438 (2) ATTENDANCE.—

439 (e) *Dropout prevention and academic intervention programs.*—

440 The parent of a public school student has the right to receive  
441 written notice by certified mail or other method agreed to by  
442 the parent prior to placement of the student in a dropout  
443 prevention and academic intervention program and shall be  
444 notified in writing and entitled to an administrative review of  
445 any action by school personnel relating to the student's  
446 placement, in accordance with the provisions of s. 1003.53(5).

447 (4) DISCIPLINE.—

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

450 1. A student may be suspended only as provided by rule of  
451 the district school board. A good faith effort must be made to  
452 immediately inform the parent by telephone of the student's  
453 suspension and the reason. Each suspension and the reason must  
454 be reported in writing within 24 hours to the parent by United  
455 States mail or other method agreed to by the parent. A good  
456 faith effort must be made to use parental assistance before  
457 suspension unless the situation requires immediate suspension.

458 2. A student with a disability may only be recommended for  
459 suspension or expulsion in accordance with State Board of  
460 Education rules.

461 (16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT RATING  
462 REPORTS; FISCAL TRANSPARENCY.—Parents of public school students  
463 have the right to an easy-to-read report card about the school's  
464 grade designation or, if applicable under s. 1008.341, the



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465 school's improvement rating, and the school's accountability  
466 report, including the school financial report as required under  
467 s. 1010.215. The school financial report must be provided to the  
468 parents and indicate the average amount of money expended per  
469 student in the school, ~~which must also be included in the~~  
470 ~~student handbook or a similar publication.~~ The department shall  
471 produce the reports under this subsection and make the reports  
472 for each school available on the department's website in a  
473 prominent location. Each public school district must provide a  
474 link on its website to these reports for parent access.

475 ~~(24) ECONOMIC SECURITY REPORT. Beginning in the 2014-2015~~  
476 ~~school year and annually thereafter, each middle school and high~~  
477 ~~school student or the student's parent prior to registration~~  
478 ~~shall be provided a two-page summary of the Department of~~  
479 ~~Economic Opportunity's economic security report of employment~~  
480 ~~and earning outcomes prepared pursuant to s. 445.07 and~~  
481 ~~electronic access to the report.~~

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

484 1002.33 Charter schools.—

485 (18) FACILITIES.—

486 (e) ~~If a district school board facility or property is~~  
487 ~~available because it is surplus, marked for disposal, or~~  
488 ~~otherwise unused, it shall be provided for a charter school's~~  
489 ~~use on the same basis as it is made available to other public~~  
490 ~~schools in the district. A charter school that receives surplus,~~  
491 ~~marked for disposal, or otherwise unused facilities or receiving~~  
492 ~~property from the sponsor may not sell or dispose of such~~  
493 ~~facilities or property without written permission of the~~

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494 sponsor. Similarly, for an existing public school converting to  
495 charter status, no rental or leasing fee for the existing  
496 facility or for the property normally inventoried to the  
497 conversion school may be charged by the district school board to  
498 the parents and teachers organizing the charter school. The  
499 charter school shall agree to reasonable maintenance provisions  
500 in order to maintain the facility in a manner similar to  
501 district school board standards. The Public Education Capital  
502 Outlay maintenance funds or any other maintenance funds  
503 generated by the facility operated as a conversion school shall  
504 remain with the conversion school.

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

512 Section 13. Paragraph (d) of subsection (7) of section  
513 1002.333, Florida Statutes, is amended to read:

514 1002.333 Persistently low-performing schools.—

515 (7) FACILITIES.—

516 (d) A school district may make available ~~No later than~~  
517 ~~January 1, the department shall annually provide to school~~  
518 ~~districts a list of all underused, vacant, or surplus facilities~~  
519 ~~owned or operated by the school district~~ to ~~as reported in the~~  
520 ~~Florida Inventory of School Houses. A school district may~~  
521 ~~provide evidence to the department that the list contains errors~~  
522 ~~or omissions within 30 days after receipt of the list. By each~~

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523 ~~April 1, the department shall update and publish a final list of~~  
524 ~~all underused, vacant, or surplus facilities owned or operated~~  
525 ~~by each school district, based upon updated information provided~~  
526 ~~by each school district.~~ a hope operator establishing a school  
527 of hope ~~may use an educational facility identified in this~~  
528 ~~paragraph~~ at no cost or at a mutually agreeable cost not to  
529 exceed \$600 per student. A hope operator using a facility  
530 pursuant to this paragraph may not sell or dispose of such  
531 facility without the written permission of the school district.  
532 For purposes of this paragraph, the term "underused, vacant, or  
533 surplus facility" means an entire facility or portion thereof  
534 which is not fully used or is used irregularly or intermittently  
535 by the school district for instructional or program use.

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

538 1003.03 Maximum class size.-

539 ~~(4) ACCOUNTABILITY. Each district that has not complied~~  
540 ~~with the requirements in subsection (1), based on the October~~  
541 ~~student membership survey, shall submit to the commissioner by~~  
542 ~~February 1 a plan certified by the district school board that~~  
543 ~~describes the specific actions the district will take in order~~  
544 ~~to fully comply with the requirements in subsection (1) by~~  
545 ~~October of the following school year.~~

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

548 1003.53 Dropout prevention and academic intervention.-

549 (5) Each district school board providing a dropout  
550 prevention and academic intervention program pursuant to this  
551 section shall maintain for each participating student records

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552 documenting the student's eligibility, the length of  
553 participation, the type of program to which the student was  
554 assigned or the type of academic intervention services provided,  
555 and an evaluation of the student's academic and behavioral  
556 performance while in the program. The school principal or his or  
557 her designee shall, prior to placement in a dropout prevention  
558 and academic intervention program or the provision of an  
559 academic service, provide written notice of placement or  
560 services by certified mail, return receipt requested, to the  
561 student's parent. The parent of the student shall sign an  
562 acknowledgment of the notice of placement or service and return  
563 the signed acknowledgment to the principal within 3 days after  
564 receipt of the notice. District school boards may adopt a policy  
565 that allows a parent to agree to an alternative method of  
566 notification. Such agreement may be made before the need for  
567 notification arises or at the time the notification becomes  
568 required. The parents of a student assigned to such a dropout  
569 prevention and academic intervention program shall be notified  
570 in writing and entitled to an administrative review of any  
571 action by school personnel relating to such placement pursuant  
572 to the provisions of chapter 120.

573 Section 16. Section 1006.025, Florida Statutes, is  
574 repealed.

575 Section 17. Paragraph (b) of subsection (1) of section  
576 1006.09, Florida Statutes, is amended to read:

577 1006.09 Duties of school principal relating to student  
578 discipline and school safety.—

579 (1)

580 (b) The principal or the principal's designee may suspend a

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581 student only in accordance with the rules of the district school  
582 board. The principal or the principal's designee shall make a  
583 good faith effort to immediately inform a student's parent by  
584 telephone of a student's suspension and the reasons for the  
585 suspension. Each suspension and the reasons for the suspension  
586 shall be reported in writing within 24 hours to the student's  
587 parent by United States mail. District school boards may adopt a  
588 policy that allows a parent to agree to an alternative method of  
589 notification. Such agreement may be made before the need for  
590 notification arises or at the time the notification becomes  
591 required. Each suspension and the reasons for the suspension  
592 shall also be reported in writing within 24 hours to the  
593 district school superintendent. A good faith effort shall be  
594 made by the principal or the principal's designee to employ  
595 parental assistance or other alternative measures prior to  
596 suspension, except in the case of emergency or disruptive  
597 conditions which require immediate suspension or in the case of  
598 a serious breach of conduct as defined by rules of the district  
599 school board. Such rules shall require oral and written notice  
600 to the student of the charges and an explanation of the evidence  
601 against him or her prior to the suspension. Each student shall  
602 be given an opportunity to present his or her side of the story.  
603 No student shall be suspended for unexcused tardiness, lateness,  
604 absence, or truancy. The principal or the principal's designee  
605 may suspend any student transported to or from school at public  
606 expense from the privilege of riding on a school bus for  
607 violation of district school board transportation policies,  
608 which shall include a policy regarding behavior at school bus  
609 stops, and the principal or the principal's designee shall give

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610 notice in writing to the student's parent and to the district  
611 school superintendent within 24 hours. School personnel shall  
612 not be held legally responsible for suspensions of students made  
613 in good faith.

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

616 1006.1494 Student online personal information protection.-

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

618 (j) Require a K-12 school, school district, or district  
619 school board to include any provision in a contract with any  
620 operator or vendor.

621  
622 The State Board of Education may adopt rules to implement this  
623 section.

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

626 1010.02 Financial accounting and expenditures.-

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

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

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

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

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

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

644       1010.11 Electronic transfer of funds.—Pursuant to the  
645 provisions of s. 215.85, each district school board, Florida  
646 College System institution board of trustees, and university  
647 board of trustees shall adopt written policies prescribing the  
648 accounting and control procedures under which any funds under  
649 their control are allowed to be moved by electronic transaction  
650 for any purpose including direct deposit, wire transfer,  
651 withdrawal, investment, or payment. Electronic transactions  
652 shall comply with the provisions of chapter 668. However,  
653 district school boards are exempt from the requirements in s.  
654 668.50(18)(b).

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

657       1010.20 Cost accounting and reporting for school  
658 districts.—

659       (2) COST REPORTING.—

660       (a) Each district shall report on a district-aggregate  
661 basis expenditures for inservice training pursuant to s.  
662 1011.62(3) and for categorical programs as provided in s.  
663 1011.62(17).

664       (b) Each district shall report to the department on a  
665 school-by-school and on an aggregate district basis expenditures  
666 for:

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

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668           2. Total operating costs as reported pursuant to s.  
669 1010.215.

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

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

674           (d) The department shall:

675           1. Categorize all public schools and districts into  
676 appropriate groups based primarily on average full-time  
677 equivalent student enrollment as reported on the most recent  
678 student membership survey under s. 1011.62 and in state board  
679 rule to determine groups of peer schools and districts.

680           2. Annually calculate for each public school, district, and  
681 for the entire state, the percentage of classroom expenditures  
682 to total operating expenditures reported in subparagraphs (b)2.  
683 and 3. The results shall be categorized pursuant to this  
684 paragraph.

685           3. Annually calculate for all public schools, districts,  
686 and the state, the average percentage of classroom expenditures  
687 to total operating expenditures reported in subparagraphs (b)2.  
688 and 3. The results shall be categorized pursuant to this  
689 paragraph.

690           4. Develop a web-based fiscal transparency tool that  
691 identifies public schools and districts that produce high  
692 academic achievement based on the ratio of classroom instruction  
693 expenditures to total expenditures. The fiscal transparency tool  
694 shall combine the data calculated pursuant to this paragraph  
695 with the student performance measurements calculated pursuant to  
696 s. 1012.34(7) to determine the financial efficiency of each



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697 public school and district. The results shall be displayed in an  
698 easy to use format that enables the user to compare performance  
699 among public schools and districts.

700 (e)~~(d)~~ The Commissioner of Education shall present to the  
701 Legislature, prior to the opening of the regular session each  
702 year, a district-by-district report of the expenditures reported  
703 pursuant to paragraphs (a) and (b). The report shall include  
704 total expenditures, a detailed analysis showing expenditures for  
705 each program, and such other data as may be useful for  
706 management of the education system. The Commissioner of  
707 Education shall also compute cost factors relative to the base  
708 student allocation for each funded program in s. 1011.62(1)(c).

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

711 1011.03 Public hearings; budget to be submitted to  
712 Department of Education.—

713 (1) Each district school board shall cause a summary of its  
714 tentative budget, including the proposed millage levies as  
715 provided for by law, to be posted on the district's official  
716 website ~~and advertised once in a newspaper of general~~  
717 ~~circulation published in the district~~ or on a publicly  
718 accessible website as provided in s. 50.0311 ~~to be posted at the~~  
719 ~~courthouse if there be no such newspaper.~~

720 (3) The board shall hold public hearings to adopt tentative  
721 and final budgets pursuant to s. 200.065. The hearings shall be  
722 primarily for the purpose of hearing requests and complaints  
723 from the public regarding the budgets and the proposed tax  
724 levies and for explaining the budget and proposed or adopted  
725 amendments thereto, if any. The tentative budget must be posted

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726 on the district's official website at least 2 days before the  
727 budget hearing held pursuant to s. 200.065 or other law. The  
728 final adopted budget must be posted on the district's official  
729 website within 30 days after adoption. The board shall require  
730 the superintendent to transmit ~~two copies of~~ the adopted budget  
731 to the Department of Education as prescribed by law and rules of  
732 the State Board of Education.

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

735 1011.035 School district fiscal transparency.—

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

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

740 ~~(a) Graphical representations, for each public school~~  
741 ~~within the district and for the school district, of the~~  
742 ~~following:~~

743 ~~1. Summary financial efficiency data.~~

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

745 ~~a. The ratio of full-time equivalent students to full-time~~  
746 ~~equivalent instructional personnel.~~

747 ~~b. The ratio of full-time equivalent students to full-time~~  
748 ~~equivalent administrative personnel.~~

749 ~~c. The total operating expenditures per full-time~~  
750 ~~equivalent student.~~

751 ~~d. The total instructional expenditures per full-time~~  
752 ~~equivalent student.~~

753 ~~e. The general administrative expenditures as a percentage~~  
754 ~~of total budget.~~

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

757 (b) A link to the web-based fiscal transparency tool  
758 developed by the department pursuant to s. 1010.20 to enable  
759 taxpayers to evaluate the financial efficiency of the school  
760 district and compare the financial efficiency of the school  
761 district with other similarly situated school districts.

762

763 This information must be prominently posted on the school  
764 district's website in a manner that is readily accessible to the  
765 public.

766 (4) The website should contain links to:

767 ~~(a) Help explain or provide background information on~~  
768 ~~various budget items that are required by state or federal law.~~

769 ~~(b) Allow users to navigate to related sites to view~~  
770 ~~supporting details.~~

771 ~~(c) enable taxpayers, parents, and education advocates to~~  
772 ~~send e-mails asking questions about the budget and enable others~~  
773 ~~to view the questions and responses.~~

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

776 1011.14 Obligations for a period of 1 year.—District school  
777 boards are authorized only under the following conditions to  
778 create obligations by way of anticipation of budgeted revenues  
779 accruing on a current basis without pledging the credit of the  
780 district or requiring future levy of taxes for certain purposes  
781 for a period of 1 year; however, such obligations may be  
782 extended from year to year with the consent of the lender for a  
783 period not to exceed 4 years, or for a total of 5 years

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784 including the initial year of the loan:

785 (1) PURPOSES.—The purposes for which such obligations may  
786 be incurred within the intent of this section shall include only  
787 the purchase of school buses, land, and equipment for  
788 educational purposes; the erection of, alteration to, or  
789 addition to educational plants, ancillary plants, and auxiliary  
790 facilities; and the adjustment of insurance on educational  
791 property on a 5-year plan, as provided by rules of the State  
792 Board of Education.

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

795 1011.60 Minimum requirements of the Florida Education  
796 Finance Program.—Each district which participates in the state  
797 appropriations for the Florida Education Finance Program shall  
798 provide evidence of its effort to maintain an adequate school  
799 program throughout the district and shall meet at least the  
800 following requirements:

801 (2) MINIMUM TERM.—Operate all schools for a term of 180  
802 actual teaching days or the equivalent on an hourly basis as  
803 specified by rules of the State Board of Education each school  
804 year. The State Board of Education may prescribe procedures for  
805 altering, and, upon written application, may alter, this  
806 requirement during a national, state, or local emergency as it  
807 may apply to an individual school or schools in any district or  
808 districts if the district school board certifies to the  
809 Commissioner of Education that ~~if, in the opinion of the board,~~  
810 it is not necessary ~~feasible~~ to make up lost days or hours, and  
811 the apportionment may, at the discretion of the Commissioner of  
812 Education and if the board determines that the reduction of

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813 school days or hours is caused by the existence of a bona fide  
814 emergency, be reduced for such district or districts in  
815 proportion to the decrease in the length of term in any such  
816 school or schools. A strike, as defined in s. 447.203(6), by  
817 employees of the school district may not be considered an  
818 emergency.

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

821 1011.68 Funds for student transportation.—The annual  
822 allocation to each district for transportation to public school  
823 programs, including charter schools as provided in s.  
824 1002.33(17)(b), of students in membership in kindergarten  
825 through grade 12 and in migrant and exceptional student programs  
826 below kindergarten shall be determined as follows:

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

831 Section 27. Subsection (4) of section 1011.69, Florida  
832 Statutes, is amended, and subsection (5) is added to that  
833 section, to read:

834 1011.69 Equity in School-Level Funding Act.—

835 (4) After providing Title I, Part A, Basic funds to schools  
836 above the 75 percent poverty threshold, which may include high  
837 schools above the 50 percent threshold as permitted by federal  
838 law, school districts shall provide any remaining Title I, Part  
839 A, Basic funds directly to all eligible schools as provided in  
840 this subsection. For purposes of this subsection, an eligible  
841 school is a school that is eligible to receive Title I funds,

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842 including a charter school. ~~The threshold for identifying~~  
843 ~~eligible schools may not exceed the threshold established by a~~  
844 ~~school district for the 2016-2017 school year or the statewide~~  
845 ~~percentage of economically disadvantaged students, as determined~~  
846 ~~annually.~~

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

849 1. One percent for parent involvement, in addition to the  
850 one percent the district must reserve under federal law for  
851 allocations to eligible schools for parent involvement;

852 2. A necessary and reasonable amount for administration  
853 which includes the district's indirect cost rate, not to exceed  
854 a total of 10 percent;

855 3. A reasonable and necessary amount to provide:

856 a. Homeless programs;

857 b. Delinquent and neglected programs;

858 c. Prekindergarten programs and activities;

859 d. Private school equitable services; and

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

862 4. Up to 5 percent to provide financial incentives and  
863 rewards to teachers who serve students in eligible schools,  
864 including charter schools, identified for comprehensive support  
865 and improvement activities or targeted support and improvement  
866 activities, for the purpose of attracting and retaining  
867 qualified and effective teachers, including teachers of any  
868 subject or grade level for whom a measurement under s.

869 1012.34(7) or a state-approved Alternative Student Growth Model  
870 is unavailable; and

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871 ~~5.4.~~ A necessary and reasonable amount, ~~not to exceed 1~~  
872 ~~percent,~~ for eligible schools, including charter schools, to  
873 provide educational services in accordance with the approved  
874 Title I plan.

875 (b) All remaining Title I funds shall be distributed to all  
876 eligible schools in accordance with federal law and regulation.  
877 An eligible school may use funds under this subsection to  
878 participate in discretionary educational services provided by  
879 the school district. Any funds provided by an eligible school to  
880 participate in discretionary educational services provided by  
881 the school district are not subject to the requirements of this  
882 subsection.

883 (c) Any funds carried forward by the school district are  
884 not subject to the requirements of this subsection.

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

889 Section 28. Paragraphs (e) and (h) of subsection (2) and  
890 subsections (5) and (6) of section 1011.71, Florida Statutes,  
891 are amended, and paragraphs (l) and (m) are added to subsection  
892 (2) of that section, to read:

893 1011.71 District school tax.—

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

899 (e) Payments for educational plants, ancillary plants, and

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900 auxiliary facilities and sites due under a lease-purchase  
901 agreement entered into by a district school board pursuant to s.  
902 1003.02(1)(f) or s. 1013.15(2), not exceeding, in the aggregate,  
903 an amount equal to three-fourths of the proceeds from the  
904 millage levied by a district school board pursuant to this  
905 subsection. The three-fourths limit is waived for lease-purchase  
906 agreements entered into before June 30, 2009, by a district  
907 school board pursuant to this paragraph. If payments under  
908 lease-purchase agreements in the aggregate, including lease-  
909 purchase agreements entered into before June 30, 2009, exceed  
910 three-fourths of the proceeds from the millage levied pursuant  
911 to this subsection, the district school board may not withhold  
912 the administrative fees authorized by s. 1002.33(20) from any  
913 charter school operating in the school district.

914 (h) Payment of costs of leasing relocatable educational  
915 plants, ancillary plants, and auxiliary facilities, of renting  
916 or leasing educational plants, ancillary plants, and auxiliary  
917 facilities and sites pursuant to s. 1013.15(2), or of renting or  
918 leasing buildings or space within existing buildings pursuant to  
919 s. 1013.15(4).

920 (l) The purchase, lease-purchase, or lease of driver  
921 education vehicles; motor vehicles used for the maintenance or  
922 operation of plants and equipment; security vehicles; or  
923 vehicles used in storing or distributing materials and  
924 equipment.

925 (m) Payment of the cost of premiums, as defined in s.  
926 627.403, for property and casualty insurance necessary to insure  
927 school district educational and ancillary plants. As used in  
928 this paragraph, the term "casualty insurance" means the lines of



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929 insurance specified in s. 624.605(1)(d), (f), (g), (h), and (m).  
930 Operating revenues that are made available through the payment  
931 of property and casualty insurance premiums from revenues  
932 generated under this subsection may be expended only for  
933 nonrecurring operational expenditures of the school district.

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

939 ~~(a) The purchase, lease purchase, or lease of driver's~~  
940 ~~education vehicles; motor vehicles used for the maintenance or~~  
941 ~~operation of plants and equipment; security vehicles; or~~  
942 ~~vehicles used in storing or distributing materials and~~  
943 ~~equipment.~~

944 ~~(b) Payment of the cost of premiums, as defined in s.~~  
945 ~~627.403, for property and casualty insurance necessary to insure~~  
946 ~~school district educational and ancillary plants. As used in~~  
947 ~~this paragraph, casualty insurance has the same meaning as in s.~~  
948 ~~624.605(1)(d), (f), (g), (h), and (m). Operating revenues that~~  
949 ~~are made available through the payment of property and casualty~~  
950 ~~insurance premiums from revenues generated under this subsection~~  
951 ~~may be expended only for nonrecurring operational expenditures~~  
952 ~~of the school district.~~

953 ~~(6) Violations of the expenditure provisions in subsection~~  
954 ~~(2) or subsection (5) shall result in an equal dollar reduction~~  
955 ~~in the Florida Education Finance Program (FEFP) funds for the~~  
956 ~~violating district in the fiscal year following the audit~~  
957 ~~citation.~~

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958 Section 29. Section 1013.15, Florida Statutes, is amended  
959 to read:

960 1013.15 Lease, rental, and lease-purchase of educational  
961 plants, ancillary plants, and auxiliary facilities and sites.-

962 (1) A board may lease any land, facilities, or educational  
963 plants owned by it to any person or entity for such term, for  
964 such rent, and upon such terms and conditions as the board  
965 determines to be in its best interests; any such lease may  
966 provide for the optional or binding purchase of the land,  
967 facilities, or educational plants by the lessee upon such terms  
968 and conditions as the board determines are in its best  
969 interests. A determination that any such land, facility, or  
970 educational plant so leased is unnecessary for educational  
971 purposes is not a prerequisite to the leasing or lease-purchase  
972 of such land, facility, or educational plant. Prior to entering  
973 into or executing any such lease, a board shall consider  
974 approval of the lease or lease-purchase agreement at a public  
975 meeting, at which a copy of the proposed agreement in its final  
976 form shall be available for inspection and review by the public,  
977 after due notice as required by law.

978 (2) (a) A district school board may rent or lease  
979 educational plants, ancillary plants, and auxiliary facilities  
980 and sites as defined in s. 1013.01. Educational plants,  
981 ancillary plants, and auxiliary facilities and sites rented or  
982 leased for 1 year or less shall be funded through the operations  
983 budget or funds derived from millage proceeds pursuant to s.  
984 1011.71(2). A lease contract for 1 year or less, when extended  
985 or renewed beyond a year, becomes a multiple-year lease.  
986 Operational funds or funds derived from millage proceeds

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987 pursuant to s. 1011.71(2) may be authorized to be expended for  
988 multiple-year leases. All leased facilities and sites must be  
989 inspected prior to occupancy by the authority having  
990 jurisdiction.

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

996 2. Plans for renovation or remodeling of leased space shall  
997 conform to the Florida Building Code and the Florida Fire  
998 Prevention Code for educational occupancies or other  
999 occupancies, as appropriate and as required in chapters 553 and  
1000 633, prior to occupancy.

1001 3. All leased facilities must be inspected annually for  
1002 firesafety deficiencies in accordance with the applicable code  
1003 and have corrections made in accordance with s. 1013.12.  
1004 Operational funds or funds derived from millage proceeds  
1005 pursuant to s. 1011.71(2) may be used to correct deficiencies in  
1006 leased space.

1007 4. When the board declares that a public emergency exists,  
1008 it may take up to 30 days to bring the leased facility into  
1009 compliance with the requirements of State Board of Education  
1010 rules.

1011 (b) A board is authorized to lease-purchase educational  
1012 plants, ancillary plants, and auxiliary facilities and sites as  
1013 defined in s. 1013.01, and a district school board is authorized  
1014 to lease-purchase educational plants, ancillary plants, and  
1015 auxiliary facilities and sites. The lease-purchase of

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1016 educational plants, ancillary plants, and auxiliary facilities  
1017 and sites must, where applicable, comply with ~~shall be as~~  
1018 ~~required by~~ s. 1013.37, subject to the authorization in s.  
1019 1013.385 to exempt certain facilities from the requirements of  
1020 that section; must ~~shall~~ be advertised for and receive  
1021 competitive proposals and be awarded to the best proposer;~~;~~ and  
1022 must ~~shall~~ be funded using current or other funds specifically  
1023 authorized by law to be used for such purpose.

1024 1. A district school board, by itself, or through a direct-  
1025 support organization formed pursuant to s. 1001.453 or nonprofit  
1026 educational organization or a consortium of district school  
1027 boards, may, in developing a lease-purchase of educational  
1028 plants, ancillary plants, and auxiliary facilities and sites  
1029 provide for separately advertising for and receiving competitive  
1030 bids or proposals on the construction of facilities and the  
1031 selection of financing to provide the lowest cost funding  
1032 available, so long as the board determines that such process  
1033 would best serve the public interest and the available ~~pledged~~  
1034 revenues are limited to those authorized in s. 1011.71(2) ~~s.~~  
1035 ~~1011.71(2)(e)~~.

1036 2. All activities and information, including lists of  
1037 individual participants, associated with agreements made  
1038 pursuant to this section shall be subject to the provisions of  
1039 chapter 119 and s. 286.011.

1040 (c)1. The term of any lease-purchase agreement, including  
1041 the initial term and any subsequent renewals, shall not exceed  
1042 the useful life of the educational facilities and sites for  
1043 which the agreement is made, or 30 years, whichever is less.

1044 2. The initial term or any renewal term of any lease-

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1045 purchase agreement shall expire on June 30 of each fiscal year,  
1046 but may be automatically renewed annually, subject to a board  
1047 making sufficient annual appropriations therefor. Under no  
1048 circumstances shall the failure of a board to renew a lease-  
1049 purchase agreement constitute a default or require payment of  
1050 any penalty or in any way limit the right of a board to purchase  
1051 or utilize educational plants, ancillary plants, and auxiliary  
1052 facilities and sites similar in function to the educational  
1053 plants, ancillary plants, and auxiliary facilities and sites  
1054 that are the subject of the said lease-purchase agreement.  
1055 Educational plants, ancillary plants, and auxiliary facilities  
1056 and sites being acquired pursuant to a lease-purchase agreement  
1057 shall be exempt from ad valorem taxation.

1058 3. No lease-purchase agreement entered into pursuant to  
1059 this subsection shall constitute a debt, liability, or  
1060 obligation of the state or a board or shall be a pledge of the  
1061 faith and credit of the state or a board.

1062 4. Any lease-purchase agreement entered into pursuant to  
1063 this subsection shall stipulate an annual rate which may consist  
1064 of a principal component and an interest component, provided  
1065 that the maximum interest rate of any interest component payable  
1066 under any such lease-purchase agreement, or any participation or  
1067 certificated portion thereof, shall be calculated in accordance  
1068 with and be governed by the provisions of s. 215.84.

1069 (3) Lease or lease-purchase agreements entered into by  
1070 university boards of trustees shall comply with the provisions  
1071 of ss. 1013.171 and 1010.62.

1072 (4) (a) A board may rent or lease existing buildings, or  
1073 space within existing buildings, originally constructed or used

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1074 for purposes other than education, for conversion to use as  
1075 educational facilities. Such buildings rented or leased for 1  
1076 year or less shall be funded through the operations budget or  
1077 funds derived from millage pursuant to s. 1011.71(2). A rental  
1078 agreement or lease contract for 1 year or less, when extended or  
1079 renewed beyond a year, becomes a multiple-year rental or lease.  
1080 Operational funds or funds derived from millage proceeds  
1081 pursuant to s. 1011.71(2) may be authorized to be expended for  
1082 multiple-year rentals or leases. Notwithstanding any other  
1083 provisions of this section, if a building was constructed in  
1084 conformance with all applicable building and life safety codes,  
1085 it shall be deemed to meet the requirements for use and  
1086 occupancy as an educational facility subject only to the  
1087 provisions of this subsection.

1088 (b) Prior to occupying a rented or a leased existing  
1089 building, or space within an existing building, pursuant to this  
1090 subsection, a school board shall, in a public meeting, adopt a  
1091 resolution certifying that the following circumstances apply to  
1092 the building proposed for occupancy:

1093 1. Growth among the school-age population in the school  
1094 district has created a need for new educational facilities in a  
1095 neighborhood where there is little or no vacant land.

1096 2. There exists a supply of vacant space in existing  
1097 buildings that meet state minimum building and life safety  
1098 codes.

1099 3. Acquisition and conversion to use as educational  
1100 facilities of an existing building or buildings is a cost-saving  
1101 means of providing the needed classroom space as determined by  
1102 the difference between the cost of new construction, including

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1103 land acquisition and preparation and, if applicable, demolition  
1104 of existing structures, and the cost of acquisition through  
1105 rental or lease and conversion of an existing building or  
1106 buildings.

1107 4. The building has been examined for suitability, safety,  
1108 and conformance with state minimum building and life safety  
1109 codes. The building examination shall consist, at a minimum, of  
1110 a review of existing documents, building site reconnaissance,  
1111 and analysis of the building conducted by, or under the  
1112 responsible charge of, a licensed structural engineer.

1113 5. A certificate of evaluation has been issued by an  
1114 appropriately licensed design professional which states that,  
1115 based on available documents, building site reconnaissance,  
1116 current knowledge, and design judgment in the professional's  
1117 opinion, the building meets the requirements of state minimum  
1118 building and life safety codes, provides safe egress of  
1119 occupants from the building, provides adequate firesafety, and  
1120 does not pose a substantial threat to life to persons who would  
1121 occupy the building for classroom use.

1122 6. The plans for conversion of the building were prepared  
1123 by an appropriate design professional licensed in this state and  
1124 the work of conversion was performed by contractors licensed in  
1125 this state.

1126 7. The conversion of the building was observed by an  
1127 appropriate design professional licensed in this state.

1128 8. The building has been reviewed, inspected, and granted a  
1129 certificate of occupancy by the local building department.

1130 9. All ceilings, light fixtures, ducts, and registers  
1131 within the area to be occupied for classroom purposes were

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1132 constructed or have been reconstructed to meet state minimum  
1133 requirements.

1134 Section 30. Subsection (1) of section 1013.16, Florida  
1135 Statutes, is amended to read:

1136 1013.16 Construction of facilities on leased property;  
1137 conditions.—

1138 (1) A board may construct or place educational facilities  
1139 and ancillary facilities on land that is owned by any person  
1140 after the board has acquired from the owner of the land a long-  
1141 term lease for the use of this land for a period of not less  
1142 than 40 years or the life expectancy of the permanent facilities  
1143 constructed thereon, whichever is longer; however, the minimum  
1144 lease term of 40 years does not apply to district school boards.

1145 Section 31. Section 1013.19, Florida Statutes, is amended  
1146 to read:

1147 1013.19 Purchase, conveyance, or encumbrance of property  
1148 interests above surface of land; joint-occupancy structures.—For  
1149 the purpose of implementing jointly financed construction  
1150 project agreements, or for the construction of combined  
1151 occupancy structures, any board may purchase, own, convey, sell,  
1152 lease, or encumber airspace or any other interests in property  
1153 above the surface of the land, provided the lease of airspace  
1154 for nonpublic use is for such reasonable rent, length of term,  
1155 and conditions as the board in its discretion may determine. All  
1156 proceeds from such sale or lease shall be used by a the board of  
1157 trustees for a Florida College System institution or state  
1158 university ~~or boards~~ receiving the proceeds solely for fixed  
1159 capital outlay purposes. These purposes may include the  
1160 renovation or remodeling of existing facilities owned by the



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1161 board or the construction of new facilities; however, for a  
1162 Florida College System institution board or university board,  
1163 such new facility must be authorized by the Legislature. It is  
1164 declared that the use of such rental by the board for public  
1165 purposes in accordance with its statutory authority is a public  
1166 use. Airspace or any other interest in property held by the  
1167 Board of Trustees of the Internal Improvement Trust Fund or the  
1168 State Board of Education may not be divested or conveyed without  
1169 approval of the respective board. Any building, including any  
1170 building or facility component that is common to both nonpublic  
1171 and educational portions thereof, constructed in airspace that  
1172 is sold or leased for nonpublic use pursuant to this section is  
1173 subject to all applicable state, county, and municipal  
1174 regulations pertaining to land use, zoning, construction of  
1175 buildings, fire protection, health, and safety to the same  
1176 extent and in the same manner as such regulations would be  
1177 applicable to the construction of a building for nonpublic use  
1178 on the appurtenant land beneath the subject airspace. Any  
1179 educational facility constructed or leased as a part of a joint-  
1180 occupancy facility is subject to all rules and requirements of  
1181 the respective boards or departments having jurisdiction over  
1182 educational facilities. Any contract executed by a university  
1183 board of trustees pursuant to this section is subject to the  
1184 provisions of s. 1010.62.

1185 Section 32. Subsection (1) of section 1013.20, Florida  
1186 Statutes, is amended to read:

1187 1013.20 Standards for relocatables used as classroom space;  
1188 inspections.—

1189 (1) The State Board of Education shall adopt rules

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1190 establishing standards for relocatables intended for long-term  
1191 use as classroom space at a public elementary school, middle  
1192 school, or high school. "Long-term use" means the use of  
1193 relocatables at the same educational plant for a period of 4  
1194 years or more. Each relocatable acquired by a district school  
1195 board after the effective date of the rules and intended for  
1196 long-term use must comply with the standards. ~~District school~~  
1197 ~~boards shall submit a plan for the use of existing relocatables~~  
1198 ~~within the 5-year work program to be reviewed and approved by~~  
1199 ~~the commissioner by January 1, 2003. A progress report shall be~~  
1200 ~~provided by the commissioner to the Speaker of the House of~~  
1201 ~~Representatives and the President of the Senate each January~~  
1202 ~~thereafter. Relocatables that fail to meet the standards after~~  
1203 ~~completion of the approved plan may not be used as classrooms.~~  
1204 The standards shall protect the health, safety, and welfare of  
1205 occupants by requiring compliance with the Florida Building Code  
1206 or the State Requirements for Educational Facilities for  
1207 existing relocatables, as applicable, to ensure the safety and  
1208 stability of construction and onsite installation; fire and  
1209 moisture protection; air quality and ventilation; appropriate  
1210 wind resistance; and compliance with the requirements of the  
1211 Americans with Disabilities Act of 1990. If appropriate and  
1212 where relocatables are not scheduled for replacement, the  
1213 standards must also require relocatables to provide access to  
1214 the same technologies available to similar classrooms within the  
1215 main school facility and, if appropriate, and where relocatables  
1216 are not scheduled for replacement, to be accessible by adequate  
1217 covered walkways. A relocatable that is subject to this section  
1218 and does not meet the standards shall not be reported as

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1219 providing satisfactory student stations in the Florida Inventory  
1220 of School Houses.

1221 Section 33. Section 1013.21, Florida Statutes, is repealed.

1222 Section 34. Paragraph (a) of subsection (2) of section  
1223 1013.28, Florida Statutes, is amended to read:

1224 1013.28 Disposal of property.—

1225 (2) TANGIBLE PERSONAL PROPERTY.—

1226 (a) Tangible personal property that has been properly  
1227 classified as surplus by a district school board or Florida  
1228 College System institution board of trustees shall be disposed  
1229 of in accordance with the procedure established by chapter 274.  
1230 However, the provisions of chapter 274 shall not be applicable  
1231 to a motor vehicle used in driver education to which title is  
1232 obtained for a token amount from an automobile dealer or  
1233 manufacturer. In such cases, the disposal of the vehicle shall  
1234 be as prescribed in the contractual agreement between the  
1235 automotive agency or manufacturer and the board. ~~Tangible~~  
1236 ~~personal property that has been properly classified as surplus,~~  
1237 ~~marked for disposal, or otherwise unused by a district school~~  
1238 ~~board shall be provided for a charter school's use on the same~~  
1239 ~~basis as it is made available to other public schools in the~~  
1240 ~~district.~~ A charter school receiving tangible personal property  
1241 that has been properly classified as surplus, marked for  
1242 disposal, or otherwise unused by a district school board  
1243 ~~property from the school district~~ may not sell or dispose of  
1244 such property without the written permission of the school  
1245 district.

1246 Section 35. Section 1013.31, Florida Statutes, is amended  
1247 to read:

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1248 1013.31 Educational plant survey; localized need  
1249 assessment; PECO project funding.-

1250 (1) At least every 5 years, each Florida College System  
1251 institution and state university board shall arrange for an  
1252 educational plant survey, to aid in formulating plans for  
1253 housing the educational program and student population, faculty,  
1254 administrators, staff, and auxiliary and ancillary services of  
1255 the district or campus, including consideration of the local  
1256 comprehensive plan. The Department of Education shall document  
1257 the need for additional career and adult education programs and  
1258 the continuation of existing programs before facility  
1259 construction or renovation related to career or adult education  
1260 may be included in the educational plant survey of a ~~school~~  
1261 ~~district or~~ Florida College System institution that delivers  
1262 career or adult education programs. Information used by the  
1263 Department of Education to establish facility needs must  
1264 include, but need not be limited to, labor market data, needs  
1265 analysis, and information submitted by the ~~school district or~~  
1266 Florida College System institution.

1267 (a) ~~Educational plant survey and localized need assessment~~  
1268 ~~for capital outlay purposes. A survey recommendation is not~~  
1269 ~~required when a district uses funds from the following sources~~  
1270 ~~for educational, auxiliary, and ancillary plant capital outlay~~  
1271 ~~purposes:~~

1272 1. ~~The local capital outlay improvement fund, consisting of~~  
1273 ~~funds that come from and are a part of the district's basic~~  
1274 ~~operating budget;~~

1275 2. ~~A taxpayer-approved bond referendum, to fund~~  
1276 ~~construction of an educational, auxiliary, or ancillary plant~~

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1277 ~~facility;~~

1278       ~~3. One-half cent sales surtax revenue;~~

1279       ~~4. One cent local governmental surtax revenue;~~

1280       ~~5. Impact fees;~~

1281       ~~6. Private gifts or donations; and~~

1282       ~~7. The district school tax levied pursuant to s.~~

1283 ~~1011.71(2).~~

1284       ~~(b)~~ *Survey preparation and required data.*—Each survey must

1285 ~~shall~~ be conducted by the Florida College System institution or

1286 state university board or an agency employed by the board.

1287 Surveys must ~~shall~~ be reviewed and approved by the board, and a

1288 file copy must ~~shall~~ be submitted to the Department of Education

1289 or the Chancellor of the State University System, as

1290 appropriate. The survey report must ~~shall~~ include at least an

1291 inventory of existing educational and ancillary plants,

1292 including safe access facilities; recommendations for existing

1293 educational and ancillary plants; recommendations for new

1294 educational or ancillary plants, including the general location

1295 of each in coordination with the land use plan and safe access

1296 facilities; campus master plan update and detail for Florida

1297 College System institutions; ~~the utilization of school plants~~

1298 ~~based on an extended school day or year-round operation;~~ and

1299 such other information as may be required by the Department of

1300 Education. This report may be amended, if conditions warrant, at

1301 the request of the department or commissioner.

1302       ~~(e)~~ *Required need assessment criteria for district,*

1303 *Florida College System institution, state university, and*

1304 *Florida School for the Deaf and the Blind plant surveys.*—

1305 Educational plant surveys must use uniform data sources and

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1306 criteria specified in this paragraph. Each revised educational  
1307 plant survey and each new educational plant survey supersedes  
1308 previous surveys.

1309 ~~1. The school district's survey must be submitted as a part~~  
1310 ~~of the district educational facilities plan defined in s.~~  
1311 ~~1013.35. To ensure that the data reported to the Department of~~  
1312 ~~Education as required by this section is correct, the department~~  
1313 ~~shall annually conduct an onsite review of 5 percent of the~~  
1314 ~~facilities reported for each school district completing a new~~  
1315 ~~survey that year. If the department's review finds the data~~  
1316 ~~reported by a district is less than 95 percent accurate, within~~  
1317 ~~1 year from the time of notification by the department the~~  
1318 ~~district must submit revised reports correcting its data. If a~~  
1319 ~~district fails to correct its reports, the commissioner may~~  
1320 ~~direct that future fixed capital outlay funds be withheld until~~  
1321 ~~such time as the district has corrected its reports so that they~~  
1322 ~~are not less than 95 percent accurate.~~

1323 ~~2.~~ Each survey of a special facility, joint-use facility,  
1324 or cooperative career education facility must be based on  
1325 capital outlay full-time equivalent student enrollment data  
1326 prepared by the department for school districts and Florida  
1327 College System institutions and by the Chancellor of the State  
1328 University System for universities. A survey of space needs of a  
1329 joint-use facility shall be based upon the respective space  
1330 needs of the school districts, Florida College System  
1331 institutions, and universities, as appropriate. Projections of a  
1332 school district's facility space needs may not exceed the norm  
1333 space and occupant design criteria established by the State  
1334 Requirements for Educational Facilities.

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1335       ~~2.3.~~ Each Florida College System institution's survey must  
1336 reflect the capacity of existing facilities as specified in the  
1337 inventory maintained by the Department of Education. Projections  
1338 of facility space needs must comply with standards for  
1339 determining space needs as specified by rule of the State Board  
1340 of Education. The 5-year projection of capital outlay student  
1341 enrollment must be consistent with the annual report of capital  
1342 outlay full-time student enrollment prepared by the Department  
1343 of Education.

1344       ~~3.4.~~ Each state university's survey must reflect the  
1345 capacity of existing facilities as specified in the inventory  
1346 maintained and validated by the Chancellor of the State  
1347 University System. Projections of facility space needs must be  
1348 consistent with standards for determining space needs as  
1349 specified by regulation of the Board of Governors. The projected  
1350 capital outlay full-time equivalent student enrollment must be  
1351 consistent with the 5-year planned enrollment cycle for the  
1352 State University System approved by the Board of Governors.

1353       ~~4.5.~~ The district educational facilities plan of a school  
1354 district and the educational plant survey of a Florida College  
1355 System institution, state university, or the Florida School for  
1356 the Deaf and the Blind may include space needs that deviate from  
1357 approved standards for determining space needs if the deviation  
1358 is justified by the district or institution and approved by the  
1359 department or the Board of Governors, as appropriate, as  
1360 necessary for the delivery of an approved educational program.

1361       (c)~~(d)~~ *Review and validation.*—The Department of Education  
1362 shall review and validate the surveys of school districts and  
1363 Florida College System institutions, and the Chancellor of the

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1364 State University System shall review and validate the surveys of  
1365 universities, and any amendments thereto for compliance with the  
1366 requirements of this chapter and shall recommend those in  
1367 compliance for approval by the State Board of Education or the  
1368 Board of Governors, as appropriate. ~~Annually, the department~~  
1369 ~~shall perform an in-depth analysis of a representative sample of~~  
1370 ~~each survey of recommended needs for five districts selected by~~  
1371 ~~the commissioner from among districts with the largest need to~~  
1372 ~~revenue ratio. For the purpose of this subsection, the need to~~  
1373 ~~revenue ratio is determined by dividing the total 5-year cost of~~  
1374 ~~projects listed on the district survey by the total 5-year fixed~~  
1375 ~~capital outlay revenue projections from state and local sources~~  
1376 ~~as determined by the department. The commissioner may condition~~  
1377 ~~the receipt of direct~~ fixed capital outlay funds provided from  
1378 general revenue or from state trust funds by district school  
1379 boards to be withheld from districts until such time as the  
1380 district school board submits a survey that accurately projects  
1381 facilities needs as indicated by the Florida Inventory of School  
1382 Houses, as compared with the district's capital outlay full-time  
1383 equivalent enrollment, as determined by the department.

1384 ~~(d)(e)~~ *Periodic update of Florida Inventory of School*  
1385 *Houses.*—School districts shall periodically update their  
1386 inventory of educational facilities as new capacity becomes  
1387 available and as unsatisfactory space is eliminated. The State  
1388 Board of Education shall adopt rules to determine the timeframe  
1389 in which districts must provide a periodic update.

1390 (2) Only the district school superintendent, Florida  
1391 College System institution president, or the university  
1392 president shall certify to the Department of Education a



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1393 project's compliance with the requirements for expenditure of  
1394 PECO funds prior to release of funds.

1395 (a) Upon request for release of PECO funds for planning  
1396 purposes, certification must be made to the Department of  
1397 Education that the need for and location of the facility are in  
1398 compliance with the board-approved survey recommendations, that  
1399 the project meets the definition of a PECO project and the  
1400 limiting criteria for expenditures of PECO funding, and that the  
1401 plan is consistent with the local government comprehensive plan.

1402 (b) Upon request for release of construction funds,  
1403 certification must be made to the Department of Education that  
1404 the need and location of the facility are in compliance with the  
1405 board-approved survey recommendations, that the project meets  
1406 the definition of a PECO project and the limiting criteria for  
1407 expenditures of PECO funding, and that the construction  
1408 documents meet the requirements of the Florida Building Code for  
1409 educational facilities construction, subject to the  
1410 authorization in s. 1013.385 to exempt certain facilities from  
1411 the requirements of s. 1013.37, or other applicable codes as  
1412 authorized in this chapter.

1413 Section 36. Section 1013.35, Florida Statutes, is amended  
1414 to read:

1415 1013.35 School district educational facilities plan;  
1416 definitions; preparation, adoption, and amendment; long-term  
1417 work programs.—

1418 (1) ~~DEFINITIONS. As used in this section, the term:~~

1419 (a) ~~"Adopted educational facilities plan" means the~~  
1420 ~~comprehensive planning document that is adopted annually by the~~  
1421 ~~district school board as provided in subsection (2) and that~~

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1422 ~~contains the educational plant survey.~~

1423 ~~(b) "District facilities work program" means the 5-year~~  
1424 ~~listing of capital outlay projects adopted by the district~~  
1425 ~~school board as provided in subparagraph (2)(a)2. and paragraph~~  
1426 ~~(2)(b) as part of the district educational facilities plan,~~  
1427 ~~which is required in order to:~~

1428 ~~1. Properly maintain the educational plant and ancillary~~  
1429 ~~facilities of the district.~~

1430 ~~2. Provide an adequate number of satisfactory student~~  
1431 ~~stations for the projected student enrollment of the district in~~  
1432 ~~K-12 programs in accordance with the goal in s. 1013.21.~~

1433 ~~(c) "Tentative educational facilities plan" means the~~  
1434 ~~comprehensive planning document prepared annually by the~~  
1435 ~~district school board and submitted to the Office of Educational~~  
1436 ~~Facilities and the affected general purpose local governments.~~

1437 ~~(2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL~~  
1438 ~~FACILITIES PLAN.~~

1439 ~~(a) Annually, before ~~prior to~~ the adoption of the district~~  
1440 ~~school budget, each district school board shall prepare a~~  
1441 ~~tentative district educational facilities plan that includes~~  
1442 ~~long-range planning for facilities needs ~~over 5-year, 10-year,~~~~  
1443 ~~and ~~20-year~~ periods. The plan must be developed in coordination~~  
1444 ~~with the general purpose local governments and be consistent~~  
1445 ~~with the local government comprehensive plans. The school~~  
1446 ~~board's plan for provision of new schools must meet the needs of~~  
1447 ~~all growing communities in the district, ranging from small~~  
1448 ~~rural communities to large urban cities. The plan must include:~~

1449 ~~1. Projected student populations apportioned geographically~~  
1450 ~~at the local level. The projections must be based on information~~

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1451 ~~produced by the demographic, revenue, and education estimating~~  
1452 ~~conferences pursuant to s. 216.136, where available, as modified~~  
1453 ~~by the district based on development data and agreement with the~~  
1454 ~~local governments and the Office of Educational Facilities. The~~  
1455 ~~projections must be apportioned geographically with assistance~~  
1456 ~~from the local governments using local development trend data~~  
1457 ~~and the school district student enrollment data.~~

1458 ~~2. An inventory of existing school facilities. Any~~  
1459 ~~anticipated expansions or closures of existing school sites over~~  
1460 ~~the 5-year, 10-year, and 20-year periods must be identified. The~~  
1461 ~~inventory must include an assessment of areas proximate to~~  
1462 ~~existing schools and identification of the need for improvements~~  
1463 ~~to infrastructure, safety, including safe access routes, and~~  
1464 ~~conditions in the community. The plan must also provide a~~  
1465 ~~listing of major repairs and renovation projects anticipated~~  
1466 ~~over the period of the plan.~~

1467 ~~3. Projections of facilities space needs, which may not~~  
1468 ~~exceed the norm space and occupant design criteria established~~  
1469 ~~in the State Requirements for Educational Facilities.~~

1470 ~~4. Information on leased, loaned, and donated space and~~  
1471 ~~relocatables used for conducting the district's instructional~~  
1472 ~~programs.~~

1473 ~~5. The general location of public schools proposed to be~~  
1474 ~~constructed over the 5-year, 10-year, and 20-year time periods,~~  
1475 ~~including a listing of the proposed schools' site acreage needs~~  
1476 ~~and anticipated capacity and maps showing the general locations.~~  
1477 ~~The school board's identification of general locations of future~~  
1478 ~~school sites must be based on the school siting requirements of~~  
1479 ~~s. 163.3177(6) (a) and policies in the comprehensive plan which~~

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1480 ~~provide guidance for appropriate locations for school sites.~~

1481 ~~6. The identification of options deemed reasonable and~~  
1482 ~~approved by the school board which reduce the need for~~  
1483 ~~additional permanent student stations. Such options may include,~~  
1484 ~~but need not be limited to:~~

1485 ~~a. Acceptable capacity;~~

1486 ~~b. Redistricting;~~

1487 ~~c. Busing;~~

1488 ~~d. Year-round schools;~~

1489 ~~e. Charter schools;~~

1490 ~~f. Magnet schools; and~~

1491 ~~g. Public-private partnerships.~~

1492 ~~7. The criteria and method, jointly determined by the local~~  
1493 ~~government and the school board, for determining the impact of~~  
1494 ~~proposed development to public school capacity.~~

1495 ~~(b) The plan must also include a financially feasible~~  
1496 ~~district facilities work program for a 5-year period. The work~~  
1497 ~~program must include:~~

1498 ~~1. A schedule of major repair and renovation projects~~  
1499 ~~necessary to maintain the educational facilities and ancillary~~  
1500 ~~facilities of the district.~~

1501 ~~2. A schedule of capital outlay projects necessary to~~  
1502 ~~ensure the availability of satisfactory student stations for the~~  
1503 ~~projected student enrollment in K-12 programs. This schedule~~  
1504 ~~shall consider:~~

1505 ~~a. The locations, capacities, and planned utilization rates~~  
1506 ~~of current educational facilities of the district. The capacity~~  
1507 ~~of existing satisfactory facilities, as reported in the Florida~~  
1508 ~~Inventory of School Houses must be compared to the capital~~

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1509 ~~outlay full-time equivalent student enrollment as determined by~~  
1510 ~~the department, including all enrollment used in the calculation~~  
1511 ~~of the distribution formula in s. 1013.64.~~

1512 ~~b. The proposed locations of planned facilities, whether~~  
1513 ~~those locations are consistent with the comprehensive plans of~~  
1514 ~~all affected local governments, and recommendations for~~  
1515 ~~infrastructure and other improvements to land adjacent to~~  
1516 ~~existing facilities. The provisions of ss. 1013.33(6), (7), and~~  
1517 ~~(8) and 1013.36 must be addressed for new facilities planned~~  
1518 ~~within the first 3 years of the work plan, as appropriate.~~

1519 ~~e. Plans for the use and location of relocatable~~  
1520 ~~facilities, leased facilities, and charter school facilities.~~

1521 ~~d. Plans for multitrack scheduling, grade level~~  
1522 ~~organization, block scheduling, or other alternatives that~~  
1523 ~~reduce the need for additional permanent student stations.~~

1524 ~~e. Information concerning average class size and~~  
1525 ~~utilization rate by grade level within the district which will~~  
1526 ~~result if the tentative district facilities work program is~~  
1527 ~~fully implemented.~~

1528 ~~f. The number and percentage of district students planned~~  
1529 ~~to be educated in relocatable facilities during each year of the~~  
1530 ~~tentative district facilities work program. For determining~~  
1531 ~~future needs, student capacity may not be assigned to any~~  
1532 ~~relocatable classroom that is scheduled for elimination or~~  
1533 ~~replacement with a permanent educational facility in the current~~  
1534 ~~year of the adopted district educational facilities plan and in~~  
1535 ~~the district facilities work program adopted under this section.~~  
1536 ~~Those relocatable classrooms clearly identified and scheduled~~  
1537 ~~for replacement in a school board adopted, financially feasible,~~

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1538 ~~5-year district facilities work program shall be counted at zero~~  
1539 ~~capacity at the time the work program is adopted and approved by~~  
1540 ~~the school board. However, if the district facilities work~~  
1541 ~~program is changed and the relocatable classrooms are not~~  
1542 ~~replaced as scheduled in the work program, the classrooms must~~  
1543 ~~be reentered into the system and be counted at actual capacity.~~  
1544 ~~Relocatable classrooms may not be perpetually added to the work~~  
1545 ~~program or continually extended for purposes of circumventing~~  
1546 ~~this section. All relocatable classrooms not identified and~~  
1547 ~~scheduled for replacement, including those owned, lease-~~  
1548 ~~purchased, or leased by the school district, must be counted at~~  
1549 ~~actual student capacity. The district educational facilities~~  
1550 ~~plan must identify the number of relocatable student stations~~  
1551 ~~scheduled for replacement during the 5-year survey period and~~  
1552 ~~the total dollar amount needed for that replacement.~~

1553 ~~g. Plans for the closure of any school, including plans for~~  
1554 ~~disposition of the facility or usage of facility space, and~~  
1555 ~~anticipated revenues.~~

1556 ~~h. Projects for which capital outlay and debt service funds~~  
1557 ~~accruing under s. 9(d), Art. XII of the State Constitution are~~  
1558 ~~to be used shall be identified separately in priority order on a~~  
1559 ~~project priority list within the district facilities work~~  
1560 ~~program.~~

1561 ~~3. The projected cost for each project identified in the~~  
1562 ~~district facilities work program. For proposed projects for new~~  
1563 ~~student stations, a schedule shall be prepared comparing the~~  
1564 ~~planned cost and square footage for each new student station, by~~  
1565 ~~elementary, middle, and high school levels, to the low, average,~~  
1566 ~~and high cost of facilities constructed throughout the state~~

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1567 ~~during the most recent fiscal year for which data is available~~  
1568 ~~from the Department of Education.~~

1569 ~~4. A schedule of estimated capital outlay revenues from~~  
1570 ~~each currently approved source which is estimated to be~~  
1571 ~~available for expenditure on the projects included in the~~  
1572 ~~district facilities work program.~~

1573 ~~5. A schedule indicating which projects included in the~~  
1574 ~~district facilities work program will be funded from current~~  
1575 ~~revenues projected in subparagraph 4.~~

1576 ~~6. A schedule of options for the generation of additional~~  
1577 ~~revenues by the district for expenditure on projects identified~~  
1578 ~~in the district facilities work program which are not funded~~  
1579 ~~under subparagraph 5. Additional anticipated revenues may~~  
1580 ~~include Classrooms First funds.~~

1581 ~~(c) To the extent available, the tentative district~~  
1582 ~~educational facilities plan shall be based on information~~  
1583 ~~produced by the demographic, revenue, and education estimating~~  
1584 ~~conferences pursuant to s. 216.136.~~

1585 ~~(2)(d)~~ Provision must shall be made for public comment  
1586 concerning the tentative district educational facilities plan.

1587 ~~(e) The district school board shall coordinate with each~~  
1588 ~~affected local government to ensure consistency between the~~  
1589 ~~tentative district educational facilities plan and the local~~  
1590 ~~government comprehensive plans of the affected local governments~~  
1591 ~~during the development of the tentative district educational~~  
1592 ~~facilities plan.~~

1593 ~~(3)(f)~~ Not less than once every 5 years, the district  
1594 school board shall have an audit conducted of the district's  
1595 educational planning and construction activities. An operational

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1596 audit conducted by the Auditor General pursuant to s. 11.45  
1597 satisfies this requirement.

1598 ~~(4)(3) SUBMITTAL OF TENTATIVE DISTRICT EDUCATIONAL~~  
1599 ~~FACILITIES PLAN TO LOCAL GOVERNMENT.~~ The district school board  
1600 shall submit a copy of its tentative district educational  
1601 facilities plan to all affected local governments before ~~prior~~  
1602 ~~to~~ adoption by the board. The affected local governments may  
1603 ~~shall~~ review the tentative district educational facilities plan  
1604 and comment to the district school board on the consistency of  
1605 the plan with the local comprehensive plan, whether a  
1606 comprehensive plan amendment will be necessary for any proposed  
1607 educational facility, and whether the local government supports  
1608 a necessary comprehensive plan amendment. If the local  
1609 government does not support a comprehensive plan amendment for a  
1610 proposed educational facility, the matter must ~~shall~~ be resolved  
1611 pursuant to the interlocal agreement when required by ss.  
1612 163.3177(6) (h), 163.31777, and 1013.33(2). The process for the  
1613 submittal and review must ~~shall~~ be detailed in the interlocal  
1614 agreement when required pursuant to ss. 163.3177(6) (h),  
1615 163.31777, and 1013.33(2).

1616 ~~(5)(4) ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN.~~  
1617 Annually, the district school board shall consider and adopt the  
1618 tentative district educational facilities plan ~~completed~~  
1619 ~~pursuant to subsection (2).~~ Upon giving proper notice to the  
1620 public and local governments and opportunity for public comment,  
1621 the district school board may amend the plan to revise the  
1622 priority of projects, to add or delete projects, to reflect the  
1623 impact of change orders, or to reflect the approval of new  
1624 revenue sources which may become available. The adopted district



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1625 educational facilities plan must ~~shall~~:

1626 (a) Be a complete, balanced, and financially feasible  
1627 capital outlay financial plan for the district.

1628 (b) Set forth the proposed commitments and planned  
1629 expenditures of the district to address the educational  
1630 facilities needs of its students and to adequately provide for  
1631 the maintenance of the educational plant and ancillary  
1632 facilities, including safe access ways from neighborhoods to  
1633 schools.

1634 ~~(6)-(5) EXECUTION OF ADOPTED DISTRICT EDUCATIONAL FACILITIES~~  
1635 ~~PLAN.~~ The first year of the adopted district educational  
1636 facilities plan constitutes ~~shall constitute~~ the capital outlay  
1637 budget required in s. 1013.61. ~~The adopted district educational~~  
1638 ~~facilities plan shall include the information required in~~  
1639 ~~subparagraphs (2)(b)1., 2., and 3., based upon projects actually~~  
1640 ~~funded in the plan.~~

1641 Section 37. Section 1013.356, Florida Statutes, is amended  
1642 to read:

1643 1013.356 Local funding for educational facilities benefit  
1644 districts or community development districts.—Upon confirmation  
1645 by a district school board of the commitment of revenues by an  
1646 educational facilities benefit district or community development  
1647 district necessary to construct and maintain an educational  
1648 facility contained within an individual district facilities work  
1649 program or proposed by an approved charter school or a charter  
1650 school applicant, the following funds shall be provided to the  
1651 educational facilities benefit district or community development  
1652 district annually, beginning with the next fiscal year after  
1653 confirmation until the district's financial obligations are

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1654 completed:

1655 (1) All educational facilities impact fee revenue collected  
1656 for new development within the educational facilities benefit  
1657 district or community development district. Funds provided under  
1658 this subsection shall be used to fund the construction and  
1659 capital maintenance costs of educational facilities.

1660 (2) For construction and capital maintenance costs not  
1661 covered by the funds provided under subsection (1), an annual  
1662 amount contributed by the district school board equal to one-  
1663 half of the remaining costs of construction and capital  
1664 maintenance of the educational facility. ~~Any construction costs~~  
1665 ~~above the cost per student criteria established in s.~~  
1666 ~~1013.64(6)(b)1. shall be funded exclusively by the educational~~  
1667 ~~facilities benefit district or the community development~~  
1668 ~~district.~~ Funds contributed by a district school board shall not  
1669 be used to fund operational costs.

1670

1671 Educational facilities funded pursuant to this act may be  
1672 constructed on land that is owned by any person after the  
1673 district school board has acquired from the owner of the land a  
1674 long-term lease for the use of this land for a period of not  
1675 less than ~~40 years or~~ the life expectancy of the permanent  
1676 facilities constructed thereon, ~~whichever is longer~~. All  
1677 interlocal agreements entered into pursuant to this act must  
1678 ~~shall~~ provide for ownership of educational facilities funded  
1679 pursuant to this act to revert to the district school board if  
1680 such facilities cease to be used for public educational purposes  
1681 before ~~prior to 40 years after construction or prior to the end~~  
1682 of the life expectancy of the educational facilities, ~~whichever~~

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1683 ~~is longer.~~

1684 Section 38. Section 1013.385, Florida Statutes, is amended  
1685 to read:

1686 1013.385 School district construction flexibility.—

1687 ~~(1) A district school board may, with a majority vote at a~~  
1688 ~~public meeting that begins no earlier than 5 p.m., adopt a~~  
1689 ~~resolution to implement one or more of the exceptions to the~~  
1690 ~~educational facilities construction requirements to provide a~~  
1691 ~~school with provided in this section.~~

1692 ~~(2) A resolution adopted under this section may propose~~  
1693 ~~implementation of exceptions to requirements of the uniform~~  
1694 ~~statewide building code for the planning and construction of~~  
1695 ~~public educational and ancillary plants adopted pursuant to ss.~~  
1696 ~~553.73 and 1013.37 relating to:~~

1697 ~~(a) Interior non-load-bearing walls, by approving the use~~  
1698 ~~of fire-rated wood stud walls in new construction or remodeling~~  
1699 ~~for interior non-load-bearing wall assemblies that will not be~~  
1700 ~~exposed to water or located in wet areas.~~

1701 ~~(b) Walkways, roadways, driveways, and parking areas, by~~  
1702 ~~approving the use of designated, stabilized, and well-drained~~  
1703 ~~gravel or grassed student parking areas.~~

1704 ~~(c) Standards for relocatables used as classroom space, as~~  
1705 ~~specified in s. 1013.20, by approving construction~~  
1706 ~~specifications for installation of relocatable buildings that do~~  
1707 ~~not have covered walkways leading to the permanent buildings~~  
1708 ~~onsite.~~

1709 ~~(d) Site lighting, by approving construction specifications~~  
1710 ~~regarding site lighting that:~~

1711 ~~1. Do not provide for lighting of gravel or grassed~~

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1712 ~~auxiliary or student parking areas.~~

1713 ~~2. Provide lighting for walkways, roadways, driveways,~~  
1714 ~~paved parking lots, exterior stairs, ramps, and walkways from~~  
1715 ~~the exterior of the building to a public walkway through~~  
1716 ~~installation of a timer that is set to provide lighting only~~  
1717 ~~during periods when the site is occupied.~~

1718 ~~3. Allow lighting for building entrances and exits to be~~  
1719 ~~installed with a timer that is set to provide lighting only~~  
1720 ~~during periods in which the building is occupied. The minimum~~  
1721 ~~illumination level at single-door exits may be reduced to no~~  
1722 ~~less than 1 foot candle.~~

1723 ~~(e) Any other provisions that limit the ability of a school~~  
1724 ~~to operate in a facility on the same basis as a charter school~~  
1725 ~~pursuant to s. 1002.33(18). When a hurricane evacuation shelter~~  
1726 ~~deficit, as determined by the Division of Emergency Management,~~  
1727 ~~in the regional planning council region in which the county is~~  
1728 ~~located makes public shelter design criteria applicable, any~~  
1729 ~~exceptions to the public shelter design criteria remain subject~~  
1730 ~~to the concurrence of the applicable local emergency management~~  
1731 ~~agency or the Division of Emergency Management so long as the~~  
1732 ~~regional planning council determines that there is sufficient~~  
1733 ~~shelter capacity within the school district as documented in the~~  
1734 ~~Statewide Emergency Shelter Plan. A school board may not be~~  
1735 ~~required to build more emergency-shelter space than identified~~  
1736 ~~as needed in the Statewide Emergency Shelter Plan.~~

1737 Section 39. Subsections (3) and (4) of section 1013.41,  
1738 Florida Statutes, are amended to read:

1739 1013.41 SMART schools; Classrooms First; legislative  
1740 purpose.-

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1741 (3) SCHOOL DISTRICT EDUCATIONAL FACILITIES PLAN.—It is the  
1742 purpose of the Legislature to create s. 1013.35, requiring each  
1743 school district annually to adopt an educational facilities plan  
1744 that provides an integrated long-range facilities plan,  
1745 ~~including the survey of projected needs and the 5-year work~~  
1746 ~~program~~. The purpose of the educational facilities plan is to  
1747 keep the district school board, local governments, and the  
1748 public fully informed as to whether the district is using sound  
1749 policies and practices that meet the essential needs of students  
1750 and that warrant public confidence in district operations. The  
1751 educational facilities plan will be monitored by the Office of  
1752 Educational Facilities, which will also apply performance  
1753 standards pursuant to s. 1013.04.

1754 (4) OFFICE OF EDUCATIONAL FACILITIES.—It is the purpose of  
1755 the Legislature to require the Office of Educational Facilities  
1756 to assist school districts in building SMART schools utilizing  
1757 functional and frugal practices. The Office of Educational  
1758 Facilities shall ~~must~~ review district facilities ~~work programs~~  
1759 ~~and~~ projects and identify opportunities to maximize design and  
1760 construction savings; ~~develop school district facilities work~~  
1761 ~~program performance standards;~~ and provide for review and  
1762 recommendations to the Governor, the Legislature, and the State  
1763 Board of Education.

1764 Section 40. Paragraph (e) of subsection (1) and subsection  
1765 (4) of section 1013.45, Florida Statutes, are amended to read:

1766 1013.45 Educational facilities contracting and construction  
1767 techniques for school districts and Florida College System  
1768 institutions.—

1769 (1) District school boards and boards of trustees of

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1770 Florida College System institutions may employ procedures to  
1771 contract for construction of new facilities, or for additions,  
1772 remodeling, renovation, maintenance, or repairs to existing  
1773 facilities, which include, but are not limited to:

1774 (e) Day-labor contracts not exceeding \$280,000 for  
1775 construction, renovation, remodeling, or maintenance of existing  
1776 facilities. This amount shall be adjusted annually based upon  
1777 changes in the Consumer Price Index. District school boards are  
1778 exempt from the contract limitations provided in this paragraph.

1779 (4) Except as otherwise provided in this section and s.  
1780 481.229, the services of a registered architect must be used by  
1781 Florida College System institution and state university boards  
1782 of trustees for the development of plans for the erection,  
1783 enlargement, or alteration of any educational facility. The  
1784 services of a registered architect are not required for a minor  
1785 renovation project for which the construction cost is less than  
1786 \$50,000 or for the placement or hookup of relocatable  
1787 educational-facilities that conform to standards adopted under  
1788 s. 1013.37. However, boards must provide compliance with  
1789 building code requirements and ensure that these structures are  
1790 adequately anchored for wind resistance as required by law. A  
1791 ~~district school board shall reuse existing construction~~  
1792 ~~documents or design criteria packages if such reuse is feasible~~  
1793 ~~and practical. If a school district's 5-year educational~~  
1794 ~~facilities work plan includes the construction of two or more~~  
1795 ~~new schools for students in the same grade group and program,~~  
1796 ~~such as elementary, middle, or high school, the district school~~  
1797 ~~board must require that prototype design and construction be~~  
1798 ~~used for the construction of these schools.~~ Notwithstanding s.

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1799 287.055, a board may purchase the architectural services for the  
1800 design of educational or ancillary facilities under an existing  
1801 contract agreement for professional services held by a district  
1802 school board in the State of Florida, provided that the purchase  
1803 is to the economic advantage of the purchasing board, the  
1804 services conform to the standards prescribed by rules of the  
1805 State Board of Education, and such reuse is not without notice  
1806 to, and permission from, the architect of record whose plans or  
1807 design criteria are being reused. Plans must be reviewed for  
1808 compliance with the State Requirements for Educational  
1809 Facilities. Rules adopted under this section must establish  
1810 uniform prequalification, selection, bidding, and negotiation  
1811 procedures applicable to construction management contracts and  
1812 the design-build process. This section does not supersede any  
1813 small, woman-owned, or minority-owned business enterprise  
1814 preference program adopted by a board. Except as otherwise  
1815 provided in this section, the negotiation procedures applicable  
1816 to construction management contracts and the design-build  
1817 process must conform to the requirements of s. 287.055. A board  
1818 may not modify any rules regarding construction management  
1819 contracts or the design-build process.

1820 Section 41. Section 1013.48, Florida Statutes, is amended  
1821 to read:

1822 1013.48 Changes in construction requirements after award of  
1823 contract.—The board may, at its option and by written policy  
1824 duly adopted and entered in its official minutes, authorize the  
1825 superintendent or president or other designated individual to  
1826 approve change orders in the name of the board for  
1827 preestablished amounts. Approvals must ~~shall~~ be for the purpose

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1828 of expediting the work in progress and must ~~shall~~ be reported to  
1829 the board and entered in its official minutes. ~~For~~  
1830 ~~accountability, the school district shall monitor and report the~~  
1831 ~~impact of change orders on its district educational facilities~~  
1832 ~~plan pursuant to s. 1013.35.~~

1833 Section 42. Section 1013.64, Florida Statutes, is amended  
1834 to read:

1835 1013.64 Funds for comprehensive educational plant needs;  
1836 construction cost maximums for school district capital  
1837 projects.—Allocations from the Public Education Capital Outlay  
1838 and Debt Service Trust Fund to the various boards for capital  
1839 outlay projects must ~~shall~~ be determined as follows:

1840 (1) (a) Funds for remodeling, renovation, maintenance,  
1841 repairs, and site improvement for existing satisfactory  
1842 facilities shall be given priority consideration by the  
1843 Legislature for appropriations allocated to the boards from the  
1844 total amount of the Public Education Capital Outlay and Debt  
1845 Service Trust Fund appropriated. These funds shall be calculated  
1846 pursuant to the following basic formula: the building value  
1847 times the building age over the sum of the years' digits  
1848 assuming a 50-year building life. For modular noncombustible  
1849 facilities, a 35-year life shall be used, and for relocatable  
1850 facilities, a 20-year life shall be used. "Building value" is  
1851 calculated by multiplying each building's total assignable  
1852 square feet times the appropriate net-to-gross conversion rate  
1853 found in state board rules and that product times the current  
1854 average new construction cost. "Building age" is calculated by  
1855 multiplying the prior year's building age times 1 minus the  
1856 prior year's sum received from this subsection divided by the



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1857 prior year's building value. To the net result shall be added  
1858 the number 1. Each board shall receive the percentage generated  
1859 by the preceding formula of the total amount appropriated for  
1860 the purposes of this section.

1861 (b) Each board is prohibited from using the funds received  
1862 pursuant to this section to supplant funds in the current fiscal  
1863 year approved operating budget, and all budgeted funds shall be  
1864 expended at a rate not less than would have been expended had  
1865 the funds under this section not been received.

1866 (c) Each remodeling, renovation, maintenance, repair, or  
1867 site improvement project will expand or upgrade current  
1868 educational plants to prolong the useful life of the plant.

1869 (d) Each board shall maintain fund accounting in a manner  
1870 which will permit a detailed audit of the funds expended in this  
1871 program.

1872 (e) Remodeling projects must ~~shall~~ be based on the  
1873 recommendations of a survey pursuant to s. 1013.31, or, for  
1874 district school boards, as indicated by the relative need as  
1875 determined by the Florida Inventory of School Houses and the  
1876 capital outlay full-time equivalent enrollment in the district.

1877 (f) At least one-tenth of a Florida College System  
1878 institution's or state university's board of trustees' board's  
1879 annual allocation provided under this section must ~~shall~~ be  
1880 spent to correct unsafe, unhealthy, or unsanitary conditions in  
1881 its educational facilities, as required by s. 1013.12, or a  
1882 lesser amount sufficient to correct all deficiencies cited in  
1883 its annual comprehensive safety inspection reports. This  
1884 paragraph must ~~shall~~ not be construed to limit the amount a  
1885 board may expend to correct such deficiencies.

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1886 (g) When an existing educational plant is determined to be  
1887 unsatisfactory pursuant to the survey conducted under s.  
1888 1013.31, the board may, by resolution, designate the plant as a  
1889 historic educational facility and may use funds generated for  
1890 renovation and remodeling pursuant to this section to restore  
1891 the facility for use by the board. The board shall agree to pay  
1892 renovation and remodeling costs in excess of funds which such  
1893 facility would have generated through the depreciation formula  
1894 in paragraph (a) had the facility been determined to be  
1895 satisfactory. The board shall further agree that the plant shall  
1896 continue to house students. The board may designate a plant as a  
1897 historic educational facility only if the Division of Historical  
1898 Resources of the Department of State or the appropriate historic  
1899 preservation board under chapter 266 certifies that:

1900 1. The plant is listed or determined eligible for listing  
1901 in the National Register of Historic Places pursuant to the  
1902 National Historic Preservation Act of 1966, as amended, 16  
1903 U.S.C. s. 470;

1904 2. The plant is designated historic within a certified  
1905 local district pursuant to s. 48(g)(3)(B)(ii) of the Internal  
1906 Revenue Code; or

1907 3. The division or historic preservation board otherwise  
1908 finds that the plant is historically significant.

1909 (h) University boards of trustees may utilize funds  
1910 appropriated pursuant to this section for replacement of minor  
1911 facilities. Minor facilities may not be replaced from funds  
1912 provided pursuant to this section unless the board determines  
1913 that the cost of repair or renovation is greater than or equal  
1914 to the cost of replacement.

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1915 (2) (a) The department shall establish, as a part of the  
1916 Public Education Capital Outlay and Debt Service Trust Fund, a  
1917 separate account, in an amount determined by the Legislature, to  
1918 be known as the "Special Facility Construction Account." The  
1919 Special Facility Construction Account shall be used to provide  
1920 necessary construction funds to school districts which have  
1921 urgent construction needs but which lack sufficient resources at  
1922 present, and cannot reasonably anticipate sufficient resources  
1923 within the period of the next 3 years, for these purposes from  
1924 currently authorized sources of capital outlay revenue. A school  
1925 district requesting funding from the Special Facility  
1926 Construction Account shall submit one specific construction  
1927 project, not to exceed one complete educational plant, to the  
1928 Special Facility Construction Committee. A district may not  
1929 receive funding for more than one approved project in any 3-year  
1930 period or while any portion of the district's participation  
1931 requirement is outstanding. The first year of the 3-year period  
1932 shall be the first year a district receives an appropriation.  
1933 During the 2019-2020 school year, a school district that  
1934 sustained hurricane damage in the 2018-2019 school year may  
1935 request funding from the Special Facility Construction Account  
1936 for a new project before the completion of the district's  
1937 participation requirement for an outstanding project. The  
1938 department shall encourage a construction program that reduces  
1939 the average size of schools in the district. The request must  
1940 meet the following criteria to be considered by the committee:  
1941 1. The project must be deemed a critical need and must be  
1942 recommended for funding by the Special Facility Construction  
1943 Committee. Before developing construction plans for the proposed

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1944 facility, the district school board must request a  
1945 preapplication review by the Special Facility Construction  
1946 Committee or a project review subcommittee convened by the chair  
1947 of the committee to include two representatives of the  
1948 department and two staff members from school districts not  
1949 eligible to participate in the program. A school district may  
1950 request a preapplication review at any time; however, if the  
1951 district school board seeks inclusion in the department's next  
1952 annual capital outlay legislative budget request, the  
1953 preapplication review request must be made before February 1.  
1954 Within 90 days after receiving the preapplication review  
1955 request, the committee or subcommittee must meet in the school  
1956 district to review the project proposal and existing facilities.  
1957 To determine whether the proposed project is a critical need,  
1958 the committee or subcommittee shall consider, at a minimum, the  
1959 capacity of all existing facilities within the district as  
1960 determined by the Florida Inventory of School Houses; the  
1961 district's pattern of student growth; the district's existing  
1962 and projected capital outlay full-time equivalent student  
1963 enrollment as determined by the demographic, revenue, and  
1964 education estimating conferences established in s. 216.136; the  
1965 district's existing satisfactory student stations; the use of  
1966 all existing district property and facilities; grade level  
1967 configurations; and any other information that may affect the  
1968 need for the proposed project.

1969 2. The construction project must be recommended ~~in the most~~  
1970 ~~recent survey or survey amendment cooperatively prepared by the~~  
1971 ~~district school board and the department,~~ and approved by the  
1972 department under the rules of the State Board of Education. If a

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1973 district school board employs a consultant in the preparation of  
1974 a survey or survey amendment, the consultant may not be employed  
1975 by or receive compensation from a third party that designs or  
1976 constructs a project recommended by the survey.

1977 3. The construction project must appear on the district's  
1978 approved project priority list under the rules of the State  
1979 Board of Education.

1980 4. The district school board must have selected and had  
1981 approved a site for the construction project in compliance with  
1982 s. 1013.36 and the rules of the State Board of Education.

1983 5. The district school board shall have developed a  
1984 district school board adopted list of facilities that do not  
1985 exceed the norm for net square feet occupancy requirements under  
1986 the State Requirements for Educational Facilities, using all  
1987 possible programmatic combinations for multiple use of space to  
1988 obtain maximum daily use of all spaces within the facility under  
1989 consideration.

1990 ~~6. Upon construction, the total cost per student station,~~  
1991 ~~including change orders, must not exceed the cost per student~~  
1992 ~~station as provided in subsection (6) unless approved by the~~  
1993 ~~Special Facility Construction Committee. At the discretion of~~  
1994 ~~the committee, costs that exceed the cost per student station~~  
1995 ~~for special facilities may include legal and administrative~~  
1996 ~~fees, the cost of site improvements or related offsite~~  
1997 ~~improvements, the cost of complying with public shelter and~~  
1998 ~~hurricane hardening requirements, cost overruns created by a~~  
1999 ~~disaster as defined in s. 252.34(2), costs of security~~  
2000 ~~enhancements approved by the school safety specialist, and~~  
2001 ~~unforeseeable circumstances beyond the district's control.~~

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2002           ~~7.~~ There shall be an agreement signed by the district  
2003 school board stating that it will advertise for bids within 30  
2004 days of receipt of its encumbrance authorization from the  
2005 department.

2006           7.8. For construction projects for which Special Facilities  
2007 Construction Account funding is sought before the 2019-2020  
2008 fiscal year, the district shall, at the time of the request and  
2009 for a continuing period necessary to meet the district's  
2010 participation requirement, levy the maximum millage against its  
2011 nonexempt assessed property value as allowed in s. 1011.71(2) or  
2012 shall raise an equivalent amount of revenue from the school  
2013 capital outlay surtax authorized under s. 212.055(6). Beginning  
2014 with construction projects for which Special Facilities  
2015 Construction Account funding is sought in the 2019-2020 fiscal  
2016 year, the district shall, for a minimum of 3 years before  
2017 submitting the request and for a continuing period necessary to  
2018 meet its participation requirement, levy the maximum millage  
2019 against the district's nonexempt assessed property value as  
2020 authorized under s. 1011.71(2) or shall raise an equivalent  
2021 amount of revenue from the school capital outlay surtax  
2022 authorized under s. 212.055(6). Any district with a new or  
2023 active project, funded under the provisions of this subsection,  
2024 shall be required to budget no more than the value of 1 mill per  
2025 year to the project until the district's participation  
2026 requirement relating to the local discretionary capital  
2027 improvement millage or the equivalent amount of revenue from the  
2028 school capital outlay surtax is satisfied.

2029           8.9. If a contract has not been signed 90 days after the  
2030 advertising of bids, the funding for the specific project shall

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2031 revert to the Special Facility New Construction Account to be  
2032 reallocated to other projects on the list. However, an  
2033 additional 90 days may be granted by the commissioner.

2034 ~~9.10.~~ The department shall certify the inability of the  
2035 district to fund the ~~survey-recommended~~ project over a  
2036 continuous 3-year period using projected capital outlay revenue  
2037 derived from s. 9(d), Art. XII of the State Constitution, as  
2038 amended, paragraph (3)(a) of this section, and s. 1011.71(2).

2039 ~~10.11.~~ The district shall have on file with the department  
2040 an adopted resolution acknowledging its commitment to satisfy  
2041 its participation requirement, which is equivalent to all  
2042 unencumbered and future revenue acquired from s. 9(d), Art. XII  
2043 of the State Constitution, as amended, paragraph (3)(a) of this  
2044 section, and s. 1011.71(2), in the year of the initial  
2045 appropriation and for the 2 years immediately following the  
2046 initial appropriation.

2047 ~~11.12.~~ Phase I plans must be approved by the district  
2048 school board as being in compliance with the building and life  
2049 safety codes before June 1 of the year the application is made.

2050 (b) The Special Facility Construction Committee shall be  
2051 composed of the following: two representatives of the Department  
2052 of Education, a representative from the Governor's office, a  
2053 representative selected annually by the district school boards,  
2054 and a representative selected annually by the superintendents. A  
2055 representative of the department shall chair the committee.

2056 (c) The committee shall review the requests submitted from  
2057 the districts, evaluate the ability of the project to relieve  
2058 critical needs, and rank the requests in priority order. This  
2059 statewide priority list for special facilities construction

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2060 shall be submitted to the Legislature in the commissioner's  
2061 annual capital outlay legislative budget request at least 45  
2062 days prior to the legislative session.

2063 (3) (a) Each district school board shall receive an amount  
2064 from the Public Education Capital Outlay and Debt Service Trust  
2065 Fund to be calculated by computing the capital outlay membership  
2066 as determined by the department. Such membership must include,  
2067 but is not limited to, prekindergarten through grade 12 students  
2068 whose instruction is funded by the Florida Education Finance  
2069 Program and for whom the school district provides the  
2070 educational facility.

2071 (b) The capital outlay full-time equivalent membership  
2072 shall be determined by counting the reported unweighted full-  
2073 time equivalent student membership for the second and third  
2074 surveys with each survey limited to 0.5 full-time equivalent  
2075 student membership per student and comparing the results on a  
2076 school-by-school basis with the Florida Inventory of School  
2077 Houses.

2078 (c) The capital outlay full-time equivalent membership by  
2079 grade level organization shall be used in making calculations.  
2080 The capital outlay membership by grade level organization for  
2081 the 4th prior year must be used to compute the base-year  
2082 allocation. The capital outlay full-time equivalent membership  
2083 by grade-level organization for the prior year must be used to  
2084 compute the growth over the highest of the 3 years preceding the  
2085 prior year. From the total amount appropriated by the  
2086 Legislature pursuant to this subsection, 40 percent shall be  
2087 allocated among the base capital outlay full-time equivalent  
2088 membership and 60 percent among the growth capital outlay full-



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2089 time equivalent membership. The allocation within each of these  
2090 groups shall be prorated to the districts based upon each  
2091 district's percentage of base and growth capital outlay full-  
2092 time equivalent membership. The most recent 4-year capital  
2093 outlay full-time equivalent membership data shall be used in  
2094 each subsequent year's calculation for the allocation of funds  
2095 pursuant to this subsection. If a change, correction, or  
2096 recomputation of data during any year results in a reduction or  
2097 increase of the calculated amount previously allocated to a  
2098 district, the allocation to that district shall be adjusted  
2099 accordingly. If such recomputation results in an increase or  
2100 decrease of the calculated amount, such additional or reduced  
2101 amounts shall be added to or reduced from the district's future  
2102 appropriations. However, no change, correction, or recomputation  
2103 of data shall be made subsequent to 2 years following the  
2104 initial annual allocation.

2105 (d) Funds accruing to a district school board from the  
2106 provisions of this section shall be expended on needed projects  
2107 as shown ~~by survey or surveys~~ under the rules of the State Board  
2108 of Education.

2109 (e) A district school board may lease relocatable  
2110 educational facilities for up to 3 years using nonbonded PECO  
2111 funds and for any time period using local capital outlay  
2112 millage.

2113 (f) Funds distributed to the district school boards shall  
2114 be allocated solely based on the provisions of paragraphs (1)(a)  
2115 and (2)(a) and paragraphs (a)-(c) of this subsection. No  
2116 individual school district projects shall be funded off the top  
2117 of funds allocated to district school boards.

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2118 (4) (a) Florida College System institution boards of  
2119 trustees and university boards of trustees shall receive funds  
2120 for projects based on a 3-year priority list, to be updated  
2121 annually, which is submitted to the Legislature in the  
2122 legislative budget request at least 90 days prior to the  
2123 legislative session. The State Board of Education shall submit a  
2124 3-year priority list for Florida College System institutions,  
2125 and the Board of Governors shall submit a 3-year priority list  
2126 for universities. The lists shall reflect decisions by the State  
2127 Board of Education for Florida College System institutions and  
2128 the Board of Governors for state universities concerning program  
2129 priorities that implement the statewide plan for program growth  
2130 and quality improvement in education. No remodeling or  
2131 renovation project shall be included on the 3-year priority list  
2132 unless the project has been recommended pursuant to s. 1013.31  
2133 or is for the purpose of correcting health and safety  
2134 deficiencies. No new construction project shall be included on  
2135 the first year of the 3-year priority list unless the  
2136 educational specifications have been approved by the  
2137 commissioner for a Florida College System institution project or  
2138 by the Board of Governors for a university project, as  
2139 applicable. The funds requested for a new construction project  
2140 in the first year of the 3-year priority list shall be in  
2141 conformance with the scope of the project as defined in the  
2142 educational specifications. Any new construction project  
2143 requested in the first year of the 3-year priority list which is  
2144 not funded by the Legislature shall be carried forward to be  
2145 listed first in developing the updated 3-year priority list for  
2146 the subsequent year's capital outlay budget. Should the order of

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2147 the priority of the projects change from year to year, a  
2148 justification for such change shall be included with the updated  
2149 priority list.

2150 (b) Florida College System institution boards of trustees  
2151 and university boards of trustees may lease relocatable  
2152 educational facilities for up to 3 years using nonbonded PECO  
2153 funds.

2154 (c) Florida College System institution boards of trustees  
2155 and university boards of trustees shall receive funds for  
2156 remodeling, renovation, maintenance and repairs, and site  
2157 improvement for existing satisfactory facilities pursuant to  
2158 subsection (1).

2159 (5) District school boards shall identify each fund source  
2160 and the use of each proportionate to the project cost, as  
2161 identified in the bid document, to assure compliance with this  
2162 section. The data shall be submitted to the department, which  
2163 shall track this information as submitted by the boards. PECO  
2164 funds shall not be expended as indicated in the following:

2165 (a) District school boards shall provide landscaping by  
2166 local funding sources or initiatives. District school boards are  
2167 exempt from local landscape ordinances but may comply with the  
2168 local requirements if such compliance is less costly than  
2169 compliance with the landscape requirements of the Florida  
2170 Building Code for public educational facilities.

2171 (b) PECO funds shall not be used for the construction of  
2172 football fields, bleachers, site lighting for athletic  
2173 facilities, tennis courts, stadiums, racquetball courts, or any  
2174 other competition-type facilities not required for physical  
2175 education curriculum. Regional or intradistrict football

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2176 stadiums may be constructed with these funds provided a minimum  
2177 of two high schools and two middle schools are assigned to the  
2178 facility ~~and the stadiums are survey recommended~~. Sophisticated  
2179 auditoria shall be limited to magnet performing arts schools,  
2180 with all other schools using basic lighting and sound systems as  
2181 determined by rule. Local funds shall be used for enhancement of  
2182 athletic and performing arts facilities.

2183 (6) (a) Each district school board must meet all educational  
2184 plant space needs of its elementary, middle, and high schools  
2185 before spending funds from the Public Education Capital Outlay  
2186 and Debt Service Trust Fund or the School District and Community  
2187 College District Capital Outlay and Debt Service Trust Fund for  
2188 any ancillary plant or any other new construction, renovation,  
2189 or remodeling of ancillary space. Expenditures to meet such  
2190 space needs may include expenditures for site acquisition; new  
2191 construction of educational plants; renovation, remodeling, and  
2192 maintenance and repair of existing educational plants, including  
2193 auxiliary facilities; and the directly related costs of such  
2194 services of school district personnel. It is not the intent of  
2195 the Legislature to preclude the use of capital outlay funding  
2196 for the labor costs necessary to accomplish the authorized uses  
2197 for the capital outlay funding. Day-labor contracts or any other  
2198 educational facilities contracting and construction techniques  
2199 pursuant to s. 1013.45 are authorized. Additionally, if a school  
2200 district has salaried maintenance staff whose duties consist  
2201 solely of performing the labor necessary to accomplish the  
2202 authorized uses for the capital outlay funding, such funding may  
2203 be used for those salaries; however, if a school district has  
2204 salaried staff whose duties consist partially of performing the

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2205 labor necessary to accomplish the authorized uses for the  
2206 capital outlay funding, the district shall prorate the portion  
2207 of salary of each such employee that is based on labor for  
2208 authorized capital outlay funding, and such funding may be used  
2209 to pay that portion.

2210 (b)1. ~~A district school board may not use funds from the~~  
2211 ~~following sources: Public Education Capital Outlay and Debt~~  
2212 ~~Service Trust Fund; School District and Community College~~  
2213 ~~District Capital Outlay and Debt Service Trust Fund; Classrooms~~  
2214 ~~First Program funds provided in s. 1013.68; nonvoted 1.5-mill~~  
2215 ~~levy of ad valorem property taxes provided in s. 1011.71(2);~~  
2216 ~~Classrooms for Kids Program funds provided in s. 1013.735;~~  
2217 ~~District Effort Recognition Program funds provided in s.~~  
2218 ~~1013.736; or High Growth District Capital Outlay Assistance~~  
2219 ~~Grant Program funds provided in s. 1013.738 to pay for any~~  
2220 ~~portion of the cost of any new construction of educational plant~~  
2221 ~~space with a total cost per student station, including change~~  
2222 ~~orders, which exceeds:~~

2223 a. ~~\$17,952 for an elementary school;~~

2224 b. ~~\$19,386 for a middle school; or~~

2225 e. ~~\$25,181 for a high school,~~

2226

2227 ~~(January 2006) as adjusted annually to reflect increases or~~  
2228 ~~decreases in the Consumer Price Index. The department, in~~  
2229 ~~conjunction with the Office of Economic and Demographic~~  
2230 ~~Research, shall estimate review and adjust the cost per student~~  
2231 ~~station limits to reflect actual construction costs by January~~  
2232 ~~1, 2020, and annually thereafter. The adjusted cost per student~~  
2233 ~~station shall be used by the department for computation of the~~

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2234 statewide average costs per student station for each  
2235 instructional level ~~pursuant to paragraph (d)~~. The department  
2236 ~~may shall also~~ collaborate with the Office of Economic and  
2237 Demographic Research to select an industry-recognized  
2238 construction index to reflect annual changes in the cost per  
2239 student station ~~replace the Consumer Price Index by January 1,~~  
2240 ~~2020, adjusted annually to reflect changes in the construction~~  
2241 ~~index.~~

2242 2. District school boards ~~School districts~~ shall maintain  
2243 accurate documentation related to the costs of all new  
2244 construction of educational plant space reported to the  
2245 Department of Education pursuant to paragraph (c) ~~(d)~~. The  
2246 Auditor General ~~shall review the documentation maintained by the~~  
2247 ~~school districts and verify compliance with the limits under~~  
2248 ~~this paragraph during its scheduled operational audits of the~~  
2249 ~~school district.~~

2250 3. ~~Except for educational facilities and sites subject to a~~  
2251 ~~lease purchase agreement entered pursuant to s. 1011.71(2)(e) or~~  
2252 ~~funded solely through local impact fees, in addition to the~~  
2253 ~~funding sources listed in subparagraph 1., a district school~~  
2254 ~~board may not use funds from any sources for new construction of~~  
2255 ~~educational plant space with a total cost per student station,~~  
2256 ~~including change orders, which equals more than the current~~  
2257 ~~adjusted amounts provided in sub-subparagraphs 1.a.-c. However,~~  
2258 ~~if a contract has been executed for architectural and design~~  
2259 ~~services or for construction management services before July 1,~~  
2260 ~~2017, a district school board may use funds from any source for~~  
2261 ~~the new construction of educational plant space and such funds~~  
2262 ~~are exempt from the total cost per student station requirements.~~

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2263 ~~4. A district school board must not use funds from the~~  
2264 ~~Public Education Capital Outlay and Debt Service Trust Fund or~~  
2265 ~~the School District and Community College District Capital~~  
2266 ~~Outlay and Debt Service Trust Fund for any new construction of~~  
2267 ~~an ancillary plant that exceeds 70 percent of the average cost~~  
2268 ~~per square foot of new construction for all schools.~~

2269 ~~(c) Except as otherwise provided, new construction for~~  
2270 ~~which a contract has been executed for architectural and design~~  
2271 ~~services or for construction management services by a district~~  
2272 ~~school board on or after July 1, 2017, may not exceed the cost~~  
2273 ~~per student station as provided in paragraph (b).~~

2274 ~~(d) The department shall:~~

2275 ~~1. Compute for each calendar year the statewide average~~  
2276 ~~construction costs for facilities serving each instructional~~  
2277 ~~level, for relocatable educational facilities, for~~  
2278 ~~administrative facilities, and for other ancillary and auxiliary~~  
2279 ~~facilities. The department shall compute the statewide average~~  
2280 ~~costs per student station for each instructional level.~~

2281 ~~2. Annually review the actual completed construction costs~~  
2282 ~~of educational facilities in each school district. For any~~  
2283 ~~school district in which the total actual cost per student~~  
2284 ~~station, including change orders, exceeds the statewide limits~~  
2285 ~~established in paragraph (b), the school district shall report~~  
2286 ~~to the department the actual cost per student station and the~~  
2287 ~~reason for the school district's inability to adhere to the~~  
2288 ~~limits established in paragraph (b). The department shall~~  
2289 ~~collect all such reports and shall provide these reports to the~~  
2290 ~~Auditor General for verification purposes.~~

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2292 ~~Cost per student station includes contract costs, fees of~~  
2293 ~~architects and engineers, and the cost of furniture and~~  
2294 ~~equipment. Cost per student station does not include the cost of~~  
2295 ~~purchasing or leasing the site for the construction, legal and~~  
2296 ~~administrative costs, or the cost of related site or offsite~~  
2297 ~~improvements. Cost per student station also does not include the~~  
2298 ~~cost for securing entries, checkpoint construction, lighting~~  
2299 ~~specifically designed for entry point security, security~~  
2300 ~~cameras, automatic locks and locking devices, electronic~~  
2301 ~~security systems, fencing designed to prevent intruder entry~~  
2302 ~~into a building, bullet-proof glass, or other capital~~  
2303 ~~construction items approved by the school safety specialist to~~  
2304 ~~ensure building security for new educational, auxiliary, or~~  
2305 ~~ancillary facilities.~~

2306 ~~(e) Notwithstanding the requirements of this subsection, an~~  
2307 ~~unfinished construction project for new construction of~~  
2308 ~~educational plant space that was started on or before July 1,~~  
2309 ~~2026, is exempt from the total cost per student station~~  
2310 ~~requirements established in paragraph (b).~~

2311 Section 43. Subsections (5) and (6) of section 1013.68,  
2312 Florida Statutes, are amended to read:

2313 1013.68 Classrooms First Program; uses.—

2314 (5) A school district may only receive a distribution for  
2315 use pursuant to paragraph (2) (a) if the district school board  
2316 certifies to the Commissioner of Education that the district has  
2317 no immediate unmet need for permanent classroom facilities in  
2318 its facilities ~~5-year capital outlay work~~ plan. If the ~~work~~ plan  
2319 contains such unmet needs, the district must use its  
2320 distribution for the payment of bonds pursuant to paragraph



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2321 (2) (b). If the district does not require its full bonded  
2322 distribution to eliminate such unmet need, it may bond only that  
2323 portion of its allocation necessary to meet the needs.

2324 (6) School districts may enter into interlocal agreements  
2325 to lend their Classrooms First Program funds as provided in  
2326 paragraph (2) (c). A school district or multiple school districts  
2327 that receive cash proceeds may, after considering their own new  
2328 construction needs ~~outlined in their 5-year district facilities~~  
2329 ~~work program~~, lend their Classrooms First Program funds to  
2330 another school district that has need for new facilities. The  
2331 interlocal agreement must be approved by the Commissioner of  
2332 Education and must outline the amount of the funds to be lent,  
2333 the term of the loan, the repayment schedule, and any interest  
2334 amount to be repaid in addition to the principal amount of the  
2335 loan.

2336 Section 44. Paragraph (e) of subsection (6) of section  
2337 163.3180, Florida Statutes, is amended to read:

2338 163.3180 Concurrency.—

2339 (6)

2340 (e) A school district that includes relocatable facilities  
2341 in its inventory of student stations shall include the capacity  
2342 of such relocatable facilities ~~as provided in s.~~

2343 ~~1013.35(2)(b)2.f.~~, provided the relocatable facilities were  
2344 purchased after 1998 and the relocatable facilities meet the  
2345 standards for long-term use pursuant to s. 1013.20.

2346 Section 45. Subsection (5) of section 1002.31, Florida  
2347 Statutes, is amended to read:

2348 1002.31 Controlled open enrollment; public school parental  
2349 choice.—

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2350 (5) For a school or program that is a public school of  
2351 choice under this section, the calculation for compliance with  
2352 maximum class size pursuant to s. 1003.03(1) ~~s. 1003.03(4)~~ is  
2353 the average number of students at the school level.

2354 Section 46. Paragraph (i) of subsection (2) of section  
2355 1003.621, Florida Statutes, is amended to read:

2356 1003.621 Academically high-performing school districts.—It  
2357 is the intent of the Legislature to recognize and reward school  
2358 districts that demonstrate the ability to consistently maintain  
2359 or improve their high-performing status. The purpose of this  
2360 section is to provide high-performing school districts with  
2361 flexibility in meeting the specific requirements in statute and  
2362 rules of the State Board of Education.

2363 (2) COMPLIANCE WITH STATUTES AND RULES.—Each academically  
2364 high-performing school district shall comply with all of the  
2365 provisions in chapters 1000-1013, and rules of the State Board  
2366 of Education which implement these provisions, pertaining to the  
2367 following:

2368 (i) Those statutes pertaining to educational facilities,  
2369 including chapter 1013, except that s. 1013.20, relating to  
2370 covered walkways for portables, and ~~s. 1013.21, relating to the~~  
2371 ~~use of relocatable facilities that exceed 20 years of age,~~ are  
2372 eligible for exemption.

2373 Section 47. Paragraph (e) of subsection (2) of section  
2374 1003.631, Florida Statutes, is amended to read:

2375 1003.631 Schools of Excellence.—The Schools of Excellence  
2376 Program is established to provide administrative flexibility to  
2377 the state's top schools so that the instructional personnel and  
2378 administrative staff at such schools can continue to serve their

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2379 communities and increase student learning to the best of their  
2380 professional ability.

2381 (2) ADMINISTRATIVE FLEXIBILITIES.—A School of Excellence  
2382 must be provided the following administrative flexibilities:

2383 (e) Calculation for compliance with maximum class size  
2384 pursuant to s. 1003.03(1) ~~s. 1003.03(4)~~ based on the average  
2385 number of students at the school level.

2386 Section 48. Paragraph (b) of subsection (3) of section  
2387 1011.6202, Florida Statutes, is amended to read:

2388 1011.6202 Principal Autonomy Program Initiative.—The  
2389 Principal Autonomy Program Initiative is created within the  
2390 Department of Education. The purpose of the program is to  
2391 provide a highly effective principal of a participating school  
2392 with increased autonomy and authority to operate his or her  
2393 school, as well as other schools, in a way that produces  
2394 significant improvements in student achievement and school  
2395 management while complying with constitutional requirements. The  
2396 State Board of Education may, upon approval of a principal  
2397 autonomy proposal, enter into a performance contract with the  
2398 district school board for participation in the program.

2399 (3) EXEMPTION FROM LAWS.—

2400 (b) A participating school or a school operated by a  
2401 principal pursuant to subsection (5) shall comply with the  
2402 provisions of chapters 1000-1013, and rules of the state board  
2403 that implement those provisions, pertaining to the following:

2404 1. Those laws relating to the election and compensation of  
2405 district school board members, the election or appointment and  
2406 compensation of district school superintendents, public meetings  
2407 and public records requirements, financial disclosure, and

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2408 conflicts of interest.

2409 2. Those laws relating to the student assessment program  
2410 and school grading system, including chapter 1008.

2411 3. Those laws relating to the provision of services to  
2412 students with disabilities.

2413 4. Those laws relating to civil rights, including s.  
2414 1000.05, relating to discrimination.

2415 5. Those laws relating to student health, safety, and  
2416 welfare.

2417 6. Section 1001.42(4)(f), relating to the uniform opening  
2418 date for public schools.

2419 7. Section 1003.03, governing maximum class size, except  
2420 that the calculation for compliance pursuant to s. 1003.03 is  
2421 the average at the school level for a participating school.

2422 8. Sections 1012.22(1)(c) and 1012.27(2), relating to  
2423 compensation and salary schedules.

2424 9. Section 1012.33(5), relating to workforce reductions for  
2425 annual contracts for instructional personnel. This subparagraph  
2426 does not apply to at-will employees.

2427 10. Section 1012.335, relating to annual contracts for  
2428 instructional personnel hired on or after July 1, 2011. This  
2429 subparagraph does not apply to at-will employees.

2430 11. Section 1012.34, relating to personnel evaluation  
2431 procedures and criteria.

2432 12. Those laws pertaining to educational facilities,  
2433 including chapter 1013, except that s. 1013.20, relating to  
2434 covered walkways for relocatables, and ~~s. 1013.21, relating to~~  
2435 ~~the use of relocatable facilities exceeding 20 years of age,~~ are  
2436 eligible for exemption.

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2437 13. Those laws pertaining to participating school  
2438 districts, including this section and ss. 1011.69(2) and  
2439 1012.28(8).

2440 Section 49. Subsection (2) of section 1011.73, Florida  
2441 Statutes, is amended to read:

2442 1011.73 District millage elections.—

2443 (2) MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.—The district  
2444 school board, pursuant to resolution adopted at a regular  
2445 meeting, shall direct the county commissioners to call an  
2446 election at which the electors within the school district may  
2447 approve an ad valorem tax millage as authorized under s.  
2448 1011.71(8) ~~s. 1011.71(9)~~. Such election may be held at any time,  
2449 except that not more than one such election shall be held during  
2450 any 12-month period. Any millage so authorized shall be levied  
2451 for a period not in excess of 4 years or until changed by  
2452 another millage election, whichever is earlier. If any such  
2453 election is invalidated by a court of competent jurisdiction,  
2454 such invalidated election shall be considered not to have been  
2455 held.

2456 Section 50. Paragraph (b) of subsection (2) of section  
2457 1012.555, Florida Statutes, is amended to read:

2458 1012.555 Teacher Apprenticeship Program.—

2459 (2)

2460 (b) As a condition of participating in the program, an  
2461 apprentice teacher must commit to spending the first 2 years in  
2462 the classroom of a mentor teacher using team teaching strategies  
2463 identified in s. 1003.03(4)(b) ~~s. 1003.03(5)(b)~~ and fulfilling  
2464 the on-the-job training component of the registered  
2465 apprenticeship and its associated standards.

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2466 Section 51. Paragraph (a) of subsection (3) of section  
2467 1013.62, Florida Statutes, is amended to read:

2468 1013.62 Charter schools capital outlay funding.—

2469 (3) If the school board levies the discretionary millage  
2470 authorized in s. 1011.71(2), the department shall use the  
2471 following calculation methodology to determine the amount of  
2472 revenue that a school district must distribute to each eligible  
2473 charter school:

2474 (a) Reduce the total discretionary millage revenue by the  
2475 school district's annual debt service obligation incurred as of  
2476 March 1, 2017, which has not been subsequently retired, and any  
2477 amount of participation requirement pursuant to s.  
2478 1013.64(2)(a)7. ~~s. 1013.64(2)(a)8.~~ that is being satisfied by  
2479 revenues raised by the discretionary millage.

2480

2481 By October 1 of each year, each school district shall certify to  
2482 the department the amount of debt service and participation  
2483 requirement that complies with the requirement of paragraph (a)  
2484 and can be reduced from the total discretionary millage revenue.  
2485 The Auditor General shall verify compliance with the  
2486 requirements of paragraph (a) and s. 1011.71(2)(e) during  
2487 scheduled operational audits of school districts.

2488 Section 52. This act shall take effect July 1, 2024.