A bill to be entitled
An act relating to structurally sound and accessible
school facilities; creating s. 1002.24, F.S.;
providing legislative intent; defining a term;
providing that all students have certain rights
relating to attending schools that meet specific
standards; providing construction; requiring that
certain new school facilities be constructed in
compliance with public shelter design criteria;
requiring each district school board, the governing
authority of each state scholarship-participating
private school, and the governing authority of any
school not located on district school board property
to implement certain procedures; providing for duties
of existing state scholarship-participating private
schools and certain startup charter schools; providing
for duties of the Department of Education; providing
for rulemaking; providing for preemption of the State
Requirements for Educational Facilities and the
Florida Building Code; providing that schools are not
required to add certain technology or infrastructure
for specified purposes; amending s. 1002.33, F.S.;
requiring a startup charter school to use facilities
that comply with the State Requirements for
Educational Facilities; amending s. 1002.42, F.S.;
requiring the governing authority of a state scholarship-participating private school to require that any new construction, remodeling, or renovation of school facilities comply with the Florida Building Code and the State Requirements for Educational Facilities; providing an effective date.

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

Section 1. Section 1002.24, Florida Statutes, is created to read:

1002.24 Students' Bill of Rights.—
(1) It is the intent of the Legislature that students attending public schools or state scholarship-participating private schools enjoy the same basic protections to ensure their ability to learn.

(2) As used in this section, the term "board" has the same meaning as in the State Requirements for Educational Facilities (SREF) of the Florida Building Code adopted pursuant to s. 1013.37.

(3) As used in this section, the term "state scholarship-participating private schools" means private schools participating in a state scholarship program under s. 1002.385, s. 1002.39, s. 1002.395, or s. 1002.40, or any other similar program.
(4) Each student is afforded the rights and privileges specified in this section. Each student has the right to:

(a) Attend a school that is a structurally sound and accessible facility for learning.

(b) Attend a school that meets firesafety and sanitation standards and conducts annual inspections in accordance with the SREF.

(c) Attend a school that provides a secure learning environment in new, renovated, or remodeled facilities that reflect the strategies approved for safe school design under the SREF.

(d) Attend a school that is designed and constructed to minimize the impact of a hurricane or other natural disaster and built in accordance with the public shelter design criteria of the Florida Building Code.

(e) Attend a school that is usable by and accessible to individuals with disabilities, as required by federal law.

(f) Attend a school that meets at least the minimum casualty safety and sanitation requirements specified in the SREF for sites; concrete; masonry; metals; wood; insulation and moisture protection; doors and windows; finishes; specialties; equipment; furnishings; special construction; relocatable buildings; conveying, mechanical, and electrical systems; and HVAC services.

(5) The rights granted under this section are not
exclusive to other rights, and a student does not forfeit any
rights otherwise held under federal, state, or local law.

(6) The new construction of any school facility located
outside of a Category A, Category B, or Category C evacuation
zone, as specified in the Statewide Emergency Shelter Plan
published by the Division of Emergency Management, must comply
with the public shelter design criteria adopted under the
Florida Building Code.

(7) Each district school board and the governing authority
of each state scholarship-participating private school and any
school not located on district school board property shall adopt
procedures to comply with this section.

(8) State scholarship-participating private schools and
startup charter schools not operating on school district
property, any of which are existing before June 1, 2022, shall
comply with this section and, within 120 days after June 1,
2022, the department shall verify whether such schools are in
compliance.

(9) The department shall establish a verification process
for state scholarship-participating private schools and startup
charter schools that are newly constructed after June 1, 2023,
or that have undergone remodeling or renovation since their
previous verification. The verifications performed under this
subsection must be completed by June 1 of each year following
such new construction, remodeling, or renovation.
(10) The results of the verification process under this section must be published on the department's website prior to each school year, but no later than August 1.

(11) The State Board of Education may adopt rules pursuant to ss. 120.536 and 120.54 to implement this section.

(12) This section preempts any provision of s. 1002.33(18), the SREF, or the Florida Building Code which is inconsistent with this section.

(13) Nothing in this section requires a school to add security technology or other infrastructure for the purpose of protection from school violence.

Section 2. Paragraph (a) of subsection (18) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(18) FACILITIES.—

(a) A startup charter school shall utilize facilities that comply with the Florida Building Code pursuant to chapter 553 and except for the State Requirements for Educational Facilities pursuant to s. 1002.24. Conversion charter schools shall utilize facilities that comply with the State Requirements for Educational Facilities, provided that the school district and the charter school have entered into a mutual management plan for the reasonable maintenance of such facilities. The mutual management plan shall contain a provision by which the district school board agrees to maintain charter
school facilities in the same manner as its other public schools within the district. Charter schools, with the exception of conversion charter schools, are not required to comply, but may choose to comply, with the State Requirements for Educational Facilities of the Florida Building Code adopted pursuant to s. 1013.37. The local governing authority shall not adopt or impose any local building requirements or site-development restrictions, such as parking and site-size criteria, student enrollment, and occupant load, that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code. A local governing authority must treat charter schools equitably in comparison to similar requirements, restrictions, and site planning processes imposed upon public schools that are not charter schools. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy or use shall be the local municipality or, if in an unincorporated area, the county governing authority. If an official or employee of the local governing authority refuses to comply with this paragraph, the aggrieved school or entity has an immediate right to bring an action in circuit court to enforce its rights by injunction. An aggrieved party that receives injunctive relief may be awarded attorney fees and court costs.

Section 3. Subsection (18) is added to section 1002.42, Florida Statutes, to read:
1002.42 Private schools.—

(18) STRUCTURALLY SOUND AND ACCESSIBLE SCHOOL FACILITIES.— The governing authority of each state scholarship-participating private school, as defined in s. 1002.24(3), shall require any new construction, remodeling, or renovation of school facilities to comply with the Florida Building Code pursuant to chapter 553 and the State Requirements for Educational Facilities pursuant to s. 1002.24.

Section 4. This act shall take effect July 1, 2019.