

By Senator Rouson

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A bill to be entitled
An act relating to educational facilities; amending s.
1002.333, F.S.; revising definitions; deleting a
provision authorizing a school of hope to colocate
with another school in a public school facility;
deleting a provision requiring a school district to
permit a school of hope to use an underused, vacant,
or surplus school district facility; deleting a
requirement for students enrolled in a school of hope
to be included in the school district's total capital
outlay full-time equivalent membership; deleting a
provision authorizing a hope operator establishing a
school of hope to use such a facility at no cost;
providing an effective date.

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

Section 1. Paragraphs (c) and (d) of subsection (1) and
paragraphs (a) and (d) of subsection (7) of section 1002.333,
Florida Statutes, are amended to read:

1002.333 Persistently low-performing schools.—

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

(c) "Persistently low-performing school" means a school
that meets at least one of the following criteria:

1. A school that has earned three grades lower than a "C,"
pursuant to s. 1008.34, in at least 3 of the previous 5 years
that the school received a grade and has not earned a grade of
"B" or higher in the most recent 2 school years; or

2. A school that was closed pursuant to s. 1008.33(4)

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within 2 years after the submission of a notice of intent;~~or~~

~~3. A school in the bottom 10 percent in at least 2 of the previous 3 years for student performance on the end-of-year administration of the coordinated screening and progress monitoring system for grade 3 English Language Arts or grade 4 mathematics as prescribed in s. 1008.22(3)(a)2.~~

(d) "School of hope" means:

1. A charter school operated by a hope operator which:

a. Serves students from one or more persistently low-performing schools or students who reside in a Florida Opportunity Zone; and

~~b. Is located in a Florida Opportunity Zone or in the attendance zone of a persistently low-performing school or within a 5-mile radius of such school, whichever is greater. A school of hope may be located outside of a Florida Opportunity Zone or persistently low-performing school attendance zone if the school district does not have underused, vacant, or surplus property available for the hope operator to use within a Florida Opportunity Zone or persistently low-performing school attendance zone; and~~

~~e. Is a Title I eligible school; or~~

2. A school operated by a hope operator pursuant to s. 1008.33(4)(b)3.

(7) FACILITIES.—

(a) A school of hope shall use facilities that comply with the Florida Building Code, except for the State Requirements for Educational Facilities. A school of hope that uses school district facilities must comply with the State Requirements for Educational Facilities only if the school district and the hope

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operator have entered into a mutual management plan for the reasonable maintenance of such facilities. The mutual management plan must ~~shall~~ contain a provision by which the district school board agrees to maintain the school facilities in the same manner as its other public schools within the district. ~~A school of hope may colocate with another school in a public school facility. The school district must permit any school of hope to use all or part of underused, vacant, or surplus school district facilities, and receive facility-related services, pursuant to State Board of Education rule. Students enrolled in the school of hope shall be included in the district's total capital outlay full-time equivalent membership for the purpose of s. 1013.62 and for calculating the Public Education Capital Outlay maintenance funds or any other maintenance funds for the facility.~~ The local governing authority may ~~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 shall ~~must~~ treat schools of hope equitably in comparison to similar requirements, restrictions, and site planning processes imposed upon public schools. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy or use is ~~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

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88 action in circuit court to enforce its rights by injunction. An
89 aggrieved party that receives injunctive relief may be awarded
90 reasonable attorney fees and court costs.

91 (d) No later than January 1, the department shall annually
92 provide to school districts a list of all underused, vacant, or
93 surplus facilities owned or operated by the school district as
94 reported in the Florida Inventory of School Houses. A school
95 district may provide evidence to the department that a facility
96 includes prekindergarten students who are not reported for
97 funding in the Florida Education Finance Program or that the
98 list contains errors or omissions within 30 days after receipt
99 of the list. By each April 1, the department shall update and
100 publish a final list of all underused, vacant, or surplus
101 facilities owned or operated by each school district, based upon
102 updated information provided by each school district. ~~A hope~~
103 ~~operator establishing a school of hope may use an educational~~
104 ~~facility identified in this paragraph at no cost.~~ A hope
105 operator using a facility pursuant to this paragraph may not
106 sell or dispose of such facility without the written permission
107 of the school district. For purposes of this paragraph, the term
108 "underused, vacant, or surplus facility" means an entire
109 facility or portion thereof which is not fully used or is used
110 irregularly or intermittently by the school district for
111 instructional or program use.

112 Section 2. This act shall take effect July 1, 2026.