

1 A bill to be entitled
2 An act relating to private school facilities; amending
3 s. 1002.42, F.S.; providing that certain private
4 schools are considered a permitted use in certain
5 zoning districts; authorizing counties and
6 municipalities to require specified measures to
7 mitigate vehicular traffic and pedestrian safety;
8 providing requirements for such measures; authorizing
9 private schools to provide a traffic study rather than
10 comply with such measures; creating a right to action
11 under certain circumstances; authorizing the award of
12 injunctive relief; authorizing certain private schools
13 to operate in facilities that meet specified
14 requirements; requiring certain private schools
15 operating in such facilities to meet specified Florida
16 Fire Prevention Code standards; providing that
17 completion of a specified evaluation system with
18 certain ratings by specified persons constitutes
19 evidence of compliance with the Florida Fire
20 Prevention Code for such private schools; authorizing
21 the State Fire Marshal to adopt rules; providing an
22 effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:
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26 Section 1. Subsection (19) of section 1002.42, Florida
27 Statutes, is amended to read:

28 1002.42 Private schools.—

29 (19) FACILITIES AND LAND USE.—

30 (a) A private school may use facilities on property owned
31 or leased by a library, community service organization, museum,
32 performing arts venue, theater, cinema, or church facility under
33 s. 170.201, which is or was actively used as such within 5 years
34 of any executed agreement with a private school to use the
35 facilities; any facility or land owned by a Florida College
36 System institution or university; any similar public
37 institutional facilities; and any facility recently used to
38 house a school or child care facility licensed under s. 402.305,
39 under any such facility's preexisting zoning and land use
40 designations without rezoning or obtaining a special exception
41 or a land use change, and without complying with any mitigation
42 requirements or conditions. The facility must be located on
43 property used solely for purposes described in this paragraph,
44 and must meet applicable state and local health, safety, and
45 welfare laws, codes, and rules, including firesafety and
46 building safety.

47 (b) A private school may use facilities on property
48 purchased from a library, community service organization,
49 museum, performing arts venue, theater, cinema, or church
50 facility under s. 170.201, which is actively or was actively

51 used as such within 5 years of any executed agreement with a
52 private school to purchase the facilities; any facility or land
53 owned by a Florida College System institution or university; any
54 similar public institutional facilities; and any facility
55 recently used to house a school or child care facility licensed
56 under s. 402.305, under any such facility's preexisting zoning
57 and land use designations without obtaining a special exception,
58 rezoning, or a land use change, and without complying with any
59 mitigation requirements or conditions. The facility must be
60 located on property used solely for purposes described in this
61 paragraph, and must meet applicable state and local health,
62 safety, and welfare laws, codes, and rules, including firesafety
63 and building safety.

64 (c) A private school located in a county with four
65 incorporated municipalities may construct new facilities, which
66 may be temporary or permanent, on property purchased from or
67 owned or leased by a library, community service organization,
68 museum, performing arts venue, theater, cinema, or church under
69 s. 170.201, which is or was actively used as such within 5 years
70 of any executed agreement with a private school; any land owned
71 by a Florida College System institution or state university; and
72 any land recently used to house a school or child care facility
73 licensed under s. 402.305, under its preexisting zoning and land
74 use designations without rezoning or obtaining a special
75 exception or a land use change, and without complying with any

76 mitigation requirements or conditions. Any new facility must be
77 located on property used solely for purposes described in this
78 paragraph, and must meet applicable state and local health,
79 safety, and welfare laws, codes, and rules, including firesafety
80 and building safety.

81 (d) A private school enrolling 150 or fewer students shall
82 be considered a permitted use in a commercial or mixed-use
83 zoning district within a county or municipality without rezoning
84 or obtaining a special exception or a land use change, and
85 without complying with any mitigation requirements, conditions,
86 performance standards, ordinances, rules, codes, or policies,
87 except that a county or municipality may require proportionate
88 mitigation measures necessary to mitigate vehicular traffic and
89 pedestrian safety.

90 1. The vehicular traffic and pedestrian safety mitigation
91 measures required by a county or municipality pursuant to this
92 paragraph shall be limited to those impacts reasonably and
93 directly attributable to the operation of the private school at
94 the site and shall be no greater in cost or scope than what is
95 required of all other uses within the same zoning district.

96 2. The private school subject to vehicular traffic and
97 pedestrian safety mitigation measures may, in lieu of complying
98 with such mitigation measures, provide a traffic study that
99 demonstrates the school will not have disproportionate impact on
100 vehicular traffic or pedestrian safety compared to other

101 allowable uses within the same zoning district.

102 3. If a local governing authority fails to comply with
103 this paragraph, the aggrieved school or entity has an immediate
104 right to bring an action in circuit court for injunctive relief.

105 (e) Notwithstanding any other provision of law, a private
106 school enrolling 150 or fewer students may operate in a facility
107 that is an existing assembly, day care, mercantile, or business
108 occupancy, as defined in the Florida Fire Prevention Code. A
109 private school operating in such a facility must meet the
110 standards for existing educational occupancy requirements under
111 the Florida Fire Prevention Code, adopted by the State Fire
112 Marshal. Completion of the fire safety evaluation system for
113 educational occupancies in NFPA 101A: Guide on Alternative
114 Approaches to Life Safety, adopted by the State Fire Marshal, by
115 a registered design professional licensed under chapter 471 or
116 chapter 481, with a determination of achieving at a minimum an
117 "at least equivalent" conclusion, shall be considered evidence
118 of compliance with the Florida Fire Prevention Code. The State
119 Fire Marshal may adopt rules to implement this paragraph.

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