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LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Gaetz) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsection (27) of section 1001.42,
Florida Statutes, is redesignated as subsection (28), and a new
subsection (27) is added to that section, to read:

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



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11 (27) VISITATION OF SCHOOLS.—Visit the schools, observe the
12 management and instruction, give suggestions for improvement,
13 and advise citizens with the view of promoting interest in
14 education and improving the school.

15 Section 2. Section 1001.67, Florida Statutes, is created to
16 read:

17 1001.67 Distinguished Florida College System Program.—A
18 collaborative partnership is established between the State Board
19 of Education and the Legislature to recognize the excellence of
20 Florida’s highest-performing Florida College system
21 institutions.

22 (1) EXCELLENCE STANDARDS.—The following excellence
23 standards are established for the program:

24 (a) A 150 percent-of-normal-time completion rate of 50
25 percent or higher, as calculated by the Division of Florida
26 Colleges.

27 (b) A 150 percent-of-normal-time completion rate for Pell
28 Grant recipients of 40 percent or higher, as calculated by the
29 Division of Florida Colleges.

30 (c) A retention rate of 70 percent or higher, as calculated
31 by the Division of Florida Colleges.

32 (d) A continuing education, or transfer, rate of 72 percent
33 or higher for students graduating with an associate of arts
34 degree, as reported by the Florida Education and Training
35 Placement Information Program (FETPIP).

36 (e) A licensure passage rate on the National Council
37 Licensure Examination for Registered Nurses (NCLEX-RN) of 90
38 percent or higher for first-time exam takers, as reported by the
39 Board of Nursing.



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40 (f) A job placement or continuing education rate of 88
41 percent or higher for workforce programs, as reported by FETPIP.

42 (g) A time-to-degree for students graduating with an
43 associate of arts degree of 2.25 years or less for first-time-
44 in-college students with accelerated college credits, as
45 reported by the Southern Regional Education Board.

46 (2) DISTINGUISHED COLLEGE DESIGNATION.—The State Board of
47 Education shall designate each Florida College System
48 institution that meets five of the seven standards identified in
49 subsection (1) as a distinguished college.

50 (3) DISTINGUISHED COLLEGE SUPPORT.—A Florida College System
51 institution designated as a distinguished college by the State
52 Board of Education is eligible for funding as specified in the
53 General Appropriations Act.

54 Section 3. Paragraphs (a) and (b) of subsection (6),
55 subsection (16), paragraph (a) of subsection (17), and paragraph
56 (a) of subsections (22) of section 1002.20, Florida Statutes,
57 are amended to read:

58 1002.20 K-12 student and parent rights.—Parents of public
59 school students must receive accurate and timely information
60 regarding their child's academic progress and must be informed
61 of ways they can help their child to succeed in school. K-12
62 students and their parents are afforded numerous statutory
63 rights including, but not limited to, the following:

64 (6) EDUCATIONAL CHOICE.—

65 (a) *Public educational school choices.*—Parents of public
66 school students may seek any ~~whatever~~ public educational school
67 choice options that are applicable and available to students
68 throughout the state ~~in their school districts~~. These options



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69 may include controlled open enrollment, single-gender programs,
70 lab schools, virtual instruction programs, charter schools,
71 charter technical career centers, magnet schools, alternative
72 schools, special programs, auditory-oral education programs,
73 advanced placement, dual enrollment, International
74 Baccalaureate, International General Certificate of Secondary
75 Education (pre-AICE), CAPE digital tools, CAPE industry
76 certifications, collegiate high school programs, Advanced
77 International Certificate of Education, early admissions, credit
78 by examination or demonstration of competency, the New World
79 School of the Arts, the Florida School for the Deaf and the
80 Blind, and the Florida Virtual School. These options may also
81 include the public educational school choice options of the
82 Opportunity Scholarship Program and the McKay Scholarships for
83 Students with Disabilities Program.

84 (b) *Private educational school choices.*—Parents of public
85 school students may seek private educational school choice
86 options under certain programs.

87 1. Under the McKay Scholarships for Students with
88 Disabilities Program, the parent of a public school student with
89 a disability may request and receive a McKay Scholarship for the
90 student to attend a private school in accordance with s.
91 1002.39.

92 2. Under the Florida Tax Credit Scholarship Program, the
93 parent of a student who qualifies for free or reduced-price
94 school lunch or who is currently placed, or during the previous
95 state fiscal year was placed, in foster care as defined in s.
96 39.01 may seek a scholarship from an eligible nonprofit
97 scholarship-funding organization in accordance with s. 1002.395.



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98 3. Under the Florida Personal Learning Scholarship Accounts
99 Program, the parent of a student with a qualifying disability
100 may apply for a personal learning scholarship to be used for
101 individual educational needs in accordance with s. 1002.385.

102 (16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT RATING
103 REPORTS; FISCAL TRANSPARENCY.—Parents of public school students
104 have the right ~~are entitled~~ to an easy-to-read report card about
105 the school's grade designation or, if applicable under s.
106 1008.341, the school's improvement rating, and the school's
107 accountability report, including the school financial report as
108 required under s. 1010.215. The school financial report must be
109 provided to the parents and indicate the average amount of money
110 expended per student in the school, which must also be included
111 in the student handbook or a similar publication.

112 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

113 (a) *Eligibility.*—Eligibility requirements for all students
114 participating in high school athletic competition must allow a
115 student to be immediately eligible in the school in which he or
116 she first enrolls each school year, the school in which the
117 student makes himself or herself a candidate for an athletic
118 team by engaging in practice before enrolling, or the school to
119 which the student has transferred ~~with approval of the district~~
120 ~~school board~~, in accordance with ~~the provisions of~~ s.
121 1006.20(2)(a).

122 (22) TRANSPORTATION.—

123 (a) *Transportation to school.*—Public school students shall
124 be provided transportation to school, in accordance with ~~the~~
125 ~~provisions of~~ s. 1006.21(3)(a). Public school students may be
126 provided transportation to school in accordance with the



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127 controlled open enrollment provisions of s. 1002.31(2).

128 Section 4. Section 1002.31, Florida Statutes, is amended to
129 read:

130 1002.31 Controlled open enrollment; Public school parental
131 choice.—

132 (1) As used in this section, "controlled open enrollment"
133 means a public education delivery system that allows school
134 districts to make student school assignments using parents'
135 indicated preferential educational ~~school~~ choice as a
136 significant factor.

137 (2) (a) Beginning by the 2017-2018 school year, as part of a
138 school district's or charter school's controlled open enrollment
139 process, and in addition to the existing public school choice
140 programs provided in s. 1002.20(6)(a), each district school
141 board or charter school shall allow a parent from any school
142 district in the state whose child is not subject to a current
143 expulsion or suspension order to enroll his or her child in and
144 transport his or her child to any public school, including
145 charter schools, that has not reached capacity in the district,
146 subject to the maximum class size pursuant to s. 1003.03 and s.
147 1, Art. IX of the State Constitution. The school district or
148 charter school shall accept the student, pursuant to that school
149 district's or charter school's controlled open enrollment
150 process, and report the student for purposes of the school
151 district's or charter school's funding pursuant to the Florida
152 Education Finance Program. A school district or charter school
153 may provide transportation to students described under this
154 section.

155 (b) Each school district and charter school capacity



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156 determinations for its schools must be current and must be
157 identified on the school district and charter school's websites.
158 In determining the capacity of each district school, the
159 district school board shall incorporate the specifications,
160 plans, elements, and commitments contained in the school
161 district educational facilities plan and the long-term work
162 programs required under s. 1013.35. Each charter school
163 governing board shall determine capacity based upon its charter
164 school contract.

165 (c) Each district school board and charter school governing
166 board must provide preferential treatment in its controlled open
167 enrollment process to all of the following:

168 1. Dependent children of active duty military personnel
169 whose move resulted from military orders.

170 2. Children who have been relocated due to a foster care
171 placement in a different school zone.

172 3. Children who move due to a court ordered change in
173 custody due to separation or divorce, or the serious illness or
174 death of a custodial parent.

175 4. Students residing in the school district.

176 (d) As part of its controlled open enrollment process, a
177 charter school must provide preferential treatment in its
178 controlled open enrollment participation process to the
179 enrollment limitations pursuant to s. 1002.33(10)(e)1., 2., 5.,
180 6., and 7, if these special purposes are identified in the
181 charter agreement. Each charter school shall annually by January
182 1 post on its website the application process required to
183 participate in controlled open enrollment, consistent with this
184 section and s. 1002.33.



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185 (e) Students residing in the district, including charter
186 school students, may not be displaced by a student from another
187 district seeking enrollment under the controlled open enrollment
188 process.

189 (f) For purposes of continuity of educational choice, a
190 student who transfers pursuant to this section may remain at the
191 school chosen by the parent until the student completes the
192 highest grade level at the school ~~may offer controlled open~~
193 ~~enrollment within the public schools which is in addition to the~~
194 ~~existing choice programs such as virtual instruction programs,~~
195 ~~magnet schools, alternative schools, special programs, advanced~~
196 ~~placement, and dual enrollment.~~

197 (3) Each district school board ~~offering controlled open~~
198 ~~enrollment~~ shall adopt by rule and post on its website the
199 process required to participate in controlled open enrollment.
200 The process ~~a controlled open enrollment plan~~ which must:

201 (a) Adhere to federal desegregation requirements.

202 (b) Allow ~~Include an application process required to~~
203 ~~participate in controlled open enrollment that allows~~ parents to
204 declare school preferences, including placement of siblings
205 within the same school.

206 (c) Provide a lottery procedure to determine student
207 assignment and establish an appeals process for hardship cases.

208 (d) Afford parents of students in multiple session schools
209 preferred access to controlled open enrollment.

210 (e) Maintain socioeconomic, demographic, and racial
211 balance.

212 (f) Address the availability of transportation.

213 (g) Maintain existing academic eligibility criteria for



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214 public school choice programs pursuant to s. 1002.20(6)(a).

215 (h) Identify schools that have not reached capacity, as
216 determined by the school district.

217 (i) Ensure that each district school board adopts a policy
218 to provide preferential treatment pursuant to paragraph (2)(c).

219 (4) In accordance with the reporting requirements of s.
220 1011.62, each district school board shall annually report the
221 number of students exercising public school choice, by type
222 ~~attending the various types of public schools of choice in the~~
223 ~~district, in accordance with including schools such as virtual~~
224 ~~instruction programs, magnet schools, and public charter~~
225 ~~schools, according to~~ rules adopted by the State Board of
226 Education.

227 (5) For a school or program that is a public school of
228 choice under this section, the calculation for compliance with
229 maximum class size pursuant to s. 1003.03 is the average number
230 of students at the school level.

231 (6)(a) A school district or charter school may not delay
232 eligibility or otherwise prevent a student participating in
233 controlled open enrollment or a choice program from being
234 immediately eligible to participate in interscholastic and
235 intrascholastic extracurricular activities.

236 (b) A student participating in a sport at a school may not
237 participate in that same sport at another school during that
238 school year, unless the student meets one of the following
239 criteria:

240 1. Dependent children of active duty military personnel
241 whose move resulted from military orders.

242 2. Children who have been relocated due to a foster care



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243 placement in a different school zone.

244 3. Children who move due to a court ordered change in
245 custody due to separation or divorce, or the serious illness or
246 death of a custodial parent.

247 4. Authorized for good cause in district or charter school
248 policy.

249 Section 5. Paragraph (a) of subsection (2), paragraphs (a)
250 and (b) of subsection (6), paragraphs (a) and (d) of subsection
251 (7), paragraphs (g), (n), and (p) of subsection (9), paragraph
252 (d) of subsection (10), paragraph (e) of subsection (17), and
253 paragraph (a) of subsection (20) of section 1002.33, Florida
254 Statutes, are amended to read:

255 1002.33 Charter schools.—

256 (2) GUIDING PRINCIPLES; PURPOSE.—

257 (a) Charter schools in Florida shall be guided by the
258 following principles:

259 1. Meet high standards of student achievement while
260 providing parents flexibility to choose among diverse
261 educational opportunities within the state's public school
262 system.

263 2. Promote enhanced academic success and financial
264 efficiency by aligning responsibility with accountability.

265 3. Provide parents with sufficient information on whether
266 their child is reading at grade level and whether the child
267 gains at least a year's worth of learning for every year spent
268 in the charter school. For a student who exhibits a substantial
269 deficiency in reading, as determined by the charter school, the
270 school shall notify the parent of the deficiency, the intensive
271 interventions and supports used, and the student's progress in



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272 accordance with s. 1008.25(5).

273 (6) APPLICATION PROCESS AND REVIEW.—Charter school
274 applications are subject to the following requirements:

275 (a) A person or entity seeking ~~wishing~~ to open a charter
276 school shall prepare and submit an application on a model
277 application form prepared by the Department of Education which:

278 1. Demonstrates how the school will use the guiding
279 principles and meet the statutorily defined purpose of a charter
280 school.

281 2. Provides a detailed curriculum plan that illustrates how
282 students will be provided services to attain the Sunshine State
283 Standards.

284 3. Contains goals and objectives for improving student
285 learning and measuring that improvement. These goals and
286 objectives must indicate how much academic improvement students
287 are expected to show each year, how success will be evaluated,
288 and the specific results to be attained through instruction.

289 4. Describes the reading curriculum and differentiated
290 strategies that will be used for students reading at grade level
291 or higher and a separate curriculum and strategies for students
292 who are reading below grade level. A sponsor shall deny an
293 application ~~a charter~~ if the school does not propose a reading
294 curriculum that is evidence-based and includes explicit,
295 systematic, and multisensory reading instructional strategies;
296 however, a sponsor may not require the charter school to
297 implement the reading plan adopted by the school district
298 pursuant to s. 1011.62(9) consistent with effective teaching
299 strategies that are grounded in scientifically based reading
300 research.



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301 5. Contains an annual financial plan for each year
302 requested by the charter for operation of the school for up to 5
303 years. This plan must contain anticipated fund balances based on
304 revenue projections, a spending plan based on projected revenues
305 and expenses, and a description of controls that will safeguard
306 finances and projected enrollment trends.

307 6. Discloses the name of each applicant, governing board
308 member, and all proposed education services providers; the name
309 and sponsor of any charter school operated by each applicant,
310 each governing board member, and each proposed education
311 services provider that has closed and the reasons for the
312 closure; and the academic and financial history of such charter
313 schools, which the sponsor shall consider in deciding whether to
314 approve or deny the application.

315 ~~7.6.~~ Contains additional information a sponsor may require,
316 which shall be attached as an addendum to the charter school
317 application described in this paragraph.

318 ~~8.7.~~ For the establishment of a virtual charter school,
319 documents that the applicant has contracted with a provider of
320 virtual instruction services pursuant to s. 1002.45(1)(d).

321 (b) A sponsor shall receive and review all applications for
322 a charter school using the ~~an~~ evaluation instrument developed by
323 the Department of Education. A sponsor shall receive and
324 consider charter school applications received on or before
325 August 1 of each calendar year for charter schools to be opened
326 at the beginning of the school district's next school year, or
327 to be opened at a time agreed to by the applicant and the
328 sponsor. A sponsor may not refuse to receive a charter school
329 application submitted before August 1 and may receive an



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330 application submitted later than August 1 if it chooses. In
331 order to facilitate greater collaboration in the application
332 process, an applicant may submit a draft charter school
333 application on or before May 1 with an application fee of \$500.
334 If a draft application is timely submitted, the sponsor shall
335 review and provide feedback as to material deficiencies in the
336 application by July 1. The applicant shall then have until
337 August 1 to resubmit a revised and final application. The
338 sponsor may approve the draft application. Except as provided
339 for a draft application, a sponsor may not charge an applicant
340 for a charter any fee for the processing or consideration of an
341 application, and a sponsor may not base its consideration or
342 approval of a final application upon the promise of future
343 payment of any kind. Before approving or denying any final
344 application, the sponsor shall allow the applicant, upon receipt
345 of written notification, at least 7 calendar days to make
346 technical or nonsubstantive corrections and clarifications,
347 including, but not limited to, corrections of grammatical,
348 typographical, and like errors or missing signatures, if such
349 errors are identified by the sponsor as cause to deny the final
350 application.

351 1. In order to facilitate an accurate budget projection
352 process, a sponsor shall be held harmless for FTE students who
353 are not included in the FTE projection due to approval of
354 charter school applications after the FTE projection deadline.
355 In a further effort to facilitate an accurate budget projection,
356 within 15 calendar days after receipt of a charter school
357 application, a sponsor shall report to the Department of
358 Education the name of the applicant entity, the proposed charter



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359 school location, and its projected FTE.

360 2. In order to ensure fiscal responsibility, an application
361 for a charter school shall include a full accounting of expected
362 assets, a projection of expected sources and amounts of income,
363 including income derived from projected student enrollments and
364 from community support, and an expense projection that includes
365 full accounting of the costs of operation, including start-up
366 costs.

367 3.a. A sponsor shall by a majority vote approve or deny an
368 application no later than 60 calendar days after the application
369 is received, unless the sponsor and the applicant mutually agree
370 in writing to temporarily postpone the vote to a specific date,
371 at which time the sponsor shall by a majority vote approve or
372 deny the application. If the sponsor fails to act on the
373 application, an applicant may appeal to the State Board of
374 Education as provided in paragraph (c). If an application is
375 denied, the sponsor shall, within 10 calendar days after such
376 denial, articulate in writing the specific reasons, based upon
377 good cause, supporting its denial of the ~~charter~~ application and
378 shall provide the letter of denial and supporting documentation
379 to the applicant and to the Department of Education.

380 b. An application submitted by a high-performing charter
381 school identified pursuant to s. 1002.331 may be denied by the
382 sponsor only if the sponsor demonstrates by clear and convincing
383 evidence that:

384 (I) The application does not materially comply with the
385 requirements in paragraph (a);

386 (II) The charter school proposed in the application does
387 not materially comply with the requirements in paragraphs



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388 (9) (a) - (f) ;

389 (III) The proposed charter school's educational program
390 does not substantially replicate that of the applicant or one of
391 the applicant's high-performing charter schools;

392 (IV) The applicant has made a material misrepresentation or
393 false statement or concealed an essential or material fact
394 during the application process; or

395 (V) The proposed charter school's educational program and
396 financial management practices do not materially comply with the
397 requirements of this section.

398
399 Material noncompliance is a failure to follow requirements or a
400 violation of prohibitions applicable to charter school
401 applications, which failure is quantitatively or qualitatively
402 significant either individually or when aggregated with other
403 noncompliance. An applicant is considered to be replicating a
404 high-performing charter school if the proposed school is
405 substantially similar to at least one of the applicant's high-
406 performing charter schools and the organization or individuals
407 involved in the establishment and operation of the proposed
408 school are significantly involved in the operation of replicated
409 schools.

410 c. If the sponsor denies an application submitted by a
411 high-performing charter school, the sponsor must, within 10
412 calendar days after such denial, state in writing the specific
413 reasons, based upon the criteria in sub-subparagraph b.,
414 supporting its denial of the application and must provide the
415 letter of denial and supporting documentation to the applicant
416 and to the Department of Education. The applicant may appeal the



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417 sponsor's denial of the application directly to the State Board
418 of Education and, if an appeal is filed, must provide a copy of
419 the appeal to the sponsor pursuant to paragraph (c) sub-
420 subparagraph (c)3.b.

421 4. For budget projection purposes, the sponsor shall report
422 to the Department of Education the approval or denial of an a
423 charter application within 10 calendar days after such approval
424 or denial. In the event of approval, the report to the
425 Department of Education shall include the final projected FTE
426 for the approved charter school.

427 5. Upon approval of an a ~~charter~~ application, the initial
428 startup shall commence with the beginning of the public school
429 calendar for the district in which the charter is granted unless
430 the sponsor allows a waiver of this subparagraph for good cause.

431 (7) CHARTER.—The major issues involving the operation of a
432 charter school shall be considered in advance and written into
433 the charter. The charter shall be signed by the governing board
434 of the charter school and the sponsor, following a public
435 hearing to ensure community input.

436 (a) The charter shall address and criteria for approval of
437 the charter shall be based on:

438 1. The school's mission, the students to be served, and the
439 ages and grades to be included.

440 2. The focus of the curriculum, the instructional methods
441 to be used, any distinctive instructional techniques to be
442 employed, and identification and acquisition of appropriate
443 technologies needed to improve educational and administrative
444 performance which include a means for promoting safe, ethical,
445 and appropriate uses of technology which comply with legal and



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446 professional standards.

447 a. The charter shall ensure that reading is a primary focus
448 of the curriculum and that resources are provided to identify
449 and provide specialized instruction for students who are reading
450 below grade level. The curriculum and instructional strategies
451 for reading must be consistent with the Next Generation Sunshine
452 State Standards and evidence-based ~~grounded in scientifically~~
453 ~~based reading research~~.

454 b. In order to provide students with access to diverse
455 instructional delivery models, to facilitate the integration of
456 technology within traditional classroom instruction, and to
457 provide students with the skills they need to compete in the
458 21st century economy, the Legislature encourages instructional
459 methods for blended learning courses consisting of both
460 traditional classroom and online instructional techniques.
461 Charter schools may implement blended learning courses which
462 combine traditional classroom instruction and virtual
463 instruction. Students in a blended learning course must be full-
464 time students of the charter school and receive the online
465 instruction in a classroom setting at the charter school.
466 Instructional personnel certified pursuant to s. 1012.55 who
467 provide virtual instruction for blended learning courses may be
468 employees of the charter school or may be under contract to
469 provide instructional services to charter school students. At a
470 minimum, such instructional personnel must hold an active state
471 or school district adjunct certification under s. 1012.57 for
472 the subject area of the blended learning course. The funding and
473 performance accountability requirements for blended learning
474 courses are the same as those for traditional courses.



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475 3. The current incoming baseline standard of student
476 academic achievement, the outcomes to be achieved, and the
477 method of measurement that will be used. The criteria listed in
478 this subparagraph shall include a detailed description of:
479 a. How the baseline student academic achievement levels and
480 prior rates of academic progress will be established.
481 b. How these baseline rates will be compared to rates of
482 academic progress achieved by these same students while
483 attending the charter school.
484 c. To the extent possible, how these rates of progress will
485 be evaluated and compared with rates of progress of other
486 closely comparable student populations.
487
488 The district school board is required to provide academic
489 student performance data to charter schools for each of their
490 students coming from the district school system, as well as
491 rates of academic progress of comparable student populations in
492 the district school system.
493 4. The methods used to identify the educational strengths
494 and needs of students and how well educational goals and
495 performance standards are met by students attending the charter
496 school. The methods shall provide a means for the charter school
497 to ensure accountability to its constituents by analyzing
498 student performance data and by evaluating the effectiveness and
499 efficiency of its major educational programs. Students in
500 charter schools shall, at a minimum, participate in the
501 statewide assessment program created under s. 1008.22.
502 5. In secondary charter schools, a method for determining
503 that a student has satisfied the requirements for graduation in



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504 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

505 6. A method for resolving conflicts between the governing
506 board of the charter school and the sponsor.

507 7. The admissions procedures and dismissal procedures,
508 including the school's code of student conduct. Admission or
509 dismissal must not be based on a student's academic performance.

510 8. The ways by which the school will achieve a
511 racial/ethnic balance reflective of the community it serves or
512 within the racial/ethnic range of other public schools in the
513 same school district.

514 9. The financial and administrative management of the
515 school, including a reasonable demonstration of the professional
516 experience or competence of those individuals or organizations
517 applying to operate the charter school or those hired or
518 retained to perform such professional services and the
519 description of clearly delineated responsibilities and the
520 policies and practices needed to effectively manage the charter
521 school. A description of internal audit procedures and
522 establishment of controls to ensure that financial resources are
523 properly managed must be included. Both public sector and
524 private sector professional experience shall be equally valid in
525 such a consideration.

526 10. The asset and liability projections required in the
527 application which are incorporated into the charter and shall be
528 compared with information provided in the annual report of the
529 charter school.

530 11. A description of procedures that identify various risks
531 and provide for a comprehensive approach to reduce the impact of
532 losses; plans to ensure the safety and security of students and



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533 staff; plans to identify, minimize, and protect others from
534 violent or disruptive student behavior; and the manner in which
535 the school will be insured, including whether or not the school
536 will be required to have liability insurance, and, if so, the
537 terms and conditions thereof and the amounts of coverage.

538 12. The term of the charter which shall provide for
539 cancellation of the charter if insufficient progress has been
540 made in attaining the student achievement objectives of the
541 charter and if it is not likely that such objectives can be
542 achieved before expiration of the charter. The initial term of a
543 charter shall be for 4 or 5 years. In order to facilitate access
544 to long-term financial resources for charter school
545 construction, charter schools that are operated by a
546 municipality or other public entity as provided by law are
547 eligible for up to a 15-year charter, subject to approval by the
548 district school board. A charter lab school is eligible for a
549 charter for a term of up to 15 years. In addition, to facilitate
550 access to long-term financial resources for charter school
551 construction, charter schools that are operated by a private,
552 not-for-profit, s. 501(c)(3) status corporation are eligible for
553 up to a 15-year charter, subject to approval by the district
554 school board. Such long-term charters remain subject to annual
555 review and may be terminated during the term of the charter, but
556 only according to the provisions set forth in subsection (8).

557 13. The facilities to be used and their location. The
558 sponsor may not require a charter school to have a certificate
559 of occupancy or a temporary certificate of occupancy for such a
560 facility earlier than 15 calendar days before the first day of
561 school.



562 14. The qualifications to be required of the teachers and
563 the potential strategies used to recruit, hire, train, and
564 retain qualified staff to achieve best value.

565 15. The governance structure of the school, including the
566 status of the charter school as a public or private employer as
567 required in paragraph (12)(i).

568 16. A timetable for implementing the charter which
569 addresses the implementation of each element thereof and the
570 date by which the charter shall be awarded in order to meet this
571 timetable.

572 17. In the case of an existing public school that is being
573 converted to charter status, alternative arrangements for
574 current students who choose not to attend the charter school and
575 for current teachers who choose not to teach in the charter
576 school after conversion in accordance with the existing
577 collective bargaining agreement or district school board rule in
578 the absence of a collective bargaining agreement. However,
579 alternative arrangements shall not be required for current
580 teachers who choose not to teach in a charter lab school, except
581 as authorized by the employment policies of the state university
582 which grants the charter to the lab school.

583 18. Full disclosure of the identity of all relatives
584 employed by the charter school who are related to the charter
585 school owner, president, chairperson of the governing board of
586 directors, superintendent, governing board member, principal,
587 assistant principal, or any other person employed by the charter
588 school who has equivalent decisionmaking authority. For the
589 purpose of this subparagraph, the term "relative" means father,
590 mother, son, daughter, brother, sister, uncle, aunt, first



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591 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
592 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
593 stepfather, stepmother, stepson, stepdaughter, stepbrother,
594 stepsister, half brother, or half sister.

595 19. Implementation of the activities authorized under s.
596 1002.331 by the charter school when it satisfies the eligibility
597 requirements for a high-performing charter school. A high-
598 performing charter school shall notify its sponsor in writing by
599 March 1 if it intends to increase enrollment or expand grade
600 levels the following school year. The written notice shall
601 specify the amount of the enrollment increase and the grade
602 levels that will be added, as applicable.

603 ~~(d)1. A charter may be terminated by a charter school's~~
604 ~~governing board through voluntary closure. The decision to cease~~
605 ~~operations must be determined at a public meeting. The governing~~
606 ~~board shall notify the parents and sponsor of the public meeting~~
607 ~~in writing before the public meeting. The governing board must~~
608 ~~notify the sponsor, parents of enrolled students, and the~~
609 ~~department in writing within 24 hours after the public meeting~~
610 ~~of its determination. The notice shall state the charter~~
611 ~~school's intent to continue operations or the reason for the~~
612 ~~closure and acknowledge that the governing board agrees to~~
613 ~~follow the procedures for dissolution and reversion of public~~
614 ~~funds pursuant to paragraphs (8) (e)-(g) and (9) (o) Each charter~~
615 ~~school's governing board must appoint a representative to~~
616 ~~facilitate parental involvement, provide access to information,~~
617 ~~assist parents and others with questions and concerns, and~~
618 ~~resolve disputes. The representative must reside in the school~~
619 ~~district in which the charter school is located and may be a~~



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620 ~~governing board member, charter school employee, or individual~~
621 ~~contracted to represent the governing board. If the governing~~
622 ~~board oversees multiple charter schools in the same school~~
623 ~~district, the governing board must appoint a separate individual~~
624 ~~representative for each charter school in the district. The~~
625 ~~representative's contact information must be provided annually~~
626 ~~in writing to parents and posted prominently on the charter~~
627 ~~school's website if a website is maintained by the school. The~~
628 ~~sponsor may not require that governing board members reside in~~
629 ~~the school district in which the charter school is located if~~
630 ~~the charter school complies with this paragraph.~~

631 ~~2. Each charter school's governing board must hold at least~~
632 ~~two public meetings per school year in the school district. The~~
633 ~~meetings must be noticed, open, and accessible to the public,~~
634 ~~and attendees must be provided an opportunity to receive~~
635 ~~information and provide input regarding the charter school's~~
636 ~~operations. The appointed representative and charter school~~
637 ~~principal or director, or his or her equivalent, must be~~
638 ~~physically present at each meeting.~~

639 (9) CHARTER SCHOOL REQUIREMENTS.—

640 (g)1. In order to provide financial information that is
641 comparable to that reported for other public schools, charter
642 schools are to maintain all financial records that constitute
643 their accounting system:

644 a. In accordance with the accounts and codes prescribed in
645 the most recent issuance of the publication titled "Financial
646 and Program Cost Accounting and Reporting for Florida Schools";
647 or

648 b. At the discretion of the charter school's governing



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649 board, a charter school may elect to follow generally accepted
650 accounting standards for not-for-profit organizations, but must
651 reformat this information for reporting according to this
652 paragraph.

653 2. Charter schools shall provide annual financial report
654 and program cost report information in the state-required
655 formats for inclusion in district reporting in compliance with
656 s. 1011.60(1). Charter schools that are operated by a
657 municipality or are a component unit of a parent nonprofit
658 organization may use the accounting system of the municipality
659 or the parent but must reformat this information for reporting
660 according to this paragraph.

661 3. A charter school shall, upon approval of the charter
662 contract, provide the sponsor with a concise, uniform, monthly
663 financial statement summary sheet that contains a balance sheet
664 and a statement of revenue, expenditures, and changes in fund
665 balance. The balance sheet and the statement of revenue,
666 expenditures, and changes in fund balance shall be in the
667 governmental funds format prescribed by the Governmental
668 Accounting Standards Board. A high-performing charter school
669 pursuant to s. 1002.331 may provide a quarterly financial
670 statement in the same format and requirements as the uniform
671 monthly financial statement summary sheet. The sponsor shall
672 review each monthly or quarterly financial statement to identify
673 the existence of any conditions identified in s. 1002.345(1)(a).

674 4. A charter school shall maintain and provide financial
675 information as required in this paragraph. The financial
676 statement required in subparagraph 3. must be in a form
677 prescribed by the Department of Education.



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678 (n)1. The director and a representative of the governing
679 board of a charter school that has earned a grade of "D" or "F"
680 pursuant to s. 1008.34 shall appear before the sponsor to
681 present information concerning each contract component having
682 noted deficiencies. The director and a representative of the
683 governing board shall submit to the sponsor for approval a
684 school improvement plan to raise student performance. Upon
685 approval by the sponsor, the charter school shall begin
686 implementation of the school improvement plan. The department
687 shall offer technical assistance and training to the charter
688 school and its governing board and establish guidelines for
689 developing, submitting, and approving such plans.

690 2.a. If a charter school earns three consecutive grades of
691 "D," two consecutive grades of "D" followed by a grade of "F,"
692 or two nonconsecutive grades of "F" within a 3-year period, the
693 charter school governing board shall choose one of the following
694 corrective actions:

695 (I) Contract for educational services to be provided
696 directly to students, instructional personnel, and school
697 administrators, as prescribed in state board rule;

698 (II) Contract with an outside entity that has a
699 demonstrated record of effectiveness to operate the school;

700 (III) Reorganize the school under a new director or
701 principal who is authorized to hire new staff; or

702 (IV) Voluntarily close the charter school.

703 b. The charter school must implement the corrective action
704 in the school year following receipt of a third consecutive
705 grade of "D," a grade of "F" following two consecutive grades of
706 "D," or a second nonconsecutive grade of "F" within a 3-year



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707 period.

708 c. The sponsor may annually waive a corrective action if it
709 determines that the charter school is likely to improve a letter
710 grade if additional time is provided to implement the
711 intervention and support strategies prescribed by the school
712 improvement plan. Notwithstanding this sub-subparagraph, a
713 charter school that earns a second consecutive grade of "F" is
714 subject to subparagraph 4.

715 d. A charter school is no longer required to implement a
716 corrective action if it improves by at least one letter grade.
717 However, the charter school must continue to implement
718 strategies identified in the school improvement plan. The
719 sponsor must annually review implementation of the school
720 improvement plan to monitor the school's continued improvement
721 pursuant to subparagraph 5.

722 e. A charter school implementing a corrective action that
723 does not improve by at least one letter grade after 2 full
724 school years of implementing the corrective action must select a
725 different corrective action. Implementation of the new
726 corrective action must begin in the school year following the
727 implementation period of the existing corrective action, unless
728 the sponsor determines that the charter school is likely to
729 improve a letter grade if additional time is provided to
730 implement the existing corrective action. Notwithstanding this
731 sub-subparagraph, a charter school that earns a second
732 consecutive grade of "F" while implementing a corrective action
733 is subject to subparagraph 4.

734 3. A charter school with a grade of "D" or "F" that
735 improves by at least one letter grade must continue to implement



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736 the strategies identified in the school improvement plan. The
737 sponsor must annually review implementation of the school
738 improvement plan to monitor the school's continued improvement
739 pursuant to subparagraph 5.

740 4. A charter school's charter contract is automatically
741 terminated if the school earns two consecutive grades of "F"
742 after all school grade appeals are final ~~The sponsor shall~~
743 ~~terminate a charter if the charter school earns two consecutive~~
744 ~~grades of "F" unless:~~

745 a. The charter school is established to turn around the
746 performance of a district public school pursuant to s.
747 1008.33(4)(b)3. Such charter schools shall be governed by s.
748 1008.33;

749 b. The charter school serves a student population the
750 majority of which resides in a school zone served by a district
751 public school that earned a grade of "F" in the year before the
752 charter school opened and the charter school earns at least a
753 grade of "D" in its third year of operation. The exception
754 provided under this sub-subparagraph does not apply to a charter
755 school in its fourth year of operation and thereafter; or

756 c. The state board grants the charter school a waiver of
757 termination. The charter school must request the waiver within
758 15 days after the department's official release of school
759 grades. The state board may waive termination if the charter
760 school demonstrates that the Learning Gains of its students on
761 statewide assessments are comparable to or better than the
762 Learning Gains of similarly situated students enrolled in nearby
763 district public schools. The waiver is valid for 1 year and may
764 only be granted once. Charter schools that have been in



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765 operation for more than 5 years are not eligible for a waiver
766 under this sub-subparagraph.

767
768 The sponsor shall notify the charter school's governing board,
769 the charter school principal, and the department in writing when
770 a charter contract is terminated under this subparagraph. The
771 letter of termination must meet the requirements of paragraph
772 (8) (c). A charter terminated under this subparagraph must follow
773 the procedures for dissolution and reversion of public funds
774 pursuant to paragraphs (8) (e)-(g) and (9) (o).

775 5. The director and a representative of the governing board
776 of a graded charter school that has implemented a school
777 improvement plan under this paragraph shall appear before the
778 sponsor at least once a year to present information regarding
779 the progress of intervention and support strategies implemented
780 by the school pursuant to the school improvement plan and
781 corrective actions, if applicable. The sponsor shall communicate
782 at the meeting, and in writing to the director, the services
783 provided to the school to help the school address its
784 deficiencies.

785 6. Notwithstanding any provision of this paragraph except
786 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter
787 at any time pursuant to subsection (8).

788 (p)1. Each charter school shall maintain a website that
789 enables the public to obtain information regarding the school;
790 the school's academic performance; the names of the governing
791 board members; the programs at the school; any management
792 companies, service providers, or education management
793 corporations associated with the school; the school's annual



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794 budget and its annual independent fiscal audit; the school's
795 grade pursuant to s. 1008.34; and, on a quarterly basis, the
796 minutes of governing board meetings.

797 2. Each charter school's governing board must appoint a
798 representative to facilitate parental involvement, provide
799 access to information, assist parents and others with questions
800 and concerns, and resolve disputes. The representative must
801 reside in the school district in which the charter school is
802 located and may be a governing board member, a charter school
803 employee, or an individual contracted to represent the governing
804 board. If the governing board oversees multiple charter schools
805 in the same school district, the governing board must appoint a
806 separate representative for each charter school in the district.
807 The representative's contact information must be provided
808 annually in writing to parents and posted prominently on the
809 charter school's website. The sponsor may not require governing
810 board members to reside in the school district in which the
811 charter school is located if the charter school complies with
812 this subparagraph.

813 3. Each charter school's governing board must hold at least
814 two public meetings per school year in the school district where
815 the charter school is located. The meetings must be noticed,
816 open, and accessible to the public, and attendees must be
817 provided an opportunity to receive information and provide input
818 regarding the charter school's operations. The appointed
819 representative and charter school principal or director, or his
820 or her designee, must be physically present at each meeting.

821 (10) ELIGIBLE STUDENTS.—

822 (d) A charter school may give enrollment preference to the



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823 following student populations:

824 1. Students who are siblings of a student enrolled in the
825 charter school.

826 2. Students who are the children of a member of the
827 governing board of the charter school.

828 3. Students who are the children of an employee of the
829 charter school.

830 4. Students who are the children of:

831 a. An employee of the business partner of a charter school-
832 in-the-workplace established under paragraph (15)(b) or a
833 resident of the municipality in which such charter school is
834 located; or

835 b. A resident of a municipality that operates a charter
836 school-in-a-municipality pursuant to paragraph (15)(c).

837 5. Students who have successfully completed a voluntary
838 prekindergarten education program under ss. 1002.51-1002.79
839 provided by the charter school or the charter school's governing
840 board during the previous year.

841 6. Students who are the children of an active duty member
842 of any branch of the United States Armed Forces.

843 7. Students who attended or are assigned to failing schools
844 pursuant to s. 1002.38(2).

845 (17) FUNDING.—Students enrolled in a charter school,
846 regardless of the sponsorship, shall be funded as if they are in
847 a basic program or a special program, the same as students
848 enrolled in other public schools in the school district. Funding
849 for a charter lab school shall be as provided in s. 1002.32.

850 (b) The basis for the agreement for funding students
851 enrolled in a charter school shall be the sum of the school



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852 district's operating funds from the Florida Education Finance
853 Program as provided in s. 1011.62 and the General Appropriations
854 Act, including gross state and local funds, discretionary
855 lottery funds, and funds from the school district's current
856 operating discretionary millage levy; divided by total funded
857 weighted full-time equivalent students in the school district;
858 multiplied by the weighted full-time equivalent students for the
859 charter school. Charter schools whose students or programs meet
860 the eligibility criteria in law are entitled to their
861 proportionate share of categorical program funds included in the
862 total funds available in the Florida Education Finance Program
863 by the Legislature, including transportation, the research-based
864 reading allocation, and the Florida digital classrooms
865 allocation. Total funding for each charter school shall be
866 recalculated during the year to reflect the revised calculations
867 under the Florida Education Finance Program by the state and the
868 actual weighted full-time equivalent students reported by the
869 charter school during the full-time equivalent student survey
870 periods designated by the Commissioner of Education.

871 (20) SERVICES.—

872 (a)1. A sponsor shall provide certain administrative and
873 educational services to charter schools. These services shall
874 include contract management services; full-time equivalent and
875 data reporting services; exceptional student education
876 administration services; services related to eligibility and
877 reporting duties required to ensure that school lunch services
878 under the federal lunch program, consistent with the needs of
879 the charter school, are provided by the school district at the
880 request of the charter school, that any funds due to the charter



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881 school under the federal lunch program be paid to the charter
882 school as soon as the charter school begins serving food under
883 the federal lunch program, and that the charter school is paid
884 at the same time and in the same manner under the federal lunch
885 program as other public schools serviced by the sponsor or the
886 school district; test administration services, including payment
887 of the costs of state-required or district-required student
888 assessments; processing of teacher certificate data services;
889 and information services, including equal access to student
890 information systems that are used by public schools in the
891 district in which the charter school is located. Student
892 performance data for each student in a charter school,
893 including, but not limited to, FCAT scores, standardized test
894 scores, previous public school student report cards, and student
895 performance measures, shall be provided by the sponsor to a
896 charter school in the same manner provided to other public
897 schools in the district.

898 2. A total administrative fee for the provision of such
899 services shall be calculated based upon up to 5 percent of the
900 available funds defined in paragraph (17)(b) for all students,
901 except that when 75 percent or more of the students enrolled in
902 the charter school are exceptional students as defined in s.
903 1003.01(3), the 5 percent of those available funds shall be
904 calculated based on unweighted full-time equivalent students.
905 However, a sponsor may only withhold up to a 5-percent
906 administrative fee for enrollment for up to and including 250
907 students. For charter schools with a population of 251 or more
908 students, the difference between the total administrative fee
909 calculation and the amount of the administrative fee withheld



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910 may only be used for capital outlay purposes specified in s.
911 1013.62(2).

912 3. For high-performing charter schools, as defined in s.
913 1002.331 ~~ch. 2011-232~~, a sponsor may withhold a total
914 administrative fee of up to 2 percent for enrollment up to and
915 including 250 students per school.

916 4. In addition, a sponsor may withhold only up to a 5-
917 percent administrative fee for enrollment for up to and
918 including 500 students within a system of charter schools which
919 meets all of the following:

920 a. Includes both conversion charter schools and
921 nonconversion charter schools;

922 b. Has all schools located in the same county;

923 c. Has a total enrollment exceeding the total enrollment of
924 at least one school district in the state;

925 d. Has the same governing board; and

926 e. Does not contract with a for-profit service provider for
927 management of school operations.

928 5. The difference between the total administrative fee
929 calculation and the amount of the administrative fee withheld
930 pursuant to subparagraph 4. may be used for instructional and
931 administrative purposes as well as for capital outlay purposes
932 specified in s. 1013.62(2).

933 6. For a high-performing charter school system that also
934 meets the requirements in subparagraph 4., a sponsor may
935 withhold a 2-percent administrative fee for enrollments up to
936 and including 500 students per system.

937 7. Sponsors shall not charge charter schools any additional
938 fees or surcharges for administrative and educational services



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939 in addition to the maximum 5-percent administrative fee withheld
940 pursuant to this paragraph.

941 8. The sponsor of a virtual charter school may withhold a
942 fee of up to 5 percent. The funds shall be used to cover the
943 cost of services provided under subparagraph 1. and
944 implementation of the school district's digital classrooms plan
945 pursuant to s. 1011.62.

946 Section 6. Paragraph (a) of subsection (3) of section
947 1002.37, Florida Statutes, is amended to read:

948 1002.37 The Florida Virtual School.—

949 (3) Funding for the Florida Virtual School shall be
950 provided as follows:

951 (a)1. The calculation of "full-time equivalent student"
952 shall be as prescribed in s. 1011.61(1)(c)1.b.(V) and is subject
953 to s. 1011.61(4) ~~For a student in grades 9 through 12, a "full-~~
954 ~~time equivalent student" is one student who has successfully~~
955 ~~completed six full-credit courses that count toward the minimum~~
956 ~~number of credits required for high school graduation. A student~~
957 ~~who completes fewer than six full-credit courses is a fraction~~
958 ~~of a full-time equivalent student. Half-credit course~~
959 ~~completions shall be included in determining a full-time~~
960 ~~equivalent student.~~

961 ~~2. For a student in kindergarten through grade 8, a "full-~~
962 ~~time equivalent student" is one student who has successfully~~
963 ~~completed six courses or the prescribed level of content that~~
964 ~~counts toward promotion to the next grade. A student who~~
965 ~~completes fewer than six courses or the prescribed level of~~
966 ~~content shall be a fraction of a full-time equivalent student.~~

967 2.3- For a student in a home education program, funding



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968 shall be provided in accordance with this subsection upon course
969 completion if the parent verifies, upon enrollment for each
970 course, that the student is registered with the school district
971 as a home education student pursuant to s. 1002.41(1)(a).

972 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~
973 ~~equivalent students and associated funding of students enrolled~~
974 ~~in courses requiring passage of an end-of-course assessment~~
975 ~~under s. 1003.4282 to earn a standard high school diploma shall~~
976 ~~be adjusted if the student does not pass the end-of-course~~
977 ~~assessment. However, no adjustment shall be made for home~~
978 ~~education program students who choose not to take an end-of-~~
979 ~~course assessment or for a student who enrolls in a segmented~~
980 ~~remedial course delivered online.~~

981
982 ~~For purposes of this paragraph, the calculation of "full-time~~
983 ~~equivalent student" shall be as prescribed in s.~~
984 ~~1011.61(1)(c)1.b.(V) and is subject to the requirements in s.~~
985 ~~1011.61(4).~~

986 Section 7. Paragraph (c) of subsection (7) and paragraphs
987 (c) and (d) of subsection (8) of section 1002.45, Florida
988 Statutes, are amended to read:

989 1002.45 Virtual instruction programs.-

990 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
991 FUNDING.-

992 ~~(c) Beginning in the 2016-2017 fiscal year, the reported~~
993 ~~full-time equivalent students and associated funding of students~~
994 ~~enrolled in courses requiring passage of an end-of-course~~
995 ~~assessment under s. 1003.4282 to earn a standard high school~~
996 ~~diploma shall be adjusted if the student does not pass the end-~~



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997 ~~of course assessment. However, no adjustment shall be made for a~~
998 ~~student who enrolls in a segmented remedial course delivered~~
999 ~~online.~~

1000 (8) ASSESSMENT AND ACCOUNTABILITY.—

1001 (c) An approved provider that receives a school grade of
1002 "D" or "F" under s. 1008.34 or a school improvement rating of
1003 "Unsatisfactory" ~~"Declining"~~ under s. 1008.341 must file a
1004 school improvement plan with the department for consultation to
1005 determine the causes for low performance and to develop a plan
1006 for correction and improvement.

1007 (d) An approved provider's contract must be terminated if
1008 the provider receives a school grade of "D" or "F" under s.
1009 1008.34 or a school improvement rating of "Unsatisfactory"
1010 ~~"Declining"~~ under s. 1008.341 for 2 years during any consecutive
1011 4-year period or has violated any qualification requirement
1012 pursuant to subsection (2). A provider that has a contract
1013 terminated under this paragraph may not be an approved provider
1014 for a period of at least 1 year after the date upon which the
1015 contract was terminated and until the department determines that
1016 the provider is in compliance with subsection (2) and has
1017 corrected each cause of the provider's low performance.

1018 Section 8. Section 1003.3101, Florida Statutes, is created
1019 to read:

1020 1003.3101 Additional educational choice options.—Each
1021 school district board shall establish a transfer process for a
1022 parent to request his or her child be transferred to another
1023 classroom teacher. This section does not give a parent the right
1024 to choose a specific classroom teacher. A school must approve or
1025 deny the transfer within 2 weeks after receiving a request. If a



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1026 request for transfer is denied, the school must notify the
1027 parent and specify the reasons for the denial. An explanation of
1028 the transfer process must be made available in the student
1029 handbook or a similar publication.

1030 Section 9. Subsection (3) of section 1003.4295, Florida
1031 Statutes, is amended to read:

1032 1003.4295 Acceleration options.—

1033 (3) The Credit Acceleration Program (CAP) is created for
1034 the purpose of allowing a student to earn high school credit in
1035 courses required for high school graduation through passage of
1036 an end-of-course assessment Algebra I, Algebra II, geometry,
1037 United States history, or biology if the student passes the
1038 statewide, standardized assessment administered under s.
1039 1008.22, an Advanced Placement Examination, or a College Level
1040 Examination Program (CLEP). Notwithstanding s. 1003.436, a
1041 school district shall award course credit to a student who is
1042 not enrolled in the course, or who has not completed the course,
1043 if the student attains a passing score on the corresponding end-
1044 of-course assessment, Advanced Placement Examination, or CLEP
1045 statewide, standardized assessment. The school district shall
1046 permit a public school or home education student who is not
1047 enrolled in the course, or who has not completed the course, to
1048 take the assessment or examination during the regular
1049 administration of the assessment or examination.

1050 Section 10. Effective June 29, 2016, section 1004.935,
1051 Florida Statutes, is amended to read:

1052 1004.935 Adults with Disabilities Workforce Education ~~Pilot~~
1053 Program.—

1054 (1) The Adults with Disabilities Workforce Education ~~Pilot~~



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1055 Program is established in the Department of Education ~~through~~
1056 ~~June 30, 2016,~~ in Hardee, DeSoto, Manatee, and Sarasota Counties
1057 to provide the option of receiving a scholarship for instruction
1058 at private schools for up to 30 students who:

1059 (a) Have a disability;

1060 (b) Are 22 years of age;

1061 (c) Are receiving instruction from an instructor in a
1062 private school to meet the high school graduation requirements
1063 in s. 1002.3105(5) or s. 1003.4282;

1064 (d) Do not have a standard high school diploma or a special
1065 high school diploma; and

1066 (e) Receive "supported employment services," which means
1067 employment that is located or provided in an integrated work
1068 setting with earnings paid on a commensurate wage basis and for
1069 which continued support is needed for job maintenance.

1070
1071 As used in this section, the term "student with a disability"
1072 includes a student who is documented as having an intellectual
1073 disability; a speech impairment; a language impairment; a
1074 hearing impairment, including deafness; a visual impairment,
1075 including blindness; a dual sensory impairment; an orthopedic
1076 impairment; another health impairment; an emotional or
1077 behavioral disability; a specific learning disability,
1078 including, but not limited to, dyslexia, dyscalculia, or
1079 developmental aphasia; a traumatic brain injury; a developmental
1080 delay; or autism spectrum disorder.

1081 (2) A student participating in the ~~pilot~~ program may
1082 continue to participate in the program until the student
1083 graduates from high school or reaches the age of 40 years,



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1084 whichever occurs first.

1085 (3) Supported employment services may be provided at more
1086 than one site.

1087 (4) The provider of supported employment services must be a
1088 nonprofit corporation under s. 501(c)(3) of the Internal Revenue
1089 Code which serves Hardee County, DeSoto County, Manatee County,
1090 or Sarasota County and must contract with a private school in
1091 this state which meets the requirements in subsection (5).

1092 (5) A private school that participates in the ~~pilot~~ program
1093 may be sectarian or nonsectarian and must:

1094 (a) Be academically accountable for meeting the educational
1095 needs of the student by annually providing to the provider of
1096 supported employment services a written explanation of the
1097 student's progress.

1098 (b) Comply with the antidiscrimination provisions of 42
1099 U.S.C. s. 2000d.

1100 (c) Meet state and local health and safety laws and codes.

1101 (d) Provide to the provider of supported employment
1102 services all documentation required for a student's
1103 participation, including the private school's and student's fee
1104 schedules, at least 30 days before any quarterly scholarship
1105 payment is made for the student. A student is not eligible to
1106 receive a quarterly scholarship payment if the private school
1107 fails to meet this deadline.

1108
1109 The inability of a private school to meet the requirements of
1110 this subsection constitutes a basis for the ineligibility of the
1111 private school to participate in the ~~pilot~~ program.

1112 (6) (a) If the student chooses to participate in the ~~pilot~~



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1113 program and is accepted by the provider of supported employment
1114 services, the student must notify the Department of Education of
1115 his or her acceptance into the program 60 days before the first
1116 scholarship payment and before participating in the ~~pilot~~
1117 program in order to be eligible for the scholarship.

1118 (b) Upon receipt of a scholarship warrant, the student or
1119 parent to whom the warrant is made must restrictively endorse
1120 the warrant to the provider of supported employment services for
1121 deposit into the account of the provider. The student or parent
1122 may not designate any entity or individual associated with the
1123 participating provider of supported employment services as the
1124 student's or parent's attorney in fact to endorse a scholarship
1125 warrant. A participant who fails to comply with this paragraph
1126 forfeits the scholarship.

1127 (7) Funds for the scholarship shall be provided from the
1128 appropriation from the school district's Workforce Development
1129 Fund in the General Appropriations Act for students who reside
1130 in the Hardee County School District, the DeSoto County School
1131 District, the Manatee County School District, or the Sarasota
1132 County School District. ~~During the pilot program,~~ The
1133 scholarship amount granted for an eligible student with a
1134 disability shall be equal to the cost per unit of a full-time
1135 equivalent adult general education student, multiplied by the
1136 adult general education funding factor, and multiplied by the
1137 district cost differential pursuant to the formula required by
1138 s. 1011.80(6)(a) for the district in which the student resides.

1139 (8) Upon notification by the Department of Education that
1140 it has received the required documentation, the Chief Financial
1141 Officer shall make scholarship payments in four equal amounts no



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1142 later than September 1, November 1, February 1, and April 1 of
1143 each academic year in which the scholarship is in force. The
1144 initial payment shall be made after the Department of Education
1145 verifies that the student was accepted into the ~~pilot~~ program,
1146 and subsequent payments shall be made upon verification of
1147 continued participation in the ~~pilot~~ program. Payment must be by
1148 individual warrant made payable to the student or parent and
1149 mailed by the Department of Education to the provider of
1150 supported employment services, and the student or parent shall
1151 restrictively endorse the warrant to the provider of supported
1152 employment services for deposit into the account of that
1153 provider.

1154 (9) Subsequent to each scholarship payment, the Department
1155 of Education shall request from the Department of Financial
1156 Services a sample of endorsed warrants to review and confirm
1157 compliance with endorsement requirements.

1158 Section 11. Subsection (3) and paragraph (a) of subsection
1159 (8) of section 1006.15, Florida Statutes, are amended, and
1160 subsection (9) is added to that section, to read:

1161 1006.15 Student standards for participation in
1162 interscholastic and intrascholastic extracurricular student
1163 activities; regulation.-

1164 (3) (a) As used in this section and s. 1006.20, the term
1165 "eligible to participate" includes, but is not limited to, a
1166 student participating in tryouts, off-season conditioning,
1167 summer workouts, preseason conditioning, in-season practice, or
1168 contests. The term does not mean that a student must be placed
1169 on any specific team for interscholastic or intrascholastic
1170 extracurricular activities. To be eligible to participate in



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1171 interscholastic extracurricular student activities, a student
1172 must:

1173 1. Maintain a grade point average of 2.0 or above on a 4.0
1174 scale, or its equivalent, in the previous semester or a
1175 cumulative grade point average of 2.0 or above on a 4.0 scale,
1176 or its equivalent, in the courses required by s. 1002.3105(5) or
1177 s. 1003.4282.

1178 2. Execute and fulfill the requirements of an academic
1179 performance contract between the student, the district school
1180 board, the appropriate governing association, and the student's
1181 parents, if the student's cumulative grade point average falls
1182 below 2.0, or its equivalent, on a 4.0 scale in the courses
1183 required by s. 1002.3105(5) or s. 1003.4282. At a minimum, the
1184 contract must require that the student attend summer school, or
1185 its graded equivalent, between grades 9 and 10 or grades 10 and
1186 11, as necessary.

1187 3. Have a cumulative grade point average of 2.0 or above on
1188 a 4.0 scale, or its equivalent, in the courses required by s.
1189 1002.3105(5) or s. 1003.4282 during his or her junior or senior
1190 year.

1191 4. Maintain satisfactory conduct, including adherence to
1192 appropriate dress and other codes of student conduct policies
1193 described in s. 1006.07(2). If a student is convicted of, or is
1194 found to have committed, a felony or a delinquent act that would
1195 have been a felony if committed by an adult, regardless of
1196 whether adjudication is withheld, the student's participation in
1197 interscholastic extracurricular activities is contingent upon
1198 established and published district school board policy.

1199 (b) Any student who is exempt from attending a full school



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1200 day based on rules adopted by the district school board for
1201 double session schools or programs, experimental schools, or
1202 schools operating under emergency conditions must maintain the
1203 grade point average required by this section and pass each class
1204 for which he or she is enrolled.

1205 (c) An individual home education student is eligible to
1206 participate at the public school to which the student would be
1207 assigned according to district school board attendance area
1208 policies or which the student could ~~choose to attend pursuant to~~
1209 ~~district or interdistrict controlled open enrollment provisions,~~
1210 or may develop an agreement to participate at a private school,
1211 in the interscholastic extracurricular activities of that
1212 school, provided the following conditions are met:

1213 1. The home education student must meet the requirements of
1214 the home education program pursuant to s. 1002.41.

1215 2. During the period of participation at a school, the home
1216 education student must demonstrate educational progress as
1217 required in paragraph (b) in all subjects taken in the home
1218 education program by a method of evaluation agreed upon by the
1219 parent and the school principal which may include: review of the
1220 student's work by a certified teacher chosen by the parent;
1221 grades earned through correspondence; grades earned in courses
1222 taken at a Florida College System institution, university, or
1223 trade school; standardized test scores above the 35th
1224 percentile; or any other method designated in s. 1002.41.

1225 3. The home education student must meet the same residency
1226 requirements as other students in the school at which he or she
1227 participates.

1228 4. The home education student must meet the same standards



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1229 of acceptance, behavior, and performance as required of other
1230 students in extracurricular activities.

1231 5. The student must register with the school his or her
1232 intent to participate in interscholastic extracurricular
1233 activities as a representative of the school before the
1234 beginning date of the season for the activity in which he or she
1235 wishes to participate. A home education student must be able to
1236 participate in curricular activities if that is a requirement
1237 for an extracurricular activity.

1238 6. A student who transfers from a home education program to
1239 a public school before or during the first grading period of the
1240 school year is academically eligible to participate in
1241 interscholastic extracurricular activities during the first
1242 grading period provided the student has a successful evaluation
1243 from the previous school year, pursuant to subparagraph 2.

1244 7. Any public school or private school student who has been
1245 unable to maintain academic eligibility for participation in
1246 interscholastic extracurricular activities is ineligible to
1247 participate in such activities as a home education student until
1248 the student has successfully completed one grading period in
1249 home education pursuant to subparagraph 2. to become eligible to
1250 participate as a home education student.

1251 (d) An individual charter school student pursuant to s.
1252 1002.33 is eligible to participate at the public school to which
1253 the student would be assigned according to district school board
1254 attendance area policies or which the student could ~~choose to~~
1255 ~~attend, pursuant to district or interdistrict controlled open-~~
1256 ~~enrollment provisions,~~ in any interscholastic extracurricular
1257 activity of that school, unless such activity is provided by the



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1258 student's charter school, if the following conditions are met:

1259 1. The charter school student must meet the requirements of
1260 the charter school education program as determined by the
1261 charter school governing board.

1262 2. During the period of participation at a school, the
1263 charter school student must demonstrate educational progress as
1264 required in paragraph (b).

1265 3. The charter school student must meet the same residency
1266 requirements as other students in the school at which he or she
1267 participates.

1268 4. The charter school student must meet the same standards
1269 of acceptance, behavior, and performance that are required of
1270 other students in extracurricular activities.

1271 5. The charter school student must register with the school
1272 his or her intent to participate in interscholastic
1273 extracurricular activities as a representative of the school
1274 before the beginning date of the season for the activity in
1275 which he or she wishes to participate. A charter school student
1276 must be able to participate in curricular activities if that is
1277 a requirement for an extracurricular activity.

1278 6. A student who transfers from a charter school program to
1279 a traditional public school before or during the first grading
1280 period of the school year is academically eligible to
1281 participate in interscholastic extracurricular activities during
1282 the first grading period if the student has a successful
1283 evaluation from the previous school year, pursuant to
1284 subparagraph 2.

1285 7. Any public school or private school student who has been
1286 unable to maintain academic eligibility for participation in



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1287 interscholastic extracurricular activities is ineligible to
1288 participate in such activities as a charter school student until
1289 the student has successfully completed one grading period in a
1290 charter school pursuant to subparagraph 2. to become eligible to
1291 participate as a charter school student.

1292 (e) A student of the Florida Virtual School full-time
1293 program may participate in any interscholastic extracurricular
1294 activity at the public school to which the student would be
1295 assigned according to district school board attendance area
1296 policies or which the student could ~~choose to attend, pursuant~~
1297 ~~to district or interdistrict controlled open enrollment~~
1298 ~~policies,~~ if the student:

1299 1. During the period of participation in the
1300 interscholastic extracurricular activity, meets the requirements
1301 in paragraph (a).

1302 2. Meets any additional requirements as determined by the
1303 board of trustees of the Florida Virtual School.

1304 3. Meets the same residency requirements as other students
1305 in the school at which he or she participates.

1306 4. Meets the same standards of acceptance, behavior, and
1307 performance that are required of other students in
1308 extracurricular activities.

1309 5. Registers his or her intent to participate in
1310 interscholastic extracurricular activities with the school
1311 before the beginning date of the season for the activity in
1312 which he or she wishes to participate. A Florida Virtual School
1313 student must be able to participate in curricular activities if
1314 that is a requirement for an extracurricular activity.

1315 (f) A student who transfers from the Florida Virtual School



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1316 full-time program to a traditional public school before or
1317 during the first grading period of the school year is
1318 academically eligible to participate in interscholastic
1319 extracurricular activities during the first grading period if
1320 the student has a successful evaluation from the previous school
1321 year pursuant to paragraph (a).

1322 (g) A public school or private school student who has been
1323 unable to maintain academic eligibility for participation in
1324 interscholastic extracurricular activities is ineligible to
1325 participate in such activities as a Florida Virtual School
1326 student until the student successfully completes one grading
1327 period in the Florida Virtual School pursuant to paragraph (a).

1328 (h)1. A school district or charter school may not delay
1329 eligibility or otherwise prevent a student participating in
1330 controlled open enrollment, or a choice program, from being
1331 immediately eligible to participate in interscholastic and
1332 intrascholastic extracurricular activities.

1333 2. A student participating in a sport at a school may not
1334 participate in that same sport at another school during that
1335 school year, unless the student meets one of the following
1336 criteria:

1337 a. Dependent children of active duty military personnel
1338 whose move resulted from military orders.

1339 b. Children who have been relocated due to a foster care
1340 placement in a different school zone.

1341 c. Children who move due to a court ordered change in
1342 custody due to separation or divorce, or the serious illness or
1343 death of a custodial parent.

1344 d. Authorized for good cause in district or charter school



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1345 policy.

1346 (8) (a) The Florida High School Athletic Association
1347 (FHSAA), in cooperation with each district school board, shall
1348 facilitate a program in which a middle school or high school
1349 student who attends a private school shall be eligible to
1350 participate in an interscholastic or intrascholastic sport at a
1351 public high school, a public middle school, or a 6-12 public
1352 school that is zoned for the physical address at which the
1353 student resides if:

1354 1. The private school in which the student is enrolled is
1355 not a member of the FHSAA ~~and does not offer an interscholastic~~
1356 ~~or intrascholastic athletic program.~~

1357 2. The private school student meets the guidelines for the
1358 conduct of the program established by the FHSAA's board of
1359 directors and the district school board. At a minimum, such
1360 guidelines shall provide:

1361 a. A deadline for each sport by which the private school
1362 student's parents must register with the public school in
1363 writing their intent for their child to participate at that
1364 school in the sport.

1365 b. Requirements for a private school student to
1366 participate, including, but not limited to, meeting the same
1367 standards of eligibility, acceptance, behavior, educational
1368 progress, and performance which apply to other students
1369 participating in interscholastic or intrascholastic sports at a
1370 public school or FHSAA member private school.

1371 (9) (a) A student who transfers to a school during the
1372 school year may seek to immediately join an existing team if the
1373 roster for the specific interscholastic or intrascholastic



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1374 extracurricular activity has not reached the activity's
1375 identified maximum size and if the coach for the activity
1376 determines that the student has the requisite skill and ability
1377 to participate. The FHSAA and school district or charter school
1378 may not declare such a student ineligible because the student
1379 did not have the opportunity to comply with qualifying
1380 requirements.

1381 (b) A student participating in a sport at a school may not
1382 participate in that same sport at another school during that
1383 school year, unless the student meets one of the following
1384 criteria:

1385 1. Dependent children of active duty military personnel
1386 whose move resulted from military orders.

1387 2. Children who have been relocated due to a foster care
1388 placement in a different school zone.

1389 3. Children who move due to a court ordered change in
1390 custody due to separation or divorce, or the serious illness or
1391 death of a custodial parent.

1392 4. Authorized for good cause in district or charter school
1393 policy.

1394 Section 12. Subsection (1) and paragraphs (a), (b), (c),
1395 and (g) of subsection (2) of section 1006.20, Florida Statutes,
1396 are amended to read:

1397 1006.20 Athletics in public K-12 schools.—

1398 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High
1399 School Athletic Association (FHSAA) is designated as the
1400 governing nonprofit organization of athletics in Florida public
1401 schools. If the FHSAA fails to meet the provisions of this
1402 section, the commissioner shall designate a nonprofit



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1403 organization to govern athletics with the approval of the State
1404 Board of Education. The FHSAA is not a state agency as defined
1405 in s. 120.52. The FHSAA shall be subject to the provisions of s.
1406 1006.19. A private school that wishes to engage in high school
1407 athletic competition with a public high school may become a
1408 member of the FHSAA. Any high school in the state, including
1409 charter schools, virtual schools, and home education
1410 cooperatives, may become a member of the FHSAA and participate
1411 in the activities of the FHSAA. However, membership in the FHSAA
1412 is not mandatory for any school. The FHSAA must allow a private
1413 school the option of maintaining full membership in the
1414 association or joining by sport and may not discourage a private
1415 school from simultaneously maintaining membership in another
1416 athletic association. The FHSAA may allow a public school the
1417 option to apply for consideration to join another athletic
1418 association. The FHSAA may not deny or discourage
1419 interscholastic competition between its member schools and non-
1420 FHSAA member Florida schools, including members of another
1421 athletic governing organization, and may not take any
1422 retributory or discriminatory action against any of its member
1423 schools that participate in interscholastic competition with
1424 non-FHSAA member Florida schools. The FHSAA may not unreasonably
1425 withhold its approval of an application to become an affiliate
1426 member of the National Federation of State High School
1427 Associations submitted by any other organization that governs
1428 interscholastic athletic competition in this state. The bylaws
1429 of the FHSAA are the rules by which high school athletic
1430 programs in its member schools, and the students who participate
1431 in them, are governed, unless otherwise specifically provided by



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1432 statute. For the purposes of this section, "high school"
1433 includes grades 6 through 12.

1434 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

1435 (a) The FHSAA shall adopt bylaws that, unless specifically
1436 provided by statute, establish eligibility requirements for all
1437 students who participate in high school athletic competition in
1438 its member schools. The bylaws governing residence and transfer
1439 shall allow the student to be immediately eligible in the school
1440 in which he or she first enrolls each school year or the school
1441 in which the student makes himself or herself a candidate for an
1442 athletic team by engaging in a practice prior to enrolling in
1443 the school. The bylaws shall also allow the student to be
1444 immediately eligible in the school to which the student has
1445 ~~transferred during the school year if the transfer is made by a~~
1446 ~~deadline established by the FHSAA, which may not be prior to the~~
1447 ~~date authorized for the beginning of practice for the sport.~~
1448 ~~These transfers shall be allowed pursuant to the district school~~
1449 ~~board policies in the case of transfer to a public school or~~
1450 ~~pursuant to the private school policies in the case of transfer~~
1451 ~~to a private school.~~ The student shall be eligible in that
1452 school so long as he or she remains enrolled in that school.
1453 Subsequent eligibility shall be determined and enforced through
1454 the FHSAA's bylaws. Requirements governing eligibility and
1455 transfer between member schools shall be applied similarly to
1456 public school students and private school students.

1457 (b) The FHSAA shall adopt bylaws that specifically prohibit
1458 the recruiting of students for athletic purposes. The bylaws
1459 shall prescribe penalties and an appeals process for athletic
1460 recruiting violations.



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1461 1. If it is determined that a school has recruited a
1462 student in violation of FHSAA bylaws, the FHSAA may require the
1463 school to participate in a higher classification for the sport
1464 in which the recruited student competes for a minimum of one
1465 classification cycle, in addition to the penalties in
1466 subparagraphs 2. and 3., and any other appropriate fine ~~or~~ and
1467 sanction imposed on the school, its coaches, or adult
1468 representatives who violate recruiting rules.

1469 2. Any recruitment by a school district employee or
1470 contractor in violation of FHSAA bylaws results in escalating
1471 punishments as follows:

1472 a. For a first offense, a \$5,000 forfeiture of pay for the
1473 school district employee or contractor who committed the
1474 violation.

1475 b. For a second offense, suspension without pay for 12
1476 months from coaching, directing, or advertising an
1477 extracurricular activity and a \$5,000 forfeiture of pay for the
1478 school district employee or contractor who committed the
1479 violation.

1480 c. For a third offense, a \$5,000 forfeiture of pay for the
1481 school district employee or contractor who committed the
1482 violation. If the individual who committed the violation holds
1483 an educator certificate, the FHSAA shall also refer the
1484 violation to the department for review pursuant to s. 1012.796
1485 to determine whether probable cause exists, and, if there is a
1486 finding of probable cause, the commissioner shall file a formal
1487 complaint against the individual. If the complaint is upheld,
1488 the individual's educator certificate shall be revoked for 3
1489 years, in addition to any penalties available under s. 1012.796.



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1490 Additionally, the department shall revoke any adjunct teaching
1491 certificates issued pursuant to s. 1012.57 and all permissions
1492 under ss. 1012.39 and 1012.43, and the educator is ineligible
1493 for such certificates or permissions for a period of time equal
1494 to the period of revocation of his or her state-issued
1495 certificate.

1496 3. Notwithstanding any other provision of law, a school
1497 shall forfeit every competition in which a student participated
1498 who was recruited by an adult who is not a school district
1499 employee or contractor in violation of FHSAA bylaws.

1500 4. A student may not be declared ineligible based on
1501 violation of recruiting rules unless the student or parent has
1502 falsified any enrollment or eligibility document or accepted any
1503 benefit ~~or any promise of benefit~~ if such benefit is not
1504 generally available to the school's students or family members
1505 or is based in any way on athletic interest, potential, or
1506 performance.

1507 (c) The FHSAA shall adopt bylaws that require all students
1508 participating in interscholastic athletic competition or who are
1509 candidates for an interscholastic athletic team to
1510 satisfactorily pass a medical evaluation each year prior to
1511 participating in interscholastic athletic competition or
1512 engaging in any practice, tryout, workout, or other physical
1513 activity associated with the student's candidacy for an
1514 interscholastic athletic team. Such medical evaluation may be
1515 administered only by a practitioner licensed under chapter 458,
1516 chapter 459, chapter 460, or s. 464.012, and in good standing
1517 with the practitioner's regulatory board. The bylaws shall
1518 establish requirements for eliciting a student's medical history



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1519 and performing the medical evaluation required under this
1520 paragraph, which shall include a physical assessment of the
1521 student's physical capabilities to participate in
1522 interscholastic athletic competition as contained in a uniform
1523 preparticipation physical evaluation and history form. The
1524 evaluation form shall incorporate the recommendations of the
1525 American Heart Association for participation cardiovascular
1526 screening and shall provide a place for the signature of the
1527 practitioner performing the evaluation with an attestation that
1528 each examination procedure listed on the form was performed by
1529 the practitioner or by someone under the direct supervision of
1530 the practitioner. The form shall also contain a place for the
1531 practitioner to indicate if a referral to another practitioner
1532 was made in lieu of completion of a certain examination
1533 procedure. The form shall provide a place for the practitioner
1534 to whom the student was referred to complete the remaining
1535 sections and attest to that portion of the examination. The
1536 preparticipation physical evaluation form shall advise students
1537 to complete a cardiovascular assessment and shall include
1538 information concerning alternative cardiovascular evaluation and
1539 diagnostic tests. Results of such medical evaluation must be
1540 provided to the school. A student is not ~~No student shall be~~
1541 eligible to participate, as provided in s. 1006.15(3), in any
1542 interscholastic athletic competition or engage in any practice,
1543 tryout, workout, or other physical activity associated with the
1544 student's candidacy for an interscholastic athletic team until
1545 the results of the medical evaluation have been received and
1546 approved by the school.

1547 (g) The FHSAA shall adopt bylaws establishing the process



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1548 and standards by which FHSAA determinations of eligibility are
1549 made. Such bylaws shall provide that:

1550 1. Ineligibility must be established by a preponderance of
1551 the clear and convincing evidence;

1552 2. Student athletes, parents, and schools must have notice
1553 of the initiation of any investigation or other inquiry into
1554 eligibility and may present, to the investigator and to the
1555 individual making the eligibility determination, any information
1556 or evidence that is credible, persuasive, and of a kind
1557 reasonably prudent persons rely upon in the conduct of serious
1558 affairs;

1559 3. An investigator may not determine matters of eligibility
1560 but must submit information and evidence to the executive
1561 director or a person designated by the executive director or by
1562 the board of directors for an unbiased and objective
1563 determination of eligibility; and

1564 4. A determination of ineligibility must be made in
1565 writing, setting forth the findings of fact and specific
1566 violation upon which the decision is based.

1567 Section 13. Subsection (1) of section 1011.61, Florida
1568 Statutes, is amended to read:

1569 1011.61 Definitions.—Notwithstanding the provisions of s.
1570 1000.21, the following terms are defined as follows for the
1571 purposes of the Florida Education Finance Program:

1572 (1) A "full-time equivalent student" in each program of the
1573 district is defined in terms of full-time students and part-time
1574 students as follows:

1575 (a) A "full-time student" is one student on the membership
1576 roll of one school program or a combination of school programs



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1577 listed in s. 1011.62(1)(c) for the school year or the equivalent
1578 for:

1579 1. Instruction in a standard school, comprising not less
1580 than 900 net hours for a student in or at the grade level of 4
1581 through 12, or not less than 720 net hours for a student in or
1582 at the grade level of kindergarten through grade 3 or in an
1583 authorized prekindergarten exceptional program; or

1584 ~~2. Instruction in a double-session school or a school~~
1585 ~~utilizing an experimental school calendar approved by the~~
1586 ~~Department of Education, comprising not less than the equivalent~~
1587 ~~of 810 net hours in grades 4 through 12 or not less than 630 net~~
1588 ~~hours in kindergarten through grade 3; or~~

1589 ~~2.3.~~ Instruction comprising the appropriate number of net
1590 hours set forth in subparagraph 1. ~~or subparagraph 2.~~ for
1591 students who, within the past year, have moved with their
1592 parents for the purpose of engaging in the farm labor or fish
1593 industries, if a plan furnishing such an extended school day or
1594 week, or a combination thereof, has been approved by the
1595 commissioner. Such plan may be approved to accommodate the needs
1596 of migrant students only or may serve all students in schools
1597 having a high percentage of migrant students. The plan described
1598 in this subparagraph is optional for any school district and is
1599 not mandated by the state.

1600 (b) A "part-time student" is a student on the active
1601 membership roll of a school program or combination of school
1602 programs listed in s. 1011.62(1)(c) who is less than a full-time
1603 student. A student who receives instruction in a school that
1604 operates for less than the minimum term shall generate full-time
1605 equivalent student membership proportional to the amount of



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1606 instructional hours provided by the school divided by the
1607 minimum term requirement as provided in s. 1011.60(2).

1608 (c)1. A "full-time equivalent student" is:

1609 a. A full-time student in any one of the programs listed in
1610 s. 1011.62(1)(c); or

1611 b. A combination of full-time or part-time students in any
1612 one of the programs listed in s. 1011.62(1)(c) which is the
1613 equivalent of one full-time student based on the following
1614 calculations:

1615 (I) A full-time student in a combination of programs listed
1616 in s. 1011.62(1)(c) shall be a fraction of a full-time
1617 equivalent membership in each special program equal to the
1618 number of net hours per school year for which he or she is a
1619 member, divided by the appropriate number of hours set forth in
1620 subparagraph (a)1. ~~or subparagraph (a)2.~~ The difference between
1621 that fraction or sum of fractions and the maximum value as set
1622 forth in subsection (4) for each full-time student is presumed
1623 to be the balance of the student's time not spent in a special
1624 program and shall be recorded as time in the appropriate basic
1625 program.

1626 (II) A prekindergarten student with a disability shall meet
1627 the requirements specified for kindergarten students.

1628 (III) A full-time equivalent student for students in
1629 kindergarten through grade 12 in a full-time virtual instruction
1630 program under s. 1002.45 or a virtual charter school under s.
1631 1002.33 shall consist of six full-credit completions or the
1632 prescribed level of content that counts toward promotion to the
1633 next grade in programs listed in s. 1011.62(1)(c). Credit
1634 completions may be a combination of full-credit courses or half-



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1635 ~~credit courses. Beginning in the 2016-2017 fiscal year, the~~
1636 ~~reported full-time equivalent students and associated funding of~~
1637 ~~students enrolled in courses requiring passage of an end-of-~~
1638 ~~course assessment under s. 1003.4282 to earn a standard high~~
1639 ~~school diploma shall be adjusted if the student does not pass~~
1640 ~~the end-of-course assessment. However, no adjustment shall be~~
1641 ~~made for a student who enrolls in a segmented remedial course~~
1642 ~~delivered online.~~

1643 (IV) A full-time equivalent student for students in
1644 kindergarten through grade 12 in a part-time virtual instruction
1645 program under s. 1002.45 shall consist of six full-credit
1646 completions in programs listed in s. 1011.62(1)(c)1. and 3.
1647 Credit completions may be a combination of full-credit courses
1648 or half-credit courses. ~~Beginning in the 2016-2017 fiscal year,~~
1649 ~~the reported full-time equivalent students and associated~~
1650 ~~funding of students enrolled in courses requiring passage of an~~
1651 ~~end-of-course assessment under s. 1003.4282 to earn a standard~~
1652 ~~high school diploma shall be adjusted if the student does not~~
1653 ~~pass the end-of-course assessment. However, no adjustment shall~~
1654 ~~be made for a student who enrolls in a segmented remedial course~~
1655 ~~delivered online.~~

1656 (V) A Florida Virtual School full-time equivalent student
1657 shall consist of six full-credit completions or the prescribed
1658 level of content that counts toward promotion to the next grade
1659 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
1660 participating in kindergarten through grade 12 part-time virtual
1661 instruction and the programs listed in s. 1011.62(1)(c) for
1662 students participating in kindergarten through grade 12 full-
1663 time virtual instruction. Credit completions may be a



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1664 combination of full-credit courses or half-credit courses.
1665 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~
1666 ~~equivalent students and associated funding of students enrolled~~
1667 ~~in courses requiring passage of an end-of-course assessment~~
1668 ~~under s. 1003.4282 to earn a standard high school diploma shall~~
1669 ~~be adjusted if the student does not pass the end-of-course~~
1670 ~~assessment. However, no adjustment shall be made for a student~~
1671 ~~who enrolls in a segmented remedial course delivered online.~~

1672 (VI) Each successfully completed full-credit course earned
1673 through an online course delivered by a district other than the
1674 one in which the student resides shall be calculated as 1/6 FTE.

1675 (VII) A full-time equivalent student for courses requiring
1676 passage of a statewide, standardized end-of-course assessment
1677 under s. 1003.4282 to earn a standard high school diploma shall
1678 be defined and reported based on the number of instructional
1679 hours as provided in this subsection ~~until the 2016-2017 fiscal~~
1680 ~~year. Beginning in the 2016-2017 fiscal year, the FTE for the~~
1681 ~~course shall be assessment-based and shall be equal to 1/6 FTE.~~
1682 ~~The reported FTE shall be adjusted if the student does not pass~~
1683 ~~the end-of-course assessment. However, no adjustment shall be~~
1684 ~~made for a student who enrolls in a segmented remedial course~~
1685 ~~delivered online.~~

1686 (VIII) For students enrolled in a school district as a
1687 full-time student, the district may report 1/6 FTE for each
1688 student who passes a statewide, standardized end-of-course
1689 assessment without being enrolled in the corresponding course.

1690 2. A student in membership in a program scheduled for more
1691 or less than 180 school days or the equivalent on an hourly
1692 basis as specified by rules of the State Board of Education is a



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1693 fraction of a full-time equivalent membership equal to the
1694 number of instructional hours in membership divided by the
1695 appropriate number of hours set forth in subparagraph (a)1.;
1696 however, for the purposes of this subparagraph, membership in
1697 programs scheduled for more than 180 days is limited to students
1698 enrolled in:

- 1699 a. Juvenile justice education programs.
- 1700 b. The Florida Virtual School.
- 1701 c. Virtual instruction programs and virtual charter schools
1702 for the purpose of course completion and credit recovery
1703 pursuant to ss. 1002.45 and 1003.498. Course completion applies
1704 only to a student who is reported during the second or third
1705 membership surveys and who does not complete a virtual education
1706 course by the end of the regular school year. The course must be
1707 completed no later than the deadline for amending the final
1708 student enrollment survey for that year. Credit recovery applies
1709 only to a student who has unsuccessfully completed a traditional
1710 or virtual education course during the regular school year and
1711 must re-take the course in order to be eligible to graduate with
1712 the student's class.

1713
1714 The full-time equivalent student enrollment calculated under
1715 this subsection is subject to the requirements in subsection
1716 (4).

1717
1718 The department shall determine and implement an equitable method
1719 of equivalent funding for ~~experimental schools and for~~ schools
1720 operating under emergency conditions, which schools have been
1721 approved by the department to operate for less than the minimum



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1722 term as provided in s. 1011.60(2) ~~school day.~~

1723 Section 14. Effective July 1, 2016, and upon the expiration
1724 of the amendment to section 1011.62, Florida Statutes, made by
1725 chapter 2015-222, Laws of Florida, paragraphs (e) and (o) of
1726 subsection (1), paragraph (a) of subsection (4), and present
1727 subsection (13) of that section are amended, present subsections
1728 (13), (14), and (15) of that section are redesignated as
1729 subsections (14), (15), and (16), respectively, and a new
1730 subsection (13) is added to that section, to read:

1731 1011.62 Funds for operation of schools.—If the annual
1732 allocation from the Florida Education Finance Program to each
1733 district for operation of schools is not determined in the
1734 annual appropriations act or the substantive bill implementing
1735 the annual appropriations act, it shall be determined as
1736 follows:

1737 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
1738 OPERATION.—The following procedure shall be followed in
1739 determining the annual allocation to each district for
1740 operation:

1741 (e) Funding model for exceptional student education
1742 programs.—

1743 1.a. The funding model uses basic, at-risk, support levels
1744 IV and V for exceptional students and career Florida Education
1745 Finance Program cost factors, and a guaranteed allocation for
1746 exceptional student education programs. Exceptional education
1747 cost factors are determined by using a matrix of services to
1748 document the services that each exceptional student will
1749 receive. The nature and intensity of the services indicated on
1750 the matrix shall be consistent with the services described in



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1751 each exceptional student's individual educational plan. The
1752 Department of Education shall review and revise the descriptions
1753 of the services and supports included in the matrix of services
1754 for exceptional students and shall implement those revisions
1755 before the beginning of the 2012-2013 school year.

1756 b. In order to generate funds using one of the two weighted
1757 cost factors, a matrix of services must be completed at the time
1758 of the student's initial placement into an exceptional student
1759 education program and at least once every 3 years by personnel
1760 who have received approved training. Nothing listed in the
1761 matrix shall be construed as limiting the services a school
1762 district must provide in order to ensure that exceptional
1763 students are provided a free, appropriate public education.

1764 c. Students identified as exceptional, in accordance with
1765 chapter 6A-6, Florida Administrative Code, who do not have a
1766 matrix of services as specified in sub-subparagraph b. shall
1767 generate funds on the basis of full-time-equivalent student
1768 membership in the Florida Education Finance Program at the same
1769 funding level per student as provided for basic students.

1770 Additional funds for these exceptional students will be provided
1771 through the guaranteed allocation designated in subparagraph 2.

1772 2. For students identified as exceptional who do not have a
1773 matrix of services and students who are gifted in grades K
1774 through 8, there is created a guaranteed allocation to provide
1775 these students with a free appropriate public education, in
1776 accordance with s. 1001.42(4)(1) and rules of the State Board of
1777 Education, which shall be allocated initially ~~annually~~ to each
1778 school district in the amount provided in the General
1779 Appropriations Act. These funds shall be supplemental ~~in~~



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1780 ~~addition~~ to the funds appropriated for the basic funding level
1781 ~~on the basis of FTE student membership in the Florida Education~~
1782 ~~Finance Program,~~ and the amount allocated for each school
1783 district shall ~~not~~ be recalculated once during the year, based
1784 on actual student membership from the October FTE survey. Upon
1785 recalculation, if the generated allocation is greater than the
1786 amount provided in the General Appropriations Act, the total
1787 shall be prorated to the level of the appropriation based on
1788 each district's share of the total recalculated amount. These
1789 funds shall be used to provide special education and related
1790 services for exceptional students and students who are gifted in
1791 grades K through 8. ~~Beginning with the 2007-2008 fiscal year,~~ A
1792 district's expenditure of funds from the guaranteed allocation
1793 for students in grades 9 through 12 who are gifted may not be
1794 greater than the amount expended during the 2006-2007 fiscal
1795 year for gifted students in grades 9 through 12.

1796 (o) Calculation of additional full-time equivalent
1797 membership based on successful completion of a career-themed
1798 course pursuant to ss. 1003.491, 1003.492, and 1003.493, or
1799 courses with embedded CAPE industry certifications or CAPE
1800 Digital Tool certificates, and issuance of industry
1801 certification identified on the CAPE Industry Certification
1802 Funding List pursuant to rules adopted by the State Board of
1803 Education or CAPE Digital Tool certificates pursuant to s.
1804 1003.4203.—

1805 1.a. A value of 0.025 full-time equivalent student
1806 membership shall be calculated for CAPE Digital Tool
1807 certificates earned by students in elementary and middle school
1808 grades.



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1809 b. A value of 0.1 or 0.2 full-time equivalent student
1810 membership shall be calculated for each student who completes a
1811 course as defined in s. 1003.493(1)(b) or courses with embedded
1812 CAPE industry certifications and who is issued an industry
1813 certification identified annually on the CAPE Industry
1814 Certification Funding List approved under rules adopted by the
1815 State Board of Education. A value of 0.2 full-time equivalent
1816 membership shall be calculated for each student who is issued a
1817 CAPE industry certification that has a statewide articulation
1818 agreement for college credit approved by the State Board of
1819 Education. For CAPE industry certifications that do not
1820 articulate for college credit, the Department of Education shall
1821 assign a full-time equivalent value of 0.1 for each
1822 certification. Middle grades students who earn additional FTE
1823 membership for a CAPE Digital Tool certificate pursuant to sub-
1824 subparagraph a. may not use the previously funded examination to
1825 satisfy the requirements for earning an industry certification
1826 under this sub-subparagraph. Additional FTE membership for an
1827 elementary or middle grades student may ~~shall~~ not exceed 0.1 for
1828 certificates or certifications earned within the same fiscal
1829 year. The State Board of Education shall include the assigned
1830 values on the CAPE Industry Certification Funding List under
1831 rules adopted by the state board. Such value shall be added to
1832 the total full-time equivalent student membership for grades 6
1833 through 12 in the subsequent year ~~for courses that were not~~
1834 ~~provided through dual enrollment~~. CAPE industry certifications
1835 earned through dual enrollment must be reported and funded
1836 pursuant to s. 1011.80. However, if a student earns a
1837 certification through a dual enrollment course and the



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1838 certification is not a fundable certification on the
1839 postsecondary certification funding list, or the dual enrollment
1840 certification is earned as a result of an agreement between a
1841 school district and a nonpublic postsecondary institution, the
1842 bonus value shall be funded in the same manner as other nondual
1843 enrollment course industry certifications. In such cases, the
1844 school district may provide for an agreement between the high
1845 school and the technical center, or the school district and the
1846 postsecondary institution may enter into an agreement for
1847 equitable distribution of the bonus funds.

1848 c. A value of 0.3 full-time equivalent student membership
1849 shall be calculated for student completion of the courses and
1850 the embedded certifications identified on the CAPE Industry
1851 Certification Funding List and approved by the commissioner
1852 pursuant to ss. 1003.4203(5) (a) and 1008.44.

1853 d. A value of 0.5 full-time equivalent student membership
1854 shall be calculated for CAPE Acceleration Industry
1855 Certifications that articulate for 15 to 29 college credit
1856 hours, and 1.0 full-time equivalent student membership shall be
1857 calculated for CAPE Acceleration Industry Certifications that
1858 articulate for 30 or more college credit hours pursuant to CAPE
1859 Acceleration Industry Certifications approved by the
1860 commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

1861 2. Each district must allocate at least 80 percent of the
1862 funds provided for CAPE industry certification, in accordance
1863 with this paragraph, to the program that generated the funds.
1864 This allocation may not be used to supplant funds provided for
1865 basic operation of the program.

1866 3. For CAPE industry certifications earned in the 2013-2014



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1867 school year and in subsequent years, the school district shall
1868 distribute to each classroom teacher who provided direct
1869 instruction toward the attainment of a CAPE industry
1870 certification that qualified for additional full-time equivalent
1871 membership under subparagraph 1.:

1872 a. A bonus ~~in the amount~~ of \$25 for each student taught by
1873 a teacher who provided instruction in a course that led to the
1874 attainment of a CAPE industry certification on the CAPE Industry
1875 Certification Funding List with a weight of 0.1.

1876 b. A bonus ~~in the amount~~ of \$50 for each student taught by
1877 a teacher who provided instruction in a course that led to the
1878 attainment of a CAPE industry certification on the CAPE Industry
1879 Certification Funding List with a weight of 0.2, ~~0.3, 0.5, and~~
1880 ~~1.0~~.

1881 c. A bonus of \$75 for each student taught by a teacher who
1882 provided instruction in a course that led to the attainment of a
1883 CAPE industry certification on the CAPE Industry Certification
1884 Funding List with a weight of 0.3.

1885 d. A bonus of \$100 for each student taught by a teacher who
1886 provided instruction in a course that led to the attainment of a
1887 CAPE industry certification on the CAPE Industry Certification
1888 Funding List with a weight of 0.5 or 1.0.

1889
1890 Bonuses awarded pursuant to this paragraph shall be provided to
1891 teachers who are employed by the district in the year in which
1892 the additional FTE membership calculation is included in the
1893 calculation. Bonuses shall be calculated based upon the
1894 associated weight of a CAPE industry certification on the CAPE
1895 Industry Certification Funding List for the year in which the



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1896 certification is earned by the student. Any bonus awarded to a
1897 teacher under this paragraph ~~may not exceed \$2,000 in any given~~
1898 ~~school year and~~ is in addition to any regular wage or other
1899 bonus the teacher received or is scheduled to receive.

1900 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The
1901 Legislature shall prescribe the aggregate required local effort
1902 for all school districts collectively as an item in the General
1903 Appropriations Act for each fiscal year. The amount that each
1904 district shall provide annually toward the cost of the Florida
1905 Education Finance Program for kindergarten through grade 12
1906 programs shall be calculated as follows:

1907 (a) Estimated taxable value calculations.—

1908 1.a. Not later than 2 working days before ~~prior to~~ July 19,
1909 the Department of Revenue shall certify to the Commissioner of
1910 Education its most recent estimate of the taxable value for
1911 school purposes in each school district and the total for all
1912 school districts in the state for the current calendar year
1913 based on the latest available data obtained from the local
1914 property appraisers. The value certified shall be the taxable
1915 value for school purposes for that year, and no further
1916 adjustments shall be made, except those made pursuant to
1917 paragraphs (c) and (d), or an assessment roll change required by
1918 final judicial decisions as specified in paragraph (15) (b)
1919 ~~(14) (b)~~. Not later than July 19, the Commissioner of Education
1920 shall compute a millage rate, rounded to the next highest one
1921 one-thousandth of a mill, which, when applied to 96 percent of
1922 the estimated state total taxable value for school purposes,
1923 would generate the prescribed aggregate required local effort
1924 for that year for all districts. The Commissioner of Education



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1925 shall certify to each district school board the millage rate,
1926 computed as prescribed in this subparagraph, as the minimum
1927 millage rate necessary to provide the district required local
1928 effort for that year.

1929 b. The General Appropriations Act shall direct the
1930 computation of the statewide adjusted aggregate amount for
1931 required local effort for all school districts collectively from
1932 ad valorem taxes to ensure that no school district's revenue
1933 from required local effort millage will produce more than 90
1934 percent of the district's total Florida Education Finance
1935 Program calculation as calculated and adopted by the
1936 Legislature, and the adjustment of the required local effort
1937 millage rate of each district that produces more than 90 percent
1938 of its total Florida Education Finance Program entitlement to a
1939 level that will produce only 90 percent of its total Florida
1940 Education Finance Program entitlement in the July calculation.

1941 2. On the same date as the certification in sub-
1942 subparagraph 1.a., the Department of Revenue shall certify to
1943 the Commissioner of Education for each district:

1944 a. Each year for which the property appraiser has certified
1945 the taxable value pursuant to s. 193.122(2) or (3), if
1946 applicable, since the prior certification under sub-subparagraph
1947 1.a.

1948 b. For each year identified in sub-subparagraph a., the
1949 taxable value certified by the appraiser pursuant to s.
1950 193.122(2) or (3), if applicable, since the prior certification
1951 under sub-subparagraph 1.a. This is the certification that
1952 reflects all final administrative actions of the value
1953 adjustment board.



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1954 (13) FEDERALLY CONNECTED STUDENT SUPPLEMENT.—The federally
1955 connected student supplement is created to provide supplemental
1956 funding for school districts to support the education of
1957 students connected with federally owned military installations,
1958 National Aeronautics and Space Administration (NASA) real
1959 property, and Indian lands. To be eligible for this supplement,
1960 the district must be eligible for federal Impact Aid Program
1961 funds under s. 8003 of Title VIII of the Elementary and
1962 Secondary Education Act of 1965. The supplement shall be
1963 allocated annually to each eligible school district in the
1964 amount provided in the General Appropriations Act. The
1965 supplement shall be the sum of the student allocation and an
1966 exempt property allocation.

1967 (a) The student allocation shall be calculated based on the
1968 number of students reported for federal Impact Aid Program
1969 funds, including students with disabilities, who meet one of the
1970 following criteria:

1971 1. The student has a parent who is on active duty in the
1972 uniformed services or is an accredited foreign government
1973 official and military officer. Students with disabilities shall
1974 also be reported separately for this category.

1975 2. The student resides on eligible federally owned Indian
1976 land. Students with disabilities shall also be reported
1977 separately for this category.

1978 3. The student resides with a civilian parent who lives or
1979 works on eligible federal property connected with a military
1980 installation or NASA. The number of these students shall be
1981 multiplied by a factor of 0.5.

1982 (b) The total number of federally connected students



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1983 calculated under paragraph (a) shall be multiplied by a
1984 percentage of the base student allocation as provided in the
1985 General Appropriations Act. The total of the number of students
1986 with disabilities as reported separately under subparagraphs
1987 (a)1. and (a)2. shall be multiplied by an additional percentage
1988 of the base student allocation as provided in the General
1989 Appropriations Act. The base amount and the amount for students
1990 with disabilities shall be summed to provide the student
1991 allocation.

1992 (c) The exempt property allocation shall be equal to the
1993 tax-exempt value of federal impact aid lands reserved as
1994 military installations, real property owned by NASA, or eligible
1995 federally owned Indian lands located in the district, as of
1996 January 1 of the previous year, multiplied by the millage
1997 authorized and levied under s. 1011.71(2).

1998 (14) ~~(13)~~ QUALITY ASSURANCE GUARANTEE.—The Legislature may
1999 annually in the General Appropriations Act determine a
2000 percentage increase in funds per K-12 unweighted FTE as a
2001 minimum guarantee to each school district. The guarantee shall
2002 be calculated from prior year base funding per unweighted FTE
2003 student which shall include the adjusted FTE dollars as provided
2004 in subsection (15) ~~(14)~~, quality guarantee funds, and actual
2005 nonvoted discretionary local effort from taxes. From the base
2006 funding per unweighted FTE, the increase shall be calculated for
2007 the current year. The current year funds from which the
2008 guarantee shall be determined shall include the adjusted FTE
2009 dollars as provided in subsection (15) ~~(14)~~ and potential
2010 nonvoted discretionary local effort from taxes. A comparison of
2011 current year funds per unweighted FTE to prior year funds per



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2012 unweighted FTE shall be computed. For those school districts
2013 which have less than the legislatively assigned percentage
2014 increase, funds shall be provided to guarantee the assigned
2015 percentage increase in funds per unweighted FTE student. Should
2016 appropriated funds be less than the sum of this calculated
2017 amount for all districts, the commissioner shall prorate each
2018 district's allocation. This provision shall be implemented to
2019 the extent specifically funded.

2020 Section 15. Effective July 1, 2016, and upon the expiration
2021 of the amendment to section 1011.71, Florida Statutes, made by
2022 chapter 2015-222, Laws of Florida, subsection (1) of that
2023 section is amended to read:

2024 1011.71 District school tax.—

2025 (1) If the district school tax is not provided in the General
2026 Appropriations Act or the substantive bill implementing the
2027 General Appropriations Act, each district school board desiring
2028 to participate in the state allocation of funds for current
2029 operation as prescribed by s. 1011.62(15) ~~s. 1011.62(14)~~ shall
2030 levy on the taxable value for school purposes of the district,
2031 exclusive of millage voted under ~~the provisions of~~ s. 9(b) or s.
2032 12, Art. VII of the State Constitution, a millage rate not to
2033 exceed the amount certified by the commissioner as the minimum
2034 millage rate necessary to provide the district required local
2035 effort for the current year, pursuant to s. 1011.62(4)(a)1. In
2036 addition to the required local effort millage levy, each
2037 district school board may levy a nonvoted current operating
2038 discretionary millage. The Legislature shall prescribe annually
2039 in the appropriations act the maximum amount of millage a
2040 district may levy.



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2041 Section 16. Subsection (2) of section 1012.42, Florida
2042 Statutes, is amended to read:
2043 1012.42 Teacher teaching out-of-field.—
2044 (2) NOTIFICATION REQUIREMENTS.—When a teacher in a district
2045 school system is assigned teaching duties in a class dealing
2046 with subject matter that is outside the field in which the
2047 teacher is certified, outside the field that was the applicant's
2048 minor field of study, or outside the field in which the
2049 applicant has demonstrated sufficient subject area expertise, as
2050 determined by district school board policy in the subject area
2051 to be taught, the parents of all students in the class shall be
2052 notified in writing of such assignment, and each school district
2053 shall report out-of-field teachers on the district's website
2054 within 30 days before the beginning of each semester. A parent
2055 whose student is assigned an out-of-field teacher may request
2056 that his or her child be transferred to an in-field classroom
2057 teacher within the school and grade in which the student is
2058 currently enrolled. The school district must approve or deny the
2059 parent's request and transfer the student to a different
2060 classroom teacher within a reasonable period of time, not to
2061 exceed 2 weeks, if an in-field teacher for that course or grade
2062 level is employed by the school and the transfer does not
2063 violate maximum class size pursuant to s. 1003.03 and s. 1, Art.
2064 IX of the State Constitution. If a request for transfer is
2065 denied, the school must notify the parent and specify the
2066 reasons for the denial. An explanation of the transfer process
2067 must be made available in the student handbook or a similar
2068 publication. This subsection does not provide a parent the right
2069 to choose a specific teacher.



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2070 Section 17. Paragraph (b) of subsection (8) of section
2071 1012.56, Florida Statutes, is amended to read:

2072 1012.56 Educator certification requirements.—

2073 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION
2074 COMPETENCY PROGRAM.—

2075 (b)1. Each school district must and a private school or
2076 state-supported state-supported public school, including a
2077 charter school, or a private school may develop and maintain a
2078 system by which members of the instructional staff may
2079 demonstrate mastery of professional preparation and education
2080 competence as required by law. Each program must be based on
2081 classroom application of the Florida Educator Accomplished
2082 Practices and instructional performance and, for public schools,
2083 must be aligned with the district's or state-supported public
2084 school's evaluation system established approved under s.
2085 1012.34, as applicable.

2086 2. The Commissioner of Education shall determine the
2087 continued approval of programs implemented under this paragraph,
2088 based upon the department's review of performance data. The
2089 department shall review the performance data as a part of the
2090 periodic review of each school district's professional
2091 development system required under s. 1012.98.

2092 Section 18. Section 1012.583, Florida Statutes, is created
2093 to read:

2094 1012.583 Continuing education and inservice training for
2095 youth suicide awareness and prevention.—

2096 (1) Beginning with the 2016-2017 school year, the
2097 Department of Education shall incorporate 2 hours of training in
2098 youth suicide awareness and prevention into existing



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2099 requirements for continuing education or inservice training for
2100 instructional personnel in elementary school, middle school, and
2101 high school.

2102 (2) The department, in consultation with the Statewide
2103 Office for Suicide Prevention and suicide prevention experts,
2104 shall develop a list of approved youth suicide awareness and
2105 prevention training materials. The materials:

2106 (a) Must include training on how to identify appropriate
2107 mental health services and how to refer youth and their families
2108 to those services.

2109 (b) May include materials currently being used by a school
2110 district if such materials meet any criteria established by the
2111 department.

2112 (c) May include programs that instructional personnel can
2113 complete through a self-review of approved youth suicide
2114 awareness and prevention materials.

2115 (3) The training required by this section must be included
2116 in the existing continuing education or inservice training
2117 requirements for instructional personnel and may not add to the
2118 total hours currently required by the department.

2119 (4) A person has no cause of action for any loss or damage
2120 caused by an act or omission resulting from the implementation
2121 of this section or resulting from any training required by this
2122 section unless the loss or damage was caused by willful or
2123 wanton misconduct. This section does not create any new duty of
2124 care or basis of liability.

2125 (5) The State Board of Education may adopt rules to
2126 implement this section.

2127 Section 19. Paragraph (o) is added to subsection (1) of



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2128 section 1012.795, Florida Statutes, and subsection (5) of that
2129 section is amended, to read:

2130 1012.795 Education Practices Commission; authority to
2131 discipline.—

2132 (1) The Education Practices Commission may suspend the
2133 educator certificate of any person as defined in s. 1012.01(2)
2134 or (3) for up to 5 years, thereby denying that person the right
2135 to teach or otherwise be employed by a district school board or
2136 public school in any capacity requiring direct contact with
2137 students for that period of time, after which the holder may
2138 return to teaching as provided in subsection (4); may revoke the
2139 educator certificate of any person, thereby denying that person
2140 the right to teach or otherwise be employed by a district school
2141 board or public school in any capacity requiring direct contact
2142 with students for up to 10 years, with reinstatement subject to
2143 the provisions of subsection (4); may revoke permanently the
2144 educator certificate of any person thereby denying that person
2145 the right to teach or otherwise be employed by a district school
2146 board or public school in any capacity requiring direct contact
2147 with students; may suspend the educator certificate, upon an
2148 order of the court or notice by the Department of Revenue
2149 relating to the payment of child support; or may impose any
2150 other penalty provided by law, if the person:

2151 (o) Has committed a third recruiting offense as determined
2152 by the Florida High School Athletic Association (FHSAA) pursuant
2153 to s. 1006.20(2)(b).

2154 (5) Each district school superintendent and the governing
2155 authority of each university lab school, state-supported school,
2156 ~~or~~ private school, and the FHSAA shall report to the department



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2157 the name of any person certified pursuant to this chapter or
2158 employed and qualified pursuant to s. 1012.39:

2159 (a) Who has been convicted of, or who has pled nolo
2160 contendere to, a misdemeanor, felony, or any other criminal
2161 charge, other than a minor traffic infraction;

2162 (b) Who that official has reason to believe has committed
2163 or is found to have committed any act which would be a ground
2164 for revocation or suspension under subsection (1); or

2165 (c) Who has been dismissed or severed from employment
2166 because of conduct involving any immoral, unnatural, or
2167 lascivious act.

2168 Section 20. Subsections (3) and (7) of section 1012.796,
2169 Florida Statutes, are amended to read:

2170 1012.796 Complaints against teachers and administrators;
2171 procedure; penalties.—

2172 (3) The department staff shall advise the commissioner
2173 concerning the findings of the investigation and of all
2174 referrals by the Florida High School Athletic Association
2175 (FHSAA) pursuant to ss. 1006.20(2)(b) and 1012.795. The
2176 department general counsel or members of that staff shall review
2177 the investigation or the referral and advise the commissioner
2178 concerning probable cause or lack thereof. The determination of
2179 probable cause shall be made by the commissioner. The
2180 commissioner shall provide an opportunity for a conference, if
2181 requested, prior to determining probable cause. The commissioner
2182 may enter into deferred prosecution agreements in lieu of
2183 finding probable cause if, in his or her judgment, such
2184 agreements are in the best interests of the department, the
2185 certificateholder, and the public. Such deferred prosecution



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2186 agreements shall become effective when filed with the clerk of
2187 the Education Practices Commission. However, a deferred
2188 prosecution agreement shall not be entered into if there is
2189 probable cause to believe that a felony or an act of moral
2190 turpitude, as defined by rule of the State Board of Education,
2191 has occurred, or for referrals by the FHSAA. Upon finding no
2192 probable cause, the commissioner shall dismiss the complaint.

2193 (7) A panel of the commission shall enter a final order
2194 either dismissing the complaint or imposing one or more of the
2195 following penalties:

2196 (a) Denial of an application for a teaching certificate or
2197 for an administrative or supervisory endorsement on a teaching
2198 certificate. The denial may provide that the applicant may not
2199 reapply for certification, and that the department may refuse to
2200 consider that applicant's application, for a specified period of
2201 time or permanently.

2202 (b) Revocation or suspension of a certificate.

2203 (c) Imposition of an administrative fine not to exceed
2204 \$2,000 for each count or separate offense.

2205 (d) Placement of the teacher, administrator, or supervisor
2206 on probation for a period of time and subject to such conditions
2207 as the commission may specify, including requiring the certified
2208 teacher, administrator, or supervisor to complete additional
2209 appropriate college courses or work with another certified
2210 educator, with the administrative costs of monitoring the
2211 probation assessed to the educator placed on probation. An
2212 educator who has been placed on probation shall, at a minimum:

2213 1. Immediately notify the investigative office in the
2214 Department of Education upon employment or termination of



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2215 employment in the state in any public or private position
2216 requiring a Florida educator's certificate.

2217 2. Have his or her immediate supervisor submit annual
2218 performance reports to the investigative office in the
2219 Department of Education.

2220 3. Pay to the commission within the first 6 months of each
2221 probation year the administrative costs of monitoring probation
2222 assessed to the educator.

2223 4. Violate no law and shall fully comply with all district
2224 school board policies, school rules, and State Board of
2225 Education rules.

2226 5. Satisfactorily perform his or her assigned duties in a
2227 competent, professional manner.

2228 6. Bear all costs of complying with the terms of a final
2229 order entered by the commission.

2230 (e) Restriction of the authorized scope of practice of the
2231 teacher, administrator, or supervisor.

2232 (f) Reprimand of the teacher, administrator, or supervisor
2233 in writing, with a copy to be placed in the certification file
2234 of such person.

2235 (g) Imposition of an administrative sanction, upon a person
2236 whose teaching certificate has expired, for an act or acts
2237 committed while that person possessed a teaching certificate or
2238 an expired certificate subject to late renewal, which sanction
2239 bars that person from applying for a new certificate for a
2240 period of 10 years or less, or permanently.

2241 (h) Refer the teacher, administrator, or supervisor to the
2242 recovery network program provided in s. 1012.798 under such
2243 terms and conditions as the commission may specify.



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2244
2245 The penalties imposed under this subsection are in addition to,
2246 and not in lieu of, the penalties required for a third
2247 recruiting offense pursuant to s. 1006.20(2)(b).

2248 Section 21. Except as otherwise expressly provided in this
2249 act, this act shall take effect July 1, 2016.

2250
2251 ===== T I T L E A M E N D M E N T =====

2252 And the title is amended as follows:

2253 Delete everything before the enacting clause
2254 and insert:

2255 A bill to be entitled
2256 An act relating to education; amending s. 1001.42,
2257 F.S.; revising the duties of a district school board;
2258 creating s. 1001.67, F.S.; establishing a
2259 collaboration between the state board and the
2260 Legislature to designate certain Florida College
2261 System institutions as distinguished colleges;
2262 specifying standards for the designation; requiring
2263 the state board to award the designation to certain
2264 Florida College System institutions; providing that
2265 the designated institutions are eligible for funding
2266 as specified in the General Appropriations Act;
2267 amending s. 1002.20, F.S.; revising public school
2268 choice options available to students to include CAPE
2269 digital tools, CAPE industry certifications, and
2270 collegiate high school programs; authorizing parents
2271 of public school students to seek private educational
2272 choice options through the Florida Personal Learning



2273 Scholarship Accounts Program under certain
2274 circumstances; revising student eligibility
2275 requirements for participating in high school athletic
2276 competitions; authorizing public schools to provide
2277 transportation to students participating in open
2278 enrollment; amending s. 1002.31, F.S.; requiring each
2279 district school board and charter school governing
2280 board to authorize a parent to have his or her child
2281 participate in controlled open enrollment; requiring
2282 the school district to report the student for purposes
2283 of the school district's funding; authorizing a school
2284 district to provide transportation to such students;
2285 requiring that each district school board adopt and
2286 publish on its website a controlled open enrollment
2287 process; specifying criteria for the process;
2288 prohibiting a school district from delaying or
2289 preventing a student who participates in controlled
2290 open enrollment from being immediately eligible to
2291 participate in certain activities; amending s.
2292 1002.33, F.S.; making technical changes relating to
2293 requirements for the creation of a virtual charter
2294 school; conforming cross-references; specifying that a
2295 sponsor may not require a charter school to adopt the
2296 sponsor's reading plan and that charter schools are
2297 eligible for the research-based reading allocation if
2298 certain criteria are met; revising required contents
2299 of charter school applications; conforming provisions
2300 regarding the appeal process for denial of a high-
2301 performing charter school application; requiring an



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2302 applicant to provide the sponsor with a copy of an
2303 appeal to an application denial; authorizing a charter
2304 school to defer the opening of its operations for up
2305 to a specified time; requiring the charter school to
2306 provide written notice to certain entities by a
2307 specified date; revising provisions relating to long-
2308 term charters and charter terminations; specifying
2309 notice requirements for voluntary closure of a charter
2310 school; deleting a requirement that students in a
2311 blended learning course receive certain instruction in
2312 a classroom setting; providing that a student may not
2313 be dismissed from a charter school based on his or her
2314 academic performance; requiring a charter school
2315 applicant to provide monthly financial statements
2316 before opening; requiring a sponsor to review each
2317 financial statement of a charter school to identify
2318 the existence of certain conditions; providing for the
2319 automatic termination of a charter contract if certain
2320 conditions are met; requiring a sponsor to notify
2321 certain parties when a charter contract is terminated
2322 for specific reasons; authorizing governing board
2323 members to hold a certain number of public meetings
2324 and participate in such meetings in person or through
2325 communications media technology; revising charter
2326 school student eligibility requirements; revising
2327 requirements for payments to charter schools; allowing
2328 for the use of certain surpluses and assets by
2329 specific entities for certain educational purposes;
2330 providing for an injunction under certain



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2331 circumstances; establishing the administrative fee
2332 that a sponsor may withhold for charter schools
2333 operating in a critical need area; providing an
2334 exemption from certain administrative fees; amending
2335 s. 1002.37, F.S.; revising the calculation of "full-
2336 time equivalent student"; conforming a cross-
2337 reference; amending s. 1002.45, F.S.; conforming a
2338 cross-reference; deleting a provision related to
2339 educational funding for students enrolled in certain
2340 virtual education courses; revising conditions for
2341 termination of a virtual instruction provider's
2342 contract; creating s. 1003.3101, F.S.; requiring each
2343 school district board to establish a classroom teacher
2344 transfer process for parents, to approve or deny a
2345 transfer request within a certain timeframe, to notify
2346 a parent of a denial, and to post an explanation of
2347 the transfer process in the student handbook or a
2348 similar publication; amending s. 1003.4295, F.S.;
2349 revising the purpose of the Credit Acceleration
2350 Program; requiring students to earn passing scores on
2351 specified assessments and examinations to earn course
2352 credit; amending s. 1004.935, F.S.; deleting the
2353 scheduled termination of the Adults with Disabilities
2354 Workforce Education Pilot Program; changing the name
2355 of the program to the "Adults with Disabilities
2356 Workforce Education Program"; amending s. 1006.15,
2357 F.S.; defining the term "eligible to participate";
2358 conforming provisions to changes made by the act;
2359 prohibiting a school district from delaying or



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2360 preventing a student who participates in open
2361 controlled enrollment from being immediately eligible
2362 to participate in certain activities; authorizing a
2363 transfer student to immediately participate in
2364 interscholastic or intrascholastic activities under
2365 certain circumstances; prohibiting a school district
2366 or the Florida High School Athletic Association
2367 (FHSAA) from declaring a transfer student ineligible
2368 under certain circumstances; amending s. 1006.20,
2369 F.S.; requiring the FHSAA to allow a private school to
2370 maintain full membership in the association or to join
2371 by sport; prohibiting the FHSAA from discouraging a
2372 private school from maintaining membership in the
2373 FHSAA and another athletic association; authorizing
2374 the FHSAA to allow a public school to apply for
2375 consideration to join another athletic association;
2376 specifying penalties for recruiting violations;
2377 requiring a school to forfeit a competition in which a
2378 student who was recruited by specified adults
2379 participated; revising circumstances under which a
2380 student may be declared ineligible; requiring student
2381 ineligibility to be established by a preponderance of
2382 the evidence; amending s. 1011.61, F.S.; revising the
2383 definition of "full-time equivalent student"; amending
2384 s. 1011.62, F.S.; conforming a cross-reference;
2385 revising the calculation for certain supplemental
2386 funds for exceptional student education programs;
2387 requiring the funds to be prorated under certain
2388 circumstances; revising the funding of full-time



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2389 equivalent values for students who earn CAPE industry
2390 certifications through dual enrollment; deleting a
2391 provision prohibiting a teacher's bonus from exceeding
2392 a specified amount; creating a federally connected
2393 student supplement for school districts; specifying
2394 eligibility requirements and calculations for
2395 allocations of the supplement; amending s. 1011.71,
2396 F.S.; conforming a cross-reference; amending s.
2397 1012.42, F.S.; authorizing a parent of a child whose
2398 teacher is teaching outside the teacher's field to
2399 request that the child be transferred to another
2400 classroom teacher within the school and grade in which
2401 the child is currently enrolled within a specified
2402 timeframe; specifying that a transfer does not provide
2403 a parent the right to choose a specific teacher;
2404 amending s. 1012.56, F.S.; authorizing a charter
2405 school to develop and operate a professional
2406 development certification and education competency
2407 program; creating s. 1012.583, F.S.; requiring the
2408 Department of Education to incorporate training in
2409 youth suicide awareness and prevention into certain
2410 instructional personnel continuing education or
2411 inservice training requirements; requiring the
2412 department, in consultation with the Statewide Office
2413 for Suicide Prevention and suicide prevention experts,
2414 to develop a list of approved materials for the
2415 training; specifying requirements for training
2416 materials; requiring the training to be included in
2417 the existing continuing education or inservice



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2418 training requirements; providing that no cause of
2419 action results from the implementation of this act;
2420 providing for rulemaking; amending ss. 1012.795 and
2421 1012.796, F.S.; conforming provisions to changes made
2422 by the act; amending s. 1013.62, F.S.; revising
2423 eligibility requirements for charter school capital
2424 outlay funding; revising charter school funding
2425 allocations; providing effective dates.