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LEGISLATIVE ACTION

Senate	.	House
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Floor: 4/AE/3R	.	Floor: C
03/05/2018 04:04 PM	.	03/05/2018 06:14 PM
	.	

Senators Passidomo and Galvano moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 212.099, Florida Statutes, is created to
read:

212.099 Florida Sales Tax Credit Scholarship Program.—

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

(a) "Eligible business" means a tenant or person actually
occupying, using, or entitled to the use of any property from
which the rental or license fee is subject to taxation under s.



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12 212.031.

13 (b) "Eligible contribution" or "contribution" means a
14 monetary contribution from an eligible business to an eligible
15 nonprofit scholarship-funding organization to be used pursuant
16 to s. 1002.385 or s. 1002.395. The eligible business making the
17 contribution may not designate a specific student as the
18 beneficiary of the contribution.

19 (c) "Eligible nonprofit scholarship-funding organization"
20 or "organization" has the same meaning as provided in s.
21 1002.395(2)(f).

22 (2) An eligible business shall be granted a credit against
23 the tax imposed under s. 212.031 and collected from the eligible
24 business by a dealer. The credit shall be in an amount equal to
25 100 percent of an eligible contribution made to an organization.

26 (3) A dealer shall take a credit against the tax imposed
27 under s. 212.031 in an amount equal to the credit taken by the
28 eligible business under subsection (2).

29 (4)(a) An eligible business must apply to the department
30 for an allocation of tax credits under this section. The
31 eligible business must specify in the application the state
32 fiscal year during which the contribution will be made, the
33 organization that will receive the contribution, the planned
34 amount of the contribution, the address of the property from
35 which the rental or license fee is subject to taxation under s.
36 212.031, and the federal employer identification number of the
37 dealer who collects the tax imposed under s. 212.031 from the
38 eligible business and who will reduce collection of taxes from
39 the eligible business pursuant to this section. The department
40 shall approve allocations of tax credits on a first-come, first-



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41 served basis and shall provide to the eligible business a
42 separate approval or denial letter for each dealer for which the
43 eligible business applied for an allocation of tax credits.
44 Within 10 days after approving or denying an application, the
45 department shall provide a copy of its approval or denial letter
46 to the organization specified by the eligible business in the
47 application. An approval letter must include the name and
48 federal employer identification number of the dealer from whom a
49 credit under this section can be taken and the amount of tax
50 credits approved for use with that dealer.

51 (b) Upon receipt of an eligible contribution, the
52 organization shall provide the eligible business that made the
53 contribution with a separate certificate of contribution for
54 each dealer from whom a credit can be taken as approved under
55 paragraph (a). A certificate of contribution must include the
56 contributor's name and, if available, federal employer
57 identification number, the amount contributed, the date of
58 contribution, the name of the organization, and the name and
59 federal employer identification number of the dealer.

60 (5) Each dealer that receives from an eligible business a
61 copy of the department's approval letter and a certificate of
62 contribution, both of which identify the dealer as the dealer
63 who collects the tax imposed under s. 212.031 from the eligible
64 business and who will reduce collection of taxes from the
65 eligible business pursuant to this section, shall reduce the tax
66 collected from the eligible business under s. 212.031 by the
67 total amount of contributions indicated in the certificate of
68 contribution. The reduction may not exceed the amount of credit
69 allocation approved by the department and may not exceed the



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70 amount of tax that would otherwise be collected from the
71 eligible business by a dealer when a payment is made under the
72 rental or license fee arrangement. However, payments by an
73 eligible business to a dealer may not be reduced before October
74 1, 2018.

75 (a) If the total amount of credits an eligible business may
76 take cannot be fully used within any period that a payment is
77 due under the rental or license fee arrangement because of an
78 insufficient amount of tax that the dealer would collect from
79 the eligible business during that period, the unused amount may
80 be carried forward for a period not to exceed 10 years.

81 (b) A tax credit may not be claimed on an amended return or
82 through a refund.

83 (c) A dealer that claims a tax credit must file returns and
84 pay taxes by electronic means under s. 213.755.

85 (d) An eligible business may not convey, assign, or
86 transfer an approved tax credit or a carryforward tax credit to
87 another entity unless all of the assets of the eligible business
88 are conveyed, assigned, or transferred in the same transaction
89 and the successor business continues the same lease with the
90 dealer.

91 (e) Within any state fiscal year, an eligible business may
92 rescind all or part of a tax credit approved under this section.
93 The amount rescinded shall become available for that state
94 fiscal year to another eligible business as approved by the
95 department if the business receives notice from the department
96 that the rescindment has been accepted by the department. Any
97 amount rescinded under this subsection shall become available to
98 an eligible business on a first-come, first-served basis based



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99 on tax credit applications received after the date the
100 rescindment is accepted by the department.

101 (f) Within 10 days after the rescindment of a tax credit
102 under paragraph (e) of this subsection is accepted by the
103 department, the department shall notify the eligible nonprofit
104 scholarship-funding organization specified by the eligible
105 business. The department shall also include the eligible
106 nonprofit scholarship-funding organization specified by the
107 eligible business on all letters or correspondence of
108 acknowledgment for tax credits under this section.

109 (6) An organization shall report to the department, on or
110 before the 20th day of each month, the total amount of
111 contributions received pursuant to subsection (4) in the
112 preceding calendar month on a form provided by the department.
113 Such report shall include the amount of contributions received
114 during that reporting period and the federal employer
115 identification number of each dealer associated with the
116 contribution.

117 (7) (a) Eligible contributions may be used to fund the
118 program established under s. 1002.385 if funds appropriated in a
119 state fiscal year for the program are insufficient to fund
120 eligible students.

121 (b) If the conditions in paragraph (a) are met, the
122 organization shall first use eligible contributions received
123 during a state fiscal year to fund scholarships for students in
124 the priority set forth in s. 1002.385(12) (d). Remaining
125 contributions may be used to fund scholarships for students
126 eligible pursuant to s. 1002.395(3) (b)1. or 2.

127 (c) The organization shall separately account for each



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128 scholarship funded pursuant to this section.

129 (d) Notwithstanding s. 1002.385(6)(b), any funds remaining
130 from a closed scholarship account funded pursuant to this
131 section shall be used to fund other scholarships pursuant to s.
132 1002.385.

133 (e) The organization may, subject to the limitations of s.
134 1002.395(6)(j)1., use up to 3 percent of eligible contributions
135 received during the state fiscal year in which such
136 contributions are collected for administrative expenses.

137 (8) The sum of tax credits that may be approved by the
138 department in any state fiscal year is \$ 57.5 million.

139 (9) For purposes of the distributions of tax revenue under
140 s. 212.20, the department shall disregard any tax credits
141 allowed under this section to ensure that any reduction in tax
142 revenue received that is attributable to the tax credits results
143 only in a reduction in distributions to the General Revenue
144 Fund.

145 (10) The department may adopt rules to administer this
146 section.

147 Section 2. Section 212.1831, Florida Statutes, is amended
148 to read:

149 212.1831 Credit for contributions to eligible nonprofit
150 scholarship-funding organizations.—There is allowed a credit of
151 100 percent of an eligible contribution made to an eligible
152 nonprofit scholarship-funding organization under s. 1002.395
153 against any tax imposed by the state and due under this chapter
154 from a direct pay permit holder as a result of the direct pay
155 permit held pursuant to s. 212.183. For purposes of the dealer's
156 credit granted for keeping prescribed records, filing timely tax



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157 returns, and properly accounting and remitting taxes under s.
158 212.12, the amount of tax due used to calculate the credit shall
159 include any eligible contribution made to an eligible nonprofit
160 scholarship-funding organization from a direct pay permit
161 holder. For purposes of the distributions of tax revenue under
162 s. 212.20, the department shall disregard any tax credits
163 allowed under this section to ensure that any reduction in tax
164 revenue received that is attributable to the tax credits results
165 only in a reduction in distributions to the General Revenue
166 Fund. The provisions of s. 1002.395 apply to the credit
167 authorized by this section.

168 Section 3. Effective upon this act becoming a law, section
169 212.1832, Florida Statutes, is created to read:

170 212.1832 Credit for contributions to the Hope Scholarship
171 Program.—

172 (1) The purchaser of a motor vehicle shall be granted a
173 credit of 100 percent of an eligible contribution made to an
174 eligible nonprofit scholarship-funding organization under s.
175 1002.40 against any tax imposed by the state under this chapter
176 and collected from the purchaser by a dealer, designated agent,
177 or private tag agent as a result of the purchase or acquisition
178 of a motor vehicle on or after October 1, 2018, except that a
179 credit may not exceed the tax that would otherwise be collected
180 from the purchaser by a dealer, designated agent, or private tag
181 agent. For purposes of this subsection, the term "purchase" does
182 not include the lease or rental of a motor vehicle.

183 (2) A dealer shall take a credit against any tax imposed by
184 the state under this chapter on the purchase of a motor vehicle



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185 in an amount equal to the credit granted to the purchaser under
186 subsection (1).

187 (3) For purposes of the distributions of tax revenue under
188 s. 212.20, the department shall disregard any tax credits
189 allowed under this section to ensure that any reduction in tax
190 revenue received that is attributable to the tax credits results
191 only in a reduction in distributions to the General Revenue
192 Fund. The provisions of s. 1002.40 apply to the credit
193 authorized by this section.

194 Section 4. Effective upon this act becoming a law,
195 subsection (21) is added to section 213.053, Florida Statutes,
196 to read:

197 213.053 Confidentiality and information sharing.—

198 (21) (a) For purposes of this subsection, the term:

199 1. "Eligible nonprofit scholarship-funding organization"
200 means an eligible nonprofit scholarship-funding organization as
201 defined in s. 1002.395(2) that meets the criteria in s.
202 1002.395(6) to use up to 3 percent of eligible contributions for
203 administrative expenses.

204 2. "Taxpayer" has the same meaning as in s. 220.03, unless
205 disclosure of the taxpayer's name and address would violate any
206 term of an information-sharing agreement between the department
207 and an agency of the Federal Government.

208 (b) The department, upon request, shall provide to an
209 eligible nonprofit scholarship-funding organization that
210 provides scholarships under s. 1002.395 a list of the 200
211 taxpayers with the greatest total corporate income or franchise
212 tax due as reported on the taxpayer's return filed pursuant to
213 s. 220.22 during the previous calendar year. The list must be in



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214 alphabetical order based on the taxpayer's name and shall
215 contain the taxpayer's address. The list may not disclose the
216 amount of tax owed by any taxpayer.

217 (c) An eligible nonprofit scholarship-funding organization
218 may request the list once each calendar year. The department
219 shall provide the list within 45 days after the request is made.

220 (d) Any taxpayer information contained in the list may be
221 used by the eligible nonprofit scholarship-funding organization
222 only to notify the taxpayer of the opportunity to make an
223 eligible contribution to the Florida Tax Credit Scholarship
224 Program under s. 1002.395. Any information furnished to an
225 eligible nonprofit scholarship-funding organization under this
226 subsection may not be further disclosed by the organization
227 except as provided in this paragraph.

228 (e) An eligible nonprofit scholarship-funding organization,
229 its officers, and employees are subject to the same requirements
230 of confidentiality and the same penalties for violating
231 confidentiality as the department and its employees. Breach of
232 confidentiality is a misdemeanor of the first degree, punishable
233 as provided by s. 775.082 or s. 775.083.

234 Section 5. Subsection (22) is added to section 213.053,
235 Florida Statutes, as amended by this act, to read:

236 213.053 Confidentiality and information sharing.—

237 (22) (a) The department may provide to an eligible nonprofit
238 scholarship-funding organization, as defined in s. 1002.40, a
239 dealer's name, address, federal employer identification number,
240 and information related to differences between credits taken by
241 the dealer pursuant to s. 212.1832(2) and amounts remitted to
242 the eligible nonprofit scholarship-funding organization under s.



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243 1002.40(13)(b)3. The eligible nonprofit scholarship-funding
244 organization may use the information for purposes of recovering
245 eligible contributions designated for that organization that
246 were collected by the dealer but never remitted to the
247 organization.

248 (b) Nothing in this subsection authorizes the disclosure of
249 information if such disclosure is prohibited by federal law. An
250 eligible nonprofit scholarship-funding organization is bound by
251 the same requirements of confidentiality and the same penalties
252 for a violation of the requirements as the department.

253 Section 6. Paragraph (a) of subsection (1) of section
254 220.13, Florida Statutes, is amended to read:

255 220.13 "Adjusted federal income" defined.—

256 (1) The term "adjusted federal income" means an amount
257 equal to the taxpayer's taxable income as defined in subsection
258 (2), or such taxable income of more than one taxpayer as
259 provided in s. 220.131, for the taxable year, adjusted as
260 follows:

261 (a) *Additions.*—There shall be added to such taxable income:

262 1.a. The amount of any tax upon or measured by income,
263 excluding taxes based on gross receipts or revenues, paid or
264 accrued as a liability to the District of Columbia or any state
265 of the United States which is deductible from gross income in
266 the computation of taxable income for the taxable year.

267 b. Notwithstanding sub-subparagraph a., if a credit taken
268 under s. 220.1875 is added to taxable income in a previous
269 taxable year under subparagraph 11. and is taken as a deduction
270 for federal tax purposes in the current taxable year, the amount
271 of the deduction allowed shall not be added to taxable income in



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272 the current year. The exception in this sub-subparagraph is
273 intended to ensure that the credit under s. 220.1875 is added in
274 the applicable taxable year and does not result in a duplicate
275 addition in a subsequent year.

276 2. The amount of interest which is excluded from taxable
277 income under s. 103(a) of the Internal Revenue Code or any other
278 federal law, less the associated expenses disallowed in the
279 computation of taxable income under s. 265 of the Internal
280 Revenue Code or any other law, excluding 60 percent of any
281 amounts included in alternative minimum taxable income, as
282 defined in s. 55(b)(2) of the Internal Revenue Code, if the
283 taxpayer pays tax under s. 220.11(3).

284 3. In the case of a regulated investment company or real
285 estate investment trust, an amount equal to the excess of the
286 net long-term capital gain for the taxable year over the amount
287 of the capital gain dividends attributable to the taxable year.

288 4. That portion of the wages or salaries paid or incurred
289 for the taxable year which is equal to the amount of the credit
290 allowable for the taxable year under s. 220.181. This
291 subparagraph shall expire on the date specified in s. 290.016
292 for the expiration of the Florida Enterprise Zone Act.

293 5. That portion of the ad valorem school taxes paid or
294 incurred for the taxable year which is equal to the amount of
295 the credit allowable for the taxable year under s. 220.182. This
296 subparagraph shall expire on the date specified in s. 290.016
297 for the expiration of the Florida Enterprise Zone Act.

298 6. The amount taken as a credit under s. 220.195 which is
299 deductible from gross income in the computation of taxable
300 income for the taxable year.



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301 7. That portion of assessments to fund a guaranty
302 association incurred for the taxable year which is equal to the
303 amount of the credit allowable for the taxable year.

304 8. In the case of a nonprofit corporation which holds a
305 pari-mutuel permit and which is exempt from federal income tax
306 as a farmers' cooperative, an amount equal to the excess of the
307 gross income attributable to the pari-mutuel operations over the
308 attributable expenses for the taxable year.

309 9. The amount taken as a credit for the taxable year under
310 s. 220.1895.

311 10. Up to nine percent of the eligible basis of any
312 designated project which is equal to the credit allowable for
313 the taxable year under s. 220.185.

314 11. The amount taken as a credit for the taxable year under
315 s. 220.1875. The addition in this subparagraph is intended to
316 ensure that the same amount is not allowed for the tax purposes
317 of this state as both a deduction from income and a credit
318 against the tax. This addition is not intended to result in
319 adding the same expense back to income more than once.

320 12. The amount taken as a credit for the taxable year under
321 s. 220.192.

322 13. The amount taken as a credit for the taxable year under
323 s. 220.193.

324 14. Any portion of a qualified investment, as defined in s.
325 288.9913, which is claimed as a deduction by the taxpayer and
326 taken as a credit against income tax pursuant to s. 288.9916.

327 15. The costs to acquire a tax credit pursuant to s.
328 288.1254(5) that are deducted from or otherwise reduce federal
329 taxable income for the taxable year.



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330 16. The amount taken as a credit for the taxable year
331 pursuant to s. 220.194.

332 17. The amount taken as a credit for the taxable year under
333 s. 220.196. The addition in this subparagraph is intended to
334 ensure that the same amount is not allowed for the tax purposes
335 of this state as both a deduction from income and a credit
336 against the tax. The addition is not intended to result in
337 adding the same expense back to income more than once.

338 Section 7. Subsection (1) of section 220.1875, Florida
339 Statutes, is amended, and subsection (4) is added to that
340 section, to read:

341 220.1875 Credit for contributions to eligible nonprofit
342 scholarship-funding organizations.—

343 (1) There is allowed a credit of 100 percent of an eligible
344 contribution made to an eligible nonprofit scholarship-funding
345 organization under s. 1002.395 against any tax due for a taxable
346 year under this chapter after the application of any other
347 allowable credits by the taxpayer. An eligible contribution must
348 be made to an eligible nonprofit scholarship-funding
349 organization on or before the date the taxpayer is required to
350 file a return pursuant to s. 220.222. The credit granted by this
351 section shall be reduced by the difference between the amount of
352 federal corporate income tax taking into account the credit
353 granted by this section and the amount of federal corporate
354 income tax without application of the credit granted by this
355 section.

356 (4) If a taxpayer applies and is approved for a credit
357 under s. 1002.395 after timely requesting an extension to file
358 under s. 220.222(2):



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359 (a) The credit does not reduce the amount of tax due for
360 purposes of the department's determination as to whether the
361 taxpayer was in compliance with the requirement to pay tentative
362 taxes under ss. 220.222 and 220.32.

363 (b) The taxpayer's noncompliance with the requirement to
364 pay tentative taxes shall result in the revocation and
365 rescindment of any such credit.

366 (c) The taxpayer shall be assessed for any taxes,
367 penalties, or interest due from the taxpayer's noncompliance
368 with the requirement to pay tentative taxes.

369 Section 8. Subsections (4) and (5) of section 1001.10,
370 Florida Statutes, are amended, and subsection (8) is added to
371 that section, to read:

372 1001.10 Commissioner of Education; general powers and
373 duties.—

374 (4) The Department of Education shall provide technical
375 assistance to school districts, charter schools, the Florida
376 School for the Deaf and the Blind, and private schools that
377 accept scholarship students who participate in a state
378 scholarship program under chapter 1002 ~~under s. 1002.39 or s.~~
379 ~~1002.395~~ in the development of policies, procedures, and
380 training related to employment practices and standards of
381 ethical conduct for instructional personnel and school
382 administrators, as defined in s. 1012.01.

383 (5) The Department of Education shall provide authorized
384 staff of school districts, charter schools, the Florida School
385 for the Deaf and the Blind, and private schools that accept
386 scholarship students who participate in a state scholarship
387 program under chapter 1002 ~~under s. 1002.39 or s. 1002.395~~ with



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388 access to electronic verification of information from the
389 following employment screening tools:

390 (a) The Professional Practices' Database of Disciplinary
391 Actions Against Educators; and

392 (b) The Department of Education's Teacher Certification
393 Database.

394

395 This subsection does not require the department to provide these
396 staff with unlimited access to the databases. However, the
397 department shall provide the staff with access to the data
398 necessary for performing employment history checks of the
399 instructional personnel and school administrators included in
400 the databases.

401 (8) In the event of an emergency situation, the
402 commissioner may coordinate through the most appropriate means
403 of communication with local school districts, Florida College
404 System institutions, and satellite offices of the Division of
405 Blind Services and the Division of Vocational Rehabilitation to
406 assess the need for resources and assistance to enable each
407 school, institution, or satellite office the ability to reopen
408 as soon as possible after considering the health, safety, and
409 welfare of students and clients.

410 Section 9. Paragraphs (d) through (g) of subsection (8) of
411 section 1002.33, Florida Statutes, are redesignated as
412 paragraphs (c) through (f), respectively, and paragraph (b) of
413 subsection (6), paragraphs (a), (d), and (e) of subsection (7),
414 present paragraphs (a), (b), and (c) of subsection (8),
415 paragraph (n) of subsection (9), paragraph (e) of subsection
416 (10), and paragraphs (a) and (b) of subsection (20) of that



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417 section are amended, to read:

418 1002.33 Charter schools.—

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

421 (b) A sponsor shall receive and review all applications for
422 a charter school using the evaluation instrument developed by
423 the Department of Education. A sponsor shall receive and
424 consider charter school applications received on or before
425 August 1 of each calendar year for charter schools to be opened
426 at the beginning of the school district's next school year, or
427 to be opened at a time agreed to by the applicant and the
428 sponsor. A sponsor may not refuse to receive a charter school
429 application submitted before August 1 and may receive an
430 application submitted later than August 1 if it chooses.
431 Beginning in 2018 and thereafter, a sponsor shall receive and
432 consider charter school applications received on or before
433 February 1 of each calendar year for charter schools to be
434 opened 18 months later at the beginning of the school district's
435 school year, or to be opened at a time determined ~~agreed to~~ by
436 the applicant ~~and the sponsor~~. A sponsor may not refuse to
437 receive a charter school application submitted before February 1
438 and may receive an application submitted later than February 1
439 if it chooses. A sponsor may not charge an applicant for a
440 charter any fee for the processing or consideration of an
441 application, and a sponsor may not base its consideration or
442 approval of a final application upon the promise of future
443 payment of any kind. Before approving or denying any
444 application, the sponsor shall allow the applicant, upon receipt
445 of written notification, at least 7 calendar days to make



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446 technical or nonsubstantive corrections and clarifications,
447 including, but not limited to, corrections of grammatical,
448 typographical, and like errors or missing signatures, if such
449 errors are identified by the sponsor as cause to deny the final
450 application.

451 1. In order to facilitate an accurate budget projection
452 process, a sponsor shall be held harmless for FTE students who
453 are not included in the FTE projection due to approval of
454 charter school applications after the FTE projection deadline.
455 In a further effort to facilitate an accurate budget projection,
456 within 15 calendar days after receipt of a charter school
457 application, a sponsor shall report to the Department of
458 Education the name of the applicant entity, the proposed charter
459 school location, and its projected FTE.

460 2. In order to ensure fiscal responsibility, an application
461 for a charter school shall include a full accounting of expected
462 assets, a projection of expected sources and amounts of income,
463 including income derived from projected student enrollments and
464 from community support, and an expense projection that includes
465 full accounting of the costs of operation, including start-up
466 costs.

467 3.a. A sponsor shall by a majority vote approve or deny an
468 application no later than 90 calendar days after the application
469 is received, unless the sponsor and the applicant mutually agree
470 in writing to temporarily postpone the vote to a specific date,
471 at which time the sponsor shall by a majority vote approve or
472 deny the application. If the sponsor fails to act on the
473 application, an applicant may appeal to the State Board of
474 Education as provided in paragraph (c). If an application is



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475 denied, the sponsor shall, within 10 calendar days after such
476 denial, articulate in writing the specific reasons, based upon
477 good cause, supporting its denial of the application and shall
478 provide the letter of denial and supporting documentation to the
479 applicant and to the Department of Education.

480 b. An application submitted by a high-performing charter
481 school identified pursuant to s. 1002.331 or a high-performing
482 charter school system identified pursuant to s. 1002.332 may be
483 denied by the sponsor only if the sponsor demonstrates by clear
484 and convincing evidence that:

485 (I) The application of a high-performing charter school
486 does not materially comply with the requirements in paragraph
487 (a) or, for a high-performing charter school system, the
488 application does not materially comply with s. 1002.332(2)(b);

489 (II) The charter school proposed in the application does
490 not materially comply with the requirements in paragraphs
491 (9)(a)-(f);

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

495 (IV) The applicant has made a material misrepresentation or
496 false statement or concealed an essential or material fact
497 during the application process; or

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

501
502 Material noncompliance is a failure to follow requirements or a
503 violation of prohibitions applicable to charter school



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504 applications, which failure is quantitatively or qualitatively
505 significant either individually or when aggregated with other
506 noncompliance. An applicant is considered to be replicating a
507 high-performing charter school if the proposed school is
508 substantially similar to at least one of the applicant's high-
509 performing charter schools and the organization or individuals
510 involved in the establishment and operation of the proposed
511 school are significantly involved in the operation of replicated
512 schools.

513 c. If the sponsor denies an application submitted by a
514 high-performing charter school or a high-performing charter
515 school system, the sponsor must, within 10 calendar days after
516 such denial, state in writing the specific reasons, based upon
517 the criteria in sub-subparagraph b., supporting its denial of
518 the application and must provide the letter of denial and
519 supporting documentation to the applicant and to the Department
520 of Education. The applicant may appeal the sponsor's denial of
521 the application in accordance with paragraph (c).

522 4. For budget projection purposes, the sponsor shall report
523 to the Department of Education the approval or denial of an
524 application within 10 calendar days after such approval or
525 denial. In the event of approval, the report to the Department
526 of Education shall include the final projected FTE for the
527 approved charter school.

528 5. Upon approval of an application, the initial startup
529 shall commence with the beginning of the public school calendar
530 for the district in which the charter is granted. A charter
531 school may defer the opening of the school's operations for up
532 to 3 ~~2~~ years to provide time for adequate facility planning. The



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533 charter school must provide written notice of such intent to the
534 sponsor and the parents of enrolled students at least 30
535 calendar days before the first day of school.

536 (7) CHARTER.—The terms and conditions for the operation of
537 a charter school shall be set forth by the sponsor and the
538 applicant in a written contractual agreement, called a charter.
539 The sponsor and the governing board of the charter school shall
540 use the standard charter contract pursuant to subsection (21),
541 which shall incorporate the approved application and any addenda
542 approved with the application. Any term or condition of a
543 proposed charter contract that differs from the standard charter
544 contract adopted by rule of the State Board of Education shall
545 be presumed a limitation on charter school flexibility. The
546 sponsor may not impose unreasonable rules or regulations that
547 violate the intent of giving charter schools greater flexibility
548 to meet educational goals. The charter shall be signed by the
549 governing board of the charter school and the sponsor, following
550 a public hearing to ensure community input.

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

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

555 2. The focus of the curriculum, the instructional methods
556 to be used, any distinctive instructional techniques to be
557 employed, and identification and acquisition of appropriate
558 technologies needed to improve educational and administrative
559 performance which include a means for promoting safe, ethical,
560 and appropriate uses of technology which comply with legal and
561 professional standards.



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562 a. The charter shall ensure that reading is a primary focus
563 of the curriculum and that resources are provided to identify
564 and provide specialized instruction for students who are reading
565 below grade level. The curriculum and instructional strategies
566 for reading must be consistent with the Next Generation Sunshine
567 State Standards and grounded in scientifically based reading
568 research.

569 b. In order to provide students with access to diverse
570 instructional delivery models, to facilitate the integration of
571 technology within traditional classroom instruction, and to
572 provide students with the skills they need to compete in the
573 21st century economy, the Legislature encourages instructional
574 methods for blended learning courses consisting of both
575 traditional classroom and online instructional techniques.
576 Charter schools may implement blended learning courses which
577 combine traditional classroom instruction and virtual
578 instruction. Students in a blended learning course must be full-
579 time students of the charter school pursuant to s.
580 1011.61(1)(a)1. Instructional personnel certified pursuant to s.
581 1012.55 who provide virtual instruction for blended learning
582 courses may be employees of the charter school or may be under
583 contract to provide instructional services to charter school
584 students. At a minimum, such instructional personnel must hold
585 an active state or school district adjunct certification under
586 s. 1012.57 for the subject area of the blended learning course.
587 The funding and performance accountability requirements for
588 blended learning courses are the same as those for traditional
589 courses.

590 3. The current incoming baseline standard of student



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591 academic achievement, the outcomes to be achieved, and the
592 method of measurement that will be used. The criteria listed in
593 this subparagraph shall include a detailed description of:

594 a. How the baseline student academic achievement levels and
595 prior rates of academic progress will be established.

596 b. How these baseline rates will be compared to rates of
597 academic progress achieved by these same students while
598 attending the charter school.

599 c. To the extent possible, how these rates of progress will
600 be evaluated and compared with rates of progress of other
601 closely comparable student populations.

602

603 The district school board is required to provide academic
604 student performance data to charter schools for each of their
605 students coming from the district school system, as well as
606 rates of academic progress of comparable student populations in
607 the district school system.

608 4. The methods used to identify the educational strengths
609 and needs of students and how well educational goals and
610 performance standards are met by students attending the charter
611 school. The methods shall provide a means for the charter school
612 to ensure accountability to its constituents by analyzing
613 student performance data and by evaluating the effectiveness and
614 efficiency of its major educational programs. Students in
615 charter schools shall, at a minimum, participate in the
616 statewide assessment program created under s. 1008.22.

617 5. In secondary charter schools, a method for determining
618 that a student has satisfied the requirements for graduation in
619 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.



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

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

625 8. The ways by which the school will achieve a
626 racial/ethnic balance reflective of the community it serves or
627 within the racial/ethnic range of other public schools in the
628 same school district.

629 9. The financial and administrative management of the
630 school, including a reasonable demonstration of the professional
631 experience or competence of those individuals or organizations
632 applying to operate the charter school or those hired or
633 retained to perform such professional services and the
634 description of clearly delineated responsibilities and the
635 policies and practices needed to effectively manage the charter
636 school. A description of internal audit procedures and
637 establishment of controls to ensure that financial resources are
638 properly managed must be included. Both public sector and
639 private sector professional experience shall be equally valid in
640 such a consideration.

641 10. The asset and liability projections required in the
642 application which are incorporated into the charter and shall be
643 compared with information provided in the annual report of the
644 charter school.

645 11. A description of procedures that identify various risks
646 and provide for a comprehensive approach to reduce the impact of
647 losses; plans to ensure the safety and security of students and
648 staff; plans to identify, minimize, and protect others from



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649 violent or disruptive student behavior; and the manner in which
650 the school will be insured, including whether or not the school
651 will be required to have liability insurance, and, if so, the
652 terms and conditions thereof and the amounts of coverage.

653 12. The term of the charter which shall provide for
654 cancellation of the charter if insufficient progress has been
655 made in attaining the student achievement objectives of the
656 charter and if it is not likely that such objectives can be
657 achieved before expiration of the charter. The initial term of a
658 charter shall be for ~~4~~ or 5 years, excluding 2 planning years.
659 In order to facilitate access to long-term financial resources
660 for charter school construction, charter schools that are
661 operated by a municipality or other public entity as provided by
662 law are eligible for up to a 15-year charter, subject to
663 approval by the district school board. A charter lab school is
664 eligible for a charter for a term of up to 15 years. In
665 addition, to facilitate access to long-term financial resources
666 for charter school construction, charter schools that are
667 operated by a private, not-for-profit, s. 501(c)(3) status
668 corporation are eligible for up to a 15-year charter, subject to
669 approval by the district school board. Such long-term charters
670 remain subject to annual review and may be terminated during the
671 term of the charter, but only according to the provisions set
672 forth in subsection (8).

673 13. The facilities to be used and their location. The
674 sponsor may not require a charter school to have a certificate
675 of occupancy or a temporary certificate of occupancy for such a
676 facility earlier than 15 calendar days before the first day of
677 school.



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

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

684 16. A timetable for implementing the charter which
685 addresses the implementation of each element thereof and the
686 date by which the charter shall be awarded in order to meet this
687 timetable.

688 17. In the case of an existing public school that is being
689 converted to charter status, alternative arrangements for
690 current students who choose not to attend the charter school and
691 for current teachers who choose not to teach in the charter
692 school after conversion in accordance with the existing
693 collective bargaining agreement or district school board rule in
694 the absence of a collective bargaining agreement. However,
695 alternative arrangements shall not be required for current
696 teachers who choose not to teach in a charter lab school, except
697 as authorized by the employment policies of the state university
698 which grants the charter to the lab school.

699 18. Full disclosure of the identity of all relatives
700 employed by the charter school who are related to the charter
701 school owner, president, chairperson of the governing board of
702 directors, superintendent, governing board member, principal,
703 assistant principal, or any other person employed by the charter
704 school who has equivalent decisionmaking authority. For the
705 purpose of this subparagraph, the term "relative" means father,
706 mother, son, daughter, brother, sister, uncle, aunt, first



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707 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
708 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
709 stepfather, stepmother, stepson, stepdaughter, stepbrother,
710 stepsister, half brother, or half sister.

711 19. Implementation of the activities authorized under s.
712 1002.331 by the charter school when it satisfies the eligibility
713 requirements for a high-performing charter school. A high-
714 performing charter school shall notify its sponsor in writing by
715 March 1 if it intends to increase enrollment or expand grade
716 levels the following school year. The written notice shall
717 specify the amount of the enrollment increase and the grade
718 levels that will be added, as applicable.

719 (d) A charter may be modified during its initial term or
720 any renewal term upon the recommendation of the sponsor or the
721 charter school's governing board and the approval of both
722 parties to the agreement. Modification during any term may
723 include, but is not limited to, consolidation of multiple
724 charters into a single charter if the charters are operated
725 under the same governing board ~~and physically located on the~~
726 ~~same campus~~, regardless of the renewal cycle. A charter school
727 that is not subject to a school improvement plan and that closes
728 as part of a consolidation shall be reported by the school
729 district as a consolidation.

730 (e) A charter may be terminated by a charter school's
731 governing board through voluntary closure. The decision to cease
732 operations must be determined at a public meeting. The governing
733 board shall notify the parents and sponsor of the public meeting
734 in writing before the public meeting. The governing board must
735 notify the sponsor, parents of enrolled students, and the



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736 department in writing within 24 hours after the public meeting
737 of its determination. The notice shall state the charter
738 school's intent to continue operations or the reason for the
739 closure and acknowledge that the governing board agrees to
740 follow the procedures for dissolution and reversion of public
741 funds pursuant to paragraphs (8) (d)-(f) and (9) (o) ~~paragraphs~~
742 ~~(8) (e)-(g) and (9) (e)~~.

743 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

744 (a) The sponsor shall make student academic achievement for
745 all students the most important factor when determining whether
746 to renew or terminate the charter. The sponsor may also choose
747 not to renew or may terminate the charter if the sponsor finds
748 that one of the grounds set forth below exists by clear and
749 convincing evidence ~~for any of the following grounds:~~

750 1. Failure to participate in the state's education
751 accountability system created in s. 1008.31, as required in this
752 section, or failure to meet the requirements for student
753 performance stated in the charter.

754 2. Failure to meet generally accepted standards of fiscal
755 management.

756 3. Material violation of law.

757 4. Other good cause shown.

758 (b) At least 90 days before renewing, nonrenewing, or
759 terminating a charter, the sponsor shall notify the governing
760 board of the school of the proposed action in writing. The
761 notice shall state in reasonable detail the grounds for the
762 proposed action and stipulate that the school's governing board
763 may, within 14 calendar days after receiving the notice, request
764 a hearing. The hearing shall be conducted ~~at the sponsor's~~



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765 ~~election in accordance with one of the following procedures:~~

766 ~~1. A direct hearing conducted by the sponsor within 60 days~~
767 ~~after receipt of the request for a hearing. The hearing shall be~~
768 ~~conducted in accordance with ss. 120.569 and 120.57. The sponsor~~
769 ~~shall decide upon nonrenewal or termination by a majority vote.~~
770 ~~The sponsor's decision shall be a final order; or~~

771 ~~2. A hearing conducted by an administrative law judge~~
772 ~~assigned by the Division of Administrative Hearings. The hearing~~
773 ~~shall be conducted within 90 ~~60~~ days after receipt of the~~
774 ~~request for a hearing and in accordance with chapter 120. The~~
775 ~~administrative law judge's final ~~recommended~~ order shall be~~
776 ~~submitted to the sponsor. The administrative law judge shall~~
777 ~~award the prevailing party reasonable attorney fees and costs~~
778 ~~incurred during the administrative proceeding and any appeals A~~
779 ~~majority vote by the sponsor shall be required to adopt or~~
780 ~~modify the administrative law judge's recommended order. The~~
781 ~~sponsor shall issue a final order.~~

782 ~~(c) The final order shall state the specific reasons for~~
783 ~~the sponsor's decision. The sponsor shall provide its final~~
784 ~~order to the charter school's governing board and the Department~~
785 ~~of Education no later than 10 calendar days after its issuance.~~
786 ~~The charter school's governing board may, within 30 calendar~~
787 ~~days after receiving the ~~sponsor's~~ final order, appeal the~~
788 ~~decision pursuant to s. 120.68.~~

789 (9) CHARTER SCHOOL REQUIREMENTS.-

790 (n)1. The director and a representative of the governing
791 board of a charter school that has earned a grade of "D" or "F"
792 pursuant to s. 1008.34 shall appear before the sponsor to
793 present information concerning each contract component having



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794 noted deficiencies. The director and a representative of the
795 governing board shall submit to the sponsor for approval a
796 school improvement plan to raise student performance. Upon
797 approval by the sponsor, the charter school shall begin
798 implementation of the school improvement plan. The department
799 shall offer technical assistance and training to the charter
800 school and its governing board and establish guidelines for
801 developing, submitting, and approving such plans.

802 2.a. If a charter school earns three consecutive grades
803 below a "C," the charter school governing board shall choose one
804 of the following corrective actions:

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

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

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

812 (IV) Voluntarily close the charter school.

813 b. The charter school must implement the corrective action
814 in the school year following receipt of a third consecutive
815 grade below a "C."

816 c. The sponsor may annually waive a corrective action if it
817 determines that the charter school is likely to improve a letter
818 grade if additional time is provided to implement the
819 intervention and support strategies prescribed by the school
820 improvement plan. Notwithstanding this sub-subparagraph, a
821 charter school that earns a second consecutive grade of "F" is
822 subject to subparagraph 3.



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823 d. A charter school is no longer required to implement a
824 corrective action if it improves to a "C" or higher. However,
825 the charter school must continue to implement strategies
826 identified in the school improvement plan. The sponsor must
827 annually review implementation of the school improvement plan to
828 monitor the school's continued improvement pursuant to
829 subparagraph 4.

830 e. A charter school implementing a corrective action that
831 does not improve to a "C" or higher after 2 full school years of
832 implementing the corrective action must select a different
833 corrective action. Implementation of the new corrective action
834 must begin in the school year following the implementation
835 period of the existing corrective action, unless the sponsor
836 determines that the charter school is likely to improve to a "C"
837 or higher if additional time is provided to implement the
838 existing corrective action. Notwithstanding this sub-
839 subparagraph, a charter school that earns a second consecutive
840 grade of "F" while implementing a corrective action is subject
841 to subparagraph 3.

842 3. A charter school's charter contract is automatically
843 terminated if the school earns two consecutive grades of "F"
844 after all school grade appeals are final unless:

845 a. The charter school is established to turn around the
846 performance of a district public school pursuant to s.
847 1008.33(4)(b)2. Such charter schools shall be governed by s.
848 1008.33;

849 b. The charter school serves a student population the
850 majority of which resides in a school zone served by a district
851 public school subject to s. 1008.33(4) and the charter school



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852 earns at least a grade of "D" in its third year of operation.
853 The exception provided under this sub-subparagraph does not
854 apply to a charter school in its fourth year of operation and
855 thereafter; or

856 c. The state board grants the charter school a waiver of
857 termination. The charter school must request the waiver within
858 15 days after the department's official release of school
859 grades. The state board may waive termination if the charter
860 school demonstrates that the Learning Gains of its students on
861 statewide assessments are comparable to or better than the
862 Learning Gains of similarly situated students enrolled in nearby
863 district public schools. The waiver is valid for 1 year and may
864 only be granted once. Charter schools that have been in
865 operation for more than 5 years are not eligible for a waiver
866 under this sub-subparagraph.

867
868 The sponsor shall notify the charter school's governing board,
869 the charter school principal, and the department in writing when
870 a charter contract is terminated under this subparagraph. ~~The~~
871 ~~letter of termination must meet the requirements of paragraph~~
872 ~~(8)(e).~~ A charter terminated under this subparagraph must follow
873 the procedures for dissolution and reversion of public funds
874 pursuant to paragraphs (8)(d)-(f) and (9)(o) ~~paragraphs (8)(e)-~~
875 ~~(g) and (9)(e).~~

876 4. The director and a representative of the governing board
877 of a graded charter school that has implemented a school
878 improvement plan under this paragraph shall appear before the
879 sponsor at least once a year to present information regarding
880 the progress of intervention and support strategies implemented



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881 by the school pursuant to the school improvement plan and
882 corrective actions, if applicable. The sponsor shall communicate
883 at the meeting, and in writing to the director, the services
884 provided to the school to help the school address its
885 deficiencies.

886 5. Notwithstanding any provision of this paragraph except
887 sub-subparagraphs 3.a.-c., the sponsor may terminate the charter
888 at any time pursuant to subsection (8).

889 (10) ELIGIBLE STUDENTS.—

890 (e) A charter school may limit the enrollment process only
891 to target the following student populations:

892 1. Students within specific age groups or grade levels.

893 2. Students considered at risk of dropping out of school or
894 academic failure. Such students shall include exceptional
895 education students.

896 3. Students enrolling in a charter school-in-the-workplace
897 or charter school-in-a-municipality established pursuant to
898 subsection (15).

899 4. Students residing within a reasonable distance of the
900 charter school, as described in paragraph (20)(c). Such students
901 shall be subject to a random lottery and to the racial/ethnic
902 balance provisions described in subparagraph (7)(a)8. or any
903 federal provisions that require a school to achieve a
904 racial/ethnic balance reflective of the community it serves or
905 within the racial/ethnic range of other public schools in the
906 same school district.

907 5. Students who meet reasonable academic, artistic, or
908 other eligibility standards established by the charter school
909 and included in the charter school application and charter or,



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910 in the case of existing charter schools, standards that are
911 consistent with the school's mission and purpose. Such standards
912 shall be in accordance with current state law and practice in
913 public schools and may not discriminate against otherwise
914 qualified individuals.

915 6. Students articulating from one charter school to another
916 pursuant to an articulation agreement between the charter
917 schools that has been approved by the sponsor.

918 7. Students living in a development in which a business
919 entity provides the school facility and related property having
920 an appraised value of at least \$5 ~~10~~ million to be used as a
921 charter school to mitigate the educational impact created by ~~for~~
922 the development of new residential dwelling units. Students
923 living in the development shall be entitled to no more than 50
924 percent of the student stations in the charter school. The
925 students who are eligible for enrollment are subject to a random
926 lottery, the racial/ethnic balance provisions, or any federal
927 provisions, as described in subparagraph 4. The remainder of the
928 student stations shall be filled in accordance with subparagraph
929 4.

930 (20) SERVICES.—

931 (a)1. A sponsor shall provide certain administrative and
932 educational services to charter schools. These services shall
933 include contract management services; full-time equivalent and
934 data reporting services; exceptional student education
935 administration services; services related to eligibility and
936 reporting duties required to ensure that school lunch services
937 under the National School Lunch Program, consistent with the
938 needs of the charter school, are provided by the school district



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939 at the request of the charter school, that any funds due to the
940 charter school under the National School Lunch Program be paid
941 to the charter school as soon as the charter school begins
942 serving food under the National School Lunch Program, and that
943 the charter school is paid at the same time and in the same
944 manner under the National School Lunch Program as other public
945 schools serviced by the sponsor or the school district; test
946 administration services, including payment of the costs of
947 state-required or district-required student assessments;
948 processing of teacher certificate data services; and information
949 services, including equal access to student information systems
950 that are used by public schools in the district in which the
951 charter school is located. Student performance data for each
952 student in a charter school, including, but not limited to, FCAT
953 scores, standardized test scores, previous public school student
954 report cards, and student performance measures, shall be
955 provided by the sponsor to a charter school in the same manner
956 provided to other public schools in the district.

957 2. A sponsor may withhold an administrative fee for the
958 provision of such services which shall be a percentage of the
959 available funds defined in paragraph (17)(b) calculated based on
960 weighted full-time equivalent students. If the charter school
961 serves 75 percent or more exceptional education students as
962 defined in s. 1003.01(3), the percentage shall be calculated
963 based on unweighted full-time equivalent students. The
964 administrative fee shall be calculated as follows:

965 a. Up to 5 percent for:

966 (I) Enrollment of up to and including 250 students in a
967 charter school as defined in this section.



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968 (II) Enrollment of up to and including 500 students within
969 a charter school system which meets all of the following:

970 (A) Includes conversion charter schools and nonconversion
971 charter schools.

972 (B) Has all of its schools located in the same county.

973 (C) Has a total enrollment exceeding the total enrollment
974 of at least one school district in the state.

975 (D) Has the same governing board for all of its schools.

976 (E) Does not contract with a for-profit service provider
977 for management of school operations.

978 (III) Enrollment of up to and including 250 students in a
979 virtual charter school.

980 b. Up to 2 percent for enrollment of up to and including
981 250 students in a high-performing charter school as defined in
982 s. 1002.331.

983 3. A sponsor may not charge charter schools any additional
984 fees or surcharges for administrative and educational services
985 in addition to the maximum percentage of administrative fees
986 withheld pursuant to this paragraph.

987 4. A sponsor shall provide to the department by September
988 15 of each year the total amount of funding withheld from
989 charter schools pursuant to this subsection for the prior fiscal
990 year. The department must include the information in the report
991 required under sub-sub-subparagraph (5) (b) 1.k.III.

992 (b) If goods and services are made available to the charter
993 school through the contract with the school district, they shall
994 be provided to the charter school at a rate no greater than the
995 district's actual cost unless mutually agreed upon by the
996 charter school and the sponsor in a contract negotiated



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997 separately from the charter. When mediation has failed to
998 resolve disputes over contracted services or contractual matters
999 not included in the charter, an appeal may be made to an
1000 administrative law judge appointed by the Division of
1001 Administrative Hearings. The administrative law judge has final
1002 order authority to rule on the dispute. The administrative law
1003 judge shall award the prevailing party reasonable attorney fees
1004 and costs incurred during the mediation process, administrative
1005 proceeding, and any appeals, to be paid by the party whom the
1006 administrative law judge rules against for a dispute resolution
1007 hearing before the Charter School Appeal Commission. To maximize
1008 the use of state funds, school districts shall allow charter
1009 schools to participate in the sponsor's bulk purchasing program
1010 if applicable.

1011 Section 10. Subsection (1), paragraph (a) of subsection
1012 (2), and paragraph (b) of subsection (3) of section 1002.331,
1013 Florida Statutes, are amended to read:

1014 1002.331 High-performing charter schools.-

1015 (1) A charter school is a high-performing charter school if
1016 it:

1017 (a) Received at least two school grades of "A" and no
1018 school grade below "B," pursuant to s. 1008.34, during each of
1019 the previous 3 school years or received at least two consecutive
1020 school grades of "A" in the most recent 2 school years.

1021 (b) Received an unqualified opinion on each annual
1022 financial audit required under s. 218.39 in the most recent 3
1023 fiscal years for which such audits are available.

1024 (c) Did not receive a financial audit that revealed one or
1025 more of the financial emergency conditions set forth in s.



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1026 218.503(1) in the most recent 3 fiscal years for which such
1027 audits are available. However, this requirement is deemed met
1028 for a charter school-in-the-workplace if there is a finding in
1029 an audit that the school has the monetary resources available to
1030 cover any reported deficiency or that the deficiency does not
1031 result in a deteriorating financial condition pursuant to s.
1032 1002.345(1) (a) 3.

1033
1034 For purposes of determining initial eligibility, the
1035 requirements of paragraphs (b) and (c) only apply for the most
1036 recent 2 fiscal years if the charter school earns two
1037 consecutive grades of "A." A virtual charter school established
1038 under s. 1002.33 is not eligible for designation as a high-
1039 performing charter school.

1040 (2) A high-performing charter school is authorized to:

1041 (a) Increase its student enrollment once per school year to
1042 more than the capacity identified in the charter, but student
1043 enrollment may not exceed the ~~current-facility~~ capacity of the
1044 facility at the time the enrollment increase will take effect.
1045 Facility capacity for purposes of grade level expansion shall
1046 include any improvements to an existing facility or any new
1047 facility in which a majority of the students of the high-
1048 performing charter school will enroll.

1049
1050 A high-performing charter school shall notify its sponsor in
1051 writing by March 1 if it intends to increase enrollment or
1052 expand grade levels the following school year. The written
1053 notice shall specify the amount of the enrollment increase and
1054 the grade levels that will be added, as applicable. If a charter



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1055 school notifies the sponsor of its intent to expand, the sponsor
1056 shall modify the charter within 90 days to include the new
1057 enrollment maximum and may not make any other changes. The
1058 sponsor may deny a request to increase the enrollment of a high-
1059 performing charter school if the commissioner has declassified
1060 the charter school as high-performing. If a high-performing
1061 charter school requests to consolidate multiple charters, the
1062 sponsor shall have 40 days after receipt of that request to
1063 provide an initial draft charter to the charter school. The
1064 sponsor and charter school shall have 50 days thereafter to
1065 negotiate and notice the charter contract for final approval by
1066 the sponsor.

1067 (3)

1068 (b) A high-performing charter school may not establish more
1069 than two ~~one~~ charter schools ~~school~~ within the state under
1070 paragraph (a) in any year. A subsequent application to establish
1071 a charter school under paragraph (a) may not be submitted unless
1072 each charter school established in this manner achieves high-
1073 performing charter school status. However, a high-performing
1074 charter school may establish more than one charter school within
1075 the state under paragraph (a) in any year if it operates in the
1076 area of a persistently low-performing school and serves students
1077 from that school.

1078 Section 11. Paragraph (d) is added to subsection (10) of
1079 section 1002.333, Florida Statutes, to read:

1080 1002.333 Persistently low-performing schools.—

1081 (10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program
1082 is created within the Department of Education.

1083 (d) Notwithstanding s. 216.301 and pursuant to s. 216.351,



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1084 funds allocated for the purpose of this subsection which are not
1085 disbursed by June 30 of the fiscal year in which the funds are
1086 allocated may be carried forward for up to 5 years after the
1087 effective date of the original appropriation.

1088 Section 12. Present paragraph (c) of subsection (9) of
1089 section 1002.37, Florida Statutes, is amended, and a new
1090 paragraph (c) is added to subsection (9) of that section, to
1091 read:

1092 1002.37 The Florida Virtual School.—

1093 (9)

1094 (c) Industry certification examinations, national
1095 assessments, and statewide assessments offered by the school
1096 district shall be available to all Florida Virtual School
1097 students.

1098 (d) ~~(e)~~ Unless an alternative testing site is mutually
1099 agreed to by the Florida Virtual School and the school district
1100 or as contracted under s. 1008.24, all industry certification
1101 examinations, national assessments, and statewide assessments
1102 must be taken at the school to which the student would be
1103 assigned according to district school board attendance areas. A
1104 school district must provide the student with access to the
1105 school's testing facilities and the date and time of the
1106 administration of each examination or assessment.

1107 Section 13. Paragraph (e) of subsection (2), paragraphs (d)
1108 and (h) of subsection (5), subsection (8), paragraph (c) of
1109 subsection (9), paragraph (a) of subsection (10), and paragraph
1110 (a) of subsection (11) of section 1002.385, Florida Statutes,
1111 are amended, and paragraph (p) is added to subsection (5) of
1112 that section, to read:



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1113 1002.385 The Gardiner Scholarship.—
1114 (2) DEFINITIONS.—As used in this section, the term:
1115 (e) “Eligible nonprofit scholarship-funding organization”
1116 or “organization” means a nonprofit scholarship-funding
1117 organization that is approved pursuant to s. 1002.395(15) ~~s.~~
1118 ~~1002.395(16)~~.
1119 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be
1120 used to meet the individual educational needs of an eligible
1121 student and may be spent for the following purposes:
1122 (d) ~~Enrollment in, or~~ Tuition or fees associated with full-
1123 time or part-time enrollment in, a home education program, an
1124 eligible private school, an eligible postsecondary educational
1125 institution or a program offered by the postsecondary
1126 institution, a private tutoring program authorized under s.
1127 1002.43, a virtual program offered by a department-approved
1128 private online provider that meets the provider qualifications
1129 specified in s. 1002.45(2)(a), the Florida Virtual School as a
1130 private paying student, or an approved online course offered
1131 pursuant to s. 1003.499 or s. 1004.0961.
1132 (h) Tuition and fees for part-time tutoring services
1133 provided by a person who holds a valid Florida educator’s
1134 certificate pursuant to s. 1012.56; a person who holds an
1135 adjunct teaching certificate pursuant to s. 1012.57; a person
1136 who has a bachelor’s degree or a graduate degree in the subject
1137 area in which instruction is given; or a person who has
1138 demonstrated a mastery of subject area knowledge pursuant to s.
1139 1012.56(5). As used in this paragraph, the term “part-time
1140 tutoring services” does not qualify as regular school attendance
1141 as defined in s. 1003.01(13)(e).



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1142 (p) Tuition or fees associated with enrollment in a
1143 nationally or internationally recognized research-based training
1144 program for a child with a neurological disorder or brain
1145 damage.

1146
1147 A provider of any services receiving payments pursuant to this
1148 subsection may not share, refund, or rebate any moneys from the
1149 Gardiner Scholarship with the parent or participating student in
1150 any manner. A parent, student, or provider of any services may
1151 not bill an insurance company, Medicaid, or any other agency for
1152 the same services that are paid for using Gardiner Scholarship
1153 funds.

1154 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible
1155 private school may be sectarian or nonsectarian and shall:

1156 (a) Comply with all requirements for private schools
1157 participating in state school choice scholarship programs
1158 pursuant to s. 1002.421.

1159 ~~(b) Provide to the organization, upon request, all~~
1160 ~~documentation required for the student's participation,~~
1161 ~~including the private school's and student's fee schedules.~~

1162 ~~(c) Be academically accountable to the parent for meeting~~
1163 ~~the educational needs of the student by:~~

1164 ~~1. At a minimum, annually providing to the parent a written~~
1165 ~~explanation of the student's progress.~~

1166 (b)1.2. Annually administer or make administering or making
1167 provision for students participating in the program in grades 3
1168 through 10 to take one of the nationally norm-referenced tests
1169 identified by the Department of Education or the statewide
1170 assessments pursuant to s. 1008.22. Students with disabilities



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1171 for whom standardized testing is not appropriate are exempt from
1172 this requirement. A participating private school shall report a
1173 student's scores to the parent.

1174 ~~2.3. Administer Cooperating with the scholarship student~~
1175 ~~whose parent chooses to have the student participate in the~~
1176 ~~statewide assessments pursuant to s. 1008.22 or, if a private~~
1177 ~~school chooses to offer the statewide assessments, administering~~
1178 ~~the assessments at the school.~~

1179 ~~a.~~ A participating private school may choose to offer and
1180 administer the statewide assessments to all students who attend
1181 the private school in grades 3 through 10 and must.

1182 ~~b.~~ ~~A participating private school shall~~ submit a request in
1183 writing to the Department of Education by March 1 of each year
1184 in order to administer the statewide assessments in the
1185 subsequent school year.

1186 ~~(d) Employ or contract with teachers who have regular and~~
1187 ~~direct contact with each student receiving a scholarship under~~
1188 ~~this section at the school's physical location.~~

1189 ~~(e) Provide a report from an independent certified public~~
1190 ~~accountant who performs the agreed upon procedures developed~~
1191 ~~under s. 1002.395(6)(c) if the private school receives more than~~
1192 ~~\$250,000 in funds from scholarships awarded under this section~~
1193 ~~in a state fiscal year. A private school subject to this~~
1194 ~~paragraph must annually submit the report by September 15 to the~~
1195 ~~organization that awarded the majority of the school's~~
1196 ~~scholarship funds. The agreed upon procedures must be conducted~~
1197 ~~in accordance with attestation standards established by the~~
1198 ~~American Institute of Certified Public Accountants.~~

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1200 If a private school fails ~~is unable~~ to meet the requirements of
1201 this subsection or s. 1002.421 ~~or has consecutive years of~~
1202 ~~material exceptions listed in the report required under~~
1203 ~~paragraph (e)~~, the commissioner may determine that the private
1204 school is ineligible to participate in the scholarship program.

1205 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
1206 shall:

1207 (c) Investigate any written complaint of a violation of
1208 this section by a parent, a student, a private school, a public
1209 school or a school district, an organization, a provider, or
1210 another appropriate party in accordance with the process
1211 established by s. 1002.421 ~~s. 1002.395 (9) (f)~~.

1212 (10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

1213 (a) The Commissioner of Education:

1214 1. May suspend or revoke program participation or use of
1215 program funds by the student or participation or eligibility of
1216 an organization, ~~eligible private school~~, eligible postsecondary
1217 educational institution, approved provider, or other party for a
1218 violation of this section.

1219 2. May determine the length of, and conditions for lifting,
1220 a suspension or revocation specified in this subsection.

1221 3. May recover unexpended program funds or withhold payment
1222 of an equal amount of program funds to recover program funds
1223 that were not authorized for use.

1224 4. Shall deny or terminate program participation upon a
1225 parent's forfeiture of a Gardiner Scholarship pursuant to
1226 subsection (11).

1227 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
1228 PARTICIPATION.—A parent who applies for program participation



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1229 under this section is exercising his or her parental option to
1230 determine the appropriate placement or the services that best
1231 meet the needs of his or her child. The scholarship award for a
1232 student is based on a matrix that assigns the student to support
1233 Level III services. If a parent receives an IEP and a matrix of
1234 services from the school district pursuant to subsection (7),
1235 the amount of the payment shall be adjusted as needed, when the
1236 school district completes the matrix.

1237 (a) To satisfy or maintain program eligibility, including
1238 eligibility to receive and spend program payments, the parent
1239 must sign an agreement with the organization and annually submit
1240 a notarized, sworn compliance statement to the organization to:

1241 1. Affirm that the student is enrolled in a program that
1242 meets regular school attendance requirements as provided in s.
1243 1003.01(13)(b)-(d).

1244 2. Affirm that the program funds are used only for
1245 authorized purposes serving the student's educational needs, as
1246 described in subsection (5).

1247 3. Affirm that the parent is responsible for the education
1248 of his or her student by, as applicable:

1249 a. Requiring the student to take an assessment in
1250 accordance with paragraph (8)(b) ~~paragraph (8)(c)~~;

1251 b. Providing an annual evaluation in accordance with s.
1252 1002.41(1)(c); or

1253 c. Requiring the child to take any preassessments and
1254 postassessments selected by the provider if the child is 4 years
1255 of age and is enrolled in a program provided by an eligible
1256 Voluntary Prekindergarten Education Program provider. A student
1257 with disabilities for whom a preassessment and postassessment is



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1258 not appropriate is exempt from this requirement. A participating
1259 provider shall report a student's scores to the parent.

1260 4. Affirm that the student remains in good standing with
1261 the provider or school if those options are selected by the
1262 parent.

1263

1264 A parent who fails to comply with this subsection forfeits the
1265 Gardiner Scholarship.

1266 Section 14. Subsections (8) through (14) of section
1267 1002.39, Florida Statutes, are renumbered as subsections (7)
1268 through (13), respectively, and paragraph (b) of subsection (2),
1269 paragraph (h) of subsection (3), and present subsections (6),
1270 (7), and (8) of that section are amended, to read:

1271 1002.39 The John M. McKay Scholarships for Students with
1272 Disabilities Program.—There is established a program that is
1273 separate and distinct from the Opportunity Scholarship Program
1274 and is named the John M. McKay Scholarships for Students with
1275 Disabilities Program.

1276 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a
1277 student with a disability may request and receive from the state
1278 a John M. McKay Scholarship for the child to enroll in and
1279 attend a private school in accordance with this section if:

1280 (b) The parent has obtained acceptance for admission of the
1281 student to a private school that is eligible for the program
1282 under subsection (7) ~~subsection (8)~~ and has requested from the
1283 department a scholarship at least 60 days before the date of the
1284 first scholarship payment. The request must be communicated
1285 directly to the department in a manner that creates a written or
1286 electronic record of the request and the date of receipt of the



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1287 request. The department must notify the district of the parent's
1288 intent upon receipt of the parent's request.

1289 (3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is
1290 not eligible for a John M. McKay Scholarship:

1291 (h) While he or she is not having regular and direct
1292 contact with his or her private school teachers at the school's
1293 physical location unless he or she is enrolled in the private
1294 school's transition-to-work program pursuant to subsection (9)
1295 ~~subsection (10)~~; or

1296 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
1297 shall:

1298 ~~(a) Establish a toll-free hotline that provides parents and~~
1299 ~~private schools with information on participation in the John M.~~
1300 ~~McKay Scholarships for Students with Disabilities Program.~~

1301 ~~(b) Annually verify the eligibility of private schools that~~
1302 ~~meet the requirements of subsection (8).~~

1303 ~~(c) Establish a process by which individuals may notify the~~
1304 ~~department of any violation by a parent, private school, or~~
1305 ~~school district of state laws relating to program participation.~~
1306 ~~The department shall conduct an inquiry of any written complaint~~
1307 ~~of a violation of this section, or make a referral to the~~
1308 ~~appropriate agency for an investigation, if the complaint is~~
1309 ~~signed by the complainant and is legally sufficient. A complaint~~
1310 ~~is legally sufficient if it contains ultimate facts that show~~
1311 ~~that a violation of this section or any rule adopted by the~~
1312 ~~State Board of Education has occurred. In order to determine~~
1313 ~~legal sufficiency, the department may require supporting~~
1314 ~~information or documentation from the complainant. A department~~
1315 ~~inquiry is not subject to the requirements of chapter 120.~~



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1316 ~~(d) Require an annual, notarized, sworn compliance~~
1317 ~~statement by participating private schools certifying compliance~~
1318 ~~with state laws and shall retain such records.~~

1319 ~~(e) cross-check the list of participating scholarship~~
1320 ~~students with the public school enrollment lists prior to each~~
1321 ~~scholarship payment to avoid duplication.~~

1322 ~~(f)1. Conduct random site visits to private schools~~
1323 ~~participating in the John M. McKay Scholarships for Students~~
1324 ~~with Disabilities Program. The purpose of the site visits is~~
1325 ~~solely to verify the information reported by the schools~~
1326 ~~concerning the enrollment and attendance of students, the~~
1327 ~~credentials of teachers, background screening of teachers, and~~
1328 ~~teachers' fingerprinting results, which information is required~~
1329 ~~by rules of the State Board of Education, subsection (8), and s.~~
1330 ~~1002.421. The Department of Education may not make more than~~
1331 ~~three random site visits each year and may not make more than~~
1332 ~~one random site visit each year to the same private school.~~

1333 ~~2. Annually, by December 15, report to the Governor, the~~
1334 ~~President of the Senate, and the Speaker of the House of~~
1335 ~~Representatives the Department of Education's actions with~~
1336 ~~respect to implementing accountability in the scholarship~~
1337 ~~program under this section and s. 1002.421, any substantiated~~
1338 ~~allegations or violations of law or rule by an eligible private~~
1339 ~~school under this program concerning the enrollment and~~
1340 ~~attendance of students, the credentials of teachers, background~~
1341 ~~screening of teachers, and teachers' fingerprinting results and~~
1342 ~~the corrective action taken by the Department of Education.~~

1343 ~~(7) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—~~

1344 ~~(a) The Commissioner of Education:~~



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1345 ~~1. Shall deny, suspend, or revoke a private school's~~
1346 ~~participation in the scholarship program if it is determined~~
1347 ~~that the private school has failed to comply with the provisions~~
1348 ~~of this section. However, if the noncompliance is correctable~~
1349 ~~within a reasonable amount of time and if the health, safety, or~~
1350 ~~welfare of the students is not threatened, the commissioner may~~
1351 ~~issue a notice of noncompliance which provides the private~~
1352 ~~school with a timeframe within which to provide evidence of~~
1353 ~~compliance before taking action to suspend or revoke the private~~
1354 ~~school's participation in the scholarship program.~~

1355 ~~2. May deny, suspend, or revoke a private school's~~
1356 ~~participation in the scholarship program if the commissioner~~
1357 ~~determines that an owner or operator of the private school is~~
1358 ~~operating or has operated an educational institution in this~~
1359 ~~state or in another state or jurisdiction in a manner contrary~~
1360 ~~to the health, safety, or welfare of the public.~~

1361 ~~a. In making such a determination, the commissioner may~~
1362 ~~consider factors that include, but are not limited to, acts or~~
1363 ~~omissions by an owner or operator which led to a previous denial~~
1364 ~~or revocation of participation in an education scholarship~~
1365 ~~program; an owner's or operator's failure to reimburse the~~
1366 ~~Department of Education for scholarship funds improperly~~
1367 ~~received or retained by a school; imposition of a prior criminal~~
1368 ~~sanction related to an owner's or operator's management or~~
1369 ~~operation of an educational institution; imposition of a civil~~
1370 ~~fine or administrative fine, license revocation or suspension,~~
1371 ~~or program eligibility suspension, termination, or revocation~~
1372 ~~related to an owner's or operator's management or operation of~~
1373 ~~an educational institution; or other types of criminal~~



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1374 ~~proceedings in which an owner or operator was found guilty of,~~
1375 ~~regardless of adjudication, or entered a plea of nolo contendere~~
1376 ~~or guilty to, any offense involving fraud, deceit, dishonesty,~~
1377 ~~or moral turpitude.~~

1378 ~~b. For purposes of this subparagraph, the term "owner or~~
1379 ~~operator" includes an owner, operator, superintendent, or~~
1380 ~~principal of, or a person who has equivalent decisionmaking~~
1381 ~~authority over, a private school participating in the~~
1382 ~~scholarship program.~~

1383 ~~(b) The commissioner's determination is subject to the~~
1384 ~~following:~~

1385 ~~1. If the commissioner intends to deny, suspend, or revoke~~
1386 ~~a private school's participation in the scholarship program, the~~
1387 ~~department shall notify the private school of such proposed~~
1388 ~~action in writing by certified mail and regular mail to the~~
1389 ~~private school's address of record with the department. The~~
1390 ~~notification shall include the reasons for the proposed action~~
1391 ~~and notice of the timelines and procedures set forth in this~~
1392 ~~paragraph.~~

1393 ~~2. The private school that is adversely affected by the~~
1394 ~~proposed action shall have 15 days from receipt of the notice of~~
1395 ~~proposed action to file with the department's agency clerk a~~
1396 ~~request for a proceeding pursuant to ss. 120.569 and 120.57. If~~
1397 ~~the private school is entitled to a hearing under s. 120.57(1),~~
1398 ~~the department shall forward the request to the Division of~~
1399 ~~Administrative Hearings.~~

1400 ~~3. Upon receipt of a request referred pursuant to this~~
1401 ~~paragraph, the director of the Division of Administrative~~
1402 ~~Hearings shall expedite the hearing and assign an administrative~~



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1403 ~~law judge who shall commence a hearing within 30 days after the~~
1404 ~~receipt of the formal written request by the division and enter~~
1405 ~~a recommended order within 30 days after the hearing or within~~
1406 ~~30 days after receipt of the hearing transcript, whichever is~~
1407 ~~later. Each party shall be allowed 10 days in which to submit~~
1408 ~~written exceptions to the recommended order. A final order shall~~
1409 ~~be entered by the agency within 30 days after the entry of a~~
1410 ~~recommended order. The provisions of this subparagraph may be~~
1411 ~~waived upon stipulation by all parties.~~

1412 ~~(c) The commissioner may immediately suspend payment of~~
1413 ~~scholarship funds if it is determined that there is probable~~
1414 ~~cause to believe that there is:~~

1415 ~~1. An imminent threat to the health, safety, or welfare of~~
1416 ~~the students; or~~

1417 ~~2. Fraudulent activity on the part of the private school.~~
1418 ~~Notwithstanding s. 1002.22, in incidents of alleged fraudulent~~
1419 ~~activity pursuant to this section, the Department of Education's~~
1420 ~~Office of Inspector General is authorized to release personally~~
1421 ~~identifiable records or reports of students to the following~~
1422 ~~persons or organizations:~~

1423 ~~a. A court of competent jurisdiction in compliance with an~~
1424 ~~order of that court or the attorney of record in accordance with~~
1425 ~~a lawfully issued subpoena, consistent with the Family~~
1426 ~~Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.~~

1427 ~~b. A person or entity authorized by a court of competent~~
1428 ~~jurisdiction in compliance with an order of that court or the~~
1429 ~~attorney of record pursuant to a lawfully issued subpoena,~~
1430 ~~consistent with the Family Educational Rights and Privacy Act,~~
1431 ~~20 U.S.C. s. 1232g.~~



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1432 ~~e. Any person, entity, or authority issuing a subpoena for~~
1433 ~~law enforcement purposes when the court or other issuing agency~~
1434 ~~has ordered that the existence or the contents of the subpoena~~
1435 ~~or the information furnished in response to the subpoena not be~~
1436 ~~disclosed, consistent with the Family Educational Rights and~~
1437 ~~Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.~~

1438

1439 ~~The commissioner's order suspending payment pursuant to this~~
1440 ~~paragraph may be appealed pursuant to the same procedures and~~
1441 ~~timelines as the notice of proposed action set forth in~~
1442 ~~paragraph (b).~~

1443 ~~(7)(8)~~ PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be
1444 eligible to participate in the John M. McKay Scholarships for
1445 Students with Disabilities Program, a private school may be
1446 sectarian or nonsectarian and must:

1447 (a) Comply with all requirements for private schools
1448 participating in state school choice scholarship programs
1449 pursuant to s. 1002.421.

1450 (b) Provide to the department all documentation required
1451 for a student's participation, including the private school's
1452 and student's fee schedules, at least 30 days before any
1453 quarterly scholarship payment is made for the student pursuant
1454 to paragraph (10)(e) ~~paragraph (11)(e)~~. A student is not
1455 eligible to receive a quarterly scholarship payment if the
1456 private school fails to meet this deadline.

1457 ~~(c) Be academically accountable to the parent for meeting~~
1458 ~~the educational needs of the student by:~~

1459 ~~1. At a minimum, annually providing to the parent a written~~
1460 ~~explanation of the student's progress.~~



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1461 ~~2. Cooperating with the scholarship student whose parent~~
1462 ~~chooses to participate in the statewide assessments pursuant to~~
1463 ~~s. 1008.22.~~

1464 ~~(d) Maintain in this state a physical location where a~~
1465 ~~scholarship student regularly attends classes.~~

1466
1467 If The inability of a private school fails to meet the
1468 requirements of this subsection or s. 1002.421, the commissioner
1469 may determine that the private school is ineligible shall
1470 constitute a basis for the ineligibility of the private school
1471 to participate in the scholarship program as determined by the
1472 department.

1473 Section 15. Present subsections (12) through (16) of
1474 section 1002.395, Florida Statutes, are renumbered as
1475 subsections (11) through (15), respectively, and paragraphs (f)
1476 and (j) of subsection (2), paragraphs (b), (c), (f), and (g) of
1477 subsection (5), paragraphs (n), (o), and (p) of subsection (6),
1478 subsections (8) and (9), and present subsection (11) of that
1479 section are amended, to read:

1480 1002.395 Florida Tax Credit Scholarship Program.—

1481 (2) DEFINITIONS.—As used in this section, the term:

1482 (f) "Eligible nonprofit scholarship-funding organization"

1483 means a state university; or an independent college or
1484 university that is eligible to participate in the William L.
1485 Boyd, IV, Florida Resident Access Grant Program, located and
1486 chartered in this state, is not for profit, and is accredited by
1487 the Commission on Colleges of the Southern Association of
1488 Colleges and Schools; or is a charitable organization that:

1489 1. Is exempt from federal income tax pursuant to s.



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1490 501(c)(3) of the Internal Revenue Code;

1491 2. Is a Florida entity formed under chapter 605, chapter

1492 607, or chapter 617 and whose principal office is located in the

1493 state; and

1494 3. Complies with subsections (6) and (15) ~~subsections (6)~~

1495 ~~and (16)~~.

1496 (j) "Tax credit cap amount" means the maximum annual tax

1497 credit amount that the department may approve for ~~in~~ a state

1498 fiscal year.

1499 (5) SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS.—

1500 (b) A taxpayer may submit an application to the department

1501 for a tax credit or credits under one or more of s. 211.0251, s.

1502 212.1831, s. 220.1875, s. 561.1211, or s. 624.51055.

1503 1. The taxpayer shall specify in the application each tax

1504 for which the taxpayer requests a credit and the applicable

1505 taxable year for a credit under s. 220.1875 or s. 624.51055 or

1506 the applicable state fiscal year for a credit under s. 211.0251,

1507 s. 212.1831, or s. 561.1211. For purposes of s. 220.1875, a

1508 taxpayer may apply for a credit to be used for a prior taxable

1509 year before the date the taxpayer is required to file a return

1510 for that year pursuant to s. 220.222. The department shall

1511 approve tax credits on a first-come, first-served basis and must

1512 obtain the division's approval before approving a tax credit

1513 under s. 561.1211.

1514 2. Within 10 days after approving or denying an

1515 application, the department shall provide a copy of its approval

1516 or denial letter to the eligible nonprofit scholarship-funding

1517 organization specified by the taxpayer in the application.

1518 (c) If a tax credit approved under paragraph (b) is not



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1519 fully used within the specified state fiscal year for credits
1520 under s. 211.0251, s. 212.1831, or s. 561.1211 or against taxes
1521 due for the specified taxable year for credits under s. 220.1875
1522 or s. 624.51055 because of insufficient tax liability on the
1523 part of the taxpayer, the unused amount shall ~~may~~ be carried
1524 forward for a period not to exceed 10 ~~5~~ years. For purposes of
1525 s. 220.1875, a credit carried forward may be used in a
1526 subsequent year after applying the other credits and unused
1527 carryovers in the order provided in s. 220.02(8). ~~However, any~~
1528 ~~taxpayer that seeks to carry forward an unused amount of tax~~
1529 ~~credit must submit an application to the department for approval~~
1530 ~~of the carryforward tax credit in the year that the taxpayer~~
1531 ~~intends to use the carryforward. The department must obtain the~~
1532 ~~division's approval prior to approving the carryforward of a tax~~
1533 ~~credit under s. 561.1211.~~

1534 (f) Within 10 days after approving or denying ~~an~~
1535 ~~application for a carryforward tax credit under paragraph (c),~~
1536 the conveyance, transfer, or assignment of a tax credit under
1537 paragraph (d), or the rescindment of a tax credit under
1538 paragraph (e), the department shall provide a copy of its
1539 approval or denial letter to the eligible nonprofit scholarship-
1540 funding organization specified by the taxpayer. The department
1541 shall also include the eligible nonprofit scholarship-funding
1542 organization specified by the taxpayer on all letters or
1543 correspondence of acknowledgment for tax credits under s.
1544 212.1831.

1545 (g) For purposes of calculating the underpayment of
1546 estimated corporate income taxes pursuant to s. 220.34 and tax
1547 installment payments for taxes on insurance premiums or



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1548 assessments under s. 624.5092, the final amount due is the
1549 amount after credits earned under s. 220.1875 or s. 624.51055
1550 for contributions to eligible nonprofit scholarship-funding
1551 organizations are deducted.

1552 1. For purposes of determining if a penalty or interest
1553 shall be imposed for underpayment of estimated corporate income
1554 tax pursuant to s. 220.34(2)(d)1., a taxpayer may, after earning
1555 a credit under s. 220.1875, reduce any ~~the following~~ estimated
1556 payment in that taxable year by the amount of the credit. This
1557 subparagraph applies to contributions made on or after July 1,
1558 2014.

1559 2. For purposes of determining if a penalty under s.
1560 624.5092 shall be imposed, an insurer may, after earning a
1561 credit under s. 624.51055, reduce the following installment
1562 payment of 27 percent of the amount of the net tax due as
1563 reported on the return for the preceding year under s.
1564 624.5092(2)(b) by the amount of the credit. This subparagraph
1565 applies to contributions made on or after July 1, 2014.

1566 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
1567 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
1568 organization:

1569 (n) Must prepare and submit quarterly reports to the
1570 Department of Education pursuant to paragraph (9)(i) ~~paragraph~~
1571 ~~(9)(m)~~. In addition, an eligible nonprofit scholarship-funding
1572 organization must submit in a timely manner any information
1573 requested by the Department of Education relating to the
1574 scholarship program.

1575 (o)1.a. Must participate in the joint development of
1576 agreed-upon procedures ~~to be performed by an independent~~



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1577 ~~certified public accountant as required under paragraph (8)(e)~~
1578 ~~if the scholarship funding organization provided more than~~
1579 ~~\$250,000 in scholarship funds to an eligible private school~~
1580 ~~under this section~~ during the 2009-2010 state fiscal year. The
1581 agreed-upon procedures must uniformly apply to all private
1582 schools and must determine, at a minimum, whether the private
1583 school has been verified as eligible by the Department of
1584 Education under s. 1002.421 ~~paragraph (9)(e)~~; has an adequate
1585 accounting system, system of financial controls, and process for
1586 deposit and classification of scholarship funds; and has
1587 properly expended scholarship funds for education-related
1588 expenses. During the development of the procedures, the
1589 participating scholarship-funding organizations shall specify
1590 guidelines governing the materiality of exceptions that may be
1591 found during the accountant's performance of the procedures. The
1592 procedures and guidelines shall be provided to private schools
1593 and the Commissioner of Education by March 15, 2011.

1594 b. Must participate in a joint review of the agreed-upon
1595 procedures and guidelines developed under sub-subparagraph a.,
1596 by February of each biennium ~~2013 and biennially thereafter~~, if
1597 the scholarship-funding organization provided more than \$250,000
1598 in scholarship funds to an eligible private school under this
1599 chapter ~~section~~ during the state fiscal year preceding the
1600 biennial review. If the procedures and guidelines are revised,
1601 the revisions must be provided to private schools and the
1602 Commissioner of Education by March 15 of the year in which the
1603 revisions were completed. The revised agreed-upon procedures
1604 shall take effect the subsequent school year. For the 2018-2019
1605 school year only, the joint review of the agreed-upon procedures



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1606 must be completed and the revisions submitted to the
1607 commissioner no later than September 15, 2018. The revised
1608 procedures are applicable to the 2018-2019 school year, 2013,
1609 and biennially thereafter.

1610 c. Must monitor the compliance of a private school with s.
1611 1002.421(1)(q) paragraph (8)(e) if the scholarship-funding
1612 organization provided the majority of the scholarship funding to
1613 the school. For each private school subject to s. 1002.421(1)(q)
1614 paragraph (8)(e), the appropriate scholarship-funding
1615 organization shall annually notify the Commissioner of Education
1616 by October 30, ~~2011, and annually thereafter~~ of:

1617 (I) A private school's failure to submit a report required
1618 under s. 1002.421(1)(q) paragraph (8)(e); or

1619 (II) Any material exceptions set forth in the report
1620 required under s. 1002.421(1)(q) paragraph (8)(e).

1621 2. Must seek input from the accrediting associations that
1622 are members of the Florida Association of Academic Nonpublic
1623 Schools and the Department of Education when jointly developing
1624 the agreed-upon procedures and guidelines under sub-subparagraph
1625 1.a. and conducting a review of those procedures and guidelines
1626 under sub-subparagraph 1.b.

1627 (p) Must maintain the surety bond or letter of credit
1628 required by subsection (15) subsection (16). The amount of the
1629 surety bond or letter of credit may be adjusted quarterly to
1630 equal the actual amount of undisbursed funds based upon
1631 submission by the organization of a statement from a certified
1632 public accountant verifying the amount of undisbursed funds. The
1633 requirements of this paragraph are waived if the cost of
1634 acquiring a surety bond or letter of credit exceeds the average



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1635 10-year cost of acquiring a surety bond or letter of credit by
1636 200 percent. The requirements of this paragraph are waived for a
1637 state university; or an independent college or university which
1638 is eligible to participate in the William L. Boyd, IV, Florida
1639 Resident Access Grant Program, located and chartered in this
1640 state, is not for profit, and is accredited by the Commission on
1641 Colleges of the Southern Association of Colleges and Schools.

1642

1643 Information and documentation provided to the Department of
1644 Education and the Auditor General relating to the identity of a
1645 taxpayer that provides an eligible contribution under this
1646 section shall remain confidential at all times in accordance
1647 with s. 213.053.

1648 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible
1649 private school may be sectarian or nonsectarian and must:

1650 (a) Comply with all requirements for private schools
1651 participating in state school choice scholarship programs
1652 pursuant to s. 1002.421.

1653 ~~(b) Provide to the eligible nonprofit scholarship funding~~
1654 ~~organization, upon request, all documentation required for the~~
1655 ~~student's participation, including the private school's and~~
1656 ~~student's fee schedules.~~

1657 ~~(c) Be academically accountable to the parent for meeting~~
1658 ~~the educational needs of the student by:~~

1659 ~~1. At a minimum, annually providing to the parent a written~~
1660 ~~explanation of the student's progress.~~

1661 ~~(b)1.2. Annually administer or make administering or making~~
1662 ~~provision for students participating in the scholarship program~~
1663 ~~in grades 3 through 10 to take one of the nationally norm-~~



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1664 referenced tests identified by the Department of Education or
1665 the statewide assessments pursuant to s. 1008.22. Students with
1666 disabilities for whom standardized testing is not appropriate
1667 are exempt from this requirement. A participating private school
1668 must report a student's scores to the parent. A participating
1669 private school must annually report by August 15 the scores of
1670 all participating students to a state university ~~the Learning~~
1671 ~~System Institute~~ described in paragraph (9) (f) ~~paragraph (9) (j)~~.

1672 ~~2.3. Administer Cooperating with the scholarship student~~
1673 ~~whose parent chooses to have the student participate in the~~
1674 ~~statewide assessments pursuant to s. 1008.22 or, if a private~~
1675 ~~school chooses to offer the statewide assessments, administering~~
1676 ~~the assessments at the school.~~

1677 ~~a. A participating private school may choose to offer and~~
1678 ~~administer the statewide assessments to all students who attend~~
1679 ~~the private school in grades 3 through 10 and.~~

1680 ~~b. A participating private school must submit a request in~~
1681 ~~writing to the Department of Education by March 1 of each year~~
1682 ~~in order to administer the statewide assessments in the~~
1683 ~~subsequent school year.~~

1684 ~~(d) Employ or contract with teachers who have regular and~~
1685 ~~direct contact with each student receiving a scholarship under~~
1686 ~~this section at the school's physical location.~~

1687 ~~(e) Provide a report from an independent certified public~~
1688 ~~accountant who performs the agreed upon procedures developed~~
1689 ~~under paragraph (6) (o) if the private school receives more than~~
1690 ~~\$250,000 in funds from scholarships awarded under this section~~
1691 ~~in a state fiscal year. A private school subject to this~~
1692 ~~paragraph must annually submit the report by September 15 to the~~



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1693 ~~scholarship funding organization that awarded the majority of~~
1694 ~~the school's scholarship funds. The agreed upon procedures must~~
1695 ~~be conducted in accordance with attestation standards~~
1696 ~~established by the American Institute of Certified Public~~
1697 ~~Accountants.~~

1698
1699 If a private school fails ~~is unable~~ to meet the requirements of
1700 this subsection or s. 1002.421 ~~or has consecutive years of~~
1701 ~~material exceptions listed in the report required under~~
1702 ~~paragraph (e)~~, the commissioner may determine that the private
1703 school is ineligible to participate in the scholarship program
1704 ~~as determined by the Department of Education.~~

1705 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
1706 Education shall:

1707 (a) Annually submit to the department and division, by
1708 March 15, a list of eligible nonprofit scholarship-funding
1709 organizations that meet the requirements of paragraph (2) (f).

1710 (b) Annually verify the eligibility of nonprofit
1711 scholarship-funding organizations that meet the requirements of
1712 paragraph (2) (f).

1713 ~~(c) Annually verify the eligibility of private schools that~~
1714 ~~meet the requirements of subsection (8).~~

1715 ~~(c) (d)~~ Annually verify the eligibility of expenditures as
1716 provided in paragraph (6) (d) using the audit required by
1717 paragraph (6) (m) and s. 11.45(2) (l) ~~s. 11.45(2) (k)~~.

1718 ~~(e) Establish a toll-free hotline that provides parents and~~
1719 ~~private schools with information on participation in the~~
1720 ~~scholarship program.~~

1721 ~~(f) Establish a process by which individuals may notify the~~



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1722 ~~Department of Education of any violation by a parent, private~~
1723 ~~school, or school district of state laws relating to program~~
1724 ~~participation. The Department of Education shall conduct an~~
1725 ~~inquiry of any written complaint of a violation of this section,~~
1726 ~~or make a referral to the appropriate agency for an~~
1727 ~~investigation, if the complaint is signed by the complainant and~~
1728 ~~is legally sufficient. A complaint is legally sufficient if it~~
1729 ~~contains ultimate facts that show that a violation of this~~
1730 ~~section or any rule adopted by the State Board of Education has~~
1731 ~~occurred. In order to determine legal sufficiency, the~~
1732 ~~Department of Education may require supporting information or~~
1733 ~~documentation from the complainant. A department inquiry is not~~
1734 ~~subject to the requirements of chapter 120.~~

1735 ~~(g) Require an annual, notarized, sworn compliance~~
1736 ~~statement by participating private schools certifying compliance~~
1737 ~~with state laws and shall retain such records.~~

1738 ~~(d)(h)~~ (d) Cross-check the list of participating scholarship
1739 students with the public school enrollment lists to avoid
1740 duplication.

1741 ~~(e)(i)~~ (e) Maintain a list of nationally norm-referenced tests
1742 identified for purposes of satisfying the testing requirement in
1743 subparagraph (8)(b)1 ~~subparagraph (8)(e)2~~. The tests must meet
1744 industry standards of quality in accordance with State Board of
1745 Education rule.

1746 ~~(f)(j)~~ (f) Issue a project grant award to a state university
1747 ~~the Learning System Institute at the Florida State University,~~
1748 to which participating private schools must report the scores of
1749 participating students on the nationally norm-referenced tests
1750 or the statewide assessments administered by the private school



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1751 in grades 3 through 10. The project term is 2 years, and the
1752 amount of the project is up to \$250,000 ~~\$500,000~~ per year. The
1753 project grant award must be reissued in 2-year intervals in
1754 accordance with this paragraph.

1755 1. The state university ~~Learning System Institute~~ must
1756 annually report to the Department of Education on the student
1757 performance of participating students:

1758 a. On a statewide basis. The report shall also include, to
1759 the extent possible, a comparison of scholarship students'
1760 performance to the statewide student performance of public
1761 school students with socioeconomic backgrounds similar to those
1762 of students participating in the scholarship program. To
1763 minimize costs and reduce time required for the state
1764 university's ~~Learning System Institute's~~ analysis and
1765 evaluation, the Department of Education shall coordinate with
1766 the state university ~~Learning System Institute~~ to provide data
1767 to the state university ~~Learning System Institute~~ in order to
1768 conduct analyses of matched students from public school
1769 assessment data and calculate control group student performance
1770 using an agreed-upon methodology with the state university
1771 ~~Learning System Institute~~; and

1772 b. On an individual school basis. The annual report must
1773 include student performance for each participating private
1774 school in which at least 51 percent of the total enrolled
1775 students in the private school participated in the Florida Tax
1776 Credit Scholarship Program in the prior school year. The report
1777 shall be according to each participating private school, and for
1778 participating students, in which there are at least 30
1779 participating students who have scores for tests administered.



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1780 If the state university ~~Learning System Institute~~ determines
1781 that the 30-participating-student cell size may be reduced
1782 without disclosing personally identifiable information, as
1783 described in 34 C.F.R. s. 99.12, of a participating student, the
1784 state university ~~Learning System Institute~~ may reduce the
1785 participating-student cell size, but the cell size must not be
1786 reduced to less than 10 participating students. The department
1787 shall provide each private school's prior school year's student
1788 enrollment information to the state university ~~Learning System~~
1789 ~~Institute~~ no later than June 15 of each year, or as requested by
1790 the state university ~~Learning System Institute~~.

1791 2. The sharing and reporting of student performance data
1792 under this paragraph must be in accordance with requirements of
1793 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family
1794 Educational Rights and Privacy Act, and the applicable rules and
1795 regulations issued pursuant thereto, and shall be for the sole
1796 purpose of creating the annual report required by subparagraph
1797 1. All parties must preserve the confidentiality of such
1798 information as required by law. The annual report must not
1799 disaggregate data to a level that will identify individual
1800 participating schools, except as required under sub-subparagraph
1801 1.b., or disclose the academic level of individual students.

1802 3. The annual report required by subparagraph 1. shall be
1803 published by the Department of Education on its website.

1804 (g) ~~(k)~~ Notify an eligible nonprofit scholarship-funding
1805 organization of any of the organization's identified students
1806 who are receiving educational scholarships pursuant to chapter
1807 1002.

1808 (h) ~~(l)~~ Notify an eligible nonprofit scholarship-funding



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1809 organization of any of the organization's identified students
1810 who are receiving tax credit scholarships from other eligible
1811 nonprofit scholarship-funding organizations.

1812 (i)~~(m)~~ Require quarterly reports by an eligible nonprofit
1813 scholarship-funding organization regarding the number of
1814 students participating in the scholarship program, the private
1815 schools at which the students are enrolled, and other
1816 information deemed necessary by the Department of Education.

1817 ~~(n)1. Conduct site visits to private schools participating~~
1818 ~~in the Florida Tax Credit Scholarship Program. The purpose of~~
1819 ~~the site visits is solely to verify the information reported by~~
1820 ~~the schools concerning the enrollment and attendance of~~
1821 ~~students, the credentials of teachers, background screening of~~
1822 ~~teachers, and teachers' fingerprinting results. The Department~~
1823 ~~of Education may not make more than seven site visits each year,~~
1824 ~~however, the department may make additional site visits at any~~
1825 ~~time to any school that has received a notice of noncompliance~~
1826 ~~or a notice of proposed action within the previous 2 years.~~

1827 ~~2. Annually, by December 15, report to the Governor, the~~
1828 ~~President of the Senate, and the Speaker of the House of~~
1829 ~~Representatives the Department of Education's actions with~~
1830 ~~respect to implementing accountability in the scholarship~~
1831 ~~program under this section and s. 1002.421, any substantiated~~
1832 ~~allegations or violations of law or rule by an eligible private~~
1833 ~~school under this program concerning the enrollment and~~
1834 ~~attendance of students, the credentials of teachers, background~~
1835 ~~screening of teachers, and teachers' fingerprinting results and~~
1836 ~~the corrective action taken by the Department of Education.~~

1837 (j)~~(o)~~ Provide a process to match the direct certification



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1838 list with the scholarship application data submitted by any
1839 nonprofit scholarship-funding organization eligible to receive
1840 the 3-percent administrative allowance under paragraph (6)(j).

1841 ~~(p) Upon the request of a participating private school,~~
1842 ~~provide at no cost to the school the statewide assessments~~
1843 ~~administered under s. 1008.22 and any related materials for~~
1844 ~~administering the assessments. Students at a private school may~~
1845 ~~be assessed using the statewide assessments if the addition of~~
1846 ~~those students and the school does not cause the state to exceed~~
1847 ~~its contractual caps for the number of students tested and the~~
1848 ~~number of testing sites. The state shall provide the same~~
1849 ~~materials and support to a private school that it provides to a~~
1850 ~~public school. A private school that chooses to administer~~
1851 ~~statewide assessments under s. 1008.22 shall follow the~~
1852 ~~requirements set forth in ss. 1008.22 and 1008.24, rules adopted~~
1853 ~~by the State Board of Education to implement those sections, and~~
1854 ~~district-level testing policies established by the district~~
1855 ~~school board.~~

1856 ~~(11) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—~~

1857 ~~(a)1. The Commissioner of Education shall deny, suspend, or~~
1858 ~~revoke a private school's participation in the scholarship~~
1859 ~~program if it is determined that the private school has failed~~
1860 ~~to comply with the provisions of this section. However, in~~
1861 ~~instances in which the noncompliance is correctable within a~~
1862 ~~reasonable amount of time and in which the health, safety, or~~
1863 ~~welfare of the students is not threatened, the commissioner may~~
1864 ~~issue a notice of noncompliance that shall provide the private~~
1865 ~~school with a timeframe within which to provide evidence of~~
1866 ~~compliance prior to taking action to suspend or revoke the~~



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1867 ~~private school's participation in the scholarship program.~~
1868 ~~2. The Commissioner of Education may deny, suspend, or~~
1869 ~~revoke a private school's participation in the scholarship~~
1870 ~~program if the commissioner determines that:~~
1871 ~~a. An owner or operator of a private school has exhibited a~~
1872 ~~previous pattern of failure to comply with this section or s.~~
1873 ~~1002.421; or~~
1874 ~~b. An owner or operator of the private school is operating~~
1875 ~~or has operated an educational institution in this state or~~
1876 ~~another state or jurisdiction in a manner contrary to the~~
1877 ~~health, safety, or welfare of the public.~~
1878
1879 ~~In making the determination under this subparagraph, the~~
1880 ~~commissioner may consider factors that include, but are not~~
1881 ~~limited to, acts or omissions by an owner or operator that led~~
1882 ~~to a previous denial or revocation of participation in an~~
1883 ~~education scholarship program; an owner's or operator's failure~~
1884 ~~to reimburse the Department of Education or a nonprofit~~
1885 ~~scholarship funding organization for scholarship funds~~
1886 ~~improperly received or retained by a school; imposition of a~~
1887 ~~prior criminal sanction, civil fine, administrative fine,~~
1888 ~~license revocation or suspension, or program eligibility~~
1889 ~~suspension, termination, or revocation related to an owner's or~~
1890 ~~operator's management or operation of an educational~~
1891 ~~institution; or other types of criminal proceedings in which the~~
1892 ~~owner or operator was found guilty of, regardless of~~
1893 ~~adjudication, or entered a plea of nolo contendere or guilty to,~~
1894 ~~any offense involving fraud, deceit, dishonesty, or moral~~
1895 ~~turpitude.~~



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1896 ~~(b) The commissioner's determination is subject to the~~
1897 ~~following:~~

1898 ~~1. If the commissioner intends to deny, suspend, or revoke~~
1899 ~~a private school's participation in the scholarship program, the~~
1900 ~~Department of Education shall notify the private school of such~~
1901 ~~proposed action in writing by certified mail and regular mail to~~
1902 ~~the private school's address of record with the Department of~~
1903 ~~Education. The notification shall include the reasons for the~~
1904 ~~proposed action and notice of the timelines and procedures set~~
1905 ~~forth in this paragraph.~~

1906 ~~2. The private school that is adversely affected by the~~
1907 ~~proposed action shall have 15 days from receipt of the notice of~~
1908 ~~proposed action to file with the Department of Education's~~
1909 ~~agency clerk a request for a proceeding pursuant to ss. 120.569~~
1910 ~~and 120.57. If the private school is entitled to a hearing under~~
1911 ~~s. 120.57(1), the Department of Education shall forward the~~
1912 ~~request to the Division of Administrative Hearings.~~

1913 ~~3. Upon receipt of a request referred pursuant to this~~
1914 ~~paragraph, the director of the Division of Administrative~~
1915 ~~Hearings shall expedite the hearing and assign an administrative~~
1916 ~~law judge who shall commence a hearing within 30 days after the~~
1917 ~~receipt of the formal written request by the division and enter~~
1918 ~~a recommended order within 30 days after the hearing or within~~
1919 ~~30 days after receipt of the hearing transcript, whichever is~~
1920 ~~later. Each party shall be allowed 10 days in which to submit~~
1921 ~~written exceptions to the recommended order. A final order shall~~
1922 ~~be entered by the agency within 30 days after the entry of a~~
1923 ~~recommended order. The provisions of this subparagraph may be~~
1924 ~~waived upon stipulation by all parties.~~



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1925 ~~(c) The commissioner may immediately suspend payment of~~
1926 ~~scholarship funds if it is determined that there is probable~~
1927 ~~cause to believe that there is:~~

1928 ~~1. An imminent threat to the health, safety, and welfare of~~
1929 ~~the students;~~

1930 ~~2. A previous pattern of failure to comply with this~~
1931 ~~section or s. 1002.421; or~~

1932 ~~3. Fraudulent activity on the part of the private school.~~
1933 ~~Notwithstanding s. 1002.22, in incidents of alleged fraudulent~~
1934 ~~activity pursuant to this section, the Department of Education's~~
1935 ~~Office of Inspector General is authorized to release personally~~
1936 ~~identifiable records or reports of students to the following~~
1937 ~~persons or organizations:~~

1938 ~~a. A court of competent jurisdiction in compliance with an~~
1939 ~~order of that court or the attorney of record in accordance with~~
1940 ~~a lawfully issued subpoena, consistent with the Family~~
1941 ~~Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.~~

1942 ~~b. A person or entity authorized by a court of competent~~
1943 ~~jurisdiction in compliance with an order of that court or the~~
1944 ~~attorney of record pursuant to a lawfully issued subpoena,~~
1945 ~~consistent with the Family Educational Rights and Privacy Act,~~
1946 ~~20 U.S.C. s. 1232g.~~

1947 ~~e. Any person, entity, or authority issuing a subpoena for~~
1948 ~~law enforcement purposes when the court or other issuing agency~~
1949 ~~has ordered that the existence or the contents of the subpoena~~
1950 ~~or the information furnished in response to the subpoena not be~~
1951 ~~disclosed, consistent with the Family Educational Rights and~~
1952 ~~Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.~~

1953



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1954 ~~The commissioner's order suspending payment pursuant to this~~
1955 ~~paragraph may be appealed pursuant to the same procedures and~~
1956 ~~timelines as the notice of proposed action set forth in~~
1957 ~~paragraph (b).~~

1958 Section 16. Effective upon this act becoming a law, section
1959 1002.40, Florida Statutes, is created to read:

1960 1002.40 The Hope Scholarship Program.-

1961 (1) PURPOSE.-The Hope Scholarship Program is established to
1962 provide the parent of a public school student who was subjected
1963 to an incident listed in subsection (3) an opportunity to
1964 transfer the student to another public school or to request a
1965 scholarship for the student to enroll in and attend an eligible
1966 private school.

1967 (2) DEFINITIONS.-As used in this section, the term:

1968 (a) "Dealer" has the same meaning as provided in s. 212.06.

1969 (b) "Department" means the Department of Education.

1970 (c) "Designated agent" has the same meaning as provided in
1971 s. 212.06(10).

1972 (d) "Eligible contribution" or "contribution" means a
1973 monetary contribution from a person purchasing a motor vehicle,
1974 subject to the restrictions provided in this section, to an
1975 eligible nonprofit scholarship-funding organization. The person
1976 making the contribution may not designate a specific student as
1977 the beneficiary of the contribution.

1978 (e) "Eligible nonprofit scholarship-funding organization"
1979 or "organization" has the same meaning as provided in s.
1980 1002.395(2) (f).

1981 (f) "Eligible private school" has the same meaning as
1982 provided in s. 1002.395(2) (g).



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1983 (g) "Motor vehicle" has the same meaning as provided in s.
1984 320.01(1)(a), but does not include a heavy truck, truck tractor,
1985 trailer, or motorcycle.

1986 (h) "Parent" means a resident of this state who is a
1987 parent, as defined in s. 1000.21, and whose student reported an
1988 incident in accordance with subsection (6).

1989 (i) "Program" means the Hope Scholarship Program.

1990 (j) "School" means any educational program or activity
1991 conducted by a public K-12 educational institution, any school-
1992 related or school-sponsored program or activity, and riding on a
1993 school bus, as defined in s. 1006.25(1), including waiting at a
1994 school bus stop.

1995 (k) "Unweighted FTE funding amount" means the statewide
1996 average total funds per unweighted full-time equivalent funding
1997 amount that is incorporated by reference in the General
1998 Appropriations Act, or by a subsequent special appropriations
1999 act, for the applicable state fiscal year.

2000 (3) PROGRAM ELIGIBILITY.—Beginning with the 2018-2019
2001 school year, contingent upon available funds, and on a first-
2002 come, first-served basis, a student enrolled in a Florida public
2003 school in kindergarten through grade 12 is eligible for a
2004 scholarship under this program if the student reported an
2005 incident in accordance with subsection (6). For purposes of this
2006 section, the term "incident" means battery; harassment; hazing;
2007 bullying; kidnapping; physical attack; robbery; sexual offenses,
2008 harassment, assault, or battery; threat or intimidation; or
2009 fighting at school, as defined by the department in accordance
2010 with s. 1006.09(6).

2011 (4) PROGRAM PROHIBITIONS.—Payment of a scholarship to a



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2012 student enrolled in a private school may not be made if a
2013 student is:

2014 (a) Enrolled in a public school, including, but not limited
2015 to, the Florida School for the Deaf and the Blind; the College-
2016 Preparatory Boarding Academy; a developmental research school
2017 authorized under s. 1002.32; or a charter school authorized
2018 under s. 1002.33, s. 1002.331, or s. 1002.332;

2019 (b) Enrolled in a school operating for the purpose of
2020 providing educational services to youth in the Department of
2021 Juvenile Justice commitment programs;

2022 (c) Participating in a virtual school, correspondence
2023 school, or distance learning program that receives state funding
2024 pursuant to the student's participation unless the participation
2025 is limited to no more than two courses per school year; or

2026 (d) Receiving any other educational scholarship pursuant to
2027 this chapter.

2028 (5) TERM OF HOPE SCHOLARSHIP.—For purposes of continuity of
2029 educational choice, a Hope scholarship shall remain in force
2030 until the student returns to public school or graduates from
2031 high school, whichever occurs first. A scholarship student who
2032 enrolls in a public school or public school program is
2033 considered to have returned to a public school for the purpose
2034 of determining the end of the scholarship's term.

2035 (6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

2036 (a) Upon receipt of a report of an incident, the school
2037 principal, or his or her designee, shall provide a copy of the
2038 report to the parent and investigate the incident to determine
2039 if the incident must be reported as required by s. 1006.09(6).
2040 Within 24 hours after receipt of the report, the principal or



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2041 his or her designee shall provide a copy of the report to the
2042 parent of the alleged offender and to the superintendent. Upon
2043 conclusion of the investigation or within 15 days after the
2044 incident was reported, whichever occurs first, the school
2045 district shall notify the parent of the program and offer the
2046 parent an opportunity to enroll his or her student in another
2047 public school that has capacity or to request and receive a
2048 scholarship to attend an eligible private school, subject to
2049 available funding. A parent who chooses to enroll his or her
2050 student in a public school located outside the district in which
2051 the student resides pursuant to s. 1002.31 shall be eligible for
2052 a scholarship to transport the student as provided in paragraph
2053 (11) (b) .

2054 (b) For each student participating in the program in an
2055 eligible private school who chooses to participate in the
2056 statewide assessments under s. 1008.22 or the Florida Alternate
2057 Assessment, the school district in which the student resides
2058 must notify the student and his or her parent about the
2059 locations and times to take all statewide assessments.

2060 (7) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible
2061 private school may be sectarian or nonsectarian and shall:

2062 (a) Comply with all requirements for private schools
2063 participating in state school choice scholarship programs
2064 pursuant to this section and s. 1002.421.

2065 (b)1. Annually administer or make provision for students
2066 participating in the program in grades 3 through 10 to take one
2067 of the nationally norm-referenced tests identified by the
2068 department or the statewide assessments pursuant to s. 1008.22.
2069 Students with disabilities for whom standardized testing is not



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2070 appropriate are exempt from this requirement. A participating
2071 private school shall report a student's scores to his or her
2072 parent.

2073 2. Administer the statewide assessments pursuant to s.
2074 1008.22 if a private school chooses to offer the statewide
2075 assessments. A participating private school may choose to offer
2076 and administer the statewide assessments to all students who
2077 attend the private school in grades 3 through 10 and must submit
2078 a request in writing to the department by March 1 of each year
2079 in order to administer the statewide assessments in the
2080 subsequent school year.

2081
2082 If a private school fails to meet the requirements of this
2083 subsection or s. 1002.421, the commissioner may determine that
2084 the private school is ineligible to participate in the program.

2085 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
2086 shall:

2087 (a) Cross-check the list of participating scholarship
2088 students with the public school enrollment lists to avoid
2089 duplication.

2090 (b) Maintain a list of nationally norm-referenced tests
2091 identified for purposes of satisfying the testing requirement in
2092 paragraph (9) (f). The tests must meet industry standards of
2093 quality in accordance with State Board of Education rule.

2094 (c) Require quarterly reports by an eligible nonprofit
2095 scholarship-funding organization regarding the number of
2096 students participating in the program, the private schools in
2097 which the students are enrolled, and other information deemed
2098 necessary by the department.



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2099 (d) Contract with an independent entity to provide an
2100 annual evaluation of the program by:
2101 1. Reviewing the school bullying prevention education
2102 program, climate and code of student conduct of each public
2103 school from which 10 or more students transferred to another
2104 public school or private school using the Hope scholarship to
2105 determine areas in the school or school district procedures
2106 involving reporting, investigating, and communicating a parent's
2107 and student's rights that are in need of improvement. At a
2108 minimum, the review must include:
2109 a. An assessment of the investigation time and quality of
2110 the response of the school and the school district.
2111 b. An assessment of the effectiveness of communication
2112 procedures with the students involved in an incident, the
2113 students' parents, and the school and school district personnel.
2114 c. An analysis of school incident and discipline data.
2115 d. The challenges and obstacles relating to implementing
2116 recommendations from the review.
2117 2. Reviewing the school bullying prevention education
2118 program, climate and code of student conduct of each public
2119 school to which a student transferred if the student was from a
2120 school identified in subparagraph 1. in order to identify best
2121 practices and make recommendations to a public school at which
2122 the incidents occurred.
2123 3. Reviewing the performance of participating students
2124 enrolled in a private school in which at least 51 percent of the
2125 total enrolled students in the prior school year participated in
2126 the program and in which there are at least 10 participating
2127 students who have scores for tests administered.



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2128 4. Surveying the parents of participating students to
2129 determine academic, safety, and school climate satisfaction and
2130 to identify any challenges to or obstacles in addressing the
2131 incident or relating to the use of the scholarship.

2132 (9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
2133 PARTICIPATION.—A parent who applies for a Hope scholarship is
2134 exercising his or her parental option to place his or her
2135 student in an eligible private school.

2136 (a) The parent must select an eligible private school and
2137 apply for the admission of his or her student.

2138 (b) The parent must inform the student's school district
2139 when the parent withdraws his or her student to attend an
2140 eligible private school.

2141 (c) Any student participating in the program must remain in
2142 attendance throughout the school year unless excused by the
2143 school for illness or other good cause.

2144 (d) Each parent and each student has an obligation to the
2145 private school to comply with such school's published policies.

2146 (e) Upon reasonable notice to the department and the school
2147 district, the parent may remove the student from the private
2148 school and place the student in a public school in accordance
2149 with this section.

2150 (f) The parent must ensure that the student participating
2151 in the program takes the norm-referenced assessment offered by
2152 the private school. The parent may also choose to have the
2153 student participate in the statewide assessments pursuant to s.
2154 1008.22. If the parent requests that the student take the
2155 statewide assessments pursuant to s. 1008.22 and the private
2156 school has not chosen to offer and administer the statewide



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2157 assessments, the parent is responsible for transporting the
2158 student to the assessment site designated by the school
2159 district.

2160 (g) Upon receipt of a scholarship warrant, the parent to
2161 whom the warrant is made must restrictively endorse the warrant
2162 to the private school for deposit into the account of such
2163 school. If payment is made by funds transfer in accordance with
2164 paragraph (11)(d), the parent must approve each payment before
2165 the scholarship funds may be deposited. The parent may not
2166 designate any entity or individual associated with the
2167 participating private school as the parent's attorney in fact to
2168 endorse a scholarship warrant or approve a funds transfer. A
2169 parent who fails to comply with this paragraph forfeits the
2170 scholarship.

2171 (10) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
2172 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
2173 organization may establish scholarships for eligible students
2174 by:

2175 (a) Receiving applications and determining student
2176 eligibility in accordance with the requirements of this section.

2177 (b) Notifying parents of their receipt of a scholarship on
2178 a first-come, first-served basis, based upon available funds.

2179 (c) Establishing a date by which the parent of a
2180 participating student must confirm continuing participation in
2181 the program.

2182 (d) Awarding scholarship funds to eligible students, giving
2183 priority to renewing students from the previous year.

2184 (e) Preparing and submitting quarterly reports to the
2185 department pursuant to paragraph (8)(c). In addition, an



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2186 eligible nonprofit scholarship-funding organization must submit
2187 in a timely manner any information requested by the department
2188 relating to the program.

2189 (f) Notifying the department of any violation of this
2190 section.

2191 (11) FUNDING AND PAYMENT.—

2192 (a) The maximum amount awarded to a student enrolled in an
2193 eligible private school shall be determined as a percentage of
2194 the unweighted FTE funding amount for that state fiscal year and
2195 thereafter as follows:

2196 1. Eighty-eight percent for a student enrolled in
2197 kindergarten through grade 5.

2198 2. Ninety-two percent for a student enrolled in grade 6
2199 through grade 8.

2200 3. Ninety-six percent for a student enrolled in grade 9
2201 through grade 12.

2202 (b) The maximum amount awarded to a student enrolled in a
2203 public school located outside of the district in which the
2204 student resides shall be \$750.

2205 (c) When a student enters the program, the eligible
2206 nonprofit scholarship-funding organization must receive all
2207 documentation required for the student's participation,
2208 including a copy of the report of the incident received pursuant
2209 to subsection (6) and the private school's and student's fee
2210 schedules. The initial payment shall be made after verification
2211 of admission acceptance, and subsequent payments shall be made
2212 upon verification of continued enrollment and attendance at the
2213 private school.

2214 (d) Payment of the scholarship by the eligible nonprofit



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2215 scholarship-funding organization may be by individual warrant
2216 made payable to the student's parent or by funds transfer,
2217 including, but not limited to, debit cards, electronic payment
2218 cards, or any other means of payment that the department deems
2219 to be commercially viable or cost-effective. If payment is made
2220 by warrant, the warrant must be delivered by the eligible
2221 nonprofit scholarship-funding organization to the private school
2222 of the parent's choice, and the parent shall restrictively
2223 endorse the warrant to the private school. If payments are made
2224 by funds transfer, the parent must approve each payment before
2225 the scholarship funds may be deposited. The parent may not
2226 designate any entity or individual associated with the
2227 participating private school as the parent's attorney in fact to
2228 endorse a scholarship warrant or approve a funds transfer.

2229 (e) An eligible nonprofit scholarship-funding organization
2230 shall obtain verification from the private school of a student's
2231 continued attendance at the school for each period covered by a
2232 scholarship payment.

2233 (f) Payment of the scholarship shall be made by the
2234 eligible nonprofit scholarship-funding organization no less
2235 frequently than on a quarterly basis.

2236 (g) An eligible nonprofit scholarship-funding organization
2237 may use up to 3 percent of eligible contributions received
2238 during the state fiscal year in which such contributions are
2239 collected for administrative expenses if the organization has
2240 operated as an eligible nonprofit scholarship-funding
2241 organization for at least the preceding 3 fiscal years and did
2242 not have any findings of material weakness or material
2243 noncompliance in its most recent audit under s. 1002.395(6)(m).



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2244 Such administrative expenses must be reasonable and necessary
2245 for the organization's management and distribution of eligible
2246 contributions under this section. Funds authorized under this
2247 paragraph may not be used for lobbying or political activity or
2248 expenses related to lobbying or political activity. Up to one-
2249 third of the funds authorized for administrative expenses under
2250 this paragraph may be used for expenses related to the
2251 recruitment of contributions. An eligible nonprofit scholarship-
2252 funding organization may not charge an application fee.

2253 (h) Moneys received pursuant to this section do not
2254 constitute taxable income to the qualified student or his or her
2255 parent.

2256 (12) OBLIGATIONS OF THE AUDITOR GENERAL.-

2257 (a) The Auditor General shall conduct an annual operational
2258 audit of accounts and records of each organization that
2259 participates in the program. As part of this audit, the Auditor
2260 General shall verify, at a minimum, the total number of students
2261 served and transmit that information to the department. The
2262 Auditor General shall provide the commissioner with a copy of
2263 each annual operational audit performed pursuant to this
2264 paragraph within 10 days after the audit is finalized.

2265 (b) The Auditor General shall notify the department of any
2266 organization that fails to comply with a request for
2267 information.

2268 (13) SCHOLARSHIP FUNDING TAX CREDITS.-

2269 (a) A tax credit is available under s. 212.1832(1) for use
2270 by a person that makes an eligible contribution. Each eligible
2271 contribution is limited to a single payment of \$105 per motor
2272 vehicle purchased at the time of purchase of a motor vehicle or



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2273 a single payment of \$105 per motor vehicle purchased at the time
2274 of registration of a motor vehicle that was not purchased from a
2275 dealer, except that a contribution may not exceed the state tax
2276 imposed under chapter 212 that would otherwise be collected from
2277 the purchaser by a dealer, designated agent, or private tag
2278 agent. Payments of contributions shall be made to a dealer at
2279 the time of purchase of a motor vehicle or to a designated agent
2280 or private tag agent at the time of registration of a motor
2281 vehicle that was not purchased from a dealer. An eligible
2282 contribution shall be accompanied by a contribution election
2283 form provided by the Department of Revenue. The form shall
2284 include, at a minimum, the following brief description of the
2285 Hope Scholarship Program: "THE HOPE SCHOLARSHIP PROGRAM PROVIDES
2286 A PUBLIC SCHOOL STUDENT WHO WAS SUBJECTED TO AN INCIDENT OF
2287 VIOLENCE OR BULLYING AT SCHOOL THE OPPORTUNITY TO APPLY FOR A
2288 SCHOLARSHIP TO ATTEND AN ELIGIBLE PRIVATE SCHOOL RATHER THAN
2289 REMAIN IN AN UNSAFE SCHOOL ENVIRONMENT." The form shall also
2290 include, at a minimum, a section allowing the consumer to
2291 designate, from all participating scholarship funding
2292 organizations, which organization will receive his or her
2293 donation. For purposes of this subsection, the term "purchase"
2294 does not include the lease or rental of a motor vehicle.

2295 (b) A dealer, designated agent, or private tag agent shall:

2296 1. Provide the purchaser the contribution election form, as
2297 provided by the Department of Revenue, at the time of purchase
2298 of a motor vehicle or at the time of registration of a motor
2299 vehicle that was not purchased from a dealer.

2300 2. Collect eligible contributions.

2301 3. Using a form provided by the Department of Revenue,



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2302 which shall include the dealer's or agent's federal employer
2303 identification number, remit to an organization no later than
2304 the date the return filed pursuant to s. 212.11 is due the total
2305 amount of contributions made to that organization and collected
2306 during the preceding reporting period. Using the same form, the
2307 dealer or agent shall also report this information to the
2308 Department of Revenue no later than the date the return filed
2309 pursuant to s. 212.11 is due.

2310 4. Report to the Department of Revenue on each return filed
2311 pursuant to s. 212.11 the total amount of credits granted under
2312 s. 212.1832 for the preceding reporting period.

2313 (c) An organization shall report to the Department of
2314 Revenue, on or before the 20th day of each month, the total
2315 amount of contributions received pursuant to paragraph (b) in
2316 the preceding calendar month on a form provided by the
2317 Department of Revenue. Such report shall include:

2318 1. The federal employer identification number of each
2319 designated agent, private tag agent, or dealer who remitted
2320 contributions to the organization during that reporting period.

2321 2. The amount of contributions received from each
2322 designated agent, private tag agent, or dealer during that
2323 reporting period.

2324 (d) A person who, with the intent to unlawfully deprive or
2325 defraud the program of its moneys or the use or benefit thereof,
2326 fails to remit a contribution collected under this section is
2327 guilty of theft, punishable as follows:

2328 1. If the total amount stolen is less than \$300, the
2329 offense is a misdemeanor of the second degree, punishable as
2330 provided in s. 775.082 or s. 775.083. Upon a second conviction,



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2331 the offender is guilty of a misdemeanor of the first degree,
2332 punishable as provided in s. 775.082 or s. 775.083. Upon a third
2333 or subsequent conviction, the offender is guilty of a felony of
2334 the third degree, punishable as provided in s. 775.082, s.
2335 775.083, or s. 775.084.

2336 2. If the total amount stolen is \$300 or more, but less
2337 than \$20,000, the offense is a felony of the third degree,
2338 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2339 3. If the total amount stolen is \$20,000 or more, but less
2340 than \$100,000, the offense is a felony of the second degree,
2341 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2342 4. If the total amount stolen is \$100,000 or more, the
2343 offense is a felony of the first degree, punishable as provided
2344 in s. 775.082, s. 775.083, or s. 775.084.

2345 (e) A person convicted of an offense under paragraph (d)
2346 shall be ordered by the sentencing judge to make restitution to
2347 the organization in the amount that was stolen from the program.

2348 (f) Upon a finding that a dealer failed to remit a
2349 contribution under subparagraph (b)3. for which the dealer
2350 claimed a credit pursuant to s. 212.1832(2), the Department of
2351 Revenue shall notify the affected organizations of the dealer's
2352 name, address, federal employer identification number, and
2353 information related to differences between credits taken by the
2354 dealer pursuant to s. 212.1832(2) and amounts remitted to the
2355 eligible nonprofit scholarship-funding organization under
2356 subparagraph (b)3.

2357 (g) Any dealer, designated agent, private tag agent, or
2358 organization that fails to timely submit reports to the
2359 Department of Revenue as required in paragraphs (b) and (c) is



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2360 subject to a penalty of \$1,000 for every month, or part thereof,
2361 the report is not provided, up to a maximum amount of \$10,000.
2362 Such penalty shall be collected by the Department of Revenue and
2363 shall be transferred into the General Revenue Fund. Such penalty
2364 must be settled or compromised if it is determined by the
2365 Department of Revenue that the noncompliance is due to
2366 reasonable cause and not due to willful negligence, willful
2367 neglect, or fraud.

2368 (14) LIABILITY.—The state is not liable for the award of or
2369 any use of awarded funds under this section.

2370 (15) SCOPE OF AUTHORITY.—This section does not expand the
2371 regulatory authority of this state, its officers, or any school
2372 district to impose additional regulation on participating
2373 private schools beyond those reasonably necessary to enforce
2374 requirements expressly set forth in this section.

2375 (16) RULES.—The State Board of Education shall adopt rules
2376 to administer this section, except the Department of Revenue
2377 shall adopt rules to administer subsection (13).

2378 Section 17. Section 1002.411, Florida Statutes, is created
2379 to read:

2380 1002.411 Reading scholarship accounts.—

2381 (1) READING SCHOLARSHIP ACCOUNTS.—Reading scholarship
2382 accounts are established to provide educational options for
2383 students.

2384 (2) ELIGIBILITY.—Contingent upon available funds, and on a
2385 first-come, first-served basis, each student in grades 3 through
2386 5 who is enrolled in a Florida public school is eligible for a
2387 reading scholarship account if the student scored below a Level
2388 3 on the grade 3 or grade 4 statewide, standardized English



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2389 Language Arts (ELA) assessment in the prior school year. An
2390 eligible student who is classified as an English Language
2391 Learner and is enrolled in a program or receiving services that
2392 are specifically designed to meet the instructional needs of
2393 English Language Learner students shall receive priority.

2394 (3) PARENT AND STUDENT RESPONSIBILITIES FOR PARTICIPATION.—

2395 (a) For an eligible student to receive a reading
2396 scholarship account, the student's parent must:

2397 1. Submit an application to an eligible nonprofit
2398 scholarship-funding organization by the deadline established by
2399 such organization; and

2400 2. Submit eligible expenses to the eligible nonprofit
2401 scholarship-funding organization for reimbursement of qualifying
2402 expenditures, which may include:

2403 a. Instructional materials.

2404 b. Curriculum. As used in this sub-subparagraph, the term
2405 "curriculum" means a complete course of study for a particular
2406 content area or grade level, including any required supplemental
2407 materials and associated online instruction.

2408 c. Tuition and fees for part-time tutoring services
2409 provided by a person who holds a valid Florida educator's
2410 certificate pursuant to s. 1012.56; a person who holds a
2411 baccalaureate or graduate degree in the subject area; a person
2412 who holds an adjunct teaching certificate pursuant to s.
2413 1012.57; or a person who has demonstrated a mastery of subject
2414 area knowledge pursuant to s. 1012.56(5).

2415 d. Fees for summer education programs designed to improve
2416 reading or literacy skills.

2417 e. Fees for after-school education programs designed to



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2418 improve reading or literacy skills.

2419

2420 A provider of any services receiving payments pursuant to this
2421 subparagraph may not share any moneys from the reading
2422 scholarship with, or provide a refund or rebate of any moneys
2423 from such scholarship to, the parent or participating student in
2424 any manner. A parent, student, or provider of any services may
2425 not bill an insurance company, Medicaid, or any other agency for
2426 the same services that are paid for using reading scholarship
2427 funds.

2428 (b) The parent is responsible for the payment of all
2429 eligible expenses in excess of the amount in the account in
2430 accordance with the terms agreed to between the parent and any
2431 providers and may not receive any refund or rebate of any
2432 expenditures made in accordance with paragraph (a).

2433 (4) ADMINISTRATION.—An eligible nonprofit scholarship-
2434 funding organization participating in the Florida Tax Credit
2435 Scholarship Program established by s. 1002.395 may establish
2436 reading scholarship accounts for eligible students in accordance
2437 with the requirements of eligible nonprofit scholarship-funding
2438 organizations under this chapter.

2439 (5) DEPARTMENT OBLIGATIONS.—The department shall have the
2440 same duties imposed by this chapter upon the department
2441 regarding oversight of scholarship programs administered by an
2442 eligible nonprofit scholarship-funding organization.

2443 (6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—By
2444 September 30, the school district shall notify the parent of
2445 each student in grades 3 through 5 who scored below a level 3 on
2446 the statewide, standardized ELA assessment in the prior school



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2447 year of the process to request and receive a reading
2448 scholarship, subject to available funds.

2449 (7) ACCOUNT FUNDING AND PAYMENT.—

2450 (a) For the 2018-2019 school year, the amount of the
2451 scholarship shall be \$500 per eligible student. Thereafter, the
2452 maximum amount granted for an eligible student shall be provided
2453 in the General Appropriations Act.

2454 (b) One hundred percent of the funds appropriated for the
2455 reading scholarship accounts shall be released to the department
2456 at the beginning of the first quarter of each fiscal year.

2457 (c) Upon notification from the eligible nonprofit
2458 scholarship-funding organization that a student has been
2459 determined eligible for a reading scholarship, the department
2460 shall release the student's scholarship funds to such
2461 organization to be deposited into the student's account.

2462 (d) Accrued interest in the student's account is in
2463 addition to, and not part of, the awarded funds. Account funds
2464 include both the awarded funds and accrued interest.

2465 (e) The eligible nonprofit scholarship-funding organization
2466 may develop a system for payment of scholarship funds by funds
2467 transfer, including, but not limited to, debit cards, electronic
2468 payment cards, or any other means of payment that the department
2469 deems to be commercially viable or cost-effective. A student's
2470 scholarship award may not be reduced for debit card or
2471 electronic payment fees. Commodities or services related to the
2472 development of such a system shall be procured by competitive
2473 solicitation unless they are purchased from a state term
2474 contract pursuant to s. 287.056.

2475 (f) Payment of the scholarship shall be made by the



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2476 eligible nonprofit scholarship-funding organization no less
2477 frequently than on a quarterly basis.

2478 (g) In addition to funds appropriated for scholarships and
2479 subject to a separate, specific legislative appropriation, an
2480 organization may receive an amount equivalent to not more than 3
2481 percent of the amount of each scholarship from state funds for
2482 administrative expenses if the organization has operated as a
2483 nonprofit entity for at least the preceding 3 fiscal years and
2484 did not have any findings of material weakness or material
2485 noncompliance in its most recent audit under s. 1002.395. Such
2486 administrative expenses must be reasonable and necessary for the
2487 organization's management and distribution of scholarships under
2488 this section. Funds authorized under this paragraph may not be
2489 used for lobbying or political activity or expenses related to
2490 lobbying or political activity. An organization may not charge
2491 an application fee for a scholarship. Administrative expenses
2492 may not be deducted from funds appropriated for scholarships.

2493 (h) Moneys received pursuant to this section do not
2494 constitute taxable income to the qualified student or his or her
2495 parent.

2496 (i) A student's scholarship account must be closed and any
2497 remaining funds shall revert to the state after:

2498 1. Denial or revocation of scholarship eligibility by the
2499 commissioner for fraud or abuse, including, but not limited to,
2500 the student or student's parent accepting any payment, refund,
2501 or rebate, in any manner, from a provider of any services
2502 received pursuant to subsection (3); or

2503 2. Three consecutive fiscal years in which an account has
2504 been inactive.



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2505 (8) LIABILITY.—No liability shall arise on the part of the
2506 state based on the award or use of a reading scholarship
2507 account.

2508 Section 18. Section 1002.421, Florida Statutes, is amended
2509 to read:

2510 1002.421 ~~Accountability of private schools participating in~~
2511 State school choice scholarship program accountability and
2512 oversight programs.—

2513 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A Florida
2514 private school participating in the Florida Tax Credit
2515 Scholarship Program established pursuant to s. 1002.395 or an
2516 educational scholarship program established pursuant to this
2517 chapter must be a private school as defined in s. 1002.01(2) in
2518 this state, be registered, and be in compliance ~~comply~~ with all
2519 requirements of this section in addition to private school
2520 requirements outlined in s. 1002.42, specific requirements
2521 identified within respective scholarship program laws, and other
2522 provisions of Florida law that apply to private schools, and
2523 must:—

2524 ~~(2) A private school participating in a scholarship program~~
2525 ~~must be a Florida private school as defined in s. 1002.01(2),~~
2526 ~~must be registered in accordance with s. 1002.42, and must:~~

2527 (a) Comply with the antidiscrimination provisions of 42
2528 U.S.C. s. 2000d.

2529 (b) Notify the department of its intent to participate in a
2530 scholarship program.

2531 (c) Notify the department of any change in the school's
2532 name, school director, mailing address, or physical location
2533 within 15 days after the change.



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2534 (d) Provide to the department or scholarship-funding
2535 organization all documentation required for a student's
2536 participation, including the private school's and student's
2537 individual fee schedule, and ~~Complete student enrollment and~~
2538 ~~attendance verification requirements, including use of an online~~
2539 attendance verification as required by the department or
2540 scholarship-funding organization ~~form~~, prior to scholarship
2541 payment.

2542 (e) Annually complete and submit to the department a
2543 notarized scholarship compliance statement certifying that all
2544 school employees and contracted personnel with direct student
2545 contact have undergone background screening pursuant to s.
2546 943.0542 and have met the screening standards as provided in s.
2547 435.04.

2548 (f) Demonstrate fiscal soundness and accountability by:
2549 1. Being in operation for at least 3 school years or
2550 obtaining a surety bond or letter of credit for the amount equal
2551 to the scholarship funds for any quarter and filing the surety
2552 bond or letter of credit with the department.

2553 2. Requiring the parent of each scholarship student to
2554 personally restrictively endorse the scholarship warrant to the
2555 school or to approve a funds transfer before any funds are
2556 deposited for a student. The school may not act as attorney in
2557 fact for the parent of a scholarship student under the authority
2558 of a power of attorney executed by such parent, or under any
2559 other authority, to endorse a scholarship warrant or approve a
2560 funds transfer warrants on behalf of such parent.

2561 (g) Meet applicable state and local health, safety, and
2562 welfare laws, codes, and rules, including:



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2563 1. Firesafety.

2564 2. Building safety.

2565 (h) Employ or contract with teachers who hold baccalaureate
2566 or higher degrees, have at least 3 years of teaching experience
2567 in public or private schools, or have special skills, knowledge,
2568 or expertise that qualifies them to provide instruction in
2569 subjects taught.

2570 (i) Maintain a physical location in the state at which each
2571 student has regular and direct contact with teachers.

2572 (j) Publish on the school's website, or provide in a
2573 written format, information for parents regarding the school,
2574 including, but not limited to, programs, services, and the
2575 qualifications of classroom teachers.

2576 (k) At a minimum, provide the parent of each scholarship
2577 student with a written explanation of the student's progress on
2578 a quarterly basis.

2579 (l) Cooperate with a student whose parent chooses to
2580 participate in the statewide assessments pursuant to s. 1008.22.

2581 (m) ~~(i)~~ Require each employee and contracted personnel with
2582 direct student contact, upon employment or engagement to provide
2583 services, to undergo a state and national background screening,
2584 pursuant to s. 943.0542, by electronically filing with the
2585 Department of Law Enforcement a complete set of fingerprints
2586 taken by an authorized law enforcement agency or an employee of
2587 the private school, a school district, or a private company who
2588 is trained to take fingerprints and deny employment to or
2589 terminate an employee if he or she fails to meet the screening
2590 standards under s. 435.04. Results of the screening shall be
2591 provided to the participating private school. For purposes of



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2592 this paragraph:

2593 1. An "employee or contracted personnel with direct student
2594 contact" means any employee or contracted personnel who has
2595 unsupervised access to a scholarship student for whom the
2596 private school is responsible.

2597 2. The costs of fingerprinting and the background check
2598 shall not be borne by the state.

2599 3. Continued employment of an employee or contracted
2600 personnel after notification that he or she has failed the
2601 background screening under this paragraph shall cause a private
2602 school to be ineligible for participation in a scholarship
2603 program.

2604 4. An employee or contracted personnel holding a valid
2605 Florida teaching certificate who has been fingerprinted pursuant
2606 to s. 1012.32 is not required to comply with the provisions of
2607 this paragraph.

2608 5.~~(3)~~ (a) All fingerprints submitted to the Department of
2609 Law Enforcement as required by this section shall be retained by
2610 the Department of Law Enforcement in a manner provided by rule
2611 and entered in the statewide automated biometric identification
2612 system authorized by s. 943.05(2)(b). Such fingerprints shall
2613 thereafter be available for all purposes and uses authorized for
2614 arrest fingerprints entered in the statewide automated biometric
2615 identification system pursuant to s. 943.051.

2616 6.~~(b)~~ The Department of Law Enforcement shall search all
2617 arrest fingerprints received under s. 943.051 against the
2618 fingerprints retained in the statewide automated biometric
2619 identification system under subparagraph 5 ~~paragraph (a)~~. Any
2620 arrest record that is identified with the retained fingerprints



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2621 of a person subject to the background screening under this
2622 section shall be reported to the employing school with which the
2623 person is affiliated. Each private school participating in a
2624 scholarship program is required to participate in this search
2625 process by informing the Department of Law Enforcement of any
2626 change in the employment or contractual status of its personnel
2627 whose fingerprints are retained under subparagraph 5 ~~paragraph~~
2628 ~~(a)~~. The Department of Law Enforcement shall adopt a rule
2629 setting the amount of the annual fee to be imposed upon each
2630 private school for performing these searches and establishing
2631 the procedures for the retention of private school employee and
2632 contracted personnel fingerprints and the dissemination of
2633 search results. The fee may be borne by the private school or
2634 the person fingerprinted.

2635 7. ~~(e)~~ Employees and contracted personnel whose fingerprints
2636 are not retained by the Department of Law Enforcement under
2637 subparagraphs 5. and 6. ~~paragraphs (a) and (b)~~ are required to
2638 be refingerprinted and must meet state and national background
2639 screening requirements upon reemployment or reengagement to
2640 provide services in order to comply with the requirements of
2641 this section.

2642 8. ~~(d)~~ Every 5 years following employment or engagement to
2643 provide services with a private school, employees or contracted
2644 personnel required to be screened under this section must meet
2645 screening standards under s. 435.04, at which time the private
2646 school shall request the Department of Law Enforcement to
2647 forward the fingerprints to the Federal Bureau of Investigation
2648 for national processing. If the fingerprints of employees or
2649 contracted personnel are not retained by the Department of Law



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2650 Enforcement under subparagraph 5. ~~paragraph (a)~~, employees and
2651 contracted personnel must electronically file a complete set of
2652 fingerprints with the Department of Law Enforcement. Upon
2653 submission of fingerprints for this purpose, the private school
2654 shall request that the Department of Law Enforcement forward the
2655 fingerprints to the Federal Bureau of Investigation for national
2656 processing, and the fingerprints shall be retained by the
2657 Department of Law Enforcement under subparagraph 5 ~~paragraph~~
2658 ~~(a)~~.

2659 ~~(4) A private school that accepts scholarship students~~
2660 ~~under s. 1002.39 or s. 1002.395 must:~~

2661 ~~(a) Disqualify instructional personnel and school~~
2662 ~~administrators, as defined in s. 1012.01, from employment in any~~
2663 ~~position that requires direct contact with students if the~~
2664 ~~personnel or administrators are ineligible for such employment~~
2665 ~~under s. 1012.315.~~

2666 (n) ~~(b)~~ Adopt policies establishing standards of ethical
2667 conduct for instructional personnel and school administrators.
2668 The policies must require all instructional personnel and school
2669 administrators, as defined in s. 1012.01, to complete training
2670 on the standards; establish the duty of instructional personnel
2671 and school administrators to report, and procedures for
2672 reporting, alleged misconduct by other instructional personnel
2673 and school administrators which affects the health, safety, or
2674 welfare of a student; and include an explanation of the
2675 liability protections provided under ss. 39.203 and 768.095. A
2676 private school, or any of its employees, may not enter into a
2677 confidentiality agreement regarding terminated or dismissed
2678 instructional personnel or school administrators, or personnel



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2679 or administrators who resign in lieu of termination, based in
2680 whole or in part on misconduct that affects the health, safety,
2681 or welfare of a student, and may not provide the instructional
2682 personnel or school administrators with employment references or
2683 discuss the personnel's or administrators' performance with
2684 prospective employers in another educational setting, without
2685 disclosing the personnel's or administrators' misconduct. Any
2686 part of an agreement or contract that has the purpose or effect
2687 of concealing misconduct by instructional personnel or school
2688 administrators which affects the health, safety, or welfare of a
2689 student is void, is contrary to public policy, and may not be
2690 enforced.

2691 (o) ~~(e)~~ Before employing instructional personnel or school
2692 administrators in any position that requires direct contact with
2693 students, conduct employment history checks of each of the
2694 personnel's or administrators' previous employers, screen the
2695 personnel or administrators through use of the educator
2696 screening tools described in s. 1001.10(5), and document the
2697 findings. If unable to contact a previous employer, the private
2698 school must document efforts to contact the employer.

2699 (p) Require each owner or operator of the private school,
2700 prior to employment or engagement to provide services, to
2701 undergo level 2 background screening as provided under chapter
2702 435. For purposes of this paragraph, the term "owner or
2703 operator" means an owner, operator, superintendent, or principal
2704 of, or a person with equivalent decisionmaking authority over, a
2705 private school participating in a scholarship program
2706 established pursuant to this chapter. The fingerprints for the
2707 background screening must be electronically submitted to the



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2708 Department of Law Enforcement and may be taken by an authorized
2709 law enforcement agency or a private company who is trained to
2710 take fingerprints. However, the complete set of fingerprints of
2711 an owner or operator may not be taken by the owner or operator.
2712 The owner or operator shall provide a copy of the results of the
2713 state and national criminal history check to the Department of
2714 Education. The cost of the background screening may be borne by
2715 the owner or operator.

2716 1. Every 5 years following employment or engagement to
2717 provide services, each owner or operator must meet level 2
2718 screening standards as described in s. 435.04, at which time the
2719 owner or operator shall request the Department of Law
2720 Enforcement to forward the fingerprints to the Federal Bureau of
2721 Investigation for level 2 screening. If the fingerprints of an
2722 owner or operator are not retained by the Department of Law
2723 Enforcement under subparagraph 2., the owner or operator must
2724 electronically file a complete set of fingerprints with the
2725 Department of Law Enforcement. Upon submission of fingerprints
2726 for this purpose, the owner or operator shall request that the
2727 Department of Law Enforcement forward the fingerprints to the
2728 Federal Bureau of Investigation for level 2 screening, and the
2729 fingerprints shall be retained by the Department of Law
2730 Enforcement under subparagraph 2.

2731 2. Fingerprints submitted to the Department of Law
2732 Enforcement as required by this paragraph must be retained by
2733 the Department of Law Enforcement in a manner approved by rule
2734 and entered in the statewide automated biometric identification
2735 system authorized by s. 943.05(2)(b). The fingerprints must
2736 thereafter be available for all purposes and uses authorized for



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2737 arrest fingerprints entered in the statewide automated biometric
2738 identification system pursuant to s. 943.051.

2739 3. The Department of Law Enforcement shall search all
2740 arrest fingerprints received under s. 943.051 against the
2741 fingerprints retained in the statewide automated biometric
2742 identification system under subparagraph 2. Any arrest record
2743 that is identified with an owner's or operator's fingerprints
2744 must be reported to the owner or operator, who must report to
2745 the Department of Education. Any costs associated with the
2746 search shall be borne by the owner or operator.

2747 4. An owner or operator who fails the level 2 background
2748 screening is not eligible to participate in a scholarship
2749 program under this chapter.

2750 5. In addition to the offenses listed in s. 435.04, a
2751 person required to undergo background screening pursuant to this
2752 part or authorizing statutes may not have an arrest awaiting
2753 final disposition for, must not have been found guilty of, or
2754 entered a plea of nolo contendere to, regardless of
2755 adjudication, and must not have been adjudicated delinquent for,
2756 and the record must not have been sealed or expunged for, any of
2757 the following offenses or any similar offense of another
2758 jurisdiction:

2759 a. Any authorizing statutes, if the offense was a felony.

2760 b. This chapter, if the offense was a felony.

2761 c. Section 409.920, relating to Medicaid provider fraud.

2762 d. Section 409.9201, relating to Medicaid fraud.

2763 e. Section 741.28, relating to domestic violence.

2764 f. Section 817.034, relating to fraudulent acts through
2765 mail, wire, radio, electromagnetic, photoelectronic, or



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2766 photooptical systems.
2767 g. Section 817.234, relating to false and fraudulent
2768 insurance claims.
2769 h. Section 817.505, relating to patient brokering.
2770 i. Section 817.568, relating to criminal use of personal
2771 identification information.
2772 j. Section 817.60, relating to obtaining a credit card
2773 through fraudulent means.
2774 k. Section 817.61, relating to fraudulent use of credit
2775 cards, if the offense was a felony.
2776 l. Section 831.01, relating to forgery.
2777 m. Section 831.02, relating to uttering forged instruments.
2778 n. Section 831.07, relating to forging bank bills, checks,
2779 drafts, or promissory notes.
2780 o. Section 831.09, relating to uttering forged bank bills,
2781 checks, drafts, or promissory notes.
2782 p. Section 831.30, relating to fraud in obtaining medicinal
2783 drugs.
2784 q. Section 831.31, relating to the sale, manufacture,
2785 delivery, or possession with the intent to sell, manufacture, or
2786 deliver any counterfeit controlled substance, if the offense was
2787 a felony.
2788 6. At least 30 calendar days before a transfer of ownership
2789 of a private school, the owner or operator shall notify the
2790 parent of each scholarship student.
2791 7. The owner or operator of a private school that has been
2792 deemed ineligible to participate in a scholarship program
2793 pursuant to this chapter may not transfer ownership or
2794 management authority of the school to a relative in order to



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2795 participate in a scholarship program as the same school or a new
2796 school. For purposes of this subparagraph, the term "relative"
2797 means father, mother, son, daughter, grandfather, grandmother,
2798 brother, sister, uncle, aunt, cousin, nephew, niece, husband,
2799 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,
2800 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
2801 stepdaughter, stepbrother, stepsister, half-brother, or half-
2802 sister.

2803 (q) Provide a report from an independent certified public
2804 accountant who performs the agreed-upon procedures developed
2805 pursuant to s. 1002.395(6)(o) if the private school receives
2806 more than \$250,000 in funds from scholarships awarded under this
2807 chapter in a state fiscal year. A private school subject to this
2808 subsection must annually submit the report by September 15 to
2809 the scholarship-funding organization that awarded the majority
2810 of the school's scholarship funds. However, a school that
2811 receives more than \$250,000 in scholarship funds only through
2812 the John M. McKay Scholarship for Students with Disabilities
2813 Program pursuant to s. 1002.39 must submit the annual report by
2814 September 15 to the department. The agreed-upon procedures must
2815 be conducted in accordance with attestation standards
2816 established by the American Institute of Certified Public
2817 Accountants.

2818
2819 The department shall suspend the payment of funds ~~under ss.~~
2820 ~~1002.39 and 1002.395~~ to a private school that knowingly fails to
2821 comply with this subsection, and shall prohibit the school from
2822 enrolling new scholarship students, for 1 fiscal year and until
2823 the school complies.



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2824 ~~(5) If The inability of a private school fails to meet the~~
2825 ~~requirements of this subsection or has consecutive years of~~
2826 ~~material exceptions listed in the report required under~~
2827 ~~paragraph (q), the commissioner may determine that the private~~
2828 ~~school is ineligible section shall constitute a basis for the~~
2829 ~~ineligibility of the private school to participate in a~~
2830 ~~scholarship program as determined by the department.~~

2831 (2) DEPARTMENT OF EDUCATION OBLIGATIONS.—

2832 (a) The Department of Education shall:

2833 1. Annually verify the eligibility of private schools that
2834 meet the requirements of this section, specific requirements
2835 identified within respective scholarship program laws, and other
2836 provisions of state law that apply to private schools.

2837 2. Establish a toll-free hotline that provides parents and
2838 private schools with information on participation in the
2839 scholarship programs.

2840 3. Establish a process by which individuals may notify the
2841 department of any violation by a parent, private school, or
2842 school district of state laws relating to program participation.
2843 If the department has reasonable cause to believe that a
2844 violation of this section or any rule adopted by the State Board
2845 of Education has occurred, it shall conduct an inquiry or make a
2846 referral to the appropriate agency for an investigation. A
2847 department inquiry is not subject to the requirements of chapter
2848 120.

2849 4. Require an annual, notarized, sworn compliance statement
2850 from participating private schools certifying compliance with
2851 state laws, and retain such records.

2852 5. Coordinate with the entities conducting the health



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2853 inspection for a private school to obtain copies of the
2854 inspection reports.

2855 6. Conduct site visits to private schools entering a
2856 scholarship program for the first time. Beginning with the 2019-
2857 2020 school year, a private school is not eligible to receive
2858 scholarship payments until a satisfactory site visit has been
2859 conducted and the school is in compliance with all other
2860 requirements of this section.

2861 7. Coordinate with the State Fire Marshal to obtain access
2862 to fire inspection reports for private schools. The authority
2863 conducting the fire safety inspection shall certify to the State
2864 Fire Marshal that the annual inspection has been completed and
2865 that the school is in full compliance. The certification shall
2866 be made electronically or by such other means as directed by the
2867 State Fire Marshal.

2868 8. Upon the request of a participating private school
2869 authorized to administer statewide assessments, provide at no
2870 cost to the school the statewide assessments administered under
2871 s. 1008.22 and any related materials for administering the
2872 assessments. Students at a private school may be assessed using
2873 the statewide assessments if the addition of those students and
2874 the school does not cause the state to exceed its contractual
2875 caps for the number of students tested and the number of testing
2876 sites. The state shall provide the same materials and support to
2877 a private school that it provides to a public school. A private
2878 school that chooses to administer statewide assessments under s.
2879 1008.22 shall follow the requirements set forth in ss. 1008.22
2880 and 1008.24, rules adopted by the State Board of Education to
2881 implement those sections, and district-level testing policies



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2882 established by the district school board.

2883 (b) The department may conduct site visits to any private
2884 school participating in a scholarship program pursuant to this
2885 chapter that has received a complaint about a violation of state
2886 law or state board rule pursuant to subparagraph (a)3. or has
2887 received a notice of noncompliance or a notice of proposed
2888 action within the previous 2 years.

2889 (c) Annually, by December 15, the department shall report
2890 to the Governor, the President of the Senate, and the Speaker of
2891 the House of Representatives its actions in implementing
2892 accountability in the scholarship programs under this section,
2893 any substantiated allegations or violations of law or rule by an
2894 eligible private school under this section, and the corrective
2895 action taken.

2896 (3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—
2897 The Commissioner of Education:

2898 (a) Shall deny, suspend, or revoke a private school's
2899 participation in a scholarship program if it is determined that
2900 the private school has failed to comply with this section or
2901 exhibits a previous pattern of failure to comply. However, if
2902 the noncompliance is correctable within a reasonable amount of
2903 time, not to exceed 45 days, and if the health, safety, or
2904 welfare of the students is not threatened, the commissioner may
2905 issue a notice of noncompliance which provides the private
2906 school with a timeframe within which to provide evidence of
2907 compliance before taking action to suspend or revoke the private
2908 school's participation in the scholarship program.

2909 (b) May deny, suspend, or revoke a private school's
2910 participation in a scholarship program if the commissioner



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2911 determines that an owner or operator of the private school is
2912 operating or has operated an educational institution in this
2913 state or in another state or jurisdiction in a manner contrary
2914 to the health, safety, or welfare of the public or if the owner
2915 or operator has exhibited a previous pattern of failure to
2916 comply with this section or specific requirements identified
2917 within respective scholarship program laws. For purposes of this
2918 subsection, the term "owner or operator" has the same meaning as
2919 provided in paragraph (1) (p).

2920 (c)1. In making such a determination, may consider factors
2921 that include, but are not limited to, acts or omissions by an
2922 owner or operator which led to a previous denial, suspension, or
2923 revocation of participation in a state or federal education
2924 scholarship program; an owner's or operator's failure to
2925 reimburse the department or scholarship-funding organization for
2926 scholarship funds improperly received or retained by a school;
2927 the imposition of a prior criminal sanction related to an
2928 owner's or operator's management or operation of an educational
2929 institution; the imposition of a civil fine or administrative
2930 fine, license revocation or suspension, or program eligibility
2931 suspension, termination, or revocation related to an owner's or
2932 operator's management or operation of an educational
2933 institution; or other types of criminal proceedings in which an
2934 owner or operator was found guilty of, regardless of
2935 adjudication, or entered a plea of nolo contendere or guilty to,
2936 any offense involving fraud, deceit, dishonesty, or moral
2937 turpitude.

2938 2. The commissioner's determination is subject to the
2939 following:



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2940 a. If the commissioner intends to deny, suspend, or revoke
2941 a private school's participation in the scholarship program, the
2942 department shall notify the private school of such proposed
2943 action in writing by certified mail and regular mail to the
2944 private school's address of record with the department. The
2945 notification shall include the reasons for the proposed action
2946 and notice of the timelines and procedures set forth in this
2947 paragraph.

2948 b. The private school that is adversely affected by the
2949 proposed action shall have 15 days after receipt of the notice
2950 of proposed action to file with the department's agency clerk a
2951 request for a proceeding pursuant to ss. 120.569 and 120.57. If
2952 the private school is entitled to a hearing under s. 120.57(1),
2953 the department shall forward the request to the Division of
2954 Administrative Hearings.

2955 c. Upon receipt of a request referred pursuant to this
2956 subparagraph, the director of the Division of Administrative
2957 Hearings shall expedite the hearing and assign an administrative
2958 law judge who shall commence a hearing within 30 days after the
2959 receipt of the formal written request by the division and enter
2960 a recommended order within 30 days after the hearing or within
2961 30 days after receipt of the hearing transcript, whichever is
2962 later. Each party shall be allowed 10 days in which to submit
2963 written exceptions to the recommended order. A final order shall
2964 be entered by the agency within 30 days after the entry of a
2965 recommended order. The provisions of this sub-subparagraph may
2966 be waived upon stipulation by all parties.

2967 (d) May immediately suspend payment of scholarship funds if
2968 it is determined that there is probable cause to believe that



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2969 there is:

2970 1. An imminent threat to the health, safety, or welfare of
2971 the students;

2972 2. A previous pattern of failure to comply with this
2973 section; or

2974 3. Fraudulent activity on the part of the private school.
2975 Notwithstanding s. 1002.22, in incidents of alleged fraudulent
2976 activity pursuant to this section, the department's Office of
2977 Inspector General is authorized to release personally
2978 identifiable records or reports of students to the following
2979 persons or organizations:

2980 a. A court of competent jurisdiction in compliance with an
2981 order of that court or the attorney of record in accordance with
2982 a lawfully issued subpoena, consistent with the Family
2983 Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

2984 b. A person or entity authorized by a court of competent
2985 jurisdiction in compliance with an order of that court or the
2986 attorney of record pursuant to a lawfully issued subpoena,
2987 consistent with the Family Educational Rights and Privacy Act,
2988 20 U.S.C. s. 1232g.

2989 c. Any person, entity, or authority issuing a subpoena for
2990 law enforcement purposes when the court or other issuing agency
2991 has ordered that the existence or the contents of the subpoena
2992 or the information furnished in response to the subpoena not be
2993 disclosed, consistent with the Family Educational Rights and
2994 Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

2995
2996 The commissioner's order suspending payment pursuant to this
2997 paragraph may be appealed pursuant to the same procedures and



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2998 timelines as the notice of proposed action set forth in
2999 subparagraph (c)2.

3000 (4) ~~(6)~~ The inclusion of eligible private schools within
3001 options available to Florida public school students does not
3002 expand the regulatory authority of the state, its officers, or
3003 any school district to impose any additional regulation of
3004 private schools beyond those reasonably necessary to enforce
3005 requirements expressly set forth in this section.

3006 (5) ~~(7)~~ The State Board of Education shall adopt rules
3007 pursuant to ss. 120.536(1) and 120.54 to administer this
3008 section, including rules to establish a deadline for private
3009 school applications for participation and timelines for the
3010 department to conduct site visits.

3011 Section 19. Subsection (5) of section 1002.55, Florida
3012 Statutes, is amended to read:

3013 1002.55 School-year prekindergarten program delivered by
3014 private prekindergarten providers.—

3015 (5) (a) Notwithstanding paragraph (3) (b), a private
3016 prekindergarten provider may not participate in the Voluntary
3017 Prekindergarten Education Program if the provider has child
3018 disciplinary policies that do not prohibit children from being
3019 subjected to discipline that is severe, humiliating,
3020 frightening, or associated with food, rest, toileting, spanking,
3021 or any other form of physical punishment as provided in s.
3022 402.305(12).

3023 (b) Notwithstanding any other provision of law, if a
3024 private prekindergarten provider has been cited for a class I
3025 violation, as defined by rule, the coalition may refuse to
3026 contract with the provider.



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3027 Section 20. Paragraph (c) of subsection (3) of section
3028 1002.75, Florida Statutes, is amended to read:

3029 1002.75 Office of Early Learning; powers and duties.—

3030 (3) The Office of Early Learning shall adopt, in
3031 consultation with and subject to approval by the department,
3032 procedures governing the administration of the Voluntary
3033 Prekindergarten Education Program by the early learning
3034 coalitions and school districts for:

3035 (c) Removing a private prekindergarten provider or public
3036 school from eligibility to deliver the program due to the
3037 provider's or school's remaining on probation beyond the time
3038 permitted under s. 1002.67. Notwithstanding any other provision
3039 of law, if a private prekindergarten provider has been cited for
3040 a class I violation, as defined by rule, the coalition may
3041 refuse to contract with the provider or revoke the provider's
3042 eligibility to deliver the Voluntary Prekindergarten Education
3043 Program.

3044 Section 21. Subsection (2) of section 1002.88, Florida
3045 Statutes, is amended to read:

3046 1002.88 School readiness program provider standards;
3047 eligibility to deliver the school readiness program.—

3048 (2) (a) If a school readiness program provider fails or
3049 refuses to comply with this part or any contractual obligation
3050 of the statewide provider contract under s. 1002.82(2)(m), the
3051 coalition may revoke the provider's eligibility to deliver the
3052 school readiness program or receive state or federal funds under
3053 this chapter for a period of 5 years.

3054 (b) Notwithstanding any other provision of law, if a school
3055 readiness program provider has been cited for a class I



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3056 violation, as defined by rule, the coalition may refuse to
3057 contract with the provider or revoke the provider's eligibility
3058 to deliver the school readiness program.

3059 Section 22. Subsection (4) is added to section 1003.44,
3060 Florida Statutes, to read:

3061 1003.44 Patriotic programs; rules.—

3062 (4) Each district school board shall adopt rules to
3063 require, in all of the schools of the district and in each
3064 building used by the district school board, the display of the
3065 state motto, "In God We Trust," designated under s. 15.0301, in
3066 a conspicuous place.

3067 Section 23. Subsection (3) of section 1003.453, Florida
3068 Statutes, is amended to read:

3069 1003.453 School wellness and physical education policies;
3070 nutrition guidelines.—

3071 (3) School districts are encouraged to provide basic
3072 training in first aid, including cardiopulmonary resuscitation,
3073 for all students, beginning in grade 6 and every 2 years
3074 thereafter. Instruction in the use of cardiopulmonary
3075 resuscitation must be based on a nationally recognized program
3076 that uses the most current evidence-based emergency
3077 cardiovascular care guidelines. The instruction must allow
3078 students to practice the psychomotor skills associated with
3079 performing cardiopulmonary resuscitation and use an automated
3080 external defibrillator when a school district has the equipment
3081 necessary to perform the instruction. Private and public
3082 partnerships for providing training or necessary funding are
3083 encouraged.

3084 Section 24. Section 1003.576, Florida Statutes, is amended



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3085 to read:

3086 1003.576 Individual education plans for exceptional
3087 students.—The Department of Education must develop and have an
3088 operating electronic IEP system in place for ~~potential~~ statewide
3089 use ~~no later than July 1, 2007~~. The statewide system shall be
3090 developed collaboratively with school districts and must include
3091 input from school districts currently developing or operating
3092 electronic IEP systems.

3093 Section 25. Section 1006.061, Florida Statutes, is amended
3094 to read:

3095 1006.061 Child abuse, abandonment, and neglect policy.—Each
3096 district school board, charter school, and private school that
3097 accepts scholarship students who participate in a state
3098 scholarship program under chapter 1002 ~~under s. 1002.39 or s.~~
3099 ~~1002.395~~ shall:

3100 (1) Post in a prominent place in each school a notice that,
3101 pursuant to chapter 39, all employees and agents of the district
3102 school board, charter school, or private school have an
3103 affirmative duty to report all actual or suspected cases of
3104 child abuse, abandonment, or neglect; have immunity from
3105 liability if they report such cases in good faith; and have a
3106 duty to comply with child protective investigations and all
3107 other provisions of law relating to child abuse, abandonment,
3108 and neglect. The notice shall also include the statewide toll-
3109 free telephone number of the central abuse hotline.

3110 (2) Post in a prominent place at each school site and on
3111 each school's Internet website, if available, the policies and
3112 procedures for reporting alleged misconduct by instructional
3113 personnel or school administrators which affects the health,



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3114 safety, or welfare of a student; the contact person to whom the
3115 report is made; and the penalties imposed on instructional
3116 personnel or school administrators who fail to report suspected
3117 or actual child abuse or alleged misconduct by other
3118 instructional personnel or school administrators.

3119 (3) Require the principal of the charter school or private
3120 school, or the district school superintendent, or the
3121 superintendent's designee, at the request of the Department of
3122 Children and Families, to act as a liaison to the Department of
3123 Children and Families and the child protection team, as defined
3124 in s. 39.01, when in a case of suspected child abuse,
3125 abandonment, or neglect or an unlawful sexual offense involving
3126 a child the case is referred to such a team; except that this
3127 does not relieve or restrict the Department of Children and
3128 Families from discharging its duty and responsibility under the
3129 law to investigate and report every suspected or actual case of
3130 child abuse, abandonment, or neglect or unlawful sexual offense
3131 involving a child.

3132 (4) (a) Post in a prominent place in a clearly visible
3133 location and public area of the school which is readily
3134 accessible to and widely used by students a sign in English and
3135 Spanish that contains:

3136 1. The statewide toll-free telephone number of the central
3137 abuse hotline as provided in chapter 39;

3138 2. Instructions to call 911 for emergencies; and

3139 3. Directions for accessing the Department of Children and
3140 Families Internet website for more information on reporting
3141 abuse, neglect, and exploitation.

3142 (b) The information in paragraph (a) must be put on at



3143 least one poster in each school, on a sheet that measures at
3144 least 11 inches by 17 inches, produced in large print, and
3145 placed at student eye level for easy viewing.

3146
3147 The Department of Education shall develop, and publish on the
3148 department's Internet website, sample notices suitable for
3149 posting in accordance with subsections (1), (2), and (4).

3150 Section 26. Paragraphs (c), (d), and (e) of subsection (3)
3151 of section 1006.15, Florida Statutes, are amended to read:

3152 1006.15 Student standards for participation in
3153 interscholastic and intrascholastic extracurricular student
3154 activities; regulation.—

3155 (3)

3156 (c) An individual home education student is eligible to
3157 participate at the public school to which the student would be
3158 assigned according to district school board attendance area
3159 policies or which the student could choose to attend pursuant to
3160 s. 1002.31, or may develop an agreement to participate at a
3161 private school, in the interscholastic extracurricular
3162 activities of that school, provided the following conditions are
3163 met:

3164 1. The home education student must meet the requirements of
3165 the home education program pursuant to s. 1002.41.

3166 2. During the period of participation at a school, the home
3167 education student must demonstrate educational progress as
3168 required in paragraph (b) in all subjects taken in the home
3169 education program by a method of evaluation agreed upon by the
3170 parent and the school principal which may include: review of the
3171 student's work by a certified teacher chosen by the parent;



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3172 grades earned through correspondence; grades earned in courses
3173 taken at a Florida College System institution, university, or
3174 trade school; standardized test scores above the 35th
3175 percentile; or any other method designated in s. 1002.41.

3176 3. The home education student must meet the same residency
3177 requirements as other students in the school at which he or she
3178 participates.

3179 4. The home education student must meet the same standards
3180 of acceptance, behavior, and performance as required of other
3181 students in extracurricular activities.

3182 5. The student must register with the school his or her
3183 intent to participate in interscholastic extracurricular
3184 activities as a representative of the school before
3185 ~~participation the beginning date of the season for the activity~~
3186 ~~in which he or she wishes to participate.~~ A home education
3187 student must be able to participate in curricular activities if
3188 that is a requirement for an extracurricular activity.

3189 6. A student who transfers from a home education program to
3190 a public school before or during the first grading period of the
3191 school year is academically eligible to participate in
3192 interscholastic extracurricular activities during the first
3193 grading period provided the student has a successful evaluation
3194 from the previous school year, pursuant to subparagraph 2.

3195 7. Any public school or private school student who has been
3196 unable to maintain academic eligibility for participation in
3197 interscholastic extracurricular activities is ineligible to
3198 participate in such activities as a home education student until
3199 the student has successfully completed one grading period in
3200 home education pursuant to subparagraph 2. to become eligible to



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3201 participate as a home education student.

3202 (d) An individual charter school student pursuant to s.
3203 1002.33 is eligible to participate at the public school to which
3204 the student would be assigned according to district school board
3205 attendance area policies or which the student could attend in
3206 any interscholastic extracurricular activity of that school,
3207 unless such activity is provided by the student's charter
3208 school, if the following conditions are met:

3209 1. The charter school student must meet the requirements of
3210 the charter school education program as determined by the
3211 charter school governing board.

3212 2. During the period of participation at a school, the
3213 charter school student must demonstrate educational progress as
3214 required in paragraph (b).

3215 3. The charter school student must meet the same residency
3216 requirements as other students in the school at which he or she
3217 participates.

3218 4. The charter school student must meet the same standards
3219 of acceptance, behavior, and performance that are required of
3220 other students in extracurricular activities.

3221 5. The charter school student must register with the school
3222 his or her intent to participate in interscholastic
3223 extracurricular activities as a representative of the school
3224 before participation ~~the beginning date of the season for the~~
3225 ~~activity in which he or she wishes to participate.~~ A charter
3226 school student must be able to participate in curricular
3227 activities if that is a requirement for an extracurricular
3228 activity.

3229 6. A student who transfers from a charter school program to



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3230 a traditional public school before or during the first grading
3231 period of the school year is academically eligible to
3232 participate in interscholastic extracurricular activities during
3233 the first grading period if the student has a successful
3234 evaluation from the previous school year, pursuant to
3235 subparagraph 2.

3236 7. Any public school or private school student who has been
3237 unable to maintain academic eligibility for participation in
3238 interscholastic extracurricular activities is ineligible to
3239 participate in such activities as a charter school student until
3240 the student has successfully completed one grading period in a
3241 charter school pursuant to subparagraph 2. to become eligible to
3242 participate as a charter school student.

3243 (e) A student of the Florida Virtual School full-time
3244 program may participate in any interscholastic extracurricular
3245 activity at the public school to which the student would be
3246 assigned according to district school board attendance area
3247 policies or which the student could choose to attend pursuant to
3248 s. 1002.31 if the student:

3249 1. During the period of participation in the
3250 interscholastic extracurricular activity, meets the requirements
3251 in paragraph (a).

3252 2. Meets any additional requirements as determined by the
3253 board of trustees of the Florida Virtual School.

3254 3. Meets the same residency requirements as other students
3255 in the school at which he or she participates.

3256 4. Meets the same standards of acceptance, behavior, and
3257 performance that are required of other students in
3258 extracurricular activities.



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3259 5. Registers his or her intent to participate in
3260 interscholastic extracurricular activities with the school
3261 before participation ~~the beginning date of the season for the~~
3262 ~~activity in which he or she wishes to participate.~~ A Florida
3263 Virtual school student must be able to participate in curricular
3264 activities if that is a requirement for an extracurricular
3265 activity.

3266 Section 27. Subsections (3) and (13) and paragraph (b) of
3267 subsection (24) of section 1007.271, Florida Statutes, are
3268 amended to read:

3269 1007.271 Dual enrollment programs.—

3270 (3) Student eligibility requirements for initial enrollment
3271 in college credit dual enrollment courses must include a 3.0
3272 unweighted high school grade point average and the minimum score
3273 on a common placement test adopted by the State Board of
3274 Education which indicates that the student is ready for college-
3275 level coursework. Student eligibility requirements for continued
3276 enrollment in college credit dual enrollment courses must
3277 include the maintenance of a 3.0 unweighted high school grade
3278 point average and the minimum postsecondary grade point average
3279 established by the postsecondary institution. Regardless of
3280 meeting student eligibility requirements for continued
3281 enrollment, a student may lose the opportunity to participate in
3282 a dual enrollment course if the student is disruptive to the
3283 learning process such that the progress of other students or the
3284 efficient administration of the course is hindered. Student
3285 eligibility requirements for initial and continued enrollment in
3286 career certificate dual enrollment courses must include a 2.0
3287 unweighted high school grade point average. Exceptions to the



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3288 required grade point averages may be granted on an individual
3289 student basis if the educational entities agree and the terms of
3290 the agreement are contained within the dual enrollment
3291 articulation agreement established pursuant to subsection (21).
3292 Florida College System institution boards of trustees may
3293 establish additional initial student eligibility requirements,
3294 which shall be included in the dual enrollment articulation
3295 agreement, to ensure student readiness for postsecondary
3296 instruction. Additional requirements included in the agreement
3297 may not arbitrarily prohibit students who have demonstrated the
3298 ability to master advanced courses from participating in dual
3299 enrollment courses or limit the number of dual enrollment
3300 courses in which a student may enroll based solely upon
3301 enrollment by the student at an independent postsecondary
3302 institution.

3303 (13) (a) The dual enrollment program for a home education
3304 student, including, but not limited to, students with
3305 disabilities, consists of the enrollment of an eligible home
3306 education secondary student in a postsecondary course creditable
3307 toward an associate degree, a career certificate, or a
3308 baccalaureate degree. To participate in the dual enrollment
3309 program, an eligible home education secondary student must:

3310 1. Provide proof of enrollment in a home education program
3311 pursuant to s. 1002.41.

3312 2. Be responsible for his or her own ~~instructional~~
3313 ~~materials and~~ transportation unless provided for in the
3314 articulation agreement.

3315 3. Sign a home education articulation agreement pursuant to
3316 paragraph (b).



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3317 (b) Each public postsecondary institution eligible to
3318 participate in the dual enrollment program pursuant to s.
3319 1011.62(1)(i) must enter into a home education articulation
3320 agreement with each home education student seeking enrollment in
3321 a dual enrollment course and the student's parent. By August 1
3322 of each year, the eligible postsecondary institution shall
3323 complete and submit the home education articulation agreement to
3324 the Department of Education. The home education articulation
3325 agreement must include, at a minimum:

3326 1. A delineation of courses and programs available to
3327 dually enrolled home education students. Courses and programs
3328 may be added, revised, or deleted at any time by the
3329 postsecondary institution. Any course or program limitations may
3330 not exceed the limitations for other dually enrolled students.

3331 2. The initial and continued eligibility requirements for
3332 home education student participation, not to exceed those
3333 required of other dually enrolled students. A high school grade
3334 point average may not be required for home education students
3335 who meet the minimum score on a common placement test adopted by
3336 the State Board of Education which indicates that the student is
3337 ready for college-level coursework; however, home education
3338 student eligibility requirements for continued enrollment in
3339 dual enrollment courses must include the maintenance of the
3340 minimum postsecondary grade point average established by the
3341 postsecondary institution.

3342 3. The student's responsibilities for providing his or her
3343 own ~~instructional materials and~~ transportation.

3344 4. A copy of the statement on transfer guarantees developed
3345 by the Department of Education under subsection (15).



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3346 (24)

3347 (b) Each public postsecondary institution eligible to
3348 participate in the dual enrollment program pursuant to s.
3349 1011.62(1)(i) must enter into a private school articulation
3350 agreement with each eligible private school in its geographic
3351 service area seeking to offer dual enrollment courses to its
3352 students, including, but not limited to, students with
3353 disabilities. By August 1 of each year, the eligible
3354 postsecondary institution shall complete and submit the private
3355 school articulation agreement to the Department of Education.
3356 The private school articulation agreement must include, at a
3357 minimum:

3358 1. A delineation of courses and programs available to the
3359 private school student. The postsecondary institution may add,
3360 revise, or delete courses and programs at any time.

3361 2. The initial and continued eligibility requirements for
3362 private school student participation, not to exceed those
3363 required of other dual enrollment students.

3364 3. The student's responsibilities for providing his or her
3365 own instructional materials and transportation.

3366 4. A provision clarifying that the private school will
3367 award appropriate credit toward high school completion for the
3368 postsecondary course under the dual enrollment program.

3369 5. A provision expressing that costs associated with
3370 tuition and fees, including registration, and laboratory fees,
3371 will not be passed along to the student.

3372 ~~6. A provision stating whether the private school will~~
3373 ~~compensate the postsecondary institution for the standard~~
3374 ~~tuition rate per credit hour for each dual enrollment course~~



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3375 ~~taken by its students.~~

3376 Section 28. Paragraph (a) of subsection (3) and paragraph
3377 (a) of subsection (8) of section 1008.22, Florida Statutes, are
3378 amended to read:

3379 1008.22 Student assessment program for public schools.—

3380 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
3381 Commissioner of Education shall design and implement a
3382 statewide, standardized assessment program aligned to the core
3383 curricular content established in the Next Generation Sunshine
3384 State Standards. The commissioner also must develop or select
3385 and implement a common battery of assessment tools that will be
3386 used in all juvenile justice education programs in the state.
3387 These tools must accurately measure the core curricular content
3388 established in the Next Generation Sunshine State Standards.
3389 Participation in the assessment program is mandatory for all
3390 school districts and all students attending public schools,
3391 including adult students seeking a standard high school diploma
3392 under s. 1003.4282 and students in Department of Juvenile
3393 Justice education programs, except as otherwise provided by law.
3394 If a student does not participate in the assessment program, the
3395 school district must notify the student's parent and provide the
3396 parent with information regarding the implications of such
3397 nonparticipation. The statewide, standardized assessment program
3398 shall be designed and implemented as follows:

3399 (a) *Statewide, standardized comprehensive assessments.*—The
3400 statewide, standardized Reading assessment shall be administered
3401 annually in grades 3 through 10. The statewide, standardized
3402 Writing assessment shall be administered annually at least once
3403 at the elementary, middle, and high school levels. When the



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3404 Reading and Writing assessments are replaced by English Language
3405 Arts (ELA) assessments, ELA assessments shall be administered to
3406 students in grades 3 through 10. Retake opportunities for the
3407 grade 10 Reading assessment or, upon implementation, the grade
3408 10 ELA assessment must be provided. Students taking the ELA
3409 assessments shall not take the statewide, standardized
3410 assessments in Reading or Writing. Reading passages and writing
3411 prompts for ELA assessments shall incorporate grade-level core
3412 curricula content from social studies ~~be administered online.~~
3413 The statewide, standardized Mathematics assessments shall be
3414 administered annually in grades 3 through 8. Students taking a
3415 revised Mathematics assessment shall not take the discontinued
3416 assessment. The statewide, standardized Science assessment shall
3417 be administered annually at least once at the elementary and
3418 middle grades levels. In order to earn a standard high school
3419 diploma, a student who has not earned a passing score on the
3420 grade 10 Reading assessment or, upon implementation, the grade
3421 10 ELA assessment must earn a passing score on the assessment
3422 retake or earn a concordant score as authorized under subsection
3423 (9).

3424 (8) PUBLICATION OF ASSESSMENTS.—To promote transparency in
3425 the statewide assessment program, in any procurement for the ELA
3426 assessment in grades 3 through 10 and the mathematics assessment
3427 in grades 3 through 8, the Department of Education shall solicit
3428 cost proposals for publication of the state assessments on its
3429 website in accordance with this subsection.

3430 (a) The department shall publish each assessment
3431 administered under paragraph (3) (a) and subparagraph (3) (b) 1.,
3432 excluding assessment retakes, at least once on a triennial basis



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3433 pursuant to a schedule determined by the Commissioner of
3434 Education. Each assessment, when published, must have been
3435 administered during the most recent school year and be in a
3436 format that facilitates the sharing of assessment items.

3437 Section 29. Paragraphs (f), (o), and (t) of subsection (1),
3438 paragraph (b) of subsection (6), and paragraphs (a), (c), and
3439 (d) of subsection (9) of section 1011.62, Florida Statutes, are
3440 amended to read:

3441 1011.62 Funds for operation of schools.—If the annual
3442 allocation from the Florida Education Finance Program to each
3443 district for operation of schools is not determined in the
3444 annual appropriations act or the substantive bill implementing
3445 the annual appropriations act, it shall be determined as
3446 follows:

3447 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
3448 OPERATION.—The following procedure shall be followed in
3449 determining the annual allocation to each district for
3450 operation:

3451 (f) *Supplemental academic instruction allocation;*
3452 ~~*categorical fund.*~~—

3453 1. There is created the supplemental academic instruction
3454 allocation ~~a categorical fund~~ to provide supplemental academic
3455 instruction to students in kindergarten through grade 12. ~~This~~
3456 ~~paragraph may be cited as the "Supplemental Academic Instruction~~
3457 ~~Categorical Fund."~~

3458 2. The supplemental academic instruction allocation shall
3459 be provided annually in the Florida Education Finance Program as
3460 specified in the General Appropriations Act. These funds are
3461 ~~categorical fund is~~ in addition to the funds appropriated on the



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3462 basis of FTE student membership in the Florida Education Finance
3463 Program and shall be included in the total potential funds of
3464 each district. Beginning with the 2018-2019 fiscal year, These
3465 funds shall be used to provide supplemental academic instruction
3466 to students enrolled in the K-12 program. each school district
3467 that has a school earning a grade of "D" or "F" pursuant to s.
3468 1008.34 must use that school's portion of the supplemental
3469 academic instruction allocation to implement intervention and
3470 support strategies for school improvement pursuant to s. 1008.33
3471 and for salary incentives pursuant to s. 1012.2315(3) or salary
3472 supplements pursuant to s. 1012.22(1)(c)5.c. that are provided
3473 through a memorandum of understanding between the collective
3474 bargaining agent and the school board that addresses the
3475 selection, placement, and expectations of instructional
3476 personnel and school administrators. Each school district that
3477 has one or more of the 300 lowest-performing elementary schools
3478 based on a 3-year average of the state reading assessment data
3479 must use that school's portion of the allocation to provide an
3480 additional hour per day of intensive reading for the students in
3481 the school. The additional hour may be provided within the
3482 school day. Students enrolled in these schools who earned a
3483 level 4 or level 5 score on the statewide, standardized English
3484 Language Arts assessment for the previous school year may
3485 participate in the extra hour of instruction. For all other
3486 schools, the school district's use of the supplemental academic
3487 instruction allocation ~~one or more of the 300 lowest-performing~~
3488 ~~elementary schools based on the state reading assessment for the~~
3489 ~~prior year shall use these funds, together with the funds~~
3490 ~~provided in the district's research-based reading instruction~~



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3491 ~~allocation and other available funds, to provide an additional~~
3492 ~~hour of instruction beyond the normal school day for each day of~~
3493 ~~the entire school year for intensive reading instruction for the~~
3494 ~~students in each of these schools. This additional hour of~~
3495 ~~instruction must be provided by teachers or reading specialists~~
3496 ~~who have demonstrated effectiveness in teaching reading or by a~~
3497 ~~K-5 mentoring reading program that is supervised by a teacher~~
3498 ~~who is effective at teaching reading. Students enrolled in these~~
3499 ~~schools who have level 5 assessment scores may participate in~~
3500 ~~the additional hour of instruction on an optional basis.~~
3501 ~~Exceptional student education centers shall not be included in~~
3502 ~~the 300 schools. The designation of the 300 lowest performing~~
3503 ~~elementary schools must be based on the state reading assessment~~
3504 ~~for the prior year. After this requirement has been met,~~
3505 ~~supplemental instruction strategies may include, but is are not~~
3506 ~~limited to, the use of a modified curriculum, reading~~
3507 ~~instruction, after-school instruction, tutoring, mentoring, a~~
3508 ~~reduction in class size, extended school year, intensive skills~~
3509 ~~development in summer school, dropout prevention programs as~~
3510 ~~defined in ss. 1003.52 and 1003.53(1) (a), (b), and (c), and~~
3511 ~~other methods of improving student achievement. Supplemental~~
3512 ~~academic instruction may be provided to a student in any manner~~
3513 ~~and at any time during or beyond the regular 180-day term~~
3514 ~~identified by the school as being the most effective and~~
3515 ~~efficient way to best help that student progress from grade to~~
3516 ~~grade and to graduate.~~

3517 ~~3. Categorical funds for supplemental academic instruction~~
3518 ~~shall be provided annually in the Florida Education Finance~~
3519 ~~Program as specified in the General Appropriations Act. These~~



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3520 ~~funds shall be provided as a supplement to the funds~~
3521 ~~appropriated for the basic funding level and shall be included~~
3522 ~~in the total funds of each district. The supplemental academic~~
3523 ~~instruction allocation shall consist of a base amount that has a~~
3524 ~~workload adjustment based on changes in unweighted FTE. ~~In~~~~
3525 ~~addition, districts that have elementary schools included in the~~
3526 ~~300 lowest-performing schools designation shall be allocated~~
3527 ~~additional funds to assist those districts in providing~~
3528 ~~intensive reading instruction to students in those schools. The~~
3529 ~~amount provided shall be based on each district's level of per-~~
3530 ~~student funding in the reading instruction allocation and the~~
3531 ~~supplemental academic instruction categorical fund and on the~~
3532 ~~total FTE for each of the schools. The supplemental academic~~
3533 ~~instruction allocation categorical funding shall be recalculated~~
3534 ~~during the fiscal year following an updated designation of the~~
3535 ~~300 lowest-performing elementary schools and shall be based on~~
3536 ~~actual student membership from the FTE surveys. Upon~~
3537 ~~recalculation of funding for the supplemental academic~~
3538 ~~instruction allocation categorical fund, if the total allocation~~
3539 ~~is greater than the amount provided in the General~~
3540 ~~Appropriations Act, the allocation shall be prorated to the~~
3541 ~~level provided to support the appropriation, based on each~~
3542 ~~district's share of the total.~~

3543 4. ~~Effective with the 1999-2000 fiscal year,~~ Funding on the
3544 basis of FTE membership beyond the 180-day regular term shall be
3545 provided in the FEFP only for students enrolled in juvenile
3546 justice education programs or in education programs for
3547 juveniles placed in secure facilities or programs under s.
3548 985.19. Funding for instruction beyond the regular 180-day



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3549 school year for all other K-12 students shall be provided
3550 through the supplemental academic instruction allocation and
3551 other state, federal, and local fund sources with ample
3552 flexibility for schools to provide supplemental instruction to
3553 assist students in progressing from grade to grade and
3554 graduating.

3555 ~~5. The Florida State University School, as a lab school, is~~
3556 ~~authorized to expend from its FEEP or Lottery Enhancement Trust~~
3557 ~~Fund allocation the cost to the student of remediation in~~
3558 ~~reading, writing, or mathematics for any graduate who requires~~
3559 ~~remediation at a postsecondary educational institution.~~

3560 ~~6. Beginning in the 1999-2000 school year, dropout~~
3561 ~~prevention programs as defined in ss. 1003.52, 1003.53(1)(a),~~
3562 ~~(b), and (c), and 1003.54 shall be included in group 1 programs~~
3563 ~~under subparagraph (d)3.~~

3564 *(o) Calculation of additional full-time equivalent*
3565 *membership based on successful completion of a career-themed*
3566 *course pursuant to ss. 1003.491, 1003.492, and 1003.493, or*
3567 *courses with embedded CAPE industry certifications or CAPE*
3568 *Digital Tool certificates, and issuance of industry*
3569 *certification identified on the CAPE Industry Certification*
3570 *Funding List pursuant to rules adopted by the State Board of*
3571 *Education or CAPE Digital Tool certificates pursuant to s.*
3572 *1003.4203.-*

3573 1.a. A value of 0.025 full-time equivalent student
3574 membership shall be calculated for CAPE Digital Tool
3575 certificates earned by students in elementary and middle school
3576 grades.

3577 b. A value of 0.1 or 0.2 full-time equivalent student



3578 membership shall be calculated for each student who completes a
3579 course as defined in s. 1003.493(1)(b) or courses with embedded
3580 CAPE industry certifications and who is issued an industry
3581 certification identified annually on the CAPE Industry
3582 Certification Funding List approved under rules adopted by the
3583 State Board of Education. A value of 0.2 full-time equivalent
3584 membership shall be calculated for each student who is issued a
3585 CAPE industry certification that has a statewide articulation
3586 agreement for college credit approved by the State Board of
3587 Education. For CAPE industry certifications that do not
3588 articulate for college credit, the Department of Education shall
3589 assign a full-time equivalent value of 0.1 for each
3590 certification. Middle grades students who earn additional FTE
3591 membership for a CAPE Digital Tool certificate pursuant to sub-
3592 subparagraph a. may not use the previously funded examination to
3593 satisfy the requirements for earning an industry certification
3594 under this sub-subparagraph. Additional FTE membership for an
3595 elementary or middle grades student may not exceed 0.1 for
3596 certificates or certifications earned within the same fiscal
3597 year. The State Board of Education shall include the assigned
3598 values on the CAPE Industry Certification Funding List under
3599 rules adopted by the state board. Such value shall be added to
3600 the total full-time equivalent student membership for grades 6
3601 through 12 in the subsequent year. CAPE industry certifications
3602 earned through dual enrollment must be reported and funded
3603 pursuant to s. 1011.80. However, if a student earns a
3604 certification through a dual enrollment course and the
3605 certification is not a fundable certification on the
3606 postsecondary certification funding list, or the dual enrollment



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3607 certification is earned as a result of an agreement between a
3608 school district and a nonpublic postsecondary institution, the
3609 bonus value shall be funded in the same manner as other nondual
3610 enrollment course industry certifications. In such cases, the
3611 school district may provide for an agreement between the high
3612 school and the technical center, or the school district and the
3613 postsecondary institution may enter into an agreement for
3614 equitable distribution of the bonus funds.

3615 c. A value of 0.3 full-time equivalent student membership
3616 shall be calculated for student completion of the courses and
3617 the embedded certifications identified on the CAPE Industry
3618 Certification Funding List and approved by the commissioner
3619 pursuant to ss. 1003.4203(5) (a) and 1008.44.

3620 d. A value of 0.5 full-time equivalent student membership
3621 shall be calculated for CAPE Acceleration Industry
3622 Certifications that articulate for 15 to 29 college credit
3623 hours, and 1.0 full-time equivalent student membership shall be
3624 calculated for CAPE Acceleration Industry Certifications that
3625 articulate for 30 or more college credit hours pursuant to CAPE
3626 Acceleration Industry Certifications approved by the
3627 commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

3628 2. Each district must allocate at least 80 percent of the
3629 funds provided for CAPE industry certification, in accordance
3630 with this paragraph, to the program that generated the funds.
3631 This allocation may not be used to supplant funds provided for
3632 basic operation of the program.

3633 3. For CAPE industry certifications earned in the 2013-2014
3634 school year and in subsequent years, the school district shall
3635 distribute to each classroom teacher who provided direct



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3636 instruction toward the attainment of a CAPE industry
3637 certification that qualified for additional full-time equivalent
3638 membership under subparagraph 1.:

3639 a. A bonus of \$25 for each student taught by a teacher who
3640 provided instruction in a course that led to the attainment of a
3641 CAPE industry certification on the CAPE Industry Certification
3642 Funding List with a weight of 0.1.

3643 b. A bonus of \$50 for each student taught by a teacher who
3644 provided instruction in a course that led to the attainment of a
3645 CAPE industry certification on the CAPE Industry Certification
3646 Funding List with a weight of 0.2.

3647 c. A bonus of \$75 for each student taught by a teacher who
3648 provided instruction in a course that led to the attainment of a
3649 CAPE industry certification on the CAPE Industry Certification
3650 Funding List with a weight of 0.3.

3651 d. A bonus of \$100 for each student taught by a teacher who
3652 provided instruction in a course that led to the attainment of a
3653 CAPE industry certification on the CAPE Industry Certification
3654 Funding List with a weight of 0.5 or 1.0.

3655
3656 Bonuses awarded pursuant to this paragraph shall be provided to
3657 teachers who are employed by the district in the year in which
3658 the additional FTE membership calculation is included in the
3659 calculation. Bonuses shall be calculated based upon the
3660 associated weight of a CAPE industry certification on the CAPE
3661 Industry Certification Funding List for the year in which the
3662 certification is earned by the student. Any bonus awarded to a
3663 teacher pursuant to ~~under~~ this paragraph is in addition to any
3664 regular wage or other bonus the teacher received or is scheduled



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3665 to receive. A bonus may not be awarded to a teacher who fails to
3666 maintain the security of any CAPE industry certification
3667 examination or who otherwise violates the security or
3668 administration protocol of any assessment instrument that may
3669 result in a bonus being awarded to the teacher under this
3670 paragraph.

3671 (t) *Computation for funding through the Florida Education*
3672 *Finance Program.*—The State Board of Education may adopt rules
3673 establishing programs, industry certifications, and courses for
3674 which the student may earn credit toward high school graduation
3675 and the criteria under which a student's industry certification
3676 or grade may be rescinded.

3677 (6) CATEGORICAL FUNDS.—

3678 (b) If a district school board finds and declares in a
3679 resolution adopted at a regular meeting of the school board that
3680 the funds received for any of the following categorical
3681 appropriations are urgently needed to maintain school board
3682 specified academic classroom instruction or improve school
3683 safety, the school board may consider and approve an amendment
3684 to the school district operating budget transferring the
3685 identified amount of the categorical funds to the appropriate
3686 account for expenditure:

3687 1. Funds for student transportation.

3688 ~~2. Funds for safe schools.~~

3689 ~~3. Funds for supplemental academic instruction if the~~
3690 ~~required additional hour of instruction beyond the normal school~~
3691 ~~day for each day of the entire school year has been provided for~~
3692 ~~the students in each low-performing elementary school in the~~
3693 ~~district pursuant to paragraph (1)(f).~~



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3694 ~~2.4.~~ Funds for research-based reading instruction if the
3695 required additional hour of instruction beyond the normal school
3696 day for each day of the entire school year has been provided for
3697 the students in each low-performing elementary school in the
3698 district pursuant to paragraph (9)(a).

3699 ~~3.5.~~ Funds for instructional materials if all instructional
3700 material purchases necessary to provide updated materials that
3701 are aligned with applicable state standards and course
3702 descriptions and that meet statutory requirements of content and
3703 learning have been completed for that fiscal year, but no sooner
3704 than March 1. Funds available after March 1 may be used to
3705 purchase hardware for student instruction.

3706 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

3707 (a) The research-based reading instruction allocation is
3708 created to provide comprehensive reading instruction to students
3709 in kindergarten through grade 12. Each school district that has
3710 one or more of the 300 lowest-performing elementary schools
3711 based on a 3-year average of the state reading assessment data
3712 must use the school's portion of the allocation to provide ~~shall~~
3713 ~~give priority to providing~~ an additional hour per day of
3714 intensive reading instruction ~~beyond the normal school day for~~
3715 ~~each day of the entire school year~~ for the students in each
3716 school. The additional hour may be provided within the school
3717 day. The designation of the 300 lowest-performing elementary
3718 schools must be based on the state reading assessment for the
3719 ~~prior year.~~ Students enrolled in these schools who earned a ~~have~~
3720 level 4 or level 5 score on the statewide, standardized English
3721 Language Arts assessment for the previous school year ~~scores~~ may
3722 participate in the additional hour of instruction ~~on an optional~~



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3723 ~~basis~~. Exceptional student education centers may not be included
3724 in the 300 schools. The intensive reading instruction delivered
3725 in this additional hour ~~and for other students~~ shall include:
3726 research-based reading instruction that has been proven to
3727 accelerate progress of students exhibiting a reading deficiency;
3728 differentiated instruction based on screening, diagnostic,
3729 progress monitoring, or student assessment data to meet
3730 students' specific reading needs; explicit and systematic
3731 reading strategies to develop phonemic awareness, phonics,
3732 fluency, vocabulary, and comprehension, with more extensive
3733 opportunities for guided practice, error correction, and
3734 feedback; and the integration of social studies, science, and
3735 mathematics-text reading, text discussion, and writing in
3736 response to reading.

3737 (c) Funds allocated under this subsection must be used to
3738 provide a system of comprehensive reading instruction to
3739 students enrolled in the K-12 programs, which may include the
3740 following:

3741 1. ~~The provision of~~ An additional hour per day of intensive
3742 reading instruction to students in the 300 lowest-performing
3743 elementary schools by teachers and reading specialists who have
3744 demonstrated effectiveness in teaching reading as required in
3745 paragraph (a).

3746 2. Kindergarten through grade 5 reading intervention
3747 teachers to provide intensive intervention during the school day
3748 and in the required extra hour for students identified as having
3749 a reading deficiency.

3750 3. ~~The provision of~~ Highly qualified reading coaches to
3751 specifically support teachers in making instructional decisions



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3752 based on student data, and improve teacher delivery of effective
3753 reading instruction, intervention, and reading in the content
3754 areas based on student need.

3755 4. Professional development for school district teachers in
3756 scientifically based reading instruction, including strategies
3757 to teach reading in content areas and with an emphasis on
3758 technical and informational text, to help school district
3759 teachers earn a certification or an endorsement in reading.

3760 5. ~~The provision of~~ Summer reading camps, using only
3761 teachers or other district personnel who are certified or
3762 endorsed in reading consistent with s. 1008.25(7)(b)3., for all
3763 students in kindergarten through grade 2 who demonstrate a
3764 reading deficiency as determined by district and state
3765 assessments, and students in grades 3 through 5 who score at
3766 Level 1 on the statewide, standardized ~~reading assessment or,~~
3767 ~~upon implementation,~~ the English Language Arts assessment.

3768 6. ~~The provision of~~ Supplemental instructional materials
3769 that are grounded in scientifically based reading research as
3770 identified by the Just Read, Florida! Office pursuant to s.
3771 1001.215(8).

3772 7. ~~The provision of~~ Intensive interventions for students in
3773 kindergarten through grade 12 who have been identified as having
3774 a reading deficiency or who are reading below grade level as
3775 determined by the statewide, standardized English Language Arts
3776 assessment.

3777 (d)1. Annually, by a date determined by the Department of
3778 Education but before May 1, school districts shall submit a K-12
3779 comprehensive reading plan for the specific use of the research-
3780 based reading instruction allocation in the format prescribed by



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3781 the department for review and approval by the Just Read,
3782 Florida! Office created pursuant to s. 1001.215. The plan
3783 annually submitted by school districts shall be deemed approved
3784 unless the department rejects the plan on or before June 1. If a
3785 school district and the Just Read, Florida! Office cannot reach
3786 agreement on the contents of the plan, the school district may
3787 appeal to the State Board of Education for resolution. School
3788 districts shall be allowed reasonable flexibility in designing
3789 their plans and shall be encouraged to offer reading
3790 intervention through innovative methods, including career
3791 academies. The plan format shall be developed with input from
3792 school district personnel, including teachers and principals,
3793 and shall provide for ~~allow courses in core, career, and~~
3794 ~~alternative programs that deliver~~ intensive reading
3795 interventions ~~remediation~~ through integrated curricula, provided
3796 that, beginning with the 2020-2021 school year, the
3797 interventions are delivered by a teacher who is certified or
3798 endorsed in reading. Such interventions must incorporate
3799 strategies identified by the Just Read, Florida! Office pursuant
3800 to s. 1001.215(8) ~~deemed highly qualified to teach reading or~~
3801 ~~working toward that status.~~ No later than July 1 annually, the
3802 department shall release the school district's allocation of
3803 appropriated funds to those districts having approved plans. A
3804 school district that spends 100 percent of this allocation on
3805 its approved plan shall be deemed to have been in compliance
3806 with the plan. The department may withhold funds upon a
3807 determination that reading instruction allocation funds are not
3808 being used to implement the approved plan. The department shall
3809 monitor and track the implementation of each district plan,



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3810 including conducting site visits and collecting specific data on
3811 expenditures and reading improvement results. By February 1 of
3812 each year, the department shall report its findings to the
3813 Legislature.

3814 2. Each school district that has a school designated as one
3815 of the 300 lowest-performing elementary schools as specified in
3816 paragraph (a) shall specifically delineate in the comprehensive
3817 reading plan, or in an addendum to the comprehensive reading
3818 plan, the implementation design and reading intervention
3819 strategies that will be used for the required additional hour of
3820 reading instruction. The term "reading intervention" includes
3821 evidence-based strategies frequently used to remediate reading
3822 deficiencies and also includes individual instruction, tutoring,
3823 mentoring, or the use of technology that targets specific
3824 reading skills and abilities.

3825 Section 30. Section 1011.6202, Florida Statutes, is amended
3826 to read:

3827 1011.6202 Principal Autonomy ~~Pilot~~ Program Initiative.—The
3828 Principal Autonomy ~~Pilot~~ Program Initiative is created within
3829 the Department of Education. The purpose of the ~~pilot~~ program is
3830 to provide a ~~the~~ highly effective principal of a participating
3831 school with increased autonomy and authority to operate his or
3832 her school, as well as other schools, in a way that produces
3833 significant improvements in student achievement and school
3834 management while complying with constitutional requirements. The
3835 State Board of Education may, upon approval of a principal
3836 autonomy proposal, enter into a performance contract with the ~~up~~
3837 ~~to seven~~ district school board ~~boards~~ for participation in the
3838 ~~pilot~~ program.



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3839 (1) PARTICIPATING SCHOOL DISTRICTS.—Beginning with the
3840 2018-2019 school year, contingent upon available funds, and on a
3841 first-come, first-served basis, a ~~The district school board~~
3842 ~~boards in Broward, Duval, Jefferson, Madison, Palm Beach,~~
3843 ~~Pinellas, and Seminole Counties~~ may submit, no later than
3844 December 1, to the state board for approval a principal autonomy
3845 proposal that exchanges statutory and rule exemptions for an
3846 agreement to meet performance goals established in the proposal.
3847 If approved by the state board, the ~~each of these~~ school
3848 district is ~~districts shall be~~ eligible to participate in the
3849 ~~pilot~~ program for 3 years. ~~At the end of the 3 years, the~~
3850 ~~performance of all participating schools in the school district~~
3851 ~~shall be evaluated.~~

3852 (2) PRINCIPAL AUTONOMY PROPOSAL.—

3853 (a) To participate in the ~~pilot~~ program, a school district
3854 must:

3855 1. Identify three schools that received at least two school
3856 grades of "D" or "F" pursuant to s. 1008.34 during the previous
3857 3 school years.

3858 2. Identify three principals who have earned a highly
3859 effective rating on the prior year's performance evaluation
3860 pursuant to s. 1012.34, one of whom shall be assigned to each of
3861 the participating schools.

3862 3. Describe the current financial and administrative
3863 management of each participating school; identify the areas in
3864 which each school principal will have increased fiscal and
3865 administrative autonomy, including the authority and
3866 responsibilities provided in s. 1012.28(8); and identify the
3867 areas in which each participating school will continue to follow



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3868 district school board fiscal and administrative policies.

3869 4. Explain the methods used to identify the educational
3870 strengths and needs of the participating school's students and
3871 identify how student achievement can be improved.

3872 5. Establish performance goals for student achievement, as
3873 defined in s. 1008.34(1), and explain how the increased autonomy
3874 of principals will help participating schools improve student
3875 achievement and school management.

3876 6. Provide each participating school's mission and a
3877 description of its student population.

3878 (b) The state board shall establish criteria, which must
3879 include the criteria listed in paragraph (a), for the approval
3880 of a principal autonomy proposal.

3881 (c) A district school board must submit its principal
3882 autonomy proposal to the state board for approval by December 1
3883 in order to begin participation in the subsequent school year.
3884 By February 28 of the school year in which the proposal is
3885 submitted, the state board shall notify the district school
3886 board in writing whether the proposal is approved.

3887 (3) EXEMPTION FROM LAWS.—

3888 (a) With the exception of those laws listed in paragraph
3889 (b), a participating school or a school operated by a principal
3890 pursuant to subsection (5) is exempt from the provisions of
3891 chapters 1000-1013 and rules of the state board that implement
3892 those exempt provisions.

3893 (b) A participating school or a school operated by a
3894 principal pursuant to subsection (5) shall comply with the
3895 provisions of chapters 1000-1013, and rules of the state board
3896 that implement those provisions, pertaining to the following:



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3897 1. Those laws relating to the election and compensation of
3898 district school board members, the election or appointment and
3899 compensation of district school superintendents, public meetings
3900 and public records requirements, financial disclosure, and
3901 conflicts of interest.

3902 2. Those laws relating to the student assessment program
3903 and school grading system, including chapter 1008.

3904 3. Those laws relating to the provision of services to
3905 students with disabilities.

3906 4. Those laws relating to civil rights, including s.
3907 1000.05, relating to discrimination.

3908 5. Those laws relating to student health, safety, and
3909 welfare.

3910 6. Section 1001.42(4)(f), relating to the uniform opening
3911 date for public schools.

3912 7. Section 1003.03, governing maximum class size, except
3913 that the calculation for compliance pursuant to s. 1003.03 is
3914 the average at the school level for a participating school.

3915 8. Sections 1012.22(1)(c) and 1012.27(2), relating to
3916 compensation and salary schedules.

3917 9. Section 1012.33(5), relating to workforce reductions for
3918 annual contracts for instructional personnel. This subparagraph
3919 does not apply to at-will employees.

3920 10. Section 1012.335, relating to annual contracts for
3921 instructional personnel hired on or after July 1, 2011. This
3922 subparagraph does not apply to at-will employees.

3923 11. Section 1012.34, relating to personnel evaluation
3924 procedures and criteria.

3925 12. Those laws pertaining to educational facilities,



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3926 including chapter 1013, except that s. 1013.20, relating to
3927 covered walkways for relocatables, and s. 1013.21, relating to
3928 the use of relocatable facilities exceeding 20 years of age, are
3929 eligible for exemption.

3930 13. Those laws pertaining to participating school
3931 districts, including this section and ss. 1011.69(2) and
3932 1012.28(8).

3933 (c) A school shall remain exempt, as provided in this
3934 subsection, beyond the term of the program so long as the school
3935 receives no grade lower than a "B."

3936 (4) PROFESSIONAL DEVELOPMENT.—Each participating school
3937 district shall require that the principal of each participating
3938 school and a designated leadership team selected by the
3939 principal of the participating school, a three-member leadership
3940 team from each participating school, and district personnel
3941 working with each participating school complete a nationally
3942 recognized school turnaround program which focuses on improving
3943 leadership, instructional infrastructure, talent management, and
3944 differentiated support and accountability. The required
3945 personnel must enroll in the nationally recognized school
3946 turnaround program upon acceptance into the ~~pilot~~ program. ~~Each~~
3947 ~~participating school district shall receive \$100,000 from the~~
3948 ~~department for participation in the nationally recognized school~~
3949 ~~turnaround program.~~

3950 (5) DISTRICT INNOVATION ACADEMIES AND ZONES.—To encourage
3951 further innovation and expand the reach of highly effective
3952 principals trained pursuant to subsection (4) district school
3953 boards may authorize these principals to manage multiple schools
3954 within a zone. A zone may include the school at which the



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3955 principal is assigned, persistently low-performing schools,
3956 feeder pattern schools, or a group of schools identified by the
3957 school district. The principal may allocate resources and
3958 personnel between the schools under his or her administration.

3959 ~~(6) (5) TERM OF PARTICIPATION.~~—The state board shall
3960 authorize a school district to participate in the ~~pilot~~ program
3961 for a period of 3 years commencing with approval of the
3962 principal autonomy proposal. ~~Authorization to participate in the~~
3963 ~~pilot program may be renewed upon action of the state board.~~ The
3964 state board may revoke authorization to participate in the ~~pilot~~
3965 program if the school district fails to meet the requirements of
3966 this section during the 3-year period.

3967 ~~(6) REPORTING.~~ Each participating school district shall
3968 submit an annual report to the state board. The state board
3969 shall annually report on the implementation of the Principal
3970 Autonomy Pilot Program Initiative. Upon completion of the pilot
3971 program's first 3-year term, the Commissioner of Education shall
3972 submit to the President of the Senate and the Speaker of the
3973 House of Representatives by December 1 a full evaluation of the
3974 effectiveness of the pilot program.

3975 (7) FUNDING.—Subject to an annual appropriation, The
3976 Legislature shall provide an appropriation to the department
3977 shall fund for the costs of the ~~pilot~~ program to include the,
3978 including administrative costs and enrollment costs for the
3979 nationally recognized school turnaround program required in
3980 subsection (4), and an ~~additional~~ amount not to exceed of
3981 \$10,000 for each participating principal in each participating
3982 district as an annual salary supplement for 3 years, ~~a fund for~~
3983 ~~the principal's school to be used at the principal's discretion,~~



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3984 ~~or both, as determined by the district.~~ To be eligible for a
3985 salary supplement under this subsection, a participating
3986 principal must:

3987 (a) Be rated "highly effective" as determined by the
3988 principal's performance evaluation under s. 1012.34;

3989 (b) Be transferred to a school that earned a grade of "F"
3990 or two three consecutive grades of "D" pursuant to s. 1008.34,
3991 or manage, pursuant to subsection (5), a persistently low-
3992 performing school and provided additional authority and
3993 responsibilities pursuant to s. 1012.28(8); and

3994 (c) Have implemented a turnaround option under s. 1008.33
3995 ~~s. 1008.33(4)~~ at a school as the school's principal. The
3996 turnaround option must have resulted in the school improving by
3997 at least one letter grade while he or she was serving as the
3998 school's principal.

3999 (8) RULEMAKING.—The State Board of Education shall adopt
4000 rules to administer this section.

4001 Section 31. Subsection (5) of section 1011.69, Florida
4002 Statutes, is amended to read:

4003 1011.69 Equity in School-Level Funding Act.—

4004 (5) After providing Title I, Part A, Basic funds to schools
4005 above the 75 percent poverty threshold, which may include high
4006 schools above the 50 percent threshold as permitted by federal
4007 law, school districts shall provide any remaining Title I, Part
4008 A, Basic funds directly to all eligible schools as provided in
4009 this subsection. For purposes of this subsection, an eligible
4010 school is a school that is eligible to receive Title I funds,
4011 including a charter school. The threshold for identifying
4012 eligible schools may not exceed the threshold established by a



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4013 school district for the 2016-2017 school year or the statewide
4014 percentage of economically disadvantaged students, as determined
4015 annually.

4016 (a) Prior to the allocation of Title I funds to eligible
4017 schools, a school district may withhold funds only as follows:

4018 1. One percent for parent involvement, in addition to the
4019 one percent the district must reserve under federal law for
4020 allocations to eligible schools for parent involvement;

4021 2. A necessary and reasonable amount for administration,
4022 which includes the district's indirect cost rate, not to exceed
4023 a total of 10 percent; ~~and~~

4024 3. A reasonable and necessary amount to provide:

4025 a. Homeless programs;

4026 b. Delinquent and neglected programs;

4027 c. Prekindergarten programs and activities;

4028 d. Private school equitable services; ~~and~~

4029 e. Transportation for foster care children to their school
4030 of origin or choice programs; ~~and~~.

4031 4. A necessary and reasonable amount, not to exceed 1
4032 percent, for eligible schools to provide educational services in
4033 accordance with the approved Title I plan.

4034 (b) All remaining Title I funds shall be distributed to all
4035 eligible schools in accordance with federal law and regulation.
4036 An eligible school may use funds under this subsection to
4037 participate in discretionary educational services provided by
4038 the school district. Any funds provided by an eligible school to
4039 participate in discretionary educational services provided by
4040 the school district are not subject to the requirements of this
4041 subsection.



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4042 (c) Any funds carried forward by the school district are
4043 not subject to the requirements of this subsection.

4044 Section 32. Subsection (2) of section 1011.71, Florida
4045 Statutes, is amended to read:

4046 1011.71 District school tax.—

4047 (2) In addition to the maximum millage levy as provided in
4048 subsection (1), each school board may levy not more than 1.5
4049 mills against the taxable value for school purposes for charter
4050 schools pursuant to s. 1013.62(1) and (3) ~~s. 1013.62(3)~~ and for
4051 district schools to fund:

4052 (a) New construction and remodeling projects, as set forth
4053 in s. 1013.64(6)(b) ~~s. 1013.64(3)(d) and (6)(b)~~ and included in
4054 the district's educational plant survey pursuant to s. 1013.31,
4055 without regard to prioritization, sites and site improvement or
4056 expansion to new sites, existing sites, auxiliary facilities,
4057 athletic facilities, or ancillary facilities.

4058 (b) Maintenance, renovation, and repair of existing school
4059 plants or of leased facilities to correct deficiencies pursuant
4060 to s. 1013.15(2).

4061 (c) The purchase, lease-purchase, or lease of school buses.

4062 (d) The purchase, lease-purchase, or lease of new and
4063 replacement equipment; computer and device hardware and
4064 operating system software necessary for gaining access to or
4065 enhancing the use of electronic and digital instructional
4066 content and resources; and enterprise resource software
4067 applications that are classified as capital assets in accordance
4068 with definitions of the Governmental Accounting Standards Board,
4069 have a useful life of at least 5 years, and are used to support
4070 districtwide administration or state-mandated reporting



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4071 requirements. Enterprise resource software may be acquired by
4072 annual license fees, maintenance fees, or lease agreements.

4073 (e) Payments for educational facilities and sites due under
4074 a lease-purchase agreement entered into by a district school
4075 board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
4076 exceeding, in the aggregate, an amount equal to three-fourths of
4077 the proceeds from the millage levied by a district school board
4078 pursuant to this subsection. The three-fourths limit is waived
4079 for lease-purchase agreements entered into before June 30, 2009,
4080 by a district school board pursuant to this paragraph. If
4081 payments under lease-purchase agreements in the aggregate,
4082 including lease-purchase agreements entered into before June 30,
4083 2009, exceed three-fourths of the proceeds from the millage
4084 levied pursuant to this subsection, the district school board
4085 may not withhold the administrative fees authorized by s.
4086 1002.33(20) from any charter school operating in the school
4087 district.

4088 (f) Payment of loans approved pursuant to ss. 1011.14 and
4089 1011.15.

4090 (g) Payment of costs directly related to complying with
4091 state and federal environmental statutes, rules, and regulations
4092 governing school facilities.

4093 (h) Payment of costs of leasing relocatable educational
4094 facilities, of renting or leasing educational facilities and
4095 sites pursuant to s. 1013.15(2), or of renting or leasing
4096 buildings or space within existing buildings pursuant to s.
4097 1013.15(4).

4098 (i) Payment of the cost of school buses when a school
4099 district contracts with a private entity to provide student



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4100 transportation services if the district meets the requirements
4101 of this paragraph.

4102 1. The district's contract must require that the private
4103 entity purchase, lease-purchase, or lease, and operate and
4104 maintain, one or more school buses of a specific type and size
4105 that meet the requirements of s. 1006.25.

4106 2. Each such school bus must be used for the daily
4107 transportation of public school students in the manner required
4108 by the school district.

4109 3. Annual payment for each such school bus may not exceed
4110 10 percent of the purchase price of the state pool bid.

4111 4. The proposed expenditure of the funds for this purpose
4112 must have been included in the district school board's notice of
4113 proposed tax for school capital outlay as provided in s.
4114 200.065(10).

4115 (j) Payment of the cost of the opening day collection for
4116 the library media center of a new school.

4117 (k) Payout of sick leave and annual leave accrued as of
4118 June 30, 2017, by individuals who are no longer employed by a
4119 school district that transfers to a charter school operator all
4120 day-to-day classroom instruction responsibility for all full-
4121 time equivalent students funded under s. 1011.62. This paragraph
4122 expires July 1, 2018.

4123 Section 33. Subsection (4) of section 1012.2315, Florida
4124 Statutes, is amended to read:

4125 1012.2315 Assignment of teachers.—

4126 (4) COLLECTIVE BARGAINING.—

4127 (a) Notwithstanding provisions of chapter 447 relating to
4128 district school board collective bargaining, collective



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4129 bargaining provisions may not preclude a school district from
4130 providing incentives to high-quality teachers and assigning such
4131 teachers to low-performing schools.

4132 (b) Before the start of the 2019-2020 school year, each
4133 school district and the certified collective bargaining unit for
4134 instructional personnel shall negotiate a memorandum of
4135 understanding that addresses the selection, placement, and
4136 expectations of instructional personnel and provides school
4137 principals with the autonomy described in s. 1012.28(8).

4138 (c)1. In addition to the provisions under s. 447.305(2), an
4139 employee organization that has been certified as the bargaining
4140 agent for a unit of instructional personnel as defined in s.
4141 1012.01(2) must include for each such certified bargaining unit
4142 the following information in its application for renewal of
4143 registration:

4144 a. The number of employees in the bargaining unit who are
4145 eligible for representation by the employee organization.

4146 b. The number of employees who are represented by the
4147 employee organization, specifying the number of members who pay
4148 dues and the number of members who do not pay dues.

4149 2. Notwithstanding the provisions of chapter 447 relating
4150 to collective bargaining, an employee organization whose dues
4151 paying membership is less than 50 percent of the employees
4152 eligible for representation in the unit, as identified in
4153 subparagraph 1., must petition the Public Employees Relations
4154 Commission pursuant to s. 447.307(2) and (3) for recertification
4155 as the exclusive representative of all employees in the unit
4156 within 1 month after the date on which the organization applies
4157 for renewal of registration pursuant to s. 447.305(2). The



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4158 certification of an employee organization that does not comply
4159 with this paragraph is revoked.

4160 Section 34. Subsection (8) of section 1012.28, Florida
4161 Statutes, is amended to read:

4162 1012.28 Public school personnel; duties of school
4163 principals.—

4164 (8) The principal of a school participating in the
4165 Principal Autonomy ~~Pilot~~ Program Initiative under s. 1011.6202
4166 has the following additional authority and responsibilities:

4167 (a) In addition to the authority provided in subsection
4168 (6), the authority to select qualified instructional personnel
4169 for placement or to refuse to accept the placement or transfer
4170 of instructional personnel by the district school
4171 superintendent. Placement of instructional personnel at a
4172 participating school in a participating school district does not
4173 affect the employee's status as a school district employee.

4174 (b) The authority to deploy financial resources to school
4175 programs at the principal's discretion to help improve student
4176 achievement, as defined in s. 1008.34(1), and meet performance
4177 goals identified in the principal autonomy proposal submitted
4178 pursuant to s. 1011.6202.

4179 (c) To annually provide to the district school
4180 superintendent and the district school board a budget for the
4181 operation of the participating school that identifies how funds
4182 provided pursuant to s. 1011.69(2) are allocated. ~~The school~~
4183 ~~district shall include the budget in the annual report provided~~
4184 ~~to the State Board of Education pursuant to s. 1011.6202(6).~~

4185 Section 35. Section 1012.315, Florida Statutes, is amended
4186 to read:



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4187 1012.315 Disqualification from employment.—A person is
4188 ineligible for educator certification, and instructional
4189 personnel and school administrators, as defined in s. 1012.01,
4190 are ineligible for employment in any position that requires
4191 direct contact with students in a district school system,
4192 charter school, or private school that accepts scholarship
4193 students who participate in a state scholarship program under
4194 chapter 1002 ~~under s. 1002.39 or s. 1002.395~~, if the person,
4195 instructional personnel, or school administrator has been
4196 convicted of:

4197 (1) Any felony offense prohibited under any of the
4198 following statutes:

4199 (a) Section 393.135, relating to sexual misconduct with
4200 certain developmentally disabled clients and reporting of such
4201 sexual misconduct.

4202 (b) Section 394.4593, relating to sexual misconduct with
4203 certain mental health patients and reporting of such sexual
4204 misconduct.

4205 (c) Section 415.111, relating to adult abuse, neglect, or
4206 exploitation of aged persons or disabled adults.

4207 (d) Section 782.04, relating to murder.

4208 (e) Section 782.07, relating to manslaughter, aggravated
4209 manslaughter of an elderly person or disabled adult, aggravated
4210 manslaughter of a child, or aggravated manslaughter of an
4211 officer, a firefighter, an emergency medical technician, or a
4212 paramedic.

4213 (f) Section 784.021, relating to aggravated assault.

4214 (g) Section 784.045, relating to aggravated battery.

4215 (h) Section 784.075, relating to battery on a detention or



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4216 commitment facility staff member or a juvenile probation
4217 officer.
4218 (i) Section 787.01, relating to kidnapping.
4219 (j) Section 787.02, relating to false imprisonment.
4220 (k) Section 787.025, relating to luring or enticing a
4221 child.
4222 (l) Section 787.04(2), relating to leading, taking,
4223 enticing, or removing a minor beyond the state limits, or
4224 concealing the location of a minor, with criminal intent pending
4225 custody proceedings.
4226 (m) Section 787.04(3), relating to leading, taking,
4227 enticing, or removing a minor beyond the state limits, or
4228 concealing the location of a minor, with criminal intent pending
4229 dependency proceedings or proceedings concerning alleged abuse
4230 or neglect of a minor.
4231 (n) Section 790.115(1), relating to exhibiting firearms or
4232 weapons at a school-sponsored event, on school property, or
4233 within 1,000 feet of a school.
4234 (o) Section 790.115(2)(b), relating to possessing an
4235 electric weapon or device, destructive device, or other weapon
4236 at a school-sponsored event or on school property.
4237 (p) Section 794.011, relating to sexual battery.
4238 (q) Former s. 794.041, relating to sexual activity with or
4239 solicitation of a child by a person in familial or custodial
4240 authority.
4241 (r) Section 794.05, relating to unlawful sexual activity
4242 with certain minors.
4243 (s) Section 794.08, relating to female genital mutilation.
4244 (t) Chapter 796, relating to prostitution.



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- 4245 (u) Chapter 800, relating to lewdness and indecent
4246 exposure.
- 4247 (v) Section 806.01, relating to arson.
- 4248 (w) Section 810.14, relating to voyeurism.
- 4249 (x) Section 810.145, relating to video voyeurism.
- 4250 (y) Section 812.014(6), relating to coordinating the
4251 commission of theft in excess of \$3,000.
- 4252 (z) Section 812.0145, relating to theft from persons 65
4253 years of age or older.
- 4254 (aa) Section 812.019, relating to dealing in stolen
4255 property.
- 4256 (bb) Section 812.13, relating to robbery.
- 4257 (cc) Section 812.131, relating to robbery by sudden
4258 snatching.
- 4259 (dd) Section 812.133, relating to carjacking.
- 4260 (ee) Section 812.135, relating to home-invasion robbery.
- 4261 (ff) Section 817.563, relating to fraudulent sale of
4262 controlled substances.
- 4263 (gg) Section 825.102, relating to abuse, aggravated abuse,
4264 or neglect of an elderly person or disabled adult.
- 4265 (hh) Section 825.103, relating to exploitation of an
4266 elderly person or disabled adult.
- 4267 (ii) Section 825.1025, relating to lewd or lascivious
4268 offenses committed upon or in the presence of an elderly person
4269 or disabled person.
- 4270 (jj) Section 826.04, relating to incest.
- 4271 (kk) Section 827.03, relating to child abuse, aggravated
4272 child abuse, or neglect of a child.
- 4273 (ll) Section 827.04, relating to contributing to the



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4274 delinquency or dependency of a child.
4275 (mm) Section 827.071, relating to sexual performance by a
4276 child.
4277 (nn) Section 843.01, relating to resisting arrest with
4278 violence.
4279 (oo) Chapter 847, relating to obscenity.
4280 (pp) Section 874.05, relating to causing, encouraging,
4281 soliciting, or recruiting another to join a criminal street
4282 gang.
4283 (qq) Chapter 893, relating to drug abuse prevention and
4284 control, if the offense was a felony of the second degree or
4285 greater severity.
4286 (rr) Section 916.1075, relating to sexual misconduct with
4287 certain forensic clients and reporting of such sexual
4288 misconduct.
4289 (ss) Section 944.47, relating to introduction, removal, or
4290 possession of contraband at a correctional facility.
4291 (tt) Section 985.701, relating to sexual misconduct in
4292 juvenile justice programs.
4293 (uu) Section 985.711, relating to introduction, removal, or
4294 possession of contraband at a juvenile detention facility or
4295 commitment program.
4296 (2) Any misdemeanor offense prohibited under any of the
4297 following statutes:
4298 (a) Section 784.03, relating to battery, if the victim of
4299 the offense was a minor.
4300 (b) Section 787.025, relating to luring or enticing a
4301 child.
4302 (3) Any criminal act committed in another state or under



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4303 federal law which, if committed in this state, constitutes an
4304 offense prohibited under any statute listed in subsection (1) or
4305 subsection (2).

4306 (4) Any delinquent act committed in this state or any
4307 delinquent or criminal act committed in another state or under
4308 federal law which, if committed in this state, qualifies an
4309 individual for inclusion on the Registered Juvenile Sex Offender
4310 List under s. 943.0435(1)(h)1.d.

4311 Section 36. Subsection (2) of section 1012.32, Florida
4312 Statutes, is amended to read:

4313 1012.32 Qualifications of personnel.—

4314 (2)(a) Instructional and noninstructional personnel who are
4315 hired or contracted to fill positions that require direct
4316 contact with students in any district school system or
4317 university lab school must, upon employment or engagement to
4318 provide services, undergo background screening as required under
4319 s. 1012.465 or s. 1012.56, whichever is applicable.

4320 (b) Instructional and noninstructional personnel who are
4321 hired or contracted to fill positions in any charter school and
4322 members of the governing board of any charter school, in
4323 compliance with s. 1002.33(12)(g), must, upon employment,
4324 engagement of services, or appointment, undergo background
4325 screening as required under s. 1012.465 or s. 1012.56, whichever
4326 is applicable, by filing with the district school board for the
4327 school district in which the charter school is located a
4328 complete set of fingerprints taken by an authorized law
4329 enforcement agency or an employee of the school or school
4330 district who is trained to take fingerprints.

4331 (c) Instructional and noninstructional personnel who are



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4332 hired or contracted to fill positions that require direct
4333 contact with students in an alternative school that operates
4334 under contract with a district school system must, upon
4335 employment or engagement to provide services, undergo background
4336 screening as required under s. 1012.465 or s. 1012.56, whichever
4337 is applicable, by filing with the district school board for the
4338 school district to which the alternative school is under
4339 contract a complete set of fingerprints taken by an authorized
4340 law enforcement agency or an employee of the school or school
4341 district who is trained to take fingerprints.

4342 (d) Student teachers and persons participating in a field
4343 experience pursuant to s. 1004.04(5) or s. 1004.85 in any
4344 district school system, lab school, or charter school must, upon
4345 engagement to provide services, undergo background screening as
4346 required under s. 1012.56.

4347
4348 Fingerprints shall be submitted to the Department of Law
4349 Enforcement for statewide criminal and juvenile records checks
4350 and to the Federal Bureau of Investigation for federal criminal
4351 records checks. A person subject to this subsection who is found
4352 ineligible for employment under s. 1012.315, or otherwise found
4353 through background screening to have been convicted of any crime
4354 involving moral turpitude as defined by rule of the State Board
4355 of Education, shall not be employed, engaged to provide
4356 services, or serve in any position that requires direct contact
4357 with students. Probationary persons subject to this subsection
4358 terminated because of their criminal record have the right to
4359 appeal such decisions. The cost of the background screening may
4360 be borne by the district school board, the charter school, the



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4361 employee, the contractor, or a person subject to this
4362 subsection. A district school board shall reimburse a charter
4363 school the cost of background screening if it does not notify
4364 the charter school of the eligibility of a governing board
4365 members or instructional or noninstructional personnel within
4366 the earlier of 14 days after receipt of the background screening
4367 results from the Florida Department of Law Enforcement or 30
4368 days of submission of fingerprints by the governing board member
4369 or instructional or noninstructional personnel.

4370 Section 37. Section 1012.562, Florida Statutes, is amended
4371 to read:

4372 1012.562 Public accountability and state approval of school
4373 leader preparation programs.—The Department of Education shall
4374 establish a process for the approval of Level I and Level II
4375 school leader preparation programs that will enable aspiring
4376 school leaders to obtain their certificate in educational
4377 leadership under s. 1012.56. School leader preparation programs
4378 must be competency-based, aligned to the principal leadership
4379 standards adopted by the state board, and open to individuals
4380 employed by public schools, including charter schools and
4381 virtual schools. Level I programs ~~may be offered by school~~
4382 ~~districts or postsecondary institutions and~~ lead to initial
4383 certification in educational leadership for the purpose of
4384 preparing individuals to serve as school administrators. Level
4385 II programs ~~may be offered by school districts,~~ build upon Level
4386 I training~~,~~ and lead to renewal certification as a school
4387 principal.

4388 (1) PURPOSE.—The purpose of school leader preparation
4389 programs are to:



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4390 (a) Increase the supply of effective school leaders in the
4391 public schools of this state.

4392 (b) Produce school leaders who are prepared to lead the
4393 state's diverse student population in meeting high standards for
4394 academic achievement.

4395 (c) Enable school leaders to facilitate the development and
4396 retention of effective and highly effective classroom teachers.

4397 (d) Produce leaders with the competencies and skills
4398 necessary to achieve the state's education goals.

4399 (e) Sustain the state system of school improvement and
4400 education accountability.

4401 (2) LEVEL I PROGRAMS.-

4402 (a) Initial approval of a Level I program shall be for a
4403 period of 5 years. A postsecondary institution, ~~or~~ school
4404 district, charter school, or charter management organization may
4405 submit to the department in a format prescribed by the
4406 department an application to establish a Level I school leader
4407 preparation program. To be approved, a Level I program must:

4408 1. Provide competency-based training aligned to the
4409 principal leadership standards adopted by the State Board of
4410 Education.

4411 2. If the program is provided by a postsecondary
4412 institution, partner with at least one school district.

4413 3. Describe the qualifications that will be used to
4414 determine program admission standards, including a candidate's
4415 instructional expertise and leadership potential.

4416 4. Describe how the training provided through the program
4417 will be aligned to the personnel evaluation criteria under s.
4418 1012.34.



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4419 (b) Renewal of a Level I program's approval shall be for a
4420 period of 5 years and shall be based upon evidence of the
4421 program's continued ability to meet the requirements of
4422 paragraph (a). A postsecondary institution or school district
4423 must submit an institutional program evaluation plan in a format
4424 prescribed by the department for a Level I program to be
4425 considered for renewal. The plan must include:

4426 1. The percentage of personnel who complete the program and
4427 are placed in school leadership positions in public schools
4428 within the state.

4429 2. Results from the personnel evaluations required under s.
4430 1012.34 for personnel who complete the program.

4431 3. The passage rate of personnel who complete the program
4432 on the Florida Education Leadership Examination.

4433 4. The impact personnel who complete the program have on
4434 student learning as measured by the formulas developed by the
4435 commissioner pursuant to s. 1012.34(7).

4436 5. Strategies for continuous improvement of the program.

4437 6. Strategies for involving personnel who complete the
4438 program, other school personnel, community agencies, business
4439 representatives, and other stakeholders in the program
4440 evaluation process.

4441 7. Additional data included at the discretion of the
4442 postsecondary institution or school district.

4443 (c) A Level I program must guarantee the high quality of
4444 personnel who complete the program for the first 2 years after
4445 program completion or the person's initial certification as a
4446 school leader, whichever occurs first. If a person who completed
4447 the program is evaluated at less than highly effective or



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4448 effective under s. 1012.34 and the person's employer requests
4449 additional training, the Level I program must provide additional
4450 training at no cost to the person or his or her employer. The
4451 training must include the creation of an individualized plan
4452 agreed to by the employer that includes specific learning
4453 outcomes. The Level I program is not responsible for the
4454 person's employment contract with his or her employer.

4455 (3) LEVEL II PROGRAMS.—Initial approval and subsequent
4456 renewal of a Level II program shall be for a period of 5 years.
4457 A school district, charter school, or charter management
4458 organization may submit to the department in a format prescribed
4459 by the department an application to establish a Level II school
4460 leader preparation program or for program renewal. To be
4461 approved or renewed, a Level II program must:

4462 (a) Demonstrate that personnel accepted into the Level II
4463 program have:

4464 1. Obtained their certificate in educational leadership
4465 under s. 1012.56.

4466 2. Earned a highly effective or effective designation under
4467 s. 1012.34.

4468 3. Satisfactorily performed instructional leadership
4469 responsibilities as measured by the evaluation system in s.
4470 1012.34.

4471 (b) Demonstrate that the Level II program:

4472 1. Provides competency-based training aligned to the
4473 principal leadership standards adopted by the State Board of
4474 Education.

4475 2. Provides training aligned to the personnel evaluation
4476 criteria under s. 1012.34 and professional development program



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4477 in s. 1012.986.

4478 3. Provides individualized instruction using a customized
4479 learning plan for each person enrolled in the program that is
4480 based on data from self-assessment, selection, and appraisal
4481 instruments.

4482 4. Conducts program evaluations and implements program
4483 improvements using input from personnel who completed the
4484 program and employers and data gathered pursuant to paragraph
4485 (2) (b).

4486 (c) Gather and monitor the data specified in paragraph
4487 (2) (b).

4488 (4) RULES.—The State Board of Education shall adopt rules
4489 to administer this section.

4490 Section 38. Paragraph (b) of subsection (1) of section
4491 1012.586, Florida Statutes, is amended to read:

4492 1012.586 Additions or changes to certificates; duplicate
4493 certificates.—A school district may process via a Department of
4494 Education website certificates for the following applications of
4495 public school employees:

4496 (1) Addition of a subject coverage or endorsement to a
4497 valid Florida certificate on the basis of the completion of the
4498 appropriate subject area testing requirements of s.
4499 1012.56(5) (a) or the completion of the requirements of an
4500 approved school district program or the inservice components for
4501 an endorsement.

4502 (b) By July 1, 2018, and at least once every 5 years
4503 thereafter, the department shall conduct a review of existing
4504 subject coverage or endorsement requirements in the elementary,
4505 reading, and exceptional student educational areas. The review



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4506 must include reciprocity requirements for out-of-state
4507 certificates and requirements for demonstrating competency in
4508 the reading instruction professional development topics listed
4509 in s. 1012.98(4)(b)11. The review must also consider the award
4510 of an endorsement to an individual who holds a certificate
4511 issued by an internationally recognized organization that
4512 establishes standards for providing evidence-based interventions
4513 to struggling readers or who completes a postsecondary program
4514 that is accredited by such organization. Any such certificate or
4515 program must require an individual who completes the certificate
4516 or program to demonstrate competence in reading intervention
4517 strategies through clinical experience. At the conclusion of
4518 each review, the department shall recommend to the state board
4519 changes to the subject coverage or endorsement requirements
4520 based upon any identified instruction or intervention strategies
4521 proven to improve student reading performance. This paragraph
4522 does not authorize the state board to establish any new
4523 certification subject coverage.

4524
4525 The employing school district shall charge the employee a fee
4526 not to exceed the amount charged by the Department of Education
4527 for such services. Each district school board shall retain a
4528 portion of the fee as defined in the rules of the State Board of
4529 Education. The portion sent to the department shall be used for
4530 maintenance of the technology system, the web application, and
4531 posting and mailing of the certificate.

4532 Section 39. Paragraph (b) of subsection (3) of section
4533 1012.731, Florida Statutes, is amended to read:

4534 1012.731 The Florida Best and Brightest Teacher Scholarship



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4535 Program.—

4536 (3)

4537 (b)1. In order to demonstrate eligibility for an award, an
4538 eligible classroom teacher must submit to the school district,
4539 no later than November 1, an official record of his or her
4540 qualifying assessment score and, beginning with the 2020-2021
4541 school year, an official transcript demonstrating that he or she
4542 graduated cum laude or higher with a baccalaureate degree, if
4543 applicable. Once a classroom teacher is deemed eligible by the
4544 school district, the teacher shall remain eligible as long as he
4545 or she remains employed by the school district as a classroom
4546 teacher at the time of the award and receives an annual
4547 performance evaluation rating of highly effective pursuant to s.
4548 1012.34 or is evaluated as highly effective based on a
4549 commissioner-approved student learning growth formula pursuant
4550 to s. 1012.34(8) for the 2019-2020 school year or thereafter.

4551 2. A school district employee who is no longer a classroom
4552 teacher may receive an award if the employee was a classroom
4553 teacher in the prior school year, was rated highly effective,
4554 and met the requirements of this section as a classroom teacher.

4555 Section 40. Paragraph (e) of subsection (1) of section
4556 1012.796, Florida Statutes, is amended to read:

4557 1012.796 Complaints against teachers and administrators;
4558 procedure; penalties.—

4559 (1)

4560 (e) If allegations arise against an employee who is
4561 certified under s. 1012.56 and employed in an educator-
4562 certificated position in any public school, charter school or
4563 governing board thereof, or private school that accepts



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4564 scholarship students who participate in a state scholarship
4565 program under chapter 1002 ~~under s. 1002.39 or s. 1002.395~~, the
4566 school shall file in writing with the department a legally
4567 sufficient complaint within 30 days after the date on which the
4568 subject matter of the complaint came to the attention of the
4569 school. A complaint is legally sufficient if it contains
4570 ultimate facts that show a violation has occurred as provided in
4571 s. 1012.795 and defined by rule of the State Board of Education.
4572 The school shall include all known information relating to the
4573 complaint with the filing of the complaint. This paragraph does
4574 not limit or restrict the power and duty of the department to
4575 investigate complaints, regardless of the school's untimely
4576 filing, or failure to file, complaints and followup reports.

4577 Section 41. Subsection (11) of section 1012.98, Florida
4578 Statutes, is amended to read:

4579 1012.98 School Community Professional Development Act.—

4580 (11) The department shall disseminate to the school
4581 community proven model professional development programs that
4582 have demonstrated success in increasing rigorous and relevant
4583 content, increasing student achievement and engagement, meeting
4584 identified student needs, and providing effective mentorship
4585 activities to new teachers and training to teacher mentors. The
4586 methods of dissemination must include a web-based statewide
4587 performance-support system including a database of exemplary
4588 professional development activities, a listing of available
4589 professional development resources, training programs, and
4590 available technical assistance. Professional development
4591 resources must include sample course-at-a-glance and unit
4592 overview templates that school districts may use when developing



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4593 curriculum. The templates must provide an organized structure
4594 for addressing the Florida Standards, grade-level expectations,
4595 evidence outcomes, and 21st century skills that build to
4596 students' mastery of the standards at each grade level. Each
4597 template must support teaching to greater intellectual depth and
4598 emphasize transfer and application of concepts, content, and
4599 skills. At a minimum, each template must:

4600 (a) Provide course or year-long sequencing of concept-based
4601 unit overviews based on the Florida Standards.

4602 (b) Describe the knowledge and vocabulary necessary for
4603 comprehension.

4604 (c) Promote the instructional shifts required within the
4605 Florida Standards.

4606 (d) Illustrate the interdependence of grade level
4607 expectations within and across content areas within a grade.

4608 Section 42. Paragraph (a) of subsection (2) of section
4609 1013.28, Florida Statutes, is amended to read:

4610 1013.28 Disposal of property.—

4611 (2) TANGIBLE PERSONAL PROPERTY.—

4612 (a) Tangible personal property that has been properly
4613 classified as surplus by a district school board or Florida
4614 College System institution board of trustees shall be disposed
4615 of in accordance with the procedure established by chapter 274.
4616 However, the provisions of chapter 274 shall not be applicable
4617 to a motor vehicle used in driver education to which title is
4618 obtained for a token amount from an automobile dealer or
4619 manufacturer. In such cases, the disposal of the vehicle shall
4620 be as prescribed in the contractual agreement between the
4621 automotive agency or manufacturer and the board. Tangible



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4622 personal property that has been properly classified as surplus,
4623 marked for disposal, or otherwise unused by a district school
4624 board shall be provided for a charter school's use on the same
4625 basis as it is made available to other public schools in the
4626 district. A charter school receiving property from the school
4627 district may not sell or dispose of such property without the
4628 written permission of the school district.

4629 Section 43. Present paragraphs (a) through (d) of
4630 subsection (1) of section 1013.31, Florida Statutes, are
4631 redesignated as paragraphs (b) through (e), respectively, and a
4632 new paragraph (a) is added to that subsection, to read:

4633 1013.31 Educational plant survey; localized need
4634 assessment; PECO project funding.—

4635 (1) At least every 5 years, each board shall arrange for an
4636 educational plant survey, to aid in formulating plans for
4637 housing the educational program and student population, faculty,
4638 administrators, staff, and auxiliary and ancillary services of
4639 the district or campus, including consideration of the local
4640 comprehensive plan. The Department of Education shall document
4641 the need for additional career and adult education programs and
4642 the continuation of existing programs before facility
4643 construction or renovation related to career or adult education
4644 may be included in the educational plant survey of a school
4645 district or Florida College System institution that delivers
4646 career or adult education programs. Information used by the
4647 Department of Education to establish facility needs must
4648 include, but need not be limited to, labor market data, needs
4649 analysis, and information submitted by the school district or
4650 Florida College System institution.



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4651 (a) Educational plant survey and localized need assessment
4652 for capital outlay purposes.—A district may only use funds from
4653 the following sources for educational, auxiliary, and ancillary
4654 plant capital outlay purposes without needing a survey
4655 recommendation:

4656 1. The local capital outlay improvement fund, consisting of
4657 funds that come from and are a part of the district's basic
4658 operating budget;

4659 2. If a board decides to build an educational, auxiliary,
4660 or ancillary facility without a survey recommendation and the
4661 taxpayers approve a bond referendum, the voted bond referendum;

4662 3. One-half cent sales surtax revenue;

4663 4. One cent local governmental surtax revenue;

4664 5. Impact fees; and

4665 6. Private gifts or donations.

4666 Section 44. Paragraph (e) is added to subsection (2) of
4667 section 1013.385, Florida Statutes, to read:

4668 1013.385 School district construction flexibility.—

4669 (2) A resolution adopted under this section may propose
4670 implementation of exceptions to requirements of the uniform
4671 statewide building code for the planning and construction of
4672 public educational and ancillary plants adopted pursuant to ss.
4673 553.73 and 1013.37 relating to:

4674 (e) Any other provisions that limit the ability of a school
4675 to operate in a facility on the same basis as a charter school
4676 pursuant to s. 1002.33(18) so long as the regional planning
4677 council determines that there is sufficient shelter capacity
4678 within the school district as documented in the Statewide
4679 Emergency Shelter Plan.



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4680 Section 45. Subsections (1), (3), and (5) of section
4681 1013.62, Florida Statutes, are amended to read:

4682 1013.62 Charter schools capital outlay funding.—

4683 (1) For the 2018-2019 fiscal year, charter school capital
4684 outlay funding shall consist of ~~revenue resulting from the~~
4685 ~~discretionary millage authorized in s. 1011.71(2) and state~~
4686 ~~funds when such funds are~~ appropriated in the 2018-2019 General
4687 Appropriations Act. Beginning in fiscal year 2019-2020, charter
4688 school capital outlay funding shall consist of state funds when
4689 such funds are appropriated in the General Appropriations Act
4690 and revenue resulting from the discretionary millage authorized
4691 in s. 1011.71(2) if the amount of state funds appropriated for
4692 charter school capital outlay in any fiscal year is less than
4693 the average charter school capital outlay funds per unweighted
4694 full-time equivalent student for the 2018-2019 fiscal year,
4695 multiplied by the estimated number of charter school students
4696 for the applicable fiscal year, and adjusted by changes in the
4697 Consumer Price Index issued by the United States Department of
4698 Labor from the previous fiscal year. Nothing in this subsection
4699 prohibits a school district from distributing to charter schools
4700 funds resulting from the discretionary millage authorized in s.
4701 1011.71(2).

4702 (a) To be eligible to receive capital outlay funds, a
4703 charter school must:

4704 1.a. Have been in operation for 2 or more years;

4705 b. Be governed by a governing board established in the
4706 state for 2 or more years which operates both charter schools
4707 and conversion charter schools within the state;

4708 c. Be an expanded feeder chain of a charter school within



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4709 the same school district that is currently receiving charter
4710 school capital outlay funds;
4711 d. Have been accredited by a regional accrediting
4712 association as defined by State Board of Education rule; or
4713 e. Serve students in facilities that are provided by a
4714 business partner for a charter school-in-the-workplace pursuant
4715 to s. 1002.33(15) (b) .
4716 2. Have an annual audit that does not reveal any of the
4717 financial emergency conditions provided in s. 218.503(1) for the
4718 most recent fiscal year for which such audit results are
4719 available.
4720 3. Have satisfactory student achievement based on state
4721 accountability standards applicable to the charter school.
4722 4. Have received final approval from its sponsor pursuant
4723 to s. 1002.33 for operation during that fiscal year.
4724 5. Serve students in facilities that are not provided by
4725 the charter school's sponsor.
4726 (b) A charter school is not eligible to receive capital
4727 outlay funds if it was created by the conversion of a public
4728 school and operates in facilities provided by the charter
4729 school's sponsor for a nominal fee, or at no charge, or if it is
4730 directly or indirectly operated by the school district.
4731 (3) If the school board levies the discretionary millage
4732 authorized in s. 1011.71(2), and the state funds appropriated
4733 for charter school capital outlay in any fiscal year are less
4734 than the average charter school capital outlay funds per
4735 unweighted full-time equivalent student for the 2018-2019 fiscal
4736 year, multiplied by the estimated number of charter school
4737 students for the applicable fiscal year, and adjusted by changes



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4738 in the Consumer Price Index issued by the United States
4739 Department of Labor from the previous fiscal year, the
4740 department shall use the following calculation methodology to
4741 determine the amount of revenue that a school district must
4742 distribute to each eligible charter school:

4743 (a) Reduce the total discretionary millage revenue by the
4744 school district's annual debt service obligation incurred as of
4745 March 1, 2017, which has not been subsequently retired, and any
4746 amount of participation requirement pursuant to s.
4747 1013.64(2)(a)8. that is being satisfied by revenues raised by
4748 the discretionary millage.

4749 (b) Divide the school district's adjusted discretionary
4750 millage revenue by the district's total capital outlay full-time
4751 equivalent membership and the total number of unweighted full-
4752 time equivalent students of each eligible charter school to
4753 determine a capital outlay allocation per full-time equivalent
4754 student.

4755 (c) Multiply the capital outlay allocation per full-time
4756 equivalent student by the total number of full-time equivalent
4757 students of each eligible charter school to determine the
4758 capital outlay allocation for each charter school.

4759 (d) If applicable, reduce the capital outlay allocation
4760 identified in paragraph (c) by the total amount of state funds
4761 allocated to each eligible charter school in subsection (2) to
4762 determine the maximum calculated capital outlay allocation.

4763 (e) School districts shall distribute capital outlay funds
4764 to charter schools no later than February 1 of each year, as
4765 required by this subsection, based on the amount of funds
4766 received by the district school board, ~~beginning on February 1,~~



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4767 ~~2018, for the 2017-2018 fiscal year.~~ School districts shall
4768 distribute any remaining capital outlay funds, as required by
4769 this subsection, upon the receipt of such funds until the total
4770 amount calculated pursuant to this subsection is distributed.

4771
4772 By October 1 of each year, each school district shall certify to
4773 the department the amount of debt service and participation
4774 requirement that complies with the requirement of paragraph (a)
4775 and can be reduced from the total discretionary millage revenue.
4776 The Auditor General shall verify compliance with the
4777 requirements of paragraph (a) and s. 1011.71(2)(e) during
4778 scheduled operational audits of school districts.

4779 (5) If a charter school is nonrenewed or terminated, any
4780 unencumbered funds and all equipment and property purchased with
4781 district public funds shall revert to the ownership of the
4782 district school board, as provided for in s. 1002.33(8)(d) and
4783 (e) s. 1002.33(8)(e) and (f). In the case of a charter lab
4784 school, any unencumbered funds and all equipment and property
4785 purchased with university public funds shall revert to the
4786 ownership of the state university that issued the charter. The
4787 reversion of such equipment, property, and furnishings shall
4788 focus on recoverable assets, but not on intangible or
4789 irrecoverable costs such as rental or leasing fees, normal
4790 maintenance, and limited renovations. The reversion of all
4791 property secured with public funds is subject to the complete
4792 satisfaction of all lawful liens or encumbrances. If there are
4793 additional local issues such as the shared use of facilities or
4794 partial ownership of facilities or property, these issues shall
4795 be agreed to in the charter contract prior to the expenditure of



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4796 funds.

4797 Section 46. For the 2018-2019 fiscal year, the sum of
4798 \$13,750,000 in recurring funds from the General Revenue Fund and
4799 the sum of \$100,000 in nonrecurring funds from the General
4800 Revenue Fund are appropriated to the Department of Education to
4801 implement this act, except as provided in this section. Of the
4802 recurring funds, \$9,700,000 shall be used to fund reading
4803 scholarship accounts pursuant to s. 1002.411, Florida Statutes,
4804 \$300,000 shall be provided as an administrative fee pursuant to
4805 s. 1002.411(7)(g), Florida Statutes, \$2,000,000 shall be used to
4806 implement the provisions of s. 1002.40(8), Florida Statutes,
4807 \$950,000 shall be used to implement the additional oversight
4808 requirements pursuant to s. 1002.421, Florida Statutes, \$250,000
4809 shall be used to issue a competitive grant award pursuant to s.
4810 1002.395(9), Florida Statutes, and \$550,000 shall be used for
4811 instructional materials pursuant to s. 1007.271(13), Florida
4812 Statutes. Of the nonrecurring funds, and contingent upon HB 1279
4813 or similar legislation in the 2018 regular session or an
4814 extension thereof becoming law, \$100,000 shall be used to
4815 implement the provisions of s. 1011.051(2)(b), Florida Statutes,
4816 as provided in HB 1279.

4817 Section 47. For the 2017-2018 fiscal year, the sum of
4818 \$150,000 in nonrecurring funds from the General Revenue Fund are
4819 appropriated to the Department of Revenue to implement the
4820 creation of s. 212.099, Florida Statutes, by this act.

4821 Section 48. The amendments made by this act to ss. 220.13,
4822 220.1875, and 1002.395, Florida Statutes, apply to taxable years
4823 beginning on or after January 1, 2018.

4824 Section 49. (1) The Department of Revenue is authorized,



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4825 and all conditions are deemed to be met, to adopt emergency
4826 rules pursuant to s. 120.54(4), Florida Statutes, for the
4827 purpose of administering the provisions of this act.

4828 (2) Notwithstanding any other provision of law, emergency
4829 rules adopted pursuant to subsection (1) are effective for 6
4830 months after adoption and may be renewed during the pendency of
4831 procedures to adopt permanent rules addressing the subject of
4832 the emergency rules.

4833 (3) This section shall take effect upon this act becoming a
4834 law and shall expire January 1, 2022.

4835 Section 50. For the 2017-2018 school year, students
4836 enrolled in Marjory Stoneman Douglas High School are exempt from
4837 taking the statewide standardized assessments administered
4838 pursuant to s. 1008.22, Florida Statutes, and the use of
4839 assessment results for course grades pursuant to s. 1003.4282,
4840 Florida Statutes; however, the school shall administer industry
4841 certification assessments, national assessments, and statewide
4842 standardized assessments for any student who chooses to take the
4843 assessment. Students who are in the 2017-2018 graduating class
4844 are exempt from the minimum hours of instruction requirement of
4845 s. 1003.436, Florida Statutes, and from being required to use
4846 certain assessments to earn a standard high school diploma
4847 pursuant to s. 1003.4282, Florida Statutes, and to earn standard
4848 high school diploma designations pursuant to s. 1003.4285,
4849 Florida Statutes. Notwithstanding s. 1008.34, Florida Statutes,
4850 the school grade of "A" earned by Marjory Stoneman Douglas High
4851 School for the 2016-2017 school year shall be used for the 2017-
4852 2018 school year to maintain eligibility for designation as a
4853 School of Excellence pursuant to s. 1003.631, Florida Statutes,



4854 and award of school recognition pursuant to s. 1008.36, Florida
4855 Statutes.

4856 Section 51. Except as otherwise expressly provided in this
4857 act and except for this section, which shall take effect upon
4858 this act becoming a law, this act shall take effect July 1,
4859 2018.

4861 ===== T I T L E A M E N D M E N T =====

4862 And the title is amended as follows:

4863 Delete everything before the enacting clause
4864 and insert:

4865 A bill to be entitled
4866 An act relating to education; creating s. 212.099,
4867 F.S.; defining terms; authorizing eligible businesses
4868 to receive a tax credit against specified taxes;
4869 requiring eligible businesses to apply to the
4870 Department of Revenue for an allocation; specifying
4871 uses for eligible contributions; requiring the
4872 department to adopt rules; amending s. 212.1831, F.S.;
4873 modifying the calculation of the dealer's collection
4874 allowance under s. 212.12 to include certain
4875 contributions to eligible nonprofit scholarship-
4876 funding organizations; creating s. 212.1832, F.S.;
4877 authorizing certain persons to receive a tax credit
4878 for certain contributions to eligible nonprofit
4879 scholarship-funding organizations for the Hope
4880 Scholarship Program; providing requirements for motor
4881 vehicle dealers; requiring the Department of Revenue
4882 to disregard certain tax credits for specified



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4883 purposes; providing that specified provisions apply to
4884 certain provisions; amending s. 213.053, F.S.;

4885 providing definitions; authorizing the Department of
4886 Revenue to provide a list of certain taxpayers to
4887 certain nonprofit scholarship-funding organizations;
4888 amending s. 220.13, F.S.; providing an exception to
4889 the additions to the calculation of adjusted taxable
4890 income for corporate income tax purposes; amending s.
4891 220.1875, F.S.; providing a deadline for an eligible
4892 contribution to be made to an eligible nonprofit
4893 scholarship-funding organization; determining
4894 compliance with the requirement to pay tentative taxes
4895 under ss. 220.222 and 220.32 for tax credits under s.
4896 1002.395; amending s. 1001.10, F.S.; revising the
4897 private schools to which the Department of Education
4898 is required to provide technical assistance and
4899 authorized staff; amending s. 1002.33, F.S.; revising
4900 the charter school application and review process
4901 relating to the opening of a school; revising the
4902 criteria for denying high-performing charter school
4903 system applications; revising the requirements for the
4904 term of a charter; revising provisions for the
4905 modification of and the nonrenewal or termination of a
4906 charter; revising the process for resolving
4907 contractual disputes; requiring a sponsor to provide
4908 specified information to the department annually;
4909 requiring the department to include the information in
4910 a specified report; amending s. 1002.331, F.S.;

4911 revising the criteria for designation as a high-



4912 performing charter school; revising the calculation
4913 used to determine facility capacity for such charter
4914 schools; revising the number of schools that can be
4915 established by a high-performing charter school;
4916 amending s. 1002.333, F.S.; providing for certain
4917 funds for the Schools of Hope Program to be carried
4918 forward for a specified number of years; amending s.
4919 1002.37, F.S.; providing that certain students shall
4920 be given priority; requiring school districts to
4921 provide Florida Virtual School students access to
4922 certain examinations and assessments and certain
4923 information; amending s. 1002.385, F.S.; revising
4924 eligible expenditures for the Gardiner Scholarship
4925 Program; conforming provisions to changes made by the
4926 act; amending s. 1002.39, F.S.; conforming provisions
4927 to changes made by the act; amending s. 1002.395,
4928 F.S.; revising the requirements for an annual report
4929 of certain student data for the Florida Tax Credit
4930 Scholarship Program; providing an application deadline
4931 for certain tax credits related to nonprofit
4932 scholarship-funding organizations; extending the carry
4933 forward period for unused tax credits from 5 years to
4934 10 years; providing applicability of the carried
4935 forward tax credit for purposes of certain taxes;
4936 removing the requirement for a taxpayer to apply to
4937 the department for approval of a carry forward tax
4938 credit; conforming provisions to changes made by the
4939 act; creating s. 1002.40, F.S.; establishing the Hope
4940 Scholarship Program; providing the purpose of the



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4941 program; providing definitions; providing eligibility
4942 requirements; prohibiting the payment of a scholarship
4943 under certain circumstances; requiring a school
4944 principal to investigate a report of physical violence
4945 or emotional abuse; requiring a school district to
4946 notify an eligible student's parent of the program;
4947 requiring a school district to provide certain
4948 information relating to the statewide assessment
4949 program; providing requirements and obligations for
4950 eligible private schools; providing department
4951 obligations relating to participating students and
4952 private schools and program requirements; providing
4953 parent and student responsibilities for initial and
4954 continued participation in the program; providing
4955 eligible nonprofit scholarship-funding organization
4956 obligations; providing for the calculation of the
4957 scholarship amount; providing the scholarship amount
4958 for students transferred to certain public schools;
4959 requiring verification of specified information before
4960 a scholarship may be disbursed; providing requirements
4961 for the scholarship payments; providing funds for
4962 administrative expenses for certain nonprofit
4963 scholarship-funding organizations; providing
4964 requirements for administrative expenses; prohibiting
4965 an eligible nonprofit scholarship-funding organization
4966 from charging an application fee; providing Auditor
4967 General obligations; providing requirements for
4968 taxpayer elections to contribute to the program;
4969 requiring the Department of Revenue to adopt forms to



4970 administer the program; providing reporting
4971 requirements for eligible nonprofit scholarship-
4972 funding organizations relating to taxpayer
4973 contributions; providing requirements for certain
4974 agents of the Department of Revenue and motor vehicle
4975 dealers; providing penalties; providing for the
4976 restitution of specified funds under certain
4977 circumstances; providing that the state is not liable
4978 for the award or use of program funds; prohibiting
4979 additional regulations for private schools
4980 participating in the program beyond those necessary to
4981 enforce program requirements; requiring the State
4982 Board of Education and the Department of Revenue to
4983 adopt rules to administer the program; creating s.
4984 1002.411, F.S.; establishing reading scholarship
4985 accounts for specified purposes; providing for
4986 eligibility for scholarships; providing for
4987 administration; providing duties of the Department of
4988 Education; providing school district obligations;
4989 specifying options for parents; providing that maximum
4990 funding shall be specified in the General
4991 Appropriations Act; providing for payment of funds;
4992 specifying that no state liability arises from the
4993 award or use of such an account; amending s. 1002.421,
4994 F.S.; providing private school requirements for
4995 participation in educational scholarship programs;
4996 providing background screening requirements and
4997 procedures for owners of private schools; providing
4998 that a private school is ineligible to participate in



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4999 an educational scholarship program under certain
5000 circumstances; providing department obligations
5001 relating to educational scholarship programs;
5002 providing commissioner authority and responsibilities
5003 for educational scholarship programs; authorizing the
5004 commissioner to deny, suspend, or revoke a private
5005 school's participation in an educational scholarship
5006 program; amending s. 1002.55, F.S.; authorizing an
5007 early learning coalition to refuse to contract with
5008 certain private prekindergarten providers; amending s.
5009 1002.75, F.S.; authorizing an early learning coalition
5010 to refuse to contract with or revoke the eligibility
5011 of certain Voluntary Prekindergarten Education Program
5012 providers; amending s. 1002.88, F.S.; authorizing an
5013 early learning coalition to refuse to contract with or
5014 revoke the eligibility of certain school readiness
5015 program providers; amending s. 1003.44, F.S.;
5016 requiring each district school board to adopt rules
5017 for the display of the official state motto in
5018 specified places; amending s. 1003.453, F.S.; revising
5019 school wellness policies; providing requirements for
5020 instruction in the use of cardiopulmonary
5021 resuscitation; amending s. 1003.576, F.S.; requiring a
5022 specified IEP system to be used statewide; deleting an
5023 obsolete date; amending s. 1006.061, F.S.; revising
5024 the applicability of certain child abuse, abandonment,
5025 and neglect provisions; amending s. 1006.15, F.S.;
5026 revising requirements for participation in
5027 extracurricular student activities for certain



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5028 students; amending s. 1007.271, F.S.; deleting a
5029 requirement for a home education student to provide
5030 his or her own instructional materials; revising the
5031 requirements for home education and private school
5032 articulation agreements; amending s. 1008.22, F.S.;
5033 requiring certain portions of the English Language
5034 Arts assessments to include social studies content;
5035 revising the format requirements for certain statewide
5036 assessments; requiring published assessment items to
5037 be in a format that meets certain criteria; amending
5038 s. 1011.62, F.S.; renaming the "supplemental academic
5039 instruction categorical fund" as the "supplemental
5040 academic instruction allocation"; requiring certain
5041 school districts to use the allocation for specified
5042 purposes; deleting an obsolete date; deleting a
5043 provision authorizing the Florida State University
5044 School to expend specified funds for certain purposes;
5045 prohibiting the award of certain bonuses to teachers
5046 who fail to maintain the security of certain
5047 examinations or violate certain protocols; authorizing
5048 the state board to adopt rules for specified purposes;
5049 conforming provisions to changes made by the act;
5050 revising the research-based reading instruction
5051 allocation; revising the criteria for establishing the
5052 300 lowest-performing elementary schools; providing
5053 requirements for staffing summer reading camps funded
5054 through the allocation; requiring school districts
5055 that meet specified criteria, rather than all school
5056 districts, to submit a comprehensive reading plan for



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5057 specified purposes; deleting provisions for the
5058 release or withholding of funds based on a school
5059 district's comprehensive reading plan; revising a
5060 definition; requiring K-12 comprehensive reading plans
5061 to provide for intensive reading interventions that
5062 are delivered by teachers who meet certain criteria
5063 beginning with a specified school year; providing
5064 requirements for such interventions; amending s.
5065 1011.6202, F.S.; renaming the "Principal Autonomy
5066 Pilot Program" as the "Principal Autonomy Program";
5067 providing that any school district may apply to
5068 participate in the program; providing that a school
5069 shall retain its exemption from specified laws under
5070 specified circumstances; requiring a designated
5071 leadership team at a participating school to complete
5072 a certain turnaround program; deleting a provision
5073 providing a specified amount of funds to a
5074 participating school district that completes the
5075 turnaround program; providing requirements for such
5076 schools; providing for such schools to participate in
5077 the program; providing requirements for such
5078 participation; specifying that no school district
5079 liability arises from the management of such schools;
5080 deleting a school's authority to renew participation
5081 in the program; deleting reporting requirements;
5082 providing for funding; revising the principal
5083 eligibility criteria for a salary supplement through
5084 the program; amending s. 1011.69, F.S.; authorizing
5085 certain high schools to receive Title I funds;



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5086 providing that a school district may withhold Title I
5087 funds for specified purposes; authorizing certain
5088 schools to use Title I funds for specified purposes;
5089 providing an exception for specified funds; amending
5090 s. 1011.71, F.S.; prohibiting a school district from
5091 withholding charter school administrative fees under
5092 certain circumstances; amending s. 1012.2315, F.S.;
5093 requiring certain employee organizations to include
5094 specified information in a specified application and
5095 to petition for recertification for specified
5096 purposes; amending s. 1012.28, F.S.; conforming
5097 provisions to changes made by the act; amending s.
5098 1012.315, F.S.; revising the applicability of certain
5099 provisions related to disqualification from employment
5100 for the conviction of specified offenses; amending s.
5101 1012.32, F.S.; requiring a district school board to
5102 reimburse certain costs if it fails to notify a
5103 charter school of the eligibility status of certain
5104 persons; amending s. 1012.562, F.S.; authorizing
5105 charter schools and charter management organizations
5106 to offer school leader preparation programs; amending
5107 s. 1012.586, F.S.; requiring the Department of
5108 Education to consider the award of endorsements for a
5109 teaching certificate to individuals who hold specified
5110 certifications or who complete specified programs that
5111 meet certain criteria in a specified review; amending
5112 s. 1012.731, F.S.; extending eligibility for the
5113 Florida Best and Brightest Teacher Scholarship Program
5114 to school district employees who, in the prior school



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5115 year, were classroom teachers and met certain
5116 eligibility requirements; amending s. 1012.796, F.S.;

5117 revising the applicability of a requirement that
5118 certain private schools file specified reports with
5119 the department for certain allegations against its
5120 employees; amending s. 1012.98, F.S.; requiring
5121 professional development resources to include sample
5122 course-at-a-glance and unit overview templates;
5123 providing requirements for such templates; amending s.
5124 1013.28, F.S.; requiring school districts to provide
5125 charter schools access to certain property on the same
5126 basis as public schools; prohibiting certain actions
5127 by a charter school without the written permission of
5128 the school district; amending s. 1013.31, F.S.;

5129 authorizing a district to use certain sources of funds
5130 for educational, auxiliary, and ancillary plant
5131 capital outlay purposes without needing a survey
5132 recommendation; amending s. 1013.385, F.S.; providing
5133 additional exceptions to certain building code
5134 regulations for school districts; amending s. 1013.62,
5135 F.S.; revising requirements for charter school capital
5136 outlay funding; requiring each district to certify
5137 certain information to the department by October 1
5138 each year; conforming provisions to changes made by
5139 the act; providing appropriations; providing
5140 retroactive applicability; authorizing the Department
5141 of Revenue to adopt emergency rules for specified
5142 purposes; specifying that certain students are exempt
5143 from specified required assessments, grades, and



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5144 graduation requirements for the 2017-2018 school year;
5145 specifying that the Marjory Stoneman Douglas High
5146 School shall maintain specified grades and
5147 designations for the 2017-2018 school year; providing
5148 an effective date.