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LEGISLATIVE ACTION

Senate

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House

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Senators Passidomo and Galvano moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (b) of subsection (13) of section
121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—Benefits may not
be paid under this section unless the member has terminated
employment as provided in s. 121.021(39) (a) or begun
participation in the Deferred Retirement Option Program as
provided in subsection (13), and a proper application has been



831300

12 filed in the manner prescribed by the department. The department
13 may cancel an application for retirement benefits when the
14 member or beneficiary fails to timely provide the information
15 and documents required by this chapter and the department's
16 rules. The department shall adopt rules establishing procedures
17 for application for retirement benefits and for the cancellation
18 of such application when the required information or documents
19 are not received.

20 (13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and
21 subject to this section, the Deferred Retirement Option Program,
22 hereinafter referred to as DROP, is a program under which an
23 eligible member of the Florida Retirement System may elect to
24 participate, deferring receipt of retirement benefits while
25 continuing employment with his or her Florida Retirement System
26 employer. The deferred monthly benefits shall accrue in the
27 Florida Retirement System on behalf of the member, plus interest
28 compounded monthly, for the specified period of the DROP
29 participation, as provided in paragraph (c). Upon termination of
30 employment, the member shall receive the total DROP benefits and
31 begin to receive the previously determined normal retirement
32 benefits. Participation in the DROP does not guarantee
33 employment for the specified period of DROP. Participation in
34 DROP by an eligible member beyond the initial 60-month period as
35 authorized in this subsection shall be on an annual contractual
36 basis for all participants.

37 (b) Participation in DROP.—Except as provided in this
38 paragraph, an eligible member may elect to participate in DROP
39 for a period not to exceed a maximum of 60 calendar months.

40 1.a. An eligible member may elect to participate in DROP



831300

41 for a period not to exceed a maximum of 60 calendar months.
42 However, members who are instructional personnel employed by the
43 Florida School for the Deaf and the Blind and authorized by the
44 Board of Trustees of the Florida School for the Deaf and the
45 Blind, who are instructional personnel as defined in s.
46 1012.01(2)(a)-(d) in grades K-12 and authorized by the district
47 school superintendent, or who are instructional personnel as
48 defined in s. 1012.01(2)(a) employed by a developmental research
49 school and authorized by the school's director, or if the school
50 has no director, by the school's principal, may participate in
51 DROP for up to 36 calendar months beyond the 60-month period.
52 Effective July 1, 2018, instructional personnel who are
53 authorized to extend DROP participation beyond the 60-month
54 period must have a termination date that is the last day of the
55 last calendar month of the school year within the DROP extension
56 granted by the employer. If, on July 1, 2018, the member's DROP
57 participation has already been extended for the maximum 36
58 calendar months and the extension period concludes before the
59 end of the school year, the member's DROP participation may be
60 extended through the last day of the last calendar month of that
61 school year. The employer shall notify the division of the
62 change in termination date and the additional period of DROP
63 participation for the affected instructional personnel.
64 b. Administrative personnel in grades K-12, as defined in
65 s. 1012.01(3), who have a DROP termination date on or after July
66 1, 2018, may be authorized to extend DROP participation beyond
67 the initial 60 calendar month period if the administrative
68 personnel's termination date is before the end of the school
69 year. Such administrative personnel may have DROP participation



831300

70 extended until the last day of the last calendar month of the
71 school year in which their original DROP termination date
72 occurred if a date other than the last day of the last calendar
73 month of the school year is designated. The employer shall
74 notify the division of the change in termination date and the
75 additional period of DROP participation for the affected
76 administrative personnel.

77 2. Upon deciding to participate in DROP, the member shall
78 submit, on forms required by the division:

79 a. A written election to participate in DROP;

80 b. Selection of DROP participation and termination dates
81 that satisfy the limitations stated in paragraph (a) and
82 subparagraph 1. The termination date must be in a binding letter
83 of resignation to the employer establishing a deferred
84 termination date. The member may change the termination date
85 within the limitations of subparagraph 1., but only with the
86 written approval of the employer;

87 c. A properly completed DROP application for service
88 retirement as provided in this section; and

89 d. Any other information required by the division.

90 3. The DROP participant is a retiree under the Florida
91 Retirement System for all purposes, except for paragraph (5) (f)
92 and subsection (9) and ss. 112.3173, 112.363, 121.053, and
93 121.122. DROP participation is final and may not be canceled by
94 the participant after the first payment is credited during the
95 DROP participation period. However, participation in DROP does
96 not alter the participant's employment status, and the member is
97 not deemed retired from employment until his or her deferred
98 resignation is effective and termination occurs as defined in s.



831300

99 121.021.

100 4. Elected officers are eligible to participate in DROP
101 subject to the following:

102 a. An elected officer who reaches normal retirement date
103 during a term of office may defer the election to participate
104 until the next succeeding term in that office. An elected
105 officer who exercises this option may participate in DROP for up
106 to 60 calendar months or no longer than the succeeding term of
107 office, whichever is less.

108 b. An elected or a nonelected participant may run for a
109 term of office while participating in DROP and, if elected,
110 extend the DROP termination date accordingly; however, if such
111 additional term of office exceeds the 60-month limitation
112 established in subparagraph 1., and the officer does not resign
113 from office within such 60-month limitation, the retirement and
114 the participant's DROP is null and void as provided in sub-
115 subparagraph (c)5.d.

116 c. An elected officer who is dually employed and elects to
117 participate in DROP must terminate all employment relationships
118 as provided in s. 121.021(39) for the nonelected position within
119 the original 60-month period or maximum participation period as
120 provided in subparagraph 1. For DROP participation ending:

121 (I) Before July 1, 2010, the officer may continue
122 employment as an elected officer as provided in s. 121.053. The
123 elected officer shall be enrolled as a renewed member in the
124 Elected Officers' Class or the Regular Class, as provided in ss.
125 121.053 and 121.122, on the first day of the month after
126 termination of employment in the nonelected position and
127 termination of DROP. Distribution of the DROP benefits shall be



831300

128 made as provided in paragraph (c).

129 (II) On or after July 1, 2010, the officer may continue
130 employment as an elected officer but must defer termination as
131 provided in s. 121.053.

132 Section 2. The Legislature finds that a proper and
133 legitimate state purpose is served when employees and retirees
134 of the state and its political subdivisions, and the dependents,
135 survivors, and beneficiaries of such employees and retirees, are
136 extended the basic protections afforded by governmental
137 retirement systems. These persons must be provided benefits that
138 are fair and adequate and that are managed, administered, and
139 funded in an actuarially sound manner, as required by s. 14,
140 Article X of the State Constitution and part VII of chapter 112,
141 Florida Statutes. Therefore, the Legislature determines and
142 declares that the amendments made to s. 121.091, Florida
143 Statutes, by this act fulfills an important state interest.

144 Section 3. Section 212.099, Florida Statutes, is created to
145 read:

146 212.099 Florida Sales Tax Credit Scholarship Program.—

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

148 (a) "Eligible business" means a tenant or person actually
149 occupying, using, or entitled to the use of any property from
150 which the rental or license fee is subject to taxation under s.
151 212.031.

152 (b) "Eligible contribution" or "contribution" means a
153 monetary contribution from an eligible business to an eligible
154 nonprofit scholarship-funding organization to be used pursuant
155 to s. 1002.385 or s. 1002.395. The eligible business making the
156 contribution may not designate a specific student as the



831300

157 beneficiary of the contribution.

158 (c) "Eligible nonprofit scholarship-funding organization"
159 or "organization" has the same meaning as provided in s.
160 1002.395(2) (f).

161 (2) An eligible business shall be granted a credit against
162 the tax imposed under s. 212.031 and collected from the eligible
163 business by a dealer. The credit shall be in an amount equal to
164 100 percent of an eligible contribution made to an organization.

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

168 (4) (a) An eligible business must apply to the department
169 for an allocation of tax credits under this section. The
170 eligible business must specify in the application the state
171 fiscal year during which the contribution will be made, the
172 organization that will receive the contribution, the planned
173 amount of the contribution, the address of the property from
174 which the rental or license fee is subject to taxation under s.
175 212.031, and the federal employer identification number of the
176 dealer who collects the tax imposed under s. 212.031 from the
177 eligible business and who will reduce collection of taxes from
178 the eligible business pursuant to this section. The department
179 shall approve allocations of tax credits on a first-come, first-
180 served basis and shall provide to the eligible business a
181 separate approval or denial letter for each dealer for which the
182 eligible business applied for an allocation of tax credits.
183 Within 10 days after approving or denying an application, the
184 department shall provide a copy of its approval or denial letter
185 to the organization specified by the eligible business in the



831300

186 application. An approval letter must include the name and
187 federal employer identification number of the dealer from whom a
188 credit under this section can be taken and the amount of tax
189 credits approved for use with that dealer.

190 (b) Upon receipt of an eligible contribution, the
191 organization shall provide the eligible business that made the
192 contribution with a separate certificate of contribution for
193 each dealer from whom a credit can be taken as approved under
194 paragraph (a). A certificate of contribution must include the
195 contributor's name and, if available, federal employer
196 identification number, the amount contributed, the date of
197 contribution, the name of the organization, and the name and
198 federal employer identification number of the dealer.

199 (5) Each dealer that receives from an eligible business a
200 copy of the department's approval letter and a certificate of
201 contribution, both of which identify the dealer as the dealer
202 who collects the tax imposed under s. 212.031 from the eligible
203 business and who will reduce collection of taxes from the
204 eligible business pursuant to this section, shall reduce the tax
205 collected from the eligible business under s. 212.031 by the
206 total amount of contributions indicated in the certificate of
207 contribution. The reduction may not exceed the amount of credit
208 allocation approved by the department and may not exceed the
209 amount of tax that would otherwise be collected from the
210 eligible business by a dealer when a payment is made under the
211 rental or license fee arrangement. However, payments by an
212 eligible business to a dealer may not be reduced before October
213 1, 2018.



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

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

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

224 (d) An eligible business may not convey, assign, or
225 transfer an approved tax credit or a carryforward tax credit to
226 another entity unless all of the assets of the eligible business
227 are conveyed, assigned, or transferred in the same transaction
228 and the successor business continues the same lease with the
229 dealer.

230 (e) Within any state fiscal year, an eligible business may
231 rescind all or part of a tax credit approved under this section.
232 The amount rescinded shall become available for that state
233 fiscal year to another eligible business as approved by the
234 department if the business receives notice from the department
235 that the rescindment has been accepted by the department. Any
236 amount rescinded under this subsection shall become available to
237 an eligible business on a first-come, first-served basis based
238 on tax credit applications received after the date the
239 rescindment is accepted by the department.

240 (f) Within 10 days after the rescindment of a tax credit
241 under paragraph (e) of this subsection is accepted by the
242 department, the department shall notify the eligible nonprofit



831300

243 scholarship-funding organization specified by the eligible
244 business. The department shall also include the eligible
245 nonprofit scholarship-funding organization specified by the
246 eligible business on all letters or correspondence of
247 acknowledgment for tax credits under this section.

248 (6) An organization shall report to the department, on or
249 before the 20th day of each month, the total amount of
250 contributions received pursuant to subsection (4) in the
251 preceding calendar month on a form provided by the department.
252 Such report shall include the amount of contributions received
253 during that reporting period and the federal employer
254 identification number of each dealer associated with the
255 contribution.

256 (7) (a) Eligible contributions may be used to fund the
257 program established under s. 1002.385 if funds appropriated in a
258 state fiscal year for the program are insufficient to fund
259 eligible students.

260 (b) If the conditions in paragraph (a) are met, the
261 organization shall first use eligible contributions received
262 during a state fiscal year to fund scholarships for students in
263 the priority set forth in s. 1002.385(12) (d). Remaining
264 contributions may be used to fund scholarships for students
265 eligible pursuant to s. 1002.395(3) (b)1. or 2.

266 (c) The organization shall separately account for each
267 scholarship funded pursuant to this section.

268 (d) Notwithstanding s. 1002.385(6) (b), any funds remaining
269 from a closed scholarship account funded pursuant to this
270 section shall be used to fund other scholarships pursuant to s.
271 1002.385.



831300

272 (e) The organization may, subject to the limitations of s.
273 1002.395(6)(j)1., use up to 3 percent of eligible contributions
274 received during the state fiscal year in which such
275 contributions are collected for administrative expenses.

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

278 (9) For purposes of the distributions of tax revenue under
279 s. 212.20, the department shall disregard any tax credits
280 allowed under this section to ensure that any reduction in tax
281 revenue received that is attributable to the tax credits results
282 only in a reduction in distributions to the General Revenue
283 Fund.

284 (10) The department may adopt rules to administer this
285 section.

286 Section 4. Section 212.1831, Florida Statutes, is amended
287 to read:

288 212.1831 Credit for contributions to eligible nonprofit
289 scholarship-funding organizations.—There is allowed a credit of
290 100 percent of an eligible contribution made to an eligible
291 nonprofit scholarship-funding organization under s. 1002.395
292 against any tax imposed by the state and due under this chapter
293 from a direct pay permit holder as a result of the direct pay
294 permit held pursuant to s. 212.183. For purposes of the dealer's
295 credit granted for keeping prescribed records, filing timely tax
296 returns, and properly accounting and remitting taxes under s.
297 212.12, the amount of tax due used to calculate the credit shall
298 include any eligible contribution made to an eligible nonprofit
299 scholarship-funding organization from a direct pay permit
300 holder. For purposes of the distributions of tax revenue under



301 s. 212.20, the department shall disregard any tax credits
302 allowed under this section to ensure that any reduction in tax
303 revenue received that is attributable to the tax credits results
304 only in a reduction in distributions to the General Revenue
305 Fund. The provisions of s. 1002.395 apply to the credit
306 authorized by this section.

307 Section 5. Effective upon this act becoming a law, section
308 212.1832, Florida Statutes, is created to read:

309 212.1832 Credit for contributions to the Hope Scholarship
310 Program.—

311 (1) The purchaser of a motor vehicle shall be granted a
312 credit of 100 percent of an eligible contribution made to an
313 eligible nonprofit scholarship-funding organization under s.
314 1002.40 against any tax imposed by the state under this chapter
315 and collected from the purchaser by a dealer, designated agent,
316 or private tag agent as a result of the purchase or acquisition
317 of a motor vehicle on or after October 1, 2018, except that a
318 credit may not exceed the tax that would otherwise be collected
319 from the purchaser by a dealer, designated agent, or private tag
320 agent. For purposes of this subsection, the term "purchase" does
321 not include the lease or rental of a motor vehicle.

322 (2) A dealer shall take a credit against any tax imposed by
323 the state under this chapter on the purchase of a motor vehicle
324 in an amount equal to the credit granted to the purchaser under
325 subsection (1).

326 (3) For purposes of the distributions of tax revenue under
327 s. 212.20, the department shall disregard any tax credits
328 allowed under this section to ensure that any reduction in tax
329 revenue received that is attributable to the tax credits results



831300

330 only in a reduction in distributions to the General Revenue
331 Fund. The provisions of s. 1002.40 apply to the credit
332 authorized by this section.

333 Section 6. Effective upon this act becoming a law,
334 subsection (21) is added to section 213.053, Florida Statutes,
335 to read:

336 213.053 Confidentiality and information sharing.—

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

338 1. "Eligible nonprofit scholarship-funding organization"

339 means an eligible nonprofit scholarship-funding organization as
340 defined in s. 1002.395(2) that meets the criteria in s.

341 1002.395(6) to use up to 3 percent of eligible contributions for
342 administrative expenses.

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

347 (b) The department, upon request, shall provide to an
348 eligible nonprofit scholarship-funding organization that
349 provides scholarships under s. 1002.395 a list of the 200
350 taxpayers with the greatest total corporate income or franchise
351 tax due as reported on the taxpayer's return filed pursuant to
352 s. 220.22 during the previous calendar year. The list must be in
353 alphabetical order based on the taxpayer's name and shall
354 contain the taxpayer's address. The list may not disclose the
355 amount of tax owed by any taxpayer.

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



831300

359 (d) Any taxpayer information contained in the list may be
360 used by the eligible nonprofit scholarship-funding organization
361 only to notify the taxpayer of the opportunity to make an
362 eligible contribution to the Florida Tax Credit Scholarship
363 Program under s. 1002.395. Any information furnished to an
364 eligible nonprofit scholarship-funding organization under this
365 subsection may not be further disclosed by the organization
366 except as provided in this paragraph.

367 (e) An eligible nonprofit scholarship-funding organization,
368 its officers, and employees are subject to the same requirements
369 of confidentiality and the same penalties for violating
370 confidentiality as the department and its employees. Breach of
371 confidentiality is a misdemeanor of the first degree, punishable
372 as provided by s. 775.082 or s. 775.083.

373 Section 7. Subsection (22) is added to section 213.053,
374 Florida Statutes, as amended by this act, to read:

375 213.053 Confidentiality and information sharing.-

376 (22) (a) The department may provide to an eligible nonprofit
377 scholarship-funding organization, as defined in s. 1002.40, a
378 dealer's name, address, federal employer identification number,
379 and information related to differences between credits taken by
380 the dealer pursuant to s. 212.1832(2) and amounts remitted to
381 the eligible nonprofit scholarship-funding organization under s.
382 1002.40(13)(b)3. The eligible nonprofit scholarship-funding
383 organization may use the information for purposes of recovering
384 eligible contributions designated for that organization that
385 were collected by the dealer but never remitted to the
386 organization.

387 (b) Nothing in this subsection authorizes the disclosure of



831300

388 information if such disclosure is prohibited by federal law. An
389 eligible nonprofit scholarship-funding organization is bound by
390 the same requirements of confidentiality and the same penalties
391 for a violation of the requirements as the department.

392 Section 8. Paragraph (a) of subsection (1) of section
393 220.13, Florida Statutes, is amended to read:

394 220.13 "Adjusted federal income" defined.-

395 (1) The term "adjusted federal income" means an amount
396 equal to the taxpayer's taxable income as defined in subsection
397 (2), or such taxable income of more than one taxpayer as
398 provided in s. 220.131, for the taxable year, adjusted as
399 follows:

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

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

406 b. Notwithstanding sub-subparagraph a., if a credit taken
407 under s. 220.1875 is added to taxable income in a previous
408 taxable year under subparagraph 11. and is taken as a deduction
409 for federal tax purposes in the current taxable year, the amount
410 of the deduction allowed shall not be added to taxable income in
411 the current year. The exception in this sub-subparagraph is
412 intended to ensure that the credit under s. 220.1875 is added in
413 the applicable taxable year and does not result in a duplicate
414 addition in a subsequent year.

415 2. The amount of interest which is excluded from taxable
416 income under s. 103(a) of the Internal Revenue Code or any other



831300

417 federal law, less the associated expenses disallowed in the
418 computation of taxable income under s. 265 of the Internal
419 Revenue Code or any other law, excluding 60 percent of any
420 amounts included in alternative minimum taxable income, as
421 defined in s. 55(b)(2) of the Internal Revenue Code, if the
422 taxpayer pays tax under s. 220.11(3).

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

427 4. That portion of the wages or salaries paid or incurred
428 for the taxable year which is equal to the amount of the credit
429 allowable for the taxable year under s. 220.181. This
430 subparagraph shall expire on the date specified in s. 290.016
431 for the expiration of the Florida Enterprise Zone Act.

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

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

440 7. That portion of assessments to fund a guaranty
441 association incurred for the taxable year which is equal to the
442 amount of the credit allowable for the taxable year.

443 8. In the case of a nonprofit corporation which holds a
444 pari-mutuel permit and which is exempt from federal income tax
445 as a farmers' cooperative, an amount equal to the excess of the



831300

446 gross income attributable to the pari-mutuel operations over the
447 attributable expenses for the taxable year.

448 9. The amount taken as a credit for the taxable year under
449 s. 220.1895.

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

453 11. The amount taken as a credit for the taxable year under
454 s. 220.1875. The addition in this subparagraph is intended to
455 ensure that the same amount is not allowed for the tax purposes
456 of this state as both a deduction from income and a credit
457 against the tax. This addition is not intended to result in
458 adding the same expense back to income more than once.

459 12. The amount taken as a credit for the taxable year under
460 s. 220.192.

461 13. The amount taken as a credit for the taxable year under
462 s. 220.193.

463 14. Any portion of a qualified investment, as defined in s.
464 288.9913, which is claimed as a deduction by the taxpayer and
465 taken as a credit against income tax pursuant to s. 288.9916.

466 15. The costs to acquire a tax credit pursuant to s.
467 288.1254(5) that are deducted from or otherwise reduce federal
468 taxable income for the taxable year.

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

471 17. The amount taken as a credit for the taxable year under
472 s. 220.196. The addition in this subparagraph is intended to
473 ensure that the same amount is not allowed for the tax purposes
474 of this state as both a deduction from income and a credit



831300

475 against the tax. The addition is not intended to result in
476 adding the same expense back to income more than once.

477 Section 9. Subsection (1) of section 220.1875, Florida
478 Statutes, is amended, and subsection (4) is added to that
479 section, to read:

480 220.1875 Credit for contributions to eligible nonprofit
481 scholarship-funding organizations.—

482 (1) There is allowed a credit of 100 percent of an eligible
483 contribution made to an eligible nonprofit scholarship-funding
484 organization under s. 1002.395 against any tax due for a taxable
485 year under this chapter after the application of any other
486 allowable credits by the taxpayer. An eligible contribution must
487 be made to an eligible nonprofit scholarship-funding
488 organization on or before the date the taxpayer is required to
489 file a return pursuant to s. 220.222. The credit granted by this
490 section shall be reduced by the difference between the amount of
491 federal corporate income tax taking into account the credit
492 granted by this section and the amount of federal corporate
493 income tax without application of the credit granted by this
494 section.

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

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

502 (b) The taxpayer's noncompliance with the requirement to
503 pay tentative taxes shall result in the revocation and



831300

504 rescindment of any such credit.

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

508 Section 10. Subsections (4) and (5) of section 1001.10,
509 Florida Statutes, are amended, and subsection (8) is added to
510 that section, to read:

511 1001.10 Commissioner of Education; general powers and
512 duties.—

513 (4) The Department of Education shall provide technical
514 assistance to school districts, charter schools, the Florida
515 School for the Deaf and the Blind, and private schools that
516 accept scholarship students who participate in a state
517 scholarship program under chapter 1002 ~~under s. 1002.39 or s.~~
518 ~~1002.395~~ in the development of policies, procedures, and
519 training related to employment practices and standards of
520 ethical conduct for instructional personnel and school
521 administrators, as defined in s. 1012.01.

522 (5) The Department of Education shall provide authorized
523 staff of school districts, charter schools, the Florida School
524 for the Deaf and the Blind, and private schools that accept
525 scholarship students who participate in a state scholarship
526 program under chapter 1002 ~~under s. 1002.39 or s. 1002.395~~ with
527 access to electronic verification of information from the
528 following employment screening tools:

529 (a) The Professional Practices' Database of Disciplinary
530 Actions Against Educators; and

531 (b) The Department of Education's Teacher Certification
532 Database.



831300

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

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

Section 11. Paragraphs (d) through (g) of subsection (8) of section 1002.33, Florida Statutes, are redesignated as paragraphs (c) through (f), respectively, and paragraph (b) of subsection (6), paragraphs (a), (d), and (e) of subsection (7), present paragraphs (a), (b), and (c) of subsection (8), paragraph (n) of subsection (9), paragraph (e) of subsection (10), and paragraphs (a) and (b) of subsection (20) of that section are amended, to read:

1002.33 Charter schools.—

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

(b) A sponsor shall receive and review all applications for a charter school using the evaluation instrument developed by



831300

562 the Department of Education. A sponsor shall receive and
563 consider charter school applications received on or before
564 August 1 of each calendar year for charter schools to be opened
565 at the beginning of the school district's next school year, or
566 to be opened at a time agreed to by the applicant and the
567 sponsor. A sponsor may not refuse to receive a charter school
568 application submitted before August 1 and may receive an
569 application submitted later than August 1 if it chooses.
570 Beginning in 2018 and thereafter, a sponsor shall receive and
571 consider charter school applications received on or before
572 February 1 of each calendar year for charter schools to be
573 opened 18 months later at the beginning of the school district's
574 school year, or to be opened at a time determined ~~agreed to~~ by
575 the applicant ~~and the sponsor~~. A sponsor may not refuse to
576 receive a charter school application submitted before February 1
577 and may receive an application submitted later than February 1
578 if it chooses. A sponsor may not charge an applicant for a
579 charter any fee for the processing or consideration of an
580 application, and a sponsor may not base its consideration or
581 approval of a final application upon the promise of future
582 payment of any kind. Before approving or denying any
583 application, the sponsor shall allow the applicant, upon receipt
584 of written notification, at least 7 calendar days to make
585 technical or nonsubstantive corrections and clarifications,
586 including, but not limited to, corrections of grammatical,
587 typographical, and like errors or missing signatures, if such
588 errors are identified by the sponsor as cause to deny the final
589 application.

590 1. In order to facilitate an accurate budget projection



831300

591 process, a sponsor shall be held harmless for FTE students who
592 are not included in the FTE projection due to approval of
593 charter school applications after the FTE projection deadline.
594 In a further effort to facilitate an accurate budget projection,
595 within 15 calendar days after receipt of a charter school
596 application, a sponsor shall report to the Department of
597 Education the name of the applicant entity, the proposed charter
598 school location, and its projected FTE.

599 2. In order to ensure fiscal responsibility, an application
600 for a charter school shall include a full accounting of expected
601 assets, a projection of expected sources and amounts of income,
602 including income derived from projected student enrollments and
603 from community support, and an expense projection that includes
604 full accounting of the costs of operation, including start-up
605 costs.

606 3.a. A sponsor shall by a majority vote approve or deny an
607 application no later than 90 calendar days after the application
608 is received, unless the sponsor and the applicant mutually agree
609 in writing to temporarily postpone the vote to a specific date,
610 at which time the sponsor shall by a majority vote approve or
611 deny the application. If the sponsor fails to act on the
612 application, an applicant may appeal to the State Board of
613 Education as provided in paragraph (c). If an application is
614 denied, the sponsor shall, within 10 calendar days after such
615 denial, articulate in writing the specific reasons, based upon
616 good cause, supporting its denial of the application and shall
617 provide the letter of denial and supporting documentation to the
618 applicant and to the Department of Education.

619 b. An application submitted by a high-performing charter



831300

620 school identified pursuant to s. 1002.331 or a high-performing
621 charter school system identified pursuant to s. 1002.332 may be
622 denied by the sponsor only if the sponsor demonstrates by clear
623 and convincing evidence that:

624 (I) The application of a high-performing charter school
625 does not materially comply with the requirements in paragraph
626 (a) or, for a high-performing charter school system, the
627 application does not materially comply with s. 1002.332(2)(b);

628 (II) The charter school proposed in the application does
629 not materially comply with the requirements in paragraphs
630 (9) (a)-(f);

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

634 (IV) The applicant has made a material misrepresentation or
635 false statement or concealed an essential or material fact
636 during the application process; or

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

640
641 Material noncompliance is a failure to follow requirements or a
642 violation of prohibitions applicable to charter school
643 applications, which failure is quantitatively or qualitatively
644 significant either individually or when aggregated with other
645 noncompliance. An applicant is considered to be replicating a
646 high-performing charter school if the proposed school is
647 substantially similar to at least one of the applicant's high-
648 performing charter schools and the organization or individuals



831300

649 involved in the establishment and operation of the proposed
650 school are significantly involved in the operation of replicated
651 schools.

652 c. If the sponsor denies an application submitted by a
653 high-performing charter school or a high-performing charter
654 school system, the sponsor must, within 10 calendar days after
655 such denial, state in writing the specific reasons, based upon
656 the criteria in sub-subparagraph b., supporting its denial of
657 the application and must provide the letter of denial and
658 supporting documentation to the applicant and to the Department
659 of Education. The applicant may appeal the sponsor's denial of
660 the application in accordance with paragraph (c).

661 4. For budget projection purposes, the sponsor shall report
662 to the Department of Education the approval or denial of an
663 application within 10 calendar days after such approval or
664 denial. In the event of approval, the report to the Department
665 of Education shall include the final projected FTE for the
666 approved charter school.

667 5. Upon approval of an application, the initial startup
668 shall commence with the beginning of the public school calendar
669 for the district in which the charter is granted. A charter
670 school may defer the opening of the school's operations for up
671 to 3 ~~2~~ years to provide time for adequate facility planning. The
672 charter school must provide written notice of such intent to the
673 sponsor and the parents of enrolled students at least 30
674 calendar days before the first day of school.

675 (7) CHARTER.—The terms and conditions for the operation of
676 a charter school shall be set forth by the sponsor and the
677 applicant in a written contractual agreement, called a charter.



831300

678 The sponsor and the governing board of the charter school shall
679 use the standard charter contract pursuant to subsection (21),
680 which shall incorporate the approved application and any addenda
681 approved with the application. Any term or condition of a
682 proposed charter contract that differs from the standard charter
683 contract adopted by rule of the State Board of Education shall
684 be presumed a limitation on charter school flexibility. The
685 sponsor may not impose unreasonable rules or regulations that
686 violate the intent of giving charter schools greater flexibility
687 to meet educational goals. The charter shall be signed by the
688 governing board of the charter school and the sponsor, following
689 a public hearing to ensure community input.

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

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

694 2. The focus of the curriculum, the instructional methods
695 to be used, any distinctive instructional techniques to be
696 employed, and identification and acquisition of appropriate
697 technologies needed to improve educational and administrative
698 performance which include a means for promoting safe, ethical,
699 and appropriate uses of technology which comply with legal and
700 professional standards.

701 a. The charter shall ensure that reading is a primary focus
702 of the curriculum and that resources are provided to identify
703 and provide specialized instruction for students who are reading
704 below grade level. The curriculum and instructional strategies
705 for reading must be consistent with the Next Generation Sunshine
706 State Standards and grounded in scientifically based reading



831300

707 research.

708 b. In order to provide students with access to diverse
709 instructional delivery models, to facilitate the integration of
710 technology within traditional classroom instruction, and to
711 provide students with the skills they need to compete in the
712 21st century economy, the Legislature encourages instructional
713 methods for blended learning courses consisting of both
714 traditional classroom and online instructional techniques.
715 Charter schools may implement blended learning courses which
716 combine traditional classroom instruction and virtual
717 instruction. Students in a blended learning course must be full-
718 time students of the charter school pursuant to s.
719 1011.61(1)(a)1. Instructional personnel certified pursuant to s.
720 1012.55 who provide virtual instruction for blended learning
721 courses may be employees of the charter school or may be under
722 contract to provide instructional services to charter school
723 students. At a minimum, such instructional personnel must hold
724 an active state or school district adjunct certification under
725 s. 1012.57 for the subject area of the blended learning course.
726 The funding and performance accountability requirements for
727 blended learning courses are the same as those for traditional
728 courses.

729 3. The current incoming baseline standard of student
730 academic achievement, the outcomes to be achieved, and the
731 method of measurement that will be used. The criteria listed in
732 this subparagraph shall include a detailed description of:

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

735 b. How these baseline rates will be compared to rates of



831300

736 academic progress achieved by these same students while
737 attending the charter school.

738 c. To the extent possible, how these rates of progress will
739 be evaluated and compared with rates of progress of other
740 closely comparable student populations.

741
742 The district school board is required to provide academic
743 student performance data to charter schools for each of their
744 students coming from the district school system, as well as
745 rates of academic progress of comparable student populations in
746 the district school system.

747 4. The methods used to identify the educational strengths
748 and needs of students and how well educational goals and
749 performance standards are met by students attending the charter
750 school. The methods shall provide a means for the charter school
751 to ensure accountability to its constituents by analyzing
752 student performance data and by evaluating the effectiveness and
753 efficiency of its major educational programs. Students in
754 charter schools shall, at a minimum, participate in the
755 statewide assessment program created under s. 1008.22.

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

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

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

764 8. The ways by which the school will achieve a



765 racial/ethnic balance reflective of the community it serves or
766 within the racial/ethnic range of other public schools in the
767 same school district.

768 9. The financial and administrative management of the
769 school, including a reasonable demonstration of the professional
770 experience or competence of those individuals or organizations
771 applying to operate the charter school or those hired or
772 retained to perform such professional services and the
773 description of clearly delineated responsibilities and the
774 policies and practices needed to effectively manage the charter
775 school. A description of internal audit procedures and
776 establishment of controls to ensure that financial resources are
777 properly managed must be included. Both public sector and
778 private sector professional experience shall be equally valid in
779 such a consideration.

780 10. The asset and liability projections required in the
781 application which are incorporated into the charter and shall be
782 compared with information provided in the annual report of the
783 charter school.

784 11. A description of procedures that identify various risks
785 and provide for a comprehensive approach to reduce the impact of
786 losses; plans to ensure the safety and security of students and
787 staff; plans to identify, minimize, and protect others from
788 violent or disruptive student behavior; and the manner in which
789 the school will be insured, including whether or not the school
790 will be required to have liability insurance, and, if so, the
791 terms and conditions thereof and the amounts of coverage.

792 12. The term of the charter which shall provide for
793 cancellation of the charter if insufficient progress has been



794 made in attaining the student achievement objectives of the
795 charter and if it is not likely that such objectives can be
796 achieved before expiration of the charter. The initial term of a
797 charter shall be for ~~4~~ or 5 years, excluding 2 planning years.
798 In order to facilitate access to long-term financial resources
799 for charter school construction, charter schools that are
800 operated by a municipality or other public entity as provided by
801 law are eligible for up to a 15-year charter, subject to
802 approval by the district school board. A charter lab school is
803 eligible for a charter for a term of up to 15 years. In
804 addition, to facilitate access to long-term financial resources
805 for charter school construction, charter schools that are
806 operated by a private, not-for-profit, s. 501(c)(3) status
807 corporation are eligible for up to a 15-year charter, subject to
808 approval by the district school board. Such long-term charters
809 remain subject to annual review and may be terminated during the
810 term of the charter, but only according to the provisions set
811 forth in subsection (8).

812 13. The facilities to be used and their location. The
813 sponsor may not require a charter school to have a certificate
814 of occupancy or a temporary certificate of occupancy for such a
815 facility earlier than 15 calendar days before the first day of
816 school.

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

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



831300

823 16. A timetable for implementing the charter which
824 addresses the implementation of each element thereof and the
825 date by which the charter shall be awarded in order to meet this
826 timetable.

827 17. In the case of an existing public school that is being
828 converted to charter status, alternative arrangements for
829 current students who choose not to attend the charter school and
830 for current teachers who choose not to teach in the charter
831 school after conversion in accordance with the existing
832 collective bargaining agreement or district school board rule in
833 the absence of a collective bargaining agreement. However,
834 alternative arrangements shall not be required for current
835 teachers who choose not to teach in a charter lab school, except
836 as authorized by the employment policies of the state university
837 which grants the charter to the lab school.

838 18. Full disclosure of the identity of all relatives
839 employed by the charter school who are related to the charter
840 school owner, president, chairperson of the governing board of
841 directors, superintendent, governing board member, principal,
842 assistant principal, or any other person employed by the charter
843 school who has equivalent decisionmaking authority. For the
844 purpose of this subparagraph, the term "relative" means father,
845 mother, son, daughter, brother, sister, uncle, aunt, first
846 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
847 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
848 stepfather, stepmother, stepson, stepdaughter, stepbrother,
849 stepsister, half brother, or half sister.

850 19. Implementation of the activities authorized under s.
851 1002.331 by the charter school when it satisfies the eligibility



852 requirements for a high-performing charter school. A high-
853 performing charter school shall notify its sponsor in writing by
854 March 1 if it intends to increase enrollment or expand grade
855 levels the following school year. The written notice shall
856 specify the amount of the enrollment increase and the grade
857 levels that will be added, as applicable.

858 (d) A charter may be modified during its initial term or
859 any renewal term upon the recommendation of the sponsor or the
860 charter school's governing board and the approval of both
861 parties to the agreement. Modification during any term may
862 include, but is not limited to, consolidation of multiple
863 charters into a single charter if the charters are operated
864 under the same governing board ~~and physically located on the~~
865 ~~same campus~~, regardless of the renewal cycle. A charter school
866 that is not subject to a school improvement plan and that closes
867 as part of a consolidation shall be reported by the school
868 district as a consolidation.

869 (e) A charter may be terminated by a charter school's
870 governing board through voluntary closure. The decision to cease
871 operations must be determined at a public meeting. The governing
872 board shall notify the parents and sponsor of the public meeting
873 in writing before the public meeting. The governing board must
874 notify the sponsor, parents of enrolled students, and the
875 department in writing within 24 hours after the public meeting
876 of its determination. The notice shall state the charter
877 school's intent to continue operations or the reason for the
878 closure and acknowledge that the governing board agrees to
879 follow the procedures for dissolution and reversion of public
880 funds pursuant to paragraphs (8) (d)-(f) and (9) (o) paragraphs



831300

881 ~~(8) (e) - (g) and (9) (e).~~

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

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

889 1. Failure to participate in the state's education
890 accountability system created in s. 1008.31, as required in this
891 section, or failure to meet the requirements for student
892 performance stated in the charter.

893 2. Failure to meet generally accepted standards of fiscal
894 management.

895 3. Material violation of law.

896 4. Other good cause shown.

897 (b) At least 90 days before renewing, nonrenewing, or
898 terminating a charter, the sponsor shall notify the governing
899 board of the school of the proposed action in writing. The
900 notice shall state in reasonable detail the grounds for the
901 proposed action and stipulate that the school's governing board
902 may, within 14 calendar days after receiving the notice, request
903 a hearing. The hearing shall be conducted ~~at the sponsor's~~
904 ~~election in accordance with one of the following procedures:~~

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



831300

910 ~~2. A hearing conducted~~ by an administrative law judge
911 assigned by the Division of Administrative Hearings. The hearing
912 shall be conducted within 90 ~~60~~ days after receipt of the
913 request for a hearing and in accordance with chapter 120. The
914 administrative law judge's final ~~recommended~~ order shall be
915 submitted to the sponsor. The administrative law judge shall
916 award the prevailing party reasonable attorney fees and costs
917 incurred during the administrative proceeding and any appeals A
918 ~~majority vote by the sponsor shall be required to adopt or~~
919 ~~modify the administrative law judge's recommended order. The~~
920 ~~sponsor shall issue a final order.~~

921 ~~(c) The final order shall state the specific reasons for~~
922 ~~the sponsor's decision. The sponsor shall provide its final~~
923 ~~order to the charter school's governing board and the Department~~
924 ~~of Education no later than 10 calendar days after its issuance.~~
925 The charter school's governing board may, within 30 calendar
926 days after receiving the ~~sponsor's~~ final order, appeal the
927 decision pursuant to s. 120.68.

928 (9) CHARTER SCHOOL REQUIREMENTS.—

929 (n)1. The director and a representative of the governing
930 board of a charter school that has earned a grade of "D" or "F"
931 pursuant to s. 1008.34 shall appear before the sponsor to
932 present information concerning each contract component having
933 noted deficiencies. The director and a representative of the
934 governing board shall submit to the sponsor for approval a
935 school improvement plan to raise student performance. Upon
936 approval by the sponsor, the charter school shall begin
937 implementation of the school improvement plan. The department
938 shall offer technical assistance and training to the charter



831300

939 school and its governing board and establish guidelines for
940 developing, submitting, and approving such plans.

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

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

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

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

951 (IV) Voluntarily close the charter school.

952 b. The charter school must implement the corrective action
953 in the school year following receipt of a third consecutive
954 grade below a "C."

955 c. The sponsor may annually waive a corrective action if it
956 determines that the charter school is likely to improve a letter
957 grade if additional time is provided to implement the
958 intervention and support strategies prescribed by the school
959 improvement plan. Notwithstanding this sub-subparagraph, a
960 charter school that earns a second consecutive grade of "F" is
961 subject to subparagraph 3.

962 d. A charter school is no longer required to implement a
963 corrective action if it improves to a "C" or higher. However,
964 the charter school must continue to implement strategies
965 identified in the school improvement plan. The sponsor must
966 annually review implementation of the school improvement plan to
967 monitor the school's continued improvement pursuant to



831300

968 subparagraph 4.

969 e. A charter school implementing a corrective action that
970 does not improve to a "C" or higher after 2 full school years of
971 implementing the corrective action must select a different
972 corrective action. Implementation of the new corrective action
973 must begin in the school year following the implementation
974 period of the existing corrective action, unless the sponsor
975 determines that the charter school is likely to improve to a "C"
976 or higher if additional time is provided to implement the
977 existing corrective action. Notwithstanding this sub-
978 subparagraph, a charter school that earns a second consecutive
979 grade of "F" while implementing a corrective action is subject
980 to subparagraph 3.

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

984 a. The charter school is established to turn around the
985 performance of a district public school pursuant to s.
986 1008.33(4)(b)2. Such charter schools shall be governed by s.
987 1008.33;

988 b. The charter school serves a student population the
989 majority of which resides in a school zone served by a district
990 public school subject to s. 1008.33(4) and the charter school
991 earns at least a grade of "D" in its third year of operation.
992 The exception provided under this sub-subparagraph does not
993 apply to a charter school in its fourth year of operation and
994 thereafter; or

995 c. The state board grants the charter school a waiver of
996 termination. The charter school must request the waiver within



831300

997 15 days after the department's official release of school
998 grades. The state board may waive termination if the charter
999 school demonstrates that the Learning Gains of its students on
1000 statewide assessments are comparable to or better than the
1001 Learning Gains of similarly situated students enrolled in nearby
1002 district public schools. The waiver is valid for 1 year and may
1003 only be granted once. Charter schools that have been in
1004 operation for more than 5 years are not eligible for a waiver
1005 under this sub-subparagraph.

1006
1007 The sponsor shall notify the charter school's governing board,
1008 the charter school principal, and the department in writing when
1009 a charter contract is terminated under this subparagraph. ~~The~~
1010 ~~letter of termination must meet the requirements of paragraph~~
1011 ~~(8)(e).~~ A charter terminated under this subparagraph must follow
1012 the procedures for dissolution and reversion of public funds
1013 pursuant to paragraphs (8)(d)-(f) and (9)(o) ~~paragraphs (8)(e)-~~
1014 ~~(g) and (9)(e).~~

1015 4. The director and a representative of the governing board
1016 of a graded charter school that has implemented a school
1017 improvement plan under this paragraph shall appear before the
1018 sponsor at least once a year to present information regarding
1019 the progress of intervention and support strategies implemented
1020 by the school pursuant to the school improvement plan and
1021 corrective actions, if applicable. The sponsor shall communicate
1022 at the meeting, and in writing to the director, the services
1023 provided to the school to help the school address its
1024 deficiencies.

1025 5. Notwithstanding any provision of this paragraph except



831300

1026 sub-subparagraphs 3.a.-c., the sponsor may terminate the charter
1027 at any time pursuant to subsection (8).

1028 (10) ELIGIBLE STUDENTS.—

1029 (e) A charter school may limit the enrollment process only
1030 to target the following student populations:

1031 1. Students within specific age groups or grade levels.

1032 2. Students considered at risk of dropping out of school or
1033 academic failure. Such students shall include exceptional
1034 education students.

1035 3. Students enrolling in a charter school-in-the-workplace
1036 or charter school-in-a-municipality established pursuant to
1037 subsection (15).

1038 4. Students residing within a reasonable distance of the
1039 charter school, as described in paragraph (20)(c). Such students
1040 shall be subject to a random lottery and to the racial/ethnic
1041 balance provisions described in subparagraph (7)(a)8. or any
1042 federal provisions that require a school to achieve a
1043 racial/ethnic balance reflective of the community it serves or
1044 within the racial/ethnic range of other public schools in the
1045 same school district.

1046 5. Students who meet reasonable academic, artistic, or
1047 other eligibility standards established by the charter school
1048 and included in the charter school application and charter or,
1049 in the case of existing charter schools, standards that are
1050 consistent with the school's mission and purpose. Such standards
1051 shall be in accordance with current state law and practice in
1052 public schools and may not discriminate against otherwise
1053 qualified individuals.

1054 6. Students articulating from one charter school to another



831300

1055 pursuant to an articulation agreement between the charter
1056 schools that has been approved by the sponsor.

1057 7. Students living in a development in which a business
1058 entity provides the school facility and related property having
1059 an appraised value of at least \$5 ~~10~~ million to be used as a
1060 charter school to mitigate the educational impact created by ~~for~~
1061 the development of new residential dwelling units. Students
1062 living in the development shall be entitled to no more than 50
1063 percent of the student stations in the charter school. The
1064 students who are eligible for enrollment are subject to a random
1065 lottery, the racial/ethnic balance provisions, or any federal
1066 provisions, as described in subparagraph 4. The remainder of the
1067 student stations shall be filled in accordance with subparagraph
1068 4.

1069 (20) SERVICES.—

1070 (a)1. A sponsor shall provide certain administrative and
1071 educational services to charter schools. These services shall
1072 include contract management services; full-time equivalent and
1073 data reporting services; exceptional student education
1074 administration services; services related to eligibility and
1075 reporting duties required to ensure that school lunch services
1076 under the National School Lunch Program, consistent with the
1077 needs of the charter school, are provided by the school district
1078 at the request of the charter school, that any funds due to the
1079 charter school under the National School Lunch Program be paid
1080 to the charter school as soon as the charter school begins
1081 serving food under the National School Lunch Program, and that
1082 the charter school is paid at the same time and in the same
1083 manner under the National School Lunch Program as other public



831300

1084 schools serviced by the sponsor or the school district; test
1085 administration services, including payment of the costs of
1086 state-required or district-required student assessments;
1087 processing of teacher certificate data services; and information
1088 services, including equal access to student information systems
1089 that are used by public schools in the district in which the
1090 charter school is located. Student performance data for each
1091 student in a charter school, including, but not limited to, FCAT
1092 scores, standardized test scores, previous public school student
1093 report cards, and student performance measures, shall be
1094 provided by the sponsor to a charter school in the same manner
1095 provided to other public schools in the district.

1096 2. A sponsor may withhold an administrative fee for the
1097 provision of such services which shall be a percentage of the
1098 available funds defined in paragraph (17)(b) calculated based on
1099 weighted full-time equivalent students. If the charter school
1100 serves 75 percent or more exceptional education students as
1101 defined in s. 1003.01(3), the percentage shall be calculated
1102 based on unweighted full-time equivalent students. The
1103 administrative fee shall be calculated as follows:

1104 a. Up to 5 percent for:

1105 (I) Enrollment of up to and including 250 students in a
1106 charter school as defined in this section.

1107 (II) Enrollment of up to and including 500 students within
1108 a charter school system which meets all of the following:

1109 (A) Includes conversion charter schools and nonconversion
1110 charter schools.

1111 (B) Has all of its schools located in the same county.

1112 (C) Has a total enrollment exceeding the total enrollment



831300

1113 of at least one school district in the state.

1114 (D) Has the same governing board for all of its schools.

1115 (E) Does not contract with a for-profit service provider
1116 for management of school operations.

1117 (III) Enrollment of up to and including 250 students in a
1118 virtual charter school.

1119 b. Up to 2 percent for enrollment of up to and including
1120 250 students in a high-performing charter school as defined in
1121 s. 1002.331.

1122 3. A sponsor may not charge charter schools any additional
1123 fees or surcharges for administrative and educational services
1124 in addition to the maximum percentage of administrative fees
1125 withheld pursuant to this paragraph.

1126 4. A sponsor shall provide to the department by September
1127 15 of each year the total amount of funding withheld from
1128 charter schools pursuant to this subsection for the prior fiscal
1129 year. The department must include the information in the report
1130 required under sub-sub-paragraph (5) (b) 1.k.III.

1131 (b) If goods and services are made available to the charter
1132 school through the contract with the school district, they shall
1133 be provided to the charter school at a rate no greater than the
1134 district's actual cost unless mutually agreed upon by the
1135 charter school and the sponsor in a contract negotiated
1136 separately from the charter. When mediation has failed to
1137 resolve disputes over contracted services or contractual matters
1138 not included in the charter, an appeal may be made to an
1139 administrative law judge appointed by the Division of
1140 Administrative Hearings. The administrative law judge has final
1141 order authority to rule on the dispute. The administrative law



831300

1142 judge shall award the prevailing party reasonable attorney fees
1143 and costs incurred during the mediation process, administrative
1144 proceeding, and any appeals, to be paid by the party whom the
1145 administrative law judge rules against for a dispute resolution
1146 hearing before the Charter School Appeal Commission. To maximize
1147 the use of state funds, school districts shall allow charter
1148 schools to participate in the sponsor's bulk purchasing program
1149 if applicable.

1150 Section 12. Subsection (1), paragraph (a) of subsection
1151 (2), and paragraph (b) of subsection (3) of section 1002.331,
1152 Florida Statutes, are amended to read:

1153 1002.331 High-performing charter schools.—

1154 (1) A charter school is a high-performing charter school if
1155 it:

1156 (a) Received at least two school grades of "A" and no
1157 school grade below "B," pursuant to s. 1008.34, during each of
1158 the previous 3 school years or received at least two consecutive
1159 school grades of "A" in the most recent 2 school years.

1160 (b) Received an unqualified opinion on each annual
1161 financial audit required under s. 218.39 in the most recent 3
1162 fiscal years for which such audits are available.

1163 (c) Did not receive a financial audit that revealed one or
1164 more of the financial emergency conditions set forth in s.
1165 218.503(1) in the most recent 3 fiscal years for which such
1166 audits are available. However, this requirement is deemed met
1167 for a charter school-in-the-workplace if there is a finding in
1168 an audit that the school has the monetary resources available to
1169 cover any reported deficiency or that the deficiency does not
1170 result in a deteriorating financial condition pursuant to s.



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1171 1002.345(1)(a)3.

1172

1173 For purposes of determining initial eligibility, the
1174 requirements of paragraphs (b) and (c) only apply for the most
1175 recent 2 fiscal years if the charter school earns two
1176 consecutive grades of "A." A virtual charter school established
1177 under s. 1002.33 is not eligible for designation as a high-
1178 performing charter school.

1179 (2) A high-performing charter school is authorized to:

1180 (a) Increase its student enrollment once per school year to
1181 more than the capacity identified in the charter, but student
1182 enrollment may not exceed the ~~current facility~~ capacity of the
1183 facility at the time the enrollment increase will take effect.
1184 Facility capacity for purposes of grade level expansion shall
1185 include any improvements to an existing facility or any new
1186 facility in which a majority of the students of the high-
1187 performing charter school will enroll.

1188

1189 A high-performing charter school shall notify its sponsor in
1190 writing by March 1 if it intends to increase enrollment or
1191 expand grade levels the following school year. The written
1192 notice shall specify the amount of the enrollment increase and
1193 the grade levels that will be added, as applicable. If a charter
1194 school notifies the sponsor of its intent to expand, the sponsor
1195 shall modify the charter within 90 days to include the new
1196 enrollment maximum and may not make any other changes. The
1197 sponsor may deny a request to increase the enrollment of a high-
1198 performing charter school if the commissioner has declassified
1199 the charter school as high-performing. If a high-performing



831300

1200 charter school requests to consolidate multiple charters, the
1201 sponsor shall have 40 days after receipt of that request to
1202 provide an initial draft charter to the charter school. The
1203 sponsor and charter school shall have 50 days thereafter to
1204 negotiate and notice the charter contract for final approval by
1205 the sponsor.

1206 (3)

1207 (b) A high-performing charter school may not establish more
1208 than two ~~one~~ charter schools ~~school~~ within the state under
1209 paragraph (a) in any year. A subsequent application to establish
1210 a charter school under paragraph (a) may not be submitted unless
1211 each charter school established in this manner achieves high-
1212 performing charter school status. However, a high-performing
1213 charter school may establish more than one charter school within
1214 the state under paragraph (a) in any year if it operates in the
1215 area of a persistently low-performing school and serves students
1216 from that school.

1217 Section 13. Paragraph (d) is added to subsection (10) of
1218 section 1002.333, Florida Statutes, to read:

1219 1002.333 Persistently low-performing schools.—

1220 (10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program
1221 is created within the Department of Education.

1222 (d) Notwithstanding s. 216.301 and pursuant to s. 216.351,
1223 funds allocated for the purpose of this subsection which are not
1224 disbursed by June 30 of the fiscal year in which the funds are
1225 allocated may be carried forward for up to 5 years after the
1226 effective date of the original appropriation.

1227 Section 14. Present paragraph (c) of subsection (9) of
1228 section 1002.37, Florida Statutes, is amended, and a new



831300

1229 paragraph (c) is added to subsection (9) of that section, to
1230 read:

1231 1002.37 The Florida Virtual School.—

1232 (9)

1233 (c) Industry certification examinations, national
1234 assessments, and statewide assessments offered by the school
1235 district shall be available to all Florida Virtual School
1236 students.

1237 (d) ~~(e)~~ Unless an alternative testing site is mutually
1238 agreed to by the Florida Virtual School and the school district
1239 or as contracted under s. 1008.24, all industry certification
1240 examinations, national assessments, and statewide assessments
1241 must be taken at the school to which the student would be
1242 assigned according to district school board attendance areas. A
1243 school district must provide the student with access to the
1244 school's testing facilities and the date and time of the
1245 administration of each examination or assessment.

1246 Section 15. Paragraph (e) of subsection (2), paragraphs (d)
1247 and (h) of subsection (5), subsection (8), paragraph (c) of
1248 subsection (9), paragraph (a) of subsection (10), and paragraph
1249 (a) of subsection (11) of section 1002.385, Florida Statutes,
1250 are amended, and paragraph (p) is added to subsection (5) of
1251 that section, to read:

1252 1002.385 The Gardiner Scholarship.—

1253 (2) DEFINITIONS.—As used in this section, the term:

1254 (e) "Eligible nonprofit scholarship-funding organization"
1255 or "organization" means a nonprofit scholarship-funding
1256 organization that is approved pursuant to s. 1002.395(15) ~~s.~~
1257 ~~1002.395(16)~~.



831300

1258 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be
1259 used to meet the individual educational needs of an eligible
1260 student and may be spent for the following purposes:

1261 (d) ~~Enrollment in, or~~ Tuition or fees associated with full-
1262 time or part-time enrollment in, a home education program, an
1263 eligible private school, an eligible postsecondary educational
1264 institution or a program offered by the postsecondary
1265 institution, a private tutoring program authorized under s.
1266 1002.43, a virtual program offered by a department-approved
1267 private online provider that meets the provider qualifications
1268 specified in s. 1002.45(2)(a), the Florida Virtual School as a
1269 private paying student, or an approved online course offered
1270 pursuant to s. 1003.499 or s. 1004.0961.

1271 (h) Tuition and fees for part-time tutoring services
1272 provided by a person who holds a valid Florida educator's
1273 certificate pursuant to s. 1012.56; a person who holds an
1274 adjunct teaching certificate pursuant to s. 1012.57; a person
1275 who has a bachelor's degree or a graduate degree in the subject
1276 area in which instruction is given; or a person who has
1277 demonstrated a mastery of subject area knowledge pursuant to s.
1278 1012.56(5). As used in this paragraph, the term "part-time
1279 tutoring services" does not qualify as regular school attendance
1280 as defined in s. 1003.01(13)(e).

1281 (p) Tuition or fees associated with enrollment in a
1282 nationally or internationally recognized research-based training
1283 program for a child with a neurological disorder or brain
1284 damage.

1285
1286 A provider of any services receiving payments pursuant to this



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1287 subsection may not share, refund, or rebate any moneys from the
1288 Gardiner Scholarship with the parent or participating student in
1289 any manner. A parent, student, or provider of any services may
1290 not bill an insurance company, Medicaid, or any other agency for
1291 the same services that are paid for using Gardiner Scholarship
1292 funds.

1293 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible
1294 private school may be sectarian or nonsectarian and shall:

1295 (a) Comply with all requirements for private schools
1296 participating in state school choice scholarship programs
1297 pursuant to s. 1002.421.

1298 ~~(b) Provide to the organization, upon request, all~~
1299 ~~documentation required for the student's participation,~~
1300 ~~including the private school's and student's fee schedules.~~

1301 ~~(c) Be academically accountable to the parent for meeting~~
1302 ~~the educational needs of the student by:~~

1303 ~~1. At a minimum, annually providing to the parent a written~~
1304 ~~explanation of the student's progress.~~

1305 ~~(b)1.2.~~ Annually administer or make administering or making
1306 provision for students participating in the program in grades 3
1307 through 10 to take one of the nationally norm-referenced tests
1308 identified by the Department of Education or the statewide
1309 assessments pursuant to s. 1008.22. Students with disabilities
1310 for whom standardized testing is not appropriate are exempt from
1311 this requirement. A participating private school shall report a
1312 student's scores to the parent.

1313 ~~2.3. Administer Cooperating with the scholarship student~~
1314 ~~whose parent chooses to have the student participate in the~~
1315 statewide assessments pursuant to s. 1008.22 ~~or~~, if a private



831300

1316 school chooses to offer the statewide assessments, ~~administering~~
1317 ~~the assessments at the school.~~

1318 ~~a.~~ A participating private school may choose to offer and
1319 administer the statewide assessments to all students who attend
1320 the private school in grades 3 through 10 and must.

1321 ~~b.~~ ~~A participating private school shall~~ submit a request in
1322 writing to the Department of Education by March 1 of each year
1323 in order to administer the statewide assessments in the
1324 subsequent school year.

1325 ~~(d)~~ ~~Employ or contract with teachers who have regular and~~
1326 ~~direct contact with each student receiving a scholarship under~~
1327 ~~this section at the school's physical location.~~

1328 ~~(e)~~ ~~Provide a report from an independent certified public~~
1329 ~~accountant who performs the agreed-upon procedures developed~~
1330 ~~under s. 1002.395(6)(e) if the private school receives more than~~
1331 ~~\$250,000 in funds from scholarships awarded under this section~~
1332 ~~in a state fiscal year. A private school subject to this~~
1333 ~~paragraph must annually submit the report by September 15 to the~~
1334 ~~organization that awarded the majority of the school's~~
1335 ~~scholarship funds. The agreed-upon procedures must be conducted~~
1336 ~~in accordance with attestation standards established by the~~
1337 ~~American Institute of Certified Public Accountants.~~

1338
1339 If a private school fails ~~is unable~~ to meet the requirements of
1340 this subsection or s. 1002.421 ~~or has consecutive years of~~
1341 ~~material exceptions listed in the report required under~~
1342 ~~paragraph (e),~~ the commissioner may determine that the private
1343 school is ineligible to participate in the scholarship program.

1344 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department



831300

1345 shall:

1346 (c) Investigate any written complaint of a violation of
1347 this section by a parent, a student, a private school, a public
1348 school or a school district, an organization, a provider, or
1349 another appropriate party in accordance with the process
1350 established by s. 1002.421 ~~s. 1002.395(9)(f)~~.

1351 (10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.-

1352 (a) The Commissioner of Education:

1353 1. May suspend or revoke program participation or use of
1354 program funds by the student or participation or eligibility of
1355 an organization, ~~eligible private school~~, eligible postsecondary
1356 educational institution, approved provider, or other party for a
1357 violation of this section.

1358 2. May determine the length of, and conditions for lifting,
1359 a suspension or revocation specified in this subsection.

1360 3. May recover unexpended program funds or withhold payment
1361 of an equal amount of program funds to recover program funds
1362 that were not authorized for use.

1363 4. Shall deny or terminate program participation upon a
1364 parent's forfeiture of a Gardiner Scholarship pursuant to
1365 subsection (11).

1366 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
1367 PARTICIPATION.-A parent who applies for program participation
1368 under this section is exercising his or her parental option to
1369 determine the appropriate placement or the services that best
1370 meet the needs of his or her child. The scholarship award for a
1371 student is based on a matrix that assigns the student to support
1372 Level III services. If a parent receives an IEP and a matrix of
1373 services from the school district pursuant to subsection (7),



831300

1374 the amount of the payment shall be adjusted as needed, when the
1375 school district completes the matrix.

1376 (a) To satisfy or maintain program eligibility, including
1377 eligibility to receive and spend program payments, the parent
1378 must sign an agreement with the organization and annually submit
1379 a notarized, sworn compliance statement to the organization to:

1380 1. Affirm that the student is enrolled in a program that
1381 meets regular school attendance requirements as provided in s.
1382 1003.01(13)(b)-(d).

1383 2. Affirm that the program funds are used only for
1384 authorized purposes serving the student's educational needs, as
1385 described in subsection (5).

1386 3. Affirm that the parent is responsible for the education
1387 of his or her student by, as applicable:

1388 a. Requiring the student to take an assessment in
1389 accordance with paragraph (8)(b) ~~paragraph (8)(c)~~;

1390 b. Providing an annual evaluation in accordance with s.
1391 1002.41(1)(c); or

1392 c. Requiring the child to take any preassessments and
1393 postassessments selected by the provider if the child is 4 years
1394 of age and is enrolled in a program provided by an eligible
1395 Voluntary Prekindergarten Education Program provider. A student
1396 with disabilities for whom a preassessment and postassessment is
1397 not appropriate is exempt from this requirement. A participating
1398 provider shall report a student's scores to the parent.

1399 4. Affirm that the student remains in good standing with
1400 the provider or school if those options are selected by the
1401 parent.

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831300

1403 A parent who fails to comply with this subsection forfeits the
1404 Gardiner Scholarship.

1405 Section 16. Subsections (8) through (14) of section
1406 1002.39, Florida Statutes, are renumbered as subsections (7)
1407 through (13), respectively, and paragraph (b) of subsection (2),
1408 paragraph (h) of subsection (3), and present subsections (6),
1409 (7), and (8) of that section are amended, to read:

1410 1002.39 The John M. McKay Scholarships for Students with
1411 Disabilities Program.—There is established a program that is
1412 separate and distinct from the Opportunity Scholarship Program
1413 and is named the John M. McKay Scholarships for Students with
1414 Disabilities Program.

1415 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a
1416 student with a disability may request and receive from the state
1417 a John M. McKay Scholarship for the child to enroll in and
1418 attend a private school in accordance with this section if:

1419 (b) The parent has obtained acceptance for admission of the
1420 student to a private school that is eligible for the program
1421 under subsection (7) ~~subsection (8)~~ and has requested from the
1422 department a scholarship at least 60 days before the date of the
1423 first scholarship payment. The request must be communicated
1424 directly to the department in a manner that creates a written or
1425 electronic record of the request and the date of receipt of the
1426 request. The department must notify the district of the parent's
1427 intent upon receipt of the parent's request.

1428 (3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is
1429 not eligible for a John M. McKay Scholarship:

1430 (h) While he or she is not having regular and direct
1431 contact with his or her private school teachers at the school's



831300

1432 physical location unless he or she is enrolled in the private
1433 school's transition-to-work program pursuant to subsection (9)
1434 ~~subsection (10)~~; or

1435 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
1436 shall:

1437 ~~(a) Establish a toll-free hotline that provides parents and~~
1438 ~~private schools with information on participation in the John M.~~
1439 ~~McKay Scholarships for Students with Disabilities Program.~~

1440 ~~(b) Annually verify the eligibility of private schools that~~
1441 ~~meet the requirements of subsection (8).~~

1442 ~~(c) Establish a process by which individuals may notify the~~
1443 ~~department of any violation by a parent, private school, or~~
1444 ~~school district of state laws relating to program participation.~~
1445 ~~The department shall conduct an inquiry of any written complaint~~
1446 ~~of a violation of this section, or make a referral to the~~
1447 ~~appropriate agency for an investigation, if the complaint is~~
1448 ~~signed by the complainant and is legally sufficient. A complaint~~
1449 ~~is legally sufficient if it contains ultimate facts that show~~
1450 ~~that a violation of this section or any rule adopted by the~~
1451 ~~State Board of Education has occurred. In order to determine~~
1452 ~~legal sufficiency, the department may require supporting~~
1453 ~~information or documentation from the complainant. A department~~
1454 ~~inquiry is not subject to the requirements of chapter 120.~~

1455 ~~(d) Require an annual, notarized, sworn compliance~~
1456 ~~statement by participating private schools certifying compliance~~
1457 ~~with state laws and shall retain such records.~~

1458 ~~(e) cross-check the list of participating scholarship~~
1459 ~~students with the public school enrollment lists prior to each~~
1460 ~~scholarship payment to avoid duplication.~~



831300

1461 ~~(f)1. Conduct random site visits to private schools~~
1462 ~~participating in the John M. McKay Scholarships for Students~~
1463 ~~with Disabilities Program. The purpose of the site visits is~~
1464 ~~solely to verify the information reported by the schools~~
1465 ~~concerning the enrollment and attendance of students, the~~
1466 ~~credentials of teachers, background screening of teachers, and~~
1467 ~~teachers' fingerprinting results, which information is required~~
1468 ~~by rules of the State Board of Education, subsection (8), and s.~~
1469 ~~1002.421. The Department of Education may not make more than~~
1470 ~~three random site visits each year and may not make more than~~
1471 ~~one random site visit each year to the same private school.~~

1472 ~~2. Annually, by December 15, report to the Governor, the~~
1473 ~~President of the Senate, and the Speaker of the House of~~
1474 ~~Representatives the Department of Education's actions with~~
1475 ~~respect to implementing accountability in the scholarship~~
1476 ~~program under this section and s. 1002.421, any substantiated~~
1477 ~~allegations or violations of law or rule by an eligible private~~
1478 ~~school under this program concerning the enrollment and~~
1479 ~~attendance of students, the credentials of teachers, background~~
1480 ~~screening of teachers, and teachers' fingerprinting results and~~
1481 ~~the corrective action taken by the Department of Education.~~

1482 ~~(7) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—~~

1483 ~~(a) The Commissioner of Education:~~

1484 ~~1. Shall deny, suspend, or revoke a private school's~~
1485 ~~participation in the scholarship program if it is determined~~
1486 ~~that the private school has failed to comply with the provisions~~
1487 ~~of this section. However, if the noncompliance is correctable~~
1488 ~~within a reasonable amount of time and if the health, safety, or~~
1489 ~~welfare of the students is not threatened, the commissioner may~~



831300

1490 ~~issue a notice of noncompliance which provides the private~~
1491 ~~school with a timeframe within which to provide evidence of~~
1492 ~~compliance before taking action to suspend or revoke the private~~
1493 ~~school's participation in the scholarship program.~~

1494 ~~2. May deny, suspend, or revoke a private school's~~
1495 ~~participation in the scholarship program if the commissioner~~
1496 ~~determines that an owner or operator of the private school is~~
1497 ~~operating or has operated an educational institution in this~~
1498 ~~state or in another state or jurisdiction in a manner contrary~~
1499 ~~to the health, safety, or welfare of the public.~~

1500 ~~a. In making such a determination, the commissioner may~~
1501 ~~consider factors that include, but are not limited to, acts or~~
1502 ~~emissions by an owner or operator which led to a previous denial~~
1503 ~~or revocation of participation in an education scholarship~~
1504 ~~program; an owner's or operator's failure to reimburse the~~
1505 ~~Department of Education for scholarship funds improperly~~
1506 ~~received or retained by a school; imposition of a prior criminal~~
1507 ~~sanction related to an owner's or operator's management or~~
1508 ~~operation of an educational institution; imposition of a civil~~
1509 ~~fine or administrative fine, license revocation or suspension,~~
1510 ~~or program eligibility suspension, termination, or revocation~~
1511 ~~related to an owner's or operator's management or operation of~~
1512 ~~an educational institution; or other types of criminal~~
1513 ~~proceedings in which an owner or operator was found guilty of,~~
1514 ~~regardless of adjudication, or entered a plea of nolo contendere~~
1515 ~~or guilty to, any offense involving fraud, deceit, dishonesty,~~
1516 ~~or moral turpitude.~~

1517 ~~b. For purposes of this subparagraph, the term "owner or~~
1518 ~~operator" includes an owner, operator, superintendent, or~~



831300

1519 ~~principal of, or a person who has equivalent decisionmaking~~
1520 ~~authority over, a private school participating in the~~
1521 ~~scholarship program.~~

1522 ~~(b) The commissioner's determination is subject to the~~
1523 ~~following:~~

1524 ~~1. If the commissioner intends to deny, suspend, or revoke~~
1525 ~~a private school's participation in the scholarship program, the~~
1526 ~~department shall notify the private school of such proposed~~
1527 ~~action in writing by certified mail and regular mail to the~~
1528 ~~private school's address of record with the department. The~~
1529 ~~notification shall include the reasons for the proposed action~~
1530 ~~and notice of the timelines and procedures set forth in this~~
1531 ~~paragraph.~~

1532 ~~2. The private school that is adversely affected by the~~
1533 ~~proposed action shall have 15 days from receipt of the notice of~~
1534 ~~proposed action to file with the department's agency clerk a~~
1535 ~~request for a proceeding pursuant to ss. 120.569 and 120.57. If~~
1536 ~~the private school is entitled to a hearing under s. 120.57(1),~~
1537 ~~the department shall forward the request to the Division of~~
1538 ~~Administrative Hearings.~~

1539 ~~3. Upon receipt of a request referred pursuant to this~~
1540 ~~paragraph, the director of the Division of Administrative~~
1541 ~~Hearings shall expedite the hearing and assign an administrative~~
1542 ~~law judge who shall commence a hearing within 30 days after the~~
1543 ~~receipt of the formal written request by the division and enter~~
1544 ~~a recommended order within 30 days after the hearing or within~~
1545 ~~30 days after receipt of the hearing transcript, whichever is~~
1546 ~~later. Each party shall be allowed 10 days in which to submit~~
1547 ~~written exceptions to the recommended order. A final order shall~~



831300

1548 ~~be entered by the agency within 30 days after the entry of a~~
1549 ~~recommended order. The provisions of this subparagraph may be~~
1550 ~~waived upon stipulation by all parties.~~

1551 ~~(c) The commissioner may immediately suspend payment of~~
1552 ~~scholarship funds if it is determined that there is probable~~
1553 ~~cause to believe that there is:~~

1554 ~~1. An imminent threat to the health, safety, or welfare of~~
1555 ~~the students; or~~

1556 ~~2. Fraudulent activity on the part of the private school.~~
1557 ~~Notwithstanding s. 1002.22, in incidents of alleged fraudulent~~
1558 ~~activity pursuant to this section, the Department of Education's~~
1559 ~~Office of Inspector General is authorized to release personally~~
1560 ~~identifiable records or reports of students to the following~~
1561 ~~persons or organizations:~~

1562 ~~a. A court of competent jurisdiction in compliance with an~~
1563 ~~order of that court or the attorney of record in accordance with~~
1564 ~~a lawfully issued subpoena, consistent with the Family~~
1565 ~~Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.~~

1566 ~~b. A person or entity authorized by a court of competent~~
1567 ~~jurisdiction in compliance with an order of that court or the~~
1568 ~~attorney of record pursuant to a lawfully issued subpoena,~~
1569 ~~consistent with the Family Educational Rights and Privacy Act,~~
1570 ~~20 U.S.C. s. 1232g.~~

1571 ~~c. Any person, entity, or authority issuing a subpoena for~~
1572 ~~law enforcement purposes when the court or other issuing agency~~
1573 ~~has ordered that the existence or the contents of the subpoena~~
1574 ~~or the information furnished in response to the subpoena not be~~
1575 ~~disclosed, consistent with the Family Educational Rights and~~
1576 ~~Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.~~



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

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

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

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

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

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

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

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



831300

1606 ~~If The inability of a private school fails to meet the~~
1607 ~~requirements of this subsection or s. 1002.421, the commissioner~~
1608 ~~may determine that the private school is ineligible shall~~
1609 ~~constitute a basis for the ineligibility of the private school~~
1610 ~~to participate in the scholarship program as determined by the~~
1611 ~~department.~~

1612 Section 17. Present subsections (12) through (16) of
1613 section 1002.395, Florida Statutes, are renumbered as
1614 subsections (11) through (15), respectively, and paragraphs (f)
1615 and (j) of subsection (2), paragraphs (b), (c), (f), and (g) of
1616 subsection (5), paragraphs (n), (o), and (p) of subsection (6),
1617 subsections (8) and (9), and present subsection (11) of that
1618 section are amended, to read:

1619 1002.395 Florida Tax Credit Scholarship Program.—

1620 (2) DEFINITIONS.—As used in this section, the term:

1621 (f) "Eligible nonprofit scholarship-funding organization"
1622 means a state university; or an independent college or
1623 university that is eligible to participate in the William L.
1624 Boyd, IV, Florida Resident Access Grant Program, located and
1625 chartered in this state, is not for profit, and is accredited by
1626 the Commission on Colleges of the Southern Association of
1627 Colleges and Schools; or is a charitable organization that:

1628 1. Is exempt from federal income tax pursuant to s.
1629 501(c)(3) of the Internal Revenue Code;

1630 2. Is a Florida entity formed under chapter 605, chapter
1631 607, or chapter 617 and whose principal office is located in the
1632 state; and

1633 3. Complies with subsections (6) and (15) ~~subsections (6)~~
1634 ~~and (16).~~



831300

1635 (j) "Tax credit cap amount" means the maximum annual tax
1636 credit amount that the department may approve for ~~in~~ a state
1637 fiscal year.

1638 (5) SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS.—

1639 (b) A taxpayer may submit an application to the department
1640 for a tax credit or credits under one or more of s. 211.0251, s.
1641 212.1831, s. 220.1875, s. 561.1211, or s. 624.51055.

1642 1. The taxpayer shall specify in the application each tax
1643 for which the taxpayer requests a credit and the applicable
1644 taxable year for a credit under s. 220.1875 or s. 624.51055 or
1645 the applicable state fiscal year for a credit under s. 211.0251,
1646 s. 212.1831, or s. 561.1211. For purposes of s. 220.1875, a
1647 taxpayer may apply for a credit to be used for a prior taxable
1648 year before the date the taxpayer is required to file a return
1649 for that year pursuant to s. 220.222. The department shall
1650 approve tax credits on a first-come, first-served basis and must
1651 obtain the division's approval before approving a tax credit
1652 under s. 561.1211.

1653 2. Within 10 days after approving or denying an
1654 application, the department shall provide a copy of its approval
1655 or denial letter to the eligible nonprofit scholarship-funding
1656 organization specified by the taxpayer in the application.

1657 (c) If a tax credit approved under paragraph (b) is not
1658 fully used within the specified state fiscal year for credits
1659 under s. 211.0251, s. 212.1831, or s. 561.1211 or against taxes
1660 due for the specified taxable year for credits under s. 220.1875
1661 or s. 624.51055 because of insufficient tax liability on the
1662 part of the taxpayer, the unused amount shall ~~may~~ be carried
1663 forward for a period not to exceed 10 ~~5~~ years. For purposes of



831300

1664 s. 220.1875, a credit carried forward may be used in a
1665 subsequent year after applying the other credits and unused
1666 carryovers in the order provided in s. 220.02(8). However, any
1667 taxpayer that seeks to carry forward an unused amount of tax
1668 credit must submit an application to the department for approval
1669 of the carryforward tax credit in the year that the taxpayer
1670 intends to use the carryforward. The department must obtain the
1671 division's approval prior to approving the carryforward of a tax
1672 credit under s. 561.1211.

1673 (f) Within 10 days after approving or denying an
1674 application for a carryforward tax credit under paragraph (c),
1675 the conveyance, transfer, or assignment of a tax credit under
1676 paragraph (d), or the rescindment of a tax credit under
1677 paragraph (e), the department shall provide a copy of its
1678 approval or denial letter to the eligible nonprofit scholarship-
1679 funding organization specified by the taxpayer. The department
1680 shall also include the eligible nonprofit scholarship-funding
1681 organization specified by the taxpayer on all letters or
1682 correspondence of acknowledgment for tax credits under s.
1683 212.1831.

1684 (g) For purposes of calculating the underpayment of
1685 estimated corporate income taxes pursuant to s. 220.34 and tax
1686 installment payments for taxes on insurance premiums or
1687 assessments under s. 624.5092, the final amount due is the
1688 amount after credits earned under s. 220.1875 or s. 624.51055
1689 for contributions to eligible nonprofit scholarship-funding
1690 organizations are deducted.

1691 1. For purposes of determining if a penalty or interest
1692 shall be imposed for underpayment of estimated corporate income



831300

1693 tax pursuant to s. 220.34(2)(d)1., a taxpayer may, after earning
1694 a credit under s. 220.1875, reduce any ~~the following~~ estimated
1695 payment in that taxable year by the amount of the credit. This
1696 subparagraph applies to contributions made on or after July 1,
1697 2014.

1698 2. For purposes of determining if a penalty under s.
1699 624.5092 shall be imposed, an insurer may, after earning a
1700 credit under s. 624.51055, reduce the following installment
1701 payment of 27 percent of the amount of the net tax due as
1702 reported on the return for the preceding year under s.

1703 624.5092(2)(b) by the amount of the credit. This subparagraph
1704 applies to contributions made on or after July 1, 2014.

1705 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
1706 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
1707 organization:

1708 (n) Must prepare and submit quarterly reports to the
1709 Department of Education pursuant to paragraph (9)(i) ~~paragraph~~
1710 ~~(9)(m)~~. In addition, an eligible nonprofit scholarship-funding
1711 organization must submit in a timely manner any information
1712 requested by the Department of Education relating to the
1713 scholarship program.

1714 (o)1.a. Must participate in the joint development of
1715 agreed-upon procedures ~~to be performed by an independent~~
1716 ~~certified public accountant as required under paragraph (8)(e)~~
1717 ~~if the scholarship funding organization provided more than~~
1718 ~~\$250,000 in scholarship funds to an eligible private school~~
1719 ~~under this section~~ during the 2009-2010 state fiscal year. The
1720 agreed-upon procedures must uniformly apply to all private
1721 schools and must determine, at a minimum, whether the private



831300

1722 school has been verified as eligible by the Department of
1723 Education under s. 1002.421 ~~paragraph (9) (e)~~; has an adequate
1724 accounting system, system of financial controls, and process for
1725 deposit and classification of scholarship funds; and has
1726 properly expended scholarship funds for education-related
1727 expenses. During the development of the procedures, the
1728 participating scholarship-funding organizations shall specify
1729 guidelines governing the materiality of exceptions that may be
1730 found during the accountant's performance of the procedures. The
1731 procedures and guidelines shall be provided to private schools
1732 and the Commissioner of Education by March 15, 2011.

1733 b. Must participate in a joint review of the agreed-upon
1734 procedures and guidelines developed under sub-subparagraph a.,
1735 by February of each biennium 2013 and biennially thereafter, if
1736 the scholarship-funding organization provided more than \$250,000
1737 in scholarship funds to an eligible private school under this
1738 chapter section during the state fiscal year preceding the
1739 biennial review. If the procedures and guidelines are revised,
1740 the revisions must be provided to private schools and the
1741 Commissioner of Education by March 15 of the year in which the
1742 revisions were completed. The revised agreed-upon procedures
1743 shall take effect the subsequent school year. For the 2018-2019
1744 school year only, the joint review of the agreed-upon procedures
1745 must be completed and the revisions submitted to the
1746 commissioner no later than September 15, 2018. The revised
1747 procedures are applicable to the 2018-2019 school year, 2013,
1748 and biennially thereafter.

1749 c. Must monitor the compliance of a private school with s.
1750 1002.421(1)(q) ~~paragraph (8) (e)~~ if the scholarship-funding



831300

1751 organization provided the majority of the scholarship funding to
1752 the school. For each private school subject to s. 1002.421(1)(q)
1753 ~~paragraph (8)(e)~~, the appropriate scholarship-funding
1754 organization shall annually notify the Commissioner of Education
1755 by October 30, ~~2011, and annually thereafter~~ of:

1756 (I) A private school's failure to submit a report required
1757 under s. 1002.421(1)(q) ~~paragraph (8)(e)~~; or

1758 (II) Any material exceptions set forth in the report
1759 required under s. 1002.421(1)(q) ~~paragraph (8)(e)~~.

1760 2. Must seek input from the accrediting associations that
1761 are members of the Florida Association of Academic Nonpublic
1762 Schools and the Department of Education when jointly developing
1763 the agreed-upon procedures and guidelines under sub-subparagraph
1764 1.a. and conducting a review of those procedures and guidelines
1765 under sub-subparagraph 1.b.

1766 (p) Must maintain the surety bond or letter of credit
1767 required by subsection (15) ~~subsection (16)~~. The amount of the
1768 surety bond or letter of credit may be adjusted quarterly to
1769 equal the actual amount of undisbursed funds based upon
1770 submission by the organization of a statement from a certified
1771 public accountant verifying the amount of undisbursed funds. The
1772 requirements of this paragraph are waived if the cost of
1773 acquiring a surety bond or letter of credit exceeds the average
1774 10-year cost of acquiring a surety bond or letter of credit by
1775 200 percent. The requirements of this paragraph are waived for a
1776 state university; or an independent college or university which
1777 is eligible to participate in the William L. Boyd, IV, Florida
1778 Resident Access Grant Program, located and chartered in this
1779 state, is not for profit, and is accredited by the Commission on



831300

1780 Colleges of the Southern Association of Colleges and Schools.

1781

1782 Information and documentation provided to the Department of
1783 Education and the Auditor General relating to the identity of a
1784 taxpayer that provides an eligible contribution under this
1785 section shall remain confidential at all times in accordance
1786 with s. 213.053.

1787 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible
1788 private school may be sectarian or nonsectarian and must:

1789 (a) Comply with all requirements for private schools
1790 participating in state school choice scholarship programs
1791 pursuant to s. 1002.421.

1792 ~~(b) Provide to the eligible nonprofit scholarship funding~~
1793 ~~organization, upon request, all documentation required for the~~
1794 ~~student's participation, including the private school's and~~
1795 ~~student's fee schedules.~~

1796 ~~(c) Be academically accountable to the parent for meeting~~
1797 ~~the educational needs of the student by:~~

1798 ~~1. At a minimum, annually providing to the parent a written~~
1799 ~~explanation of the student's progress.~~

1800 ~~(b)1.2.~~ Annually administer or make ~~administering or making~~
1801 provision for students participating in the scholarship program
1802 in grades 3 through 10 to take one of the nationally norm-
1803 referenced tests identified by the Department of Education or
1804 the statewide assessments pursuant to s. 1008.22. Students with
1805 disabilities for whom standardized testing is not appropriate
1806 are exempt from this requirement. A participating private school
1807 must report a student's scores to the parent. A participating
1808 private school must annually report by August 15 the scores of



831300

1809 all participating students to a state university ~~the Learning~~
1810 ~~System Institute~~ described in paragraph (9) (f) ~~paragraph (9) (j)~~.

1811 2.3. Administer ~~Cooperating with the scholarship student~~
1812 ~~whose parent chooses to have the student participate in the~~
1813 ~~statewide assessments pursuant to s. 1008.22 or, if a private~~
1814 ~~school chooses to offer the statewide assessments, administering~~
1815 ~~the assessments at the school.~~

1816 a. A participating private school may choose to offer and
1817 administer the statewide assessments to all students who attend
1818 the private school in grades 3 through 10 and.

1819 b. ~~A participating private school~~ must submit a request in
1820 writing to the Department of Education by March 1 of each year
1821 in order to administer the statewide assessments in the
1822 subsequent school year.

1823 ~~(d) Employ or contract with teachers who have regular and~~
1824 ~~direct contact with each student receiving a scholarship under~~
1825 ~~this section at the school's physical location.~~

1826 ~~(e) Provide a report from an independent certified public~~
1827 ~~accountant who performs the agreed upon procedures developed~~
1828 ~~under paragraph (6) (o) if the private school receives more than~~
1829 ~~\$250,000 in funds from scholarships awarded under this section~~
1830 ~~in a state fiscal year. A private school subject to this~~
1831 ~~paragraph must annually submit the report by September 15 to the~~
1832 ~~scholarship funding organization that awarded the majority of~~
1833 ~~the school's scholarship funds. The agreed upon procedures must~~
1834 ~~be conducted in accordance with attestation standards~~
1835 ~~established by the American Institute of Certified Public~~
1836 ~~Accountants.~~

1837



831300

1838 If a private school fails ~~is unable~~ to meet the requirements of
1839 this subsection or s. 1002.421 ~~or has consecutive years of~~
1840 ~~material exceptions listed in the report required under~~
1841 ~~paragraph (e)~~, the commissioner may determine that the private
1842 school is ineligible to participate in the scholarship program
1843 ~~as determined by the Department of Education.~~

1844 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
1845 Education shall:

1846 (a) Annually submit to the department and division, by
1847 March 15, a list of eligible nonprofit scholarship-funding
1848 organizations that meet the requirements of paragraph (2) (f).

1849 (b) Annually verify the eligibility of nonprofit
1850 scholarship-funding organizations that meet the requirements of
1851 paragraph (2) (f).

1852 ~~(c) Annually verify the eligibility of private schools that~~
1853 ~~meet the requirements of subsection (8).~~

1854 ~~(c)(d)~~ (c) Annually verify the eligibility of expenditures as
1855 provided in paragraph (6) (d) using the audit required by
1856 paragraph (6) (m) and s. 11.45(2) (l) ~~s. 11.45(2) (k)~~.

1857 ~~(e) Establish a toll-free hotline that provides parents and~~
1858 ~~private schools with information on participation in the~~
1859 ~~scholarship program.~~

1860 ~~(f) Establish a process by which individuals may notify the~~
1861 ~~Department of Education of any violation by a parent, private~~
1862 ~~school, or school district of state laws relating to program~~
1863 ~~participation. The Department of Education shall conduct an~~
1864 ~~inquiry of any written complaint of a violation of this section,~~
1865 ~~or make a referral to the appropriate agency for an~~
1866 ~~investigation, if the complaint is signed by the complainant and~~



831300

1867 ~~is legally sufficient. A complaint is legally sufficient if it~~
1868 ~~contains ultimate facts that show that a violation of this~~
1869 ~~section or any rule adopted by the State Board of Education has~~
1870 ~~occurred. In order to determine legal sufficiency, the~~
1871 ~~Department of Education may require supporting information or~~
1872 ~~documentation from the complainant. A department inquiry is not~~
1873 ~~subject to the requirements of chapter 120.~~

1874 ~~(g) Require an annual, notarized, sworn compliance~~
1875 ~~statement by participating private schools certifying compliance~~
1876 ~~with state laws and shall retain such records.~~

1877 ~~(d)(h)~~ Cross-check the list of participating scholarship
1878 students with the public school enrollment lists to avoid
1879 duplication.

1880 ~~(e)(i)~~ Maintain a list of nationally norm-referenced tests
1881 identified for purposes of satisfying the testing requirement in
1882 subparagraph (8) (b) 1 ~~subparagraph (8) (e) 2~~. The tests must meet
1883 industry standards of quality in accordance with State Board of
1884 Education rule.

1885 ~~(f)(j)~~ Issue a project grant award to a state university
1886 ~~the Learning System Institute at the Florida State University,~~
1887 to which participating private schools must report the scores of
1888 participating students on the nationally norm-referenced tests
1889 or the statewide assessments administered by the private school
1890 in grades 3 through 10. The project term is 2 years, and the
1891 amount of the project is up to \$250,000 ~~\$500,000~~ per year. The
1892 project grant award must be reissued in 2-year intervals in
1893 accordance with this paragraph.

1894 1. The state university ~~Learning System Institute~~ must
1895 annually report to the Department of Education on the student



831300

1896 performance of participating students:

1897 a. On a statewide basis. The report shall also include, to
1898 the extent possible, a comparison of scholarship students'
1899 performance to the statewide student performance of public
1900 school students with socioeconomic backgrounds similar to those
1901 of students participating in the scholarship program. To
1902 minimize costs and reduce time required for the state
1903 university's ~~Learning System Institute's~~ analysis and
1904 evaluation, the Department of Education shall coordinate with
1905 the state university ~~Learning System Institute~~ to provide data
1906 to the state university ~~Learning System Institute~~ in order to
1907 conduct analyses of matched students from public school
1908 assessment data and calculate control group student performance
1909 using an agreed-upon methodology with the state university
1910 ~~Learning System Institute~~; and

1911 b. On an individual school basis. The annual report must
1912 include student performance for each participating private
1913 school in which at least 51 percent of the total enrolled
1914 students in the private school participated in the Florida Tax
1915 Credit Scholarship Program in the prior school year. The report
1916 shall be according to each participating private school, and for
1917 participating students, in which there are at least 30
1918 participating students who have scores for tests administered.
1919 If the state university ~~Learning System Institute~~ determines
1920 that the 30-participating-student cell size may be reduced
1921 without disclosing personally identifiable information, as
1922 described in 34 C.F.R. s. 99.12, of a participating student, the
1923 state university ~~Learning System Institute~~ may reduce the
1924 participating-student cell size, but the cell size must not be



831300

1925 reduced to less than 10 participating students. The department
1926 shall provide each private school's prior school year's student
1927 enrollment information to the state university Learning System
1928 ~~Institute~~ no later than June 15 of each year, or as requested by
1929 the state university Learning System Institute.

1930 2. The sharing and reporting of student performance data
1931 under this paragraph must be in accordance with requirements of
1932 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family
1933 Educational Rights and Privacy Act, and the applicable rules and
1934 regulations issued pursuant thereto, and shall be for the sole
1935 purpose of creating the annual report required by subparagraph
1936 1. All parties must preserve the confidentiality of such
1937 information as required by law. The annual report must not
1938 disaggregate data to a level that will identify individual
1939 participating schools, except as required under sub-subparagraph
1940 1.b., or disclose the academic level of individual students.

1941 3. The annual report required by subparagraph 1. shall be
1942 published by the Department of Education on its website.

1943 (g) ~~(k)~~ Notify an eligible nonprofit scholarship-funding
1944 organization of any of the organization's identified students
1945 who are receiving educational scholarships pursuant to chapter
1946 1002.

1947 (h) ~~(l)~~ Notify an eligible nonprofit scholarship-funding
1948 organization of any of the organization's identified students
1949 who are receiving tax credit scholarships from other eligible
1950 nonprofit scholarship-funding organizations.

1951 (i) ~~(m)~~ Require quarterly reports by an eligible nonprofit
1952 scholarship-funding organization regarding the number of
1953 students participating in the scholarship program, the private



831300

1954 schools at which the students are enrolled, and other
1955 information deemed necessary by the Department of Education.

1956 ~~(n)1. Conduct site visits to private schools participating~~
1957 ~~in the Florida Tax Credit Scholarship Program. The purpose of~~
1958 ~~the site visits is solely to verify the information reported by~~
1959 ~~the schools concerning the enrollment and attendance of~~
1960 ~~students, the credentials of teachers, background screening of~~
1961 ~~teachers, and teachers' fingerprinting results. The Department~~
1962 ~~of Education may not make more than seven site visits each year;~~
1963 ~~however, the department may make additional site visits at any~~
1964 ~~time to any school that has received a notice of noncompliance~~
1965 ~~or a notice of proposed action within the previous 2 years.~~

1966 ~~2. Annually, by December 15, report to the Governor, the~~
1967 ~~President of the Senate, and the Speaker of the House of~~
1968 ~~Representatives the Department of Education's actions with~~
1969 ~~respect to implementing accountability in the scholarship~~
1970 ~~program under this section and s. 1002.421, any substantiated~~
1971 ~~allegations or violations of law or rule by an eligible private~~
1972 ~~school under this program concerning the enrollment and~~
1973 ~~attendance of students, the credentials of teachers, background~~
1974 ~~screening of teachers, and teachers' fingerprinting results and~~
1975 ~~the corrective action taken by the Department of Education.~~

1976 ~~(j)(e)~~ Provide a process to match the direct certification
1977 list with the scholarship application data submitted by any
1978 nonprofit scholarship-funding organization eligible to receive
1979 the 3-percent administrative allowance under paragraph (6)(j).

1980 ~~(p) Upon the request of a participating private school,~~
1981 ~~provide at no cost to the school the statewide assessments~~
1982 ~~administered under s. 1008.22 and any related materials for~~



831300

1983 ~~administering the assessments. Students at a private school may~~
1984 ~~be assessed using the statewide assessments if the addition of~~
1985 ~~those students and the school does not cause the state to exceed~~
1986 ~~its contractual caps for the number of students tested and the~~
1987 ~~number of testing sites. The state shall provide the same~~
1988 ~~materials and support to a private school that it provides to a~~
1989 ~~public school. A private school that chooses to administer~~
1990 ~~statewide assessments under s. 1008.22 shall follow the~~
1991 ~~requirements set forth in ss. 1008.22 and 1008.24, rules adopted~~
1992 ~~by the State Board of Education to implement those sections, and~~
1993 ~~district-level testing policies established by the district~~
1994 ~~school board.~~

1995 ~~(11) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—~~

1996 ~~(a)1. The Commissioner of Education shall deny, suspend, or~~
1997 ~~revoke a private school's participation in the scholarship~~
1998 ~~program if it is determined that the private school has failed~~
1999 ~~to comply with the provisions of this section. However, in~~
2000 ~~instances in which the noncompliance is correctable within a~~
2001 ~~reasonable amount of time and in which the health, safety, or~~
2002 ~~welfare of the students is not threatened, the commissioner may~~
2003 ~~issue a notice of noncompliance that shall provide the private~~
2004 ~~school with a timeframe within which to provide evidence of~~
2005 ~~compliance prior to taking action to suspend or revoke the~~
2006 ~~private school's participation in the scholarship program.~~

2007 ~~2. The Commissioner of Education may deny, suspend, or~~
2008 ~~revoke a private school's participation in the scholarship~~
2009 ~~program if the commissioner determines that:~~

2010 ~~a. An owner or operator of a private school has exhibited a~~
2011 ~~previous pattern of failure to comply with this section or s.~~



831300

2012 ~~1002.421; or~~

2013 ~~b. An owner or operator of the private school is operating~~
2014 ~~or has operated an educational institution in this state or~~
2015 ~~another state or jurisdiction in a manner contrary to the~~
2016 ~~health, safety, or welfare of the public.~~

2017
2018 ~~In making the determination under this subparagraph, the~~
2019 ~~commissioner may consider factors that include, but are not~~
2020 ~~limited to, acts or omissions by an owner or operator that led~~
2021 ~~to a previous denial or revocation of participation in an~~
2022 ~~education scholarship program; an owner's or operator's failure~~
2023 ~~to reimburse the Department of Education or a nonprofit~~
2024 ~~scholarship funding organization for scholarship funds~~
2025 ~~improperly received or retained by a school; imposition of a~~
2026 ~~prior criminal sanction, civil fine, administrative fine,~~
2027 ~~license revocation or suspension, or program eligibility~~
2028 ~~suspension, termination, or revocation related to an owner's or~~
2029 ~~operator's management or operation of an educational~~
2030 ~~institution; or other types of criminal proceedings in which the~~
2031 ~~owner or operator was found guilty of, regardless of~~
2032 ~~adjudication, or entered a plea of nolo contendere or guilty to,~~
2033 ~~any offense involving fraud, deceit, dishonesty, or moral~~
2034 ~~turpitude.~~

2035 ~~(b) The commissioner's determination is subject to the~~
2036 ~~following:~~

2037 ~~1. If the commissioner intends to deny, suspend, or revoke~~
2038 ~~a private school's participation in the scholarship program, the~~
2039 ~~Department of Education shall notify the private school of such~~
2040 ~~proposed action in writing by certified mail and regular mail to~~



831300

2041 ~~the private school's address of record with the Department of~~
2042 ~~Education. The notification shall include the reasons for the~~
2043 ~~proposed action and notice of the timelines and procedures set~~
2044 ~~forth in this paragraph.~~

2045 ~~2. The private school that is adversely affected by the~~
2046 ~~proposed action shall have 15 days from receipt of the notice of~~
2047 ~~proposed action to file with the Department of Education's~~
2048 ~~agency clerk a request for a proceeding pursuant to ss. 120.569~~
2049 ~~and 120.57. If the private school is entitled to a hearing under~~
2050 ~~s. 120.57(1), the Department of Education shall forward the~~
2051 ~~request to the Division of Administrative Hearings.~~

2052 ~~3. Upon receipt of a request referred pursuant to this~~
2053 ~~paragraph, the director of the Division of Administrative~~
2054 ~~Hearings shall expedite the hearing and assign an administrative~~
2055 ~~law judge who shall commence a hearing within 30 days after the~~
2056 ~~receipt of the formal written request by the division and enter~~
2057 ~~a recommended order within 30 days after the hearing or within~~
2058 ~~30 days after receipt of the hearing transcript, whichever is~~
2059 ~~later. Each party shall be allowed 10 days in which to submit~~
2060 ~~written exceptions to the recommended order. A final order shall~~
2061 ~~be entered by the agency within 30 days after the entry of a~~
2062 ~~recommended order. The provisions of this subparagraph may be~~
2063 ~~waived upon stipulation by all parties.~~

2064 ~~(c) The commissioner may immediately suspend payment of~~
2065 ~~scholarship funds if it is determined that there is probable~~
2066 ~~cause to believe that there is:~~

2067 ~~1. An imminent threat to the health, safety, and welfare of~~
2068 ~~the students;~~

2069 ~~2. A previous pattern of failure to comply with this~~



831300

2070 ~~section or s. 1002.421; or~~
2071 ~~3. Fraudulent activity on the part of the private school.~~
2072 ~~Notwithstanding s. 1002.22, in incidents of alleged fraudulent~~
2073 ~~activity pursuant to this section, the Department of Education's~~
2074 ~~Office of Inspector General is authorized to release personally~~
2075 ~~identifiable records or reports of students to the following~~
2076 ~~persons or organizations:~~
2077 ~~a. A court of competent jurisdiction in compliance with an~~
2078 ~~order of that court or the attorney of record in accordance with~~
2079 ~~a lawfully issued subpoena, consistent with the Family~~
2080 ~~Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.~~
2081 ~~b. A person or entity authorized by a court of competent~~
2082 ~~jurisdiction in compliance with an order of that court or the~~
2083 ~~attorney of record pursuant to a lawfully issued subpoena,~~
2084 ~~consistent with the Family Educational Rights and Privacy Act,~~
2085 ~~20 U.S.C. s. 1232g.~~
2086 ~~e. Any person, entity, or authority issuing a subpoena for~~
2087 ~~law enforcement purposes when the court or other issuing agency~~
2088 ~~has ordered that the existence or the contents of the subpoena~~
2089 ~~or the information furnished in response to the subpoena not be~~
2090 ~~disclosed, consistent with the Family Educational Rights and~~
2091 ~~Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.~~
2092
2093 ~~The commissioner's order suspending payment pursuant to this~~
2094 ~~paragraph may be appealed pursuant to the same procedures and~~
2095 ~~timelines as the notice of proposed action set forth in~~
2096 ~~paragraph (b).~~
2097 Section 18. Effective upon this act becoming a law, section
2098 1002.40, Florida Statutes, is created to read:



831300

2099 1002.40 The Hope Scholarship Program.—
2100 (1) PURPOSE.—The Hope Scholarship Program is established to
2101 provide the parent of a public school student who was subjected
2102 to an incident listed in subsection (3) an opportunity to
2103 transfer the student to another public school or to request a
2104 scholarship for the student to enroll in and attend an eligible
2105 private school.
2106 (2) DEFINITIONS.—As used in this section, the term:
2107 (a) "Dealer" has the same meaning as provided in s. 212.06.
2108 (b) "Department" means the Department of Education.
2109 (c) "Designated agent" has the same meaning as provided in
2110 s. 212.06(10).
2111 (d) "Eligible contribution" or "contribution" means a
2112 monetary contribution from a person purchasing a motor vehicle,
2113 subject to the restrictions provided in this section, to an
2114 eligible nonprofit scholarship-funding organization. The person
2115 making the contribution may not designate a specific student as
2116 the beneficiary of the contribution.
2117 (e) "Eligible nonprofit scholarship-funding organization"
2118 or "organization" has the same meaning as provided in s.
2119 1002.395(2) (f).
2120 (f) "Eligible private school" has the same meaning as
2121 provided in s. 1002.395(2) (g).
2122 (g) "Motor vehicle" has the same meaning as provided in s.
2123 320.01(1) (a), but does not include a heavy truck, truck tractor,
2124 trailer, or motorcycle.
2125 (h) "Parent" means a resident of this state who is a
2126 parent, as defined in s. 1000.21, and whose student reported an
2127 incident in accordance with subsection (6).



831300

2128 (i) "Program" means the Hope Scholarship Program.
2129 (j) "School" means any educational program or activity
2130 conducted by a public K-12 educational institution, any school-
2131 related or school-sponsored program or activity, and riding on a
2132 school bus, as defined in s. 1006.25(1), including waiting at a
2133 school bus stop.
2134 (k) "Unweighted FTE funding amount" means the statewide
2135 average total funds per unweighted full-time equivalent funding
2136 amount that is incorporated by reference in the General
2137 Appropriations Act, or by a subsequent special appropriations
2138 act, for the applicable state fiscal year.
2139 (3) PROGRAM ELIGIBILITY.—Beginning with the 2018-2019
2140 school year, contingent upon available funds, and on a first-
2141 come, first-served basis, a student enrolled in a Florida public
2142 school in kindergarten through grade 12 is eligible for a
2143 scholarship under this program if the student reported an
2144 incident in accordance with subsection (6). For purposes of this
2145 section, the term "incident" means battery; harassment; hazing;
2146 bullying; kidnapping; physical attack; robbery; sexual offenses,
2147 harassment, assault, or battery; threat or intimidation; or
2148 fighting at school, as defined by the department in accordance
2149 with s. 1006.09(6).
2150 (4) PROGRAM PROHIBITIONS.—Payment of a scholarship to a
2151 student enrolled in a private school may not be made if a
2152 student is:
2153 (a) Enrolled in a public school, including, but not limited
2154 to, the Florida School for the Deaf and the Blind; the College-
2155 Preparatory Boarding Academy; a developmental research school
2156 authorized under s. 1002.32; or a charter school authorized



2157 under s. 1002.33, s. 1002.331, or s. 1002.332;

2158 (b) Enrolled in a school operating for the purpose of
2159 providing educational services to youth in the Department of
2160 Juvenile Justice commitment programs;

2161 (c) Participating in a virtual school, correspondence
2162 school, or distance learning program that receives state funding
2163 pursuant to the student's participation unless the participation
2164 is limited to no more than two courses per school year; or

2165 (d) Receiving any other educational scholarship pursuant to
2166 this chapter.

2167 (5) TERM OF HOPE SCHOLARSHIP.—For purposes of continuity of
2168 educational choice, a Hope scholarship shall remain in force
2169 until the student returns to public school or graduates from
2170 high school, whichever occurs first. A scholarship student who
2171 enrolls in a public school or public school program is
2172 considered to have returned to a public school for the purpose
2173 of determining the end of the scholarship's term.

2174 (6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

2175 (a) Upon receipt of a report of an incident, the school
2176 principal, or his or her designee, shall provide a copy of the
2177 report to the parent and investigate the incident to determine
2178 if the incident must be reported as required by s. 1006.09(6).
2179 Within 24 hours after receipt of the report, the principal or
2180 his or her designee shall provide a copy of the report to the
2181 parent of the alleged offender and to the superintendent. Upon
2182 conclusion of the investigation or within 15 days after the
2183 incident was reported, whichever occurs first, the school
2184 district shall notify the parent of the program and offer the
2185 parent an opportunity to enroll his or her student in another



831300

2186 public school that has capacity or to request and receive a
2187 scholarship to attend an eligible private school, subject to
2188 available funding. A parent who chooses to enroll his or her
2189 student in a public school located outside the district in which
2190 the student resides pursuant to s. 1002.31 shall be eligible for
2191 a scholarship to transport the student as provided in paragraph
2192 (11) (b) .

2193 (b) For each student participating in the program in an
2194 eligible private school who chooses to participate in the
2195 statewide assessments under s. 1008.22 or the Florida Alternate
2196 Assessment, the school district in which the student resides
2197 must notify the student and his or her parent about the
2198 locations and times to take all statewide assessments.

2199 (7) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible
2200 private school may be sectarian or nonsectarian and shall:

2201 (a) Comply with all requirements for private schools
2202 participating in state school choice scholarship programs
2203 pursuant to this section and s. 1002.421.

2204 (b)1. Annually administer or make provision for students
2205 participating in the program in grades 3 through 10 to take one
2206 of the nationally norm-referenced tests identified by the
2207 department or the statewide assessments pursuant to s. 1008.22.
2208 Students with disabilities for whom standardized testing is not
2209 appropriate are exempt from this requirement. A participating
2210 private school shall report a student's scores to his or her
2211 parent.

2212 2. Administer the statewide assessments pursuant to s.
2213 1008.22 if a private school chooses to offer the statewide
2214 assessments. A participating private school may choose to offer



831300

2215 and administer the statewide assessments to all students who
2216 attend the private school in grades 3 through 10 and must submit
2217 a request in writing to the department by March 1 of each year
2218 in order to administer the statewide assessments in the
2219 subsequent school year.

2220
2221 If a private school fails to meet the requirements of this
2222 subsection or s. 1002.421, the commissioner may determine that
2223 the private school is ineligible to participate in the program.

2224 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
2225 shall:

2226 (a) Cross-check the list of participating scholarship
2227 students with the public school enrollment lists to avoid
2228 duplication.

2229 (b) Maintain a list of nationally norm-referenced tests
2230 identified for purposes of satisfying the testing requirement in
2231 paragraph (9) (f). The tests must meet industry standards of
2232 quality in accordance with State Board of Education rule.

2233 (c) Require quarterly reports by an eligible nonprofit
2234 scholarship-funding organization regarding the number of
2235 students participating in the program, the private schools in
2236 which the students are enrolled, and other information deemed
2237 necessary by the department.

2238 (d) Contract with an independent entity to provide an
2239 annual evaluation of the program by:

2240 1. Reviewing the school bullying prevention education
2241 program, climate and code of student conduct of each public
2242 school from which 10 or more students transferred to another
2243 public school or private school using the Hope scholarship to



831300

2244 determine areas in the school or school district procedures
2245 involving reporting, investigating, and communicating a parent's
2246 and student's rights that are in need of improvement. At a
2247 minimum, the review must include:

2248 a. An assessment of the investigation time and quality of
2249 the response of the school and the school district.

2250 b. An assessment of the effectiveness of communication
2251 procedures with the students involved in an incident, the
2252 students' parents, and the school and school district personnel.

2253 c. An analysis of school incident and discipline data.

2254 d. The challenges and obstacles relating to implementing
2255 recommendations from the review.

2256 2. Reviewing the school bullying prevention education
2257 program, climate and code of student conduct of each public
2258 school to which a student transferred if the student was from a
2259 school identified in subparagraph 1. in order to identify best
2260 practices and make recommendations to a public school at which
2261 the incidents occurred.

2262 3. Reviewing the performance of participating students
2263 enrolled in a private school in which at least 51 percent of the
2264 total enrolled students in the prior school year participated in
2265 the program and in which there are at least 10 participating
2266 students who have scores for tests administered.

2267 4. Surveying the parents of participating students to
2268 determine academic, safety, and school climate satisfaction and
2269 to identify any challenges to or obstacles in addressing the
2270 incident or relating to the use of the scholarship.

2271 (9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
2272 PARTICIPATION.—A parent who applies for a Hope scholarship is



831300

2273 exercising his or her parental option to place his or her
2274 student in an eligible private school.

2275 (a) The parent must select an eligible private school and
2276 apply for the admission of his or her student.

2277 (b) The parent must inform the student's school district
2278 when the parent withdraws his or her student to attend an
2279 eligible private school.

2280 (c) Any student participating in the program must remain in
2281 attendance throughout the school year unless excused by the
2282 school for illness or other good cause.

2283 (d) Each parent and each student has an obligation to the
2284 private school to comply with such school's published policies.

2285 (e) Upon reasonable notice to the department and the school
2286 district, the parent may remove the student from the private
2287 school and place the student in a public school in accordance
2288 with this section.

2289 (f) The parent must ensure that the student participating
2290 in the program takes the norm-referenced assessment offered by
2291 the private school. The parent may also choose to have the
2292 student participate in the statewide assessments pursuant to s.
2293 1008.22. If the parent requests that the student take the
2294 statewide assessments pursuant to s. 1008.22 and the private
2295 school has not chosen to offer and administer the statewide
2296 assessments, the parent is responsible for transporting the
2297 student to the assessment site designated by the school
2298 district.

2299 (g) Upon receipt of a scholarship warrant, the parent to
2300 whom the warrant is made must restrictively endorse the warrant
2301 to the private school for deposit into the account of such



831300

2302 school. If payment is made by funds transfer in accordance with
2303 paragraph (11)(d), the parent must approve each payment before
2304 the scholarship funds may be deposited. The parent may not
2305 designate any entity or individual associated with the
2306 participating private school as the parent's attorney in fact to
2307 endorse a scholarship warrant or approve a funds transfer. A
2308 parent who fails to comply with this paragraph forfeits the
2309 scholarship.

2310 (10) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
2311 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
2312 organization may establish scholarships for eligible students
2313 by:

2314 (a) Receiving applications and determining student
2315 eligibility in accordance with the requirements of this section.

2316 (b) Notifying parents of their receipt of a scholarship on
2317 a first-come, first-served basis, based upon available funds.

2318 (c) Establishing a date by which the parent of a
2319 participating student must confirm continuing participation in
2320 the program.

2321 (d) Awarding scholarship funds to eligible students, giving
2322 priority to renewing students from the previous year.

2323 (e) Preparing and submitting quarterly reports to the
2324 department pursuant to paragraph (8)(c). In addition, an
2325 eligible nonprofit scholarship-funding organization must submit
2326 in a timely manner any information requested by the department
2327 relating to the program.

2328 (f) Notifying the department of any violation of this
2329 section.

2330 (11) FUNDING AND PAYMENT.—



2331 (a) The maximum amount awarded to a student enrolled in an
2332 eligible private school shall be determined as a percentage of
2333 the unweighted FTE funding amount for that state fiscal year and
2334 thereafter as follows:

2335 1. Eighty-eight percent for a student enrolled in
2336 kindergarten through grade 5.

2337 2. Ninety-two percent for a student enrolled in grade 6
2338 through grade 8.

2339 3. Ninety-six percent for a student enrolled in grade 9
2340 through grade 12.

2341 (b) The maximum amount awarded to a student enrolled in a
2342 public school located outside of the district in which the
2343 student resides shall be \$750.

2344 (c) When a student enters the program, the eligible
2345 nonprofit scholarship-funding organization must receive all
2346 documentation required for the student's participation,
2347 including a copy of the report of the incident received pursuant
2348 to subsection (6) and the private school's and student's fee
2349 schedules. The initial payment shall be made after verification
2350 of admission acceptance, and subsequent payments shall be made
2351 upon verification of continued enrollment and attendance at the
2352 private school.

2353 (d) Payment of the scholarship by the eligible nonprofit
2354 scholarship-funding organization may be by individual warrant
2355 made payable to the student's parent or by funds transfer,
2356 including, but not limited to, debit cards, electronic payment
2357 cards, or any other means of payment that the department deems
2358 to be commercially viable or cost-effective. If payment is made
2359 by warrant, the warrant must be delivered by the eligible



831300

2360 nonprofit scholarship-funding organization to the private school
2361 of the parent's choice, and the parent shall restrictively
2362 endorse the warrant to the private school. If payments are made
2363 by funds transfer, the parent must approve each payment before
2364 the scholarship funds may be deposited. The parent may not
2365 designate any entity or individual associated with the
2366 participating private school as the parent's attorney in fact to
2367 endorse a scholarship warrant or approve a funds transfer.

2368 (e) An eligible nonprofit scholarship-funding organization
2369 shall obtain verification from the private school of a student's
2370 continued attendance at the school for each period covered by a
2371 scholarship payment.

2372 (f) Payment of the scholarship shall be made by the
2373 eligible nonprofit scholarship-funding organization no less
2374 frequently than on a quarterly basis.

2375 (g) An eligible nonprofit scholarship-funding organization
2376 may use up to 3 percent of eligible contributions received
2377 during the state fiscal year in which such contributions are
2378 collected for administrative expenses if the organization has
2379 operated as an eligible nonprofit scholarship-funding
2380 organization for at least the preceding 3 fiscal years and did
2381 not have any findings of material weakness or material
2382 noncompliance in its most recent audit under s. 1002.395(6)(m).
2383 Such administrative expenses must be reasonable and necessary
2384 for the organization's management and distribution of eligible
2385 contributions under this section. Funds authorized under this
2386 paragraph may not be used for lobbying or political activity or
2387 expenses related to lobbying or political activity. Up to one-
2388 third of the funds authorized for administrative expenses under



831300

2389 this paragraph may be used for expenses related to the
2390 recruitment of contributions. An eligible nonprofit scholarship-
2391 funding organization may not charge an application fee.

2392 (h) Moneys received pursuant to this section do not
2393 constitute taxable income to the qualified student or his or her
2394 parent.

2395 (12) OBLIGATIONS OF THE AUDITOR GENERAL.-

2396 (a) The Auditor General shall conduct an annual operational
2397 audit of accounts and records of each organization that
2398 participates in the program. As part of this audit, the Auditor
2399 General shall verify, at a minimum, the total number of students
2400 served and transmit that information to the department. The
2401 Auditor General shall provide the commissioner with a copy of
2402 each annual operational audit performed pursuant to this
2403 paragraph within 10 days after the audit is finalized.

2404 (b) The Auditor General shall notify the department of any
2405 organization that fails to comply with a request for
2406 information.

2407 (13) SCHOLARSHIP FUNDING TAX CREDITS.-

2408 (a) A tax credit is available under s. 212.1832(1) for use
2409 by a person that makes an eligible contribution. Each eligible
2410 contribution is limited to a single payment of \$105 per motor
2411 vehicle purchased at the time of purchase of a motor vehicle or
2412 a single payment of \$105 per motor vehicle purchased at the time
2413 of registration of a motor vehicle that was not purchased from a
2414 dealer, except that a contribution may not exceed the state tax
2415 imposed under chapter 212 that would otherwise be collected from
2416 the purchaser by a dealer, designated agent, or private tag
2417 agent. Payments of contributions shall be made to a dealer at



831300

2418 the time of purchase of a motor vehicle or to a designated agent
2419 or private tag agent at the time of registration of a motor
2420 vehicle that was not purchased from a dealer. An eligible
2421 contribution shall be accompanied by a contribution election
2422 form provided by the Department of Revenue. The form shall
2423 include, at a minimum, the following brief description of the
2424 Hope Scholarship Program: "THE HOPE SCHOLARSHIP PROGRAM PROVIDES
2425 A PUBLIC SCHOOL STUDENT WHO WAS SUBJECTED TO AN INCIDENT OF
2426 VIOLENCE OR BULLYING AT SCHOOL THE OPPORTUNITY TO APPLY FOR A
2427 SCHOLARSHIP TO ATTEND AN ELIGIBLE PRIVATE SCHOOL RATHER THAN
2428 REMAIN IN AN UNSAFE SCHOOL ENVIRONMENT." The form shall also
2429 include, at a minimum, a section allowing the consumer to
2430 designate, from all participating scholarship funding
2431 organizations, which organization will receive his or her
2432 donation. For purposes of this subsection, the term "purchase"
2433 does not include the lease or rental of a motor vehicle.

2434 (b) A dealer, designated agent, or private tag agent shall:

2435 1. Provide the purchaser the contribution election form, as
2436 provided by the Department of Revenue, at the time of purchase
2437 of a motor vehicle or at the time of registration of a motor
2438 vehicle that was not purchased from a dealer.

2439 2. Collect eligible contributions.

2440 3. Using a form provided by the Department of Revenue,
2441 which shall include the dealer's or agent's federal employer
2442 identification number, remit to an organization no later than
2443 the date the return filed pursuant to s. 212.11 is due the total
2444 amount of contributions made to that organization and collected
2445 during the preceding reporting period. Using the same form, the
2446 dealer or agent shall also report this information to the



831300

2447 Department of Revenue no later than the date the return filed
2448 pursuant to s. 212.11 is due.

2449 4. Report to the Department of Revenue on each return filed
2450 pursuant to s. 212.11 the total amount of credits granted under
2451 s. 212.1832 for the preceding reporting period.

2452 (c) An organization shall report to the Department of
2453 Revenue, on or before the 20th day of each month, the total
2454 amount of contributions received pursuant to paragraph (b) in
2455 the preceding calendar month on a form provided by the
2456 Department of Revenue. Such report shall include:

2457 1. The federal employer identification number of each
2458 designated agent, private tag agent, or dealer who remitted
2459 contributions to the organization during that reporting period.

2460 2. The amount of contributions received from each
2461 designated agent, private tag agent, or dealer during that
2462 reporting period.

2463 (d) A person who, with the intent to unlawfully deprive or
2464 defraud the program of its moneys or the use or benefit thereof,
2465 fails to remit a contribution collected under this section is
2466 guilty of theft, punishable as follows:

2467 1. If the total amount stolen is less than \$300, the
2468 offense is a misdemeanor of the second degree, punishable as
2469 provided in s. 775.082 or s. 775.083. Upon a second conviction,
2470 the offender is guilty of a misdemeanor of the first degree,
2471 punishable as provided in s. 775.082 or s. 775.083. Upon a third
2472 or subsequent conviction, the offender is guilty of a felony of
2473 the third degree, punishable as provided in s. 775.082, s.
2474 775.083, or s. 775.084.

2475 2. If the total amount stolen is \$300 or more, but less



831300

2476 than \$20,000, the offense is a felony of the third degree,
2477 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2478 3. If the total amount stolen is \$20,000 or more, but less
2479 than \$100,000, the offense is a felony of the second degree,
2480 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2481 4. If the total amount stolen is \$100,000 or more, the
2482 offense is a felony of the first degree, punishable as provided
2483 in s. 775.082, s. 775.083, or s. 775.084.

2484 (e) A person convicted of an offense under paragraph (d)
2485 shall be ordered by the sentencing judge to make restitution to
2486 the organization in the amount that was stolen from the program.

2487 (f) Upon a finding that a dealer failed to remit a
2488 contribution under subparagraph (b)3. for which the dealer
2489 claimed a credit pursuant to s. 212.1832(2), the Department of
2490 Revenue shall notify the affected organizations of the dealer's
2491 name, address, federal employer identification number, and
2492 information related to differences between credits taken by the
2493 dealer pursuant to s. 212.1832(2) and amounts remitted to the
2494 eligible nonprofit scholarship-funding organization under
2495 subparagraph (b)3.

2496 (g) Any dealer, designated agent, private tag agent, or
2497 organization that fails to timely submit reports to the
2498 Department of Revenue as required in paragraphs (b) and (c) is
2499 subject to a penalty of \$1,000 for every month, or part thereof,
2500 the report is not provided, up to a maximum amount of \$10,000.
2501 Such penalty shall be collected by the Department of Revenue and
2502 shall be transferred into the General Revenue Fund. Such penalty
2503 must be settled or compromised if it is determined by the
2504 Department of Revenue that the noncompliance is due to



831300

2505 reasonable cause and not due to willful negligence, willful
2506 neglect, or fraud.

2507 (14) LIABILITY.—The state is not liable for the award of or
2508 any use of awarded funds under this section.

2509 (15) SCOPE OF AUTHORITY.—This section does not expand the
2510 regulatory authority of this state, its officers, or any school
2511 district to impose additional regulation on participating
2512 private schools beyond those reasonably necessary to enforce
2513 requirements expressly set forth in this section.

2514 (16) RULES.—The State Board of Education shall adopt rules
2515 to administer this section, except the Department of Revenue
2516 shall adopt rules to administer subsection (13).

2517 Section 19. Section 1002.411, Florida Statutes, is created
2518 to read:

2519 1002.411 Reading scholarship accounts.—

2520 (1) READING SCHOLARSHIP ACCOUNTS.—Reading scholarship
2521 accounts are established to provide educational options for
2522 students.

2523 (2) ELIGIBILITY.—Contingent upon available funds, and on a
2524 first-come, first-served basis, each student in grades 3 through
2525 5 who is enrolled in a Florida public school is eligible for a
2526 reading scholarship account if the student scored below a Level
2527 3 on the grade 3 or grade 4 statewide, standardized English
2528 Language Arts (ELA) assessment in the prior school year. An
2529 eligible student who is classified as an English Language
2530 Learner and is enrolled in a program or receiving services that
2531 are specifically designed to meet the instructional needs of
2532 English Language Learner students shall receive priority.

2533 (3) PARENT AND STUDENT RESPONSIBILITIES FOR PARTICIPATION.—



831300

2534 (a) For an eligible student to receive a reading
2535 scholarship account, the student's parent must:
2536 1. Submit an application to an eligible nonprofit
2537 scholarship-funding organization by the deadline established by
2538 such organization; and
2539 2. Submit eligible expenses to the eligible nonprofit
2540 scholarship-funding organization for reimbursement of qualifying
2541 expenditures, which may include:
2542 a. Instructional materials.
2543 b. Curriculum. As used in this sub-subparagraph, the term
2544 "curriculum" means a complete course of study for a particular
2545 content area or grade level, including any required supplemental
2546 materials and associated online instruction.
2547 c. Tuition and fees for part-time tutoring services
2548 provided by a person who holds a valid Florida educator's
2549 certificate pursuant to s. 1012.56; a person who holds a
2550 baccalaureate or graduate degree in the subject area; a person
2551 who holds an adjunct teaching certificate pursuant to s.
2552 1012.57; or a person who has demonstrated a mastery of subject
2553 area knowledge pursuant to s. 1012.56(5).
2554 d. Fees for summer education programs designed to improve
2555 reading or literacy skills.
2556 e. Fees for after-school education programs designed to
2557 improve reading or literacy skills.
2558
2559 A provider of any services receiving payments pursuant to this
2560 subparagraph may not share any moneys from the reading
2561 scholarship with, or provide a refund or rebate of any moneys
2562 from such scholarship to, the parent or participating student in



831300

2563 any manner. A parent, student, or provider of any services may
2564 not bill an insurance company, Medicaid, or any other agency for
2565 the same services that are paid for using reading scholarship
2566 funds.

2567 (b) The parent is responsible for the payment of all
2568 eligible expenses in excess of the amount in the account in
2569 accordance with the terms agreed to between the parent and any
2570 providers and may not receive any refund or rebate of any
2571 expenditures made in accordance with paragraph (a).

2572 (4) ADMINISTRATION.—An eligible nonprofit scholarship-
2573 funding organization participating in the Florida Tax Credit
2574 Scholarship Program established by s. 1002.395 may establish
2575 reading scholarship accounts for eligible students in accordance
2576 with the requirements of eligible nonprofit scholarship-funding
2577 organizations under this chapter.

2578 (5) DEPARTMENT OBLIGATIONS.—The department shall have the
2579 same duties imposed by this chapter upon the department
2580 regarding oversight of scholarship programs administered by an
2581 eligible nonprofit scholarship-funding organization.

2582 (6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—By
2583 September 30, the school district shall notify the parent of
2584 each student in grades 3 through 5 who scored below a level 3 on
2585 the statewide, standardized ELA assessment in the prior school
2586 year of the process to request and receive a reading
2587 scholarship, subject to available funds.

2588 (7) ACCOUNT FUNDING AND PAYMENT.—

2589 (a) For the 2018-2019 school year, the amount of the
2590 scholarship shall be \$500 per eligible student. Thereafter, the
2591 maximum amount granted for an eligible student shall be provided



831300

2592 in the General Appropriations Act.

2593 (b) One hundred percent of the funds appropriated for the
2594 reading scholarship accounts shall be released to the department
2595 at the beginning of the first quarter of each fiscal year.

2596 (c) Upon notification from the eligible nonprofit
2597 scholarship-funding organization that a student has been
2598 determined eligible for a reading scholarship, the department
2599 shall release the student's scholarship funds to such
2600 organization to be deposited into the student's account.

2601 (d) Accrued interest in the student's account is in
2602 addition to, and not part of, the awarded funds. Account funds
2603 include both the awarded funds and accrued interest.

2604 (e) The eligible nonprofit scholarship-funding organization
2605 may develop a system for payment of scholarship funds by funds
2606 transfer, including, but not limited to, debit cards, electronic
2607 payment cards, or any other means of payment that the department
2608 deems to be commercially viable or cost-effective. A student's
2609 scholarship award may not be reduced for debit card or
2610 electronic payment fees. Commodities or services related to the
2611 development of such a system shall be procured by competitive
2612 solicitation unless they are purchased from a state term
2613 contract pursuant to s. 287.056.

2614 (f) Payment of the scholarship shall be made by the
2615 eligible nonprofit scholarship-funding organization no less
2616 frequently than on a quarterly basis.

2617 (g) In addition to funds appropriated for scholarships and
2618 subject to a separate, specific legislative appropriation, an
2619 organization may receive an amount equivalent to not more than 3
2620 percent of the amount of each scholarship from state funds for



2621 administrative expenses if the organization has operated as a
2622 nonprofit entity for at least the preceding 3 fiscal years and
2623 did not have any findings of material weakness or material
2624 noncompliance in its most recent audit under s. 1002.395. Such
2625 administrative expenses must be reasonable and necessary for the
2626 organization's management and distribution of scholarships under
2627 this section. Funds authorized under this paragraph may not be
2628 used for lobbying or political activity or expenses related to
2629 lobbying or political activity. An organization may not charge
2630 an application fee for a scholarship. Administrative expenses
2631 may not be deducted from funds appropriated for scholarships.

2632 (h) Moneys received pursuant to this section do not
2633 constitute taxable income to the qualified student or his or her
2634 parent.

2635 (i) A student's scholarship account must be closed and any
2636 remaining funds shall revert to the state after:

2637 1. Denial or revocation of scholarship eligibility by the
2638 commissioner for fraud or abuse, including, but not limited to,
2639 the student or student's parent accepting any payment, refund,
2640 or rebate, in any manner, from a provider of any services
2641 received pursuant to subsection (3); or

2642 2. Three consecutive fiscal years in which an account has
2643 been inactive.

2644 (8) LIABILITY.—No liability shall arise on the part of the
2645 state based on the award or use of a reading scholarship
2646 account.

2647 Section 20. Section 1002.421, Florida Statutes, is amended
2648 to read:

2649 1002.421 ~~Accountability of private schools participating in~~



831300

2650 State school choice scholarship program accountability and
2651 oversight programs.—

2652 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A Florida
2653 private school participating in ~~the Florida Tax Credit~~
2654 ~~Scholarship Program established pursuant to s. 1002.395 or an~~
2655 educational scholarship program established pursuant to this
2656 chapter must be a private school as defined in s. 1002.01(2) in
2657 this state, be registered, and be in compliance ~~comply~~ with all
2658 requirements of this section in addition to private school
2659 requirements outlined in s. 1002.42, specific requirements
2660 identified within respective scholarship program laws, and other
2661 provisions of Florida law that apply to private schools, and
2662 must:—

2663 ~~(2) A private school participating in a scholarship program~~
2664 ~~must be a Florida private school as defined in s. 1002.01(2),~~
2665 ~~must be registered in accordance with s. 1002.42, and must:~~

2666 (a) Comply with the antidiscrimination provisions of 42
2667 U.S.C. s. 2000d.

2668 (b) Notify the department of its intent to participate in a
2669 scholarship program.

2670 (c) Notify the department of any change in the school's
2671 name, school director, mailing address, or physical location
2672 within 15 days after the change.

2673 (d) Provide to the department or scholarship-funding
2674 organization all documentation required for a student's
2675 participation, including the private school's and student's
2676 individual fee schedule, and ~~Complete student enrollment and~~
2677 ~~attendance verification requirements, including use of an online~~
2678 attendance verification as required by the department or



831300

2679 scholarship-funding organization form, prior to scholarship
2680 payment.

2681 (e) Annually complete and submit to the department a
2682 notarized scholarship compliance statement certifying that all
2683 school employees and contracted personnel with direct student
2684 contact have undergone background screening pursuant to s.
2685 943.0542 and have met the screening standards as provided in s.
2686 435.04.

2687 (f) Demonstrate fiscal soundness and accountability by:

2688 1. Being in operation for at least 3 school years or
2689 obtaining a surety bond or letter of credit for the amount equal
2690 to the scholarship funds for any quarter and filing the surety
2691 bond or letter of credit with the department.

2692 2. Requiring the parent of each scholarship student to
2693 personally restrictively endorse the scholarship warrant to the
2694 school or to approve a funds transfer before any funds are
2695 deposited for a student. The school may not act as attorney in
2696 fact for the parent of a scholarship student under the authority
2697 of a power of attorney executed by such parent, or under any
2698 other authority, to endorse a scholarship warrant or approve a
2699 funds transfer warrants on behalf of such parent.

2700 (g) Meet applicable state and local health, safety, and
2701 welfare laws, codes, and rules, including:

2702 1. Firesafety.

2703 2. Building safety.

2704 (h) Employ or contract with teachers who hold baccalaureate
2705 or higher degrees, have at least 3 years of teaching experience
2706 in public or private schools, or have special skills, knowledge,
2707 or expertise that qualifies them to provide instruction in



831300

2708 subjects taught.

2709 (i) Maintain a physical location in the state at which each
2710 student has regular and direct contact with teachers.

2711 (j) Publish on the school's website, or provide in a
2712 written format, information for parents regarding the school,
2713 including, but not limited to, programs, services, and the
2714 qualifications of classroom teachers.

2715 (k) At a minimum, provide the parent of each scholarship
2716 student with a written explanation of the student's progress on
2717 a quarterly basis.

2718 (l) Cooperate with a student whose parent chooses to
2719 participate in the statewide assessments pursuant to s. 1008.22.

2720 (m) ~~(i)~~ Require each employee and contracted personnel with
2721 direct student contact, upon employment or engagement to provide
2722 services, to undergo a state and national background screening,
2723 pursuant to s. 943.0542, by electronically filing with the
2724 Department of Law Enforcement a complete set of fingerprints
2725 taken by an authorized law enforcement agency or an employee of
2726 the private school, a school district, or a private company who
2727 is trained to take fingerprints and deny employment to or
2728 terminate an employee if he or she fails to meet the screening
2729 standards under s. 435.04. Results of the screening shall be
2730 provided to the participating private school. For purposes of
2731 this paragraph:

2732 1. An "employee or contracted personnel with direct student
2733 contact" means any employee or contracted personnel who has
2734 unsupervised access to a scholarship student for whom the
2735 private school is responsible.

2736 2. The costs of fingerprinting and the background check



831300

2737 shall not be borne by the state.

2738 3. Continued employment of an employee or contracted
2739 personnel after notification that he or she has failed the
2740 background screening under this paragraph shall cause a private
2741 school to be ineligible for participation in a scholarship
2742 program.

2743 4. An employee or contracted personnel holding a valid
2744 Florida teaching certificate who has been fingerprinted pursuant
2745 to s. 1012.32 is not required to comply with the provisions of
2746 this paragraph.

2747 ~~5.~~~~(3)~~ (a) All fingerprints submitted to the Department of
2748 Law Enforcement as required by this section shall be retained by
2749 the Department of Law Enforcement in a manner provided by rule
2750 and entered in the statewide automated biometric identification
2751 system authorized by s. 943.05(2)(b). Such fingerprints shall
2752 thereafter be available for all purposes and uses authorized for
2753 arrest fingerprints entered in the statewide automated biometric
2754 identification system pursuant to s. 943.051.

2755 ~~6.~~~~(b)~~ The Department of Law Enforcement shall search all
2756 arrest fingerprints received under s. 943.051 against the
2757 fingerprints retained in the statewide automated biometric
2758 identification system under subparagraph 5 ~~paragraph (a)~~. Any
2759 arrest record that is identified with the retained fingerprints
2760 of a person subject to the background screening under this
2761 section shall be reported to the employing school with which the
2762 person is affiliated. Each private school participating in a
2763 scholarship program is required to participate in this search
2764 process by informing the Department of Law Enforcement of any
2765 change in the employment or contractual status of its personnel



831300

2766 whose fingerprints are retained under subparagraph 5 ~~paragraph~~
2767 ~~(a)~~. The Department of Law Enforcement shall adopt a rule
2768 setting the amount of the annual fee to be imposed upon each
2769 private school for performing these searches and establishing
2770 the procedures for the retention of private school employee and
2771 contracted personnel fingerprints and the dissemination of
2772 search results. The fee may be borne by the private school or
2773 the person fingerprinted.

2774 7. ~~(e)~~ Employees and contracted personnel whose fingerprints
2775 are not retained by the Department of Law Enforcement under
2776 subparagraphs 5. and 6. ~~paragraphs (a) and (b)~~ are required to
2777 be refingerprinted and must meet state and national background
2778 screening requirements upon reemployment or reengagement to
2779 provide services in order to comply with the requirements of
2780 this section.

2781 8. ~~(d)~~ Every 5 years following employment or engagement to
2782 provide services with a private school, employees or contracted
2783 personnel required to be screened under this section must meet
2784 screening standards under s. 435.04, at which time the private
2785 school shall request the Department of Law Enforcement to
2786 forward the fingerprints to the Federal Bureau of Investigation
2787 for national processing. If the fingerprints of employees or
2788 contracted personnel are not retained by the Department of Law
2789 Enforcement under subparagraph 5. ~~paragraph (a)~~, employees and
2790 contracted personnel must electronically file a complete set of
2791 fingerprints with the Department of Law Enforcement. Upon
2792 submission of fingerprints for this purpose, the private school
2793 shall request that the Department of Law Enforcement forward the
2794 fingerprints to the Federal Bureau of Investigation for national



831300

2795 processing, and the fingerprints shall be retained by the
2796 Department of Law Enforcement under subparagraph 5 ~~paragraph~~
2797 ~~(a)~~.

2798 ~~(4) A private school that accepts scholarship students~~
2799 ~~under s. 1002.39 or s. 1002.395 must:~~

2800 ~~(a) Disqualify instructional personnel and school~~
2801 ~~administrators, as defined in s. 1012.01, from employment in any~~
2802 ~~position that requires direct contact with students if the~~
2803 ~~personnel or administrators are ineligible for such employment~~
2804 ~~under s. 1012.315.~~

2805 ~~(n)~~ ~~(b)~~ Adopt policies establishing standards of ethical
2806 conduct for instructional personnel and school administrators.
2807 The policies must require all instructional personnel and school
2808 administrators, as defined in s. 1012.01, to complete training
2809 on the standards; establish the duty of instructional personnel
2810 and school administrators to report, and procedures for
2811 reporting, alleged misconduct by other instructional personnel
2812 and school administrators which affects the health, safety, or
2813 welfare of a student; and include an explanation of the
2814 liability protections provided under ss. 39.203 and 768.095. A
2815 private school, or any of its employees, may not enter into a
2816 confidentiality agreement regarding terminated or dismissed
2817 instructional personnel or school administrators, or personnel
2818 or administrators who resign in lieu of termination, based in
2819 whole or in part on misconduct that affects the health, safety,
2820 or welfare of a student, and may not provide the instructional
2821 personnel or school administrators with employment references or
2822 discuss the personnel's or administrators' performance with
2823 prospective employers in another educational setting, without



831300

2824 disclosing the personnel's or administrators' misconduct. Any
2825 part of an agreement or contract that has the purpose or effect
2826 of concealing misconduct by instructional personnel or school
2827 administrators which affects the health, safety, or welfare of a
2828 student is void, is contrary to public policy, and may not be
2829 enforced.

2830 (o)~~(e)~~ Before employing instructional personnel or school
2831 administrators in any position that requires direct contact with
2832 students, conduct employment history checks of each of the
2833 personnel's or administrators' previous employers, screen the
2834 personnel or administrators through use of the educator
2835 screening tools described in s. 1001.10(5), and document the
2836 findings. If unable to contact a previous employer, the private
2837 school must document efforts to contact the employer.

2838 (p) Require each owner or operator of the private school,
2839 prior to employment or engagement to provide services, to
2840 undergo level 2 background screening as provided under chapter
2841 435. For purposes of this paragraph, the term "owner or
2842 operator" means an owner, operator, superintendent, or principal
2843 of, or a person with equivalent decisionmaking authority over, a
2844 private school participating in a scholarship program
2845 established pursuant to this chapter. The fingerprints for the
2846 background screening must be electronically submitted to the
2847 Department of Law Enforcement and may be taken by an authorized
2848 law enforcement agency or a private company who is trained to
2849 take fingerprints. However, the complete set of fingerprints of
2850 an owner or operator may not be taken by the owner or operator.
2851 The owner or operator shall provide a copy of the results of the
2852 state and national criminal history check to the Department of



2853 Education. The cost of the background screening may be borne by
2854 the owner or operator.

2855 1. Every 5 years following employment or engagement to
2856 provide services, each owner or operator must meet level 2
2857 screening standards as described in s. 435.04, at which time the
2858 owner or operator shall request the Department of Law
2859 Enforcement to forward the fingerprints to the Federal Bureau of
2860 Investigation for level 2 screening. If the fingerprints of an
2861 owner or operator are not retained by the Department of Law
2862 Enforcement under subparagraph 2., the owner or operator must
2863 electronically file a complete set of fingerprints with the
2864 Department of Law Enforcement. Upon submission of fingerprints
2865 for this purpose, the owner or operator shall request that the
2866 Department of Law Enforcement forward the fingerprints to the
2867 Federal Bureau of Investigation for level 2 screening, and the
2868 fingerprints shall be retained by the Department of Law
2869 Enforcement under subparagraph 2.

2870 2. Fingerprints submitted to the Department of Law
2871 Enforcement as required by this paragraph must be retained by
2872 the Department of Law Enforcement in a manner approved by rule
2873 and entered in the statewide automated biometric identification
2874 system authorized by s. 943.05(2)(b). The fingerprints must
2875 thereafter be available for all purposes and uses authorized for
2876 arrest fingerprints entered in the statewide automated biometric
2877 identification system pursuant to s. 943.051.

2878 3. The Department of Law Enforcement shall search all
2879 arrest fingerprints received under s. 943.051 against the
2880 fingerprints retained in the statewide automated biometric
2881 identification system under subparagraph 2. Any arrest record



831300

2882 that is identified with an owner's or operator's fingerprints
2883 must be reported to the owner or operator, who must report to
2884 the Department of Education. Any costs associated with the
2885 search shall be borne by the owner or operator.

2886 4. An owner or operator who fails the level 2 background
2887 screening is not eligible to participate in a scholarship
2888 program under this chapter.

2889 5. In addition to the offenses listed in s. 435.04, a
2890 person required to undergo background screening pursuant to this
2891 part or authorizing statutes may not have an arrest awaiting
2892 final disposition for, must not have been found guilty of, or
2893 entered a plea of nolo contendere to, regardless of
2894 adjudication, and must not have been adjudicated delinquent for,
2895 and the record must not have been sealed or expunged for, any of
2896 the following offenses or any similar offense of another
2897 jurisdiction:

2898 a. Any authorizing statutes, if the offense was a felony.

2899 b. This chapter, if the offense was a felony.

2900 c. Section 409.920, relating to Medicaid provider fraud.

2901 d. Section 409.9201, relating to Medicaid fraud.

2902 e. Section 741.28, relating to domestic violence.

2903 f. Section 817.034, relating to fraudulent acts through
2904 mail, wire, radio, electromagnetic, photoelectronic, or
2905 photooptical systems.

2906 g. Section 817.234, relating to false and fraudulent
2907 insurance claims.

2908 h. Section 817.505, relating to patient brokering.

2909 i. Section 817.568, relating to criminal use of personal
2910 identification information.



831300

- 2911 j. Section 817.60, relating to obtaining a credit card
2912 through fraudulent means.
- 2913 k. Section 817.61, relating to fraudulent use of credit
2914 cards, if the offense was a felony.
- 2915 l. Section 831.01, relating to forgery.
- 2916 m. Section 831.02, relating to uttering forged instruments.
- 2917 n. Section 831.07, relating to forging bank bills, checks,
2918 drafts, or promissory notes.
- 2919 o. Section 831.09, relating to uttering forged bank bills,
2920 checks, drafts, or promissory notes.
- 2921 p. Section 831.30, relating to fraud in obtaining medicinal
2922 drugs.
- 2923 q. Section 831.31, relating to the sale, manufacture,
2924 delivery, or possession with the intent to sell, manufacture, or
2925 deliver any counterfeit controlled substance, if the offense was
2926 a felony.
- 2927 6. At least 30 calendar days before a transfer of ownership
2928 of a private school, the owner or operator shall notify the
2929 parent of each scholarship student.
- 2930 7. The owner or operator of a private school that has been
2931 deemed ineligible to participate in a scholarship program
2932 pursuant to this chapter may not transfer ownership or
2933 management authority of the school to a relative in order to
2934 participate in a scholarship program as the same school or a new
2935 school. For purposes of this subparagraph, the term "relative"
2936 means father, mother, son, daughter, grandfather, grandmother,
2937 brother, sister, uncle, aunt, cousin, nephew, niece, husband,
2938 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,
2939 brother-in-law, sister-in-law, stepfather, stepmother, stepson,



831300

2940 stepdaughter, stepbrother, stepsister, half-brother, or half-
2941 sister.

2942 (q) Provide a report from an independent certified public
2943 accountant who performs the agreed-upon procedures developed
2944 pursuant to s. 1002.395(6)(o) if the private school receives
2945 more than \$250,000 in funds from scholarships awarded under this
2946 chapter in a state fiscal year. A private school subject to this
2947 subsection must annually submit the report by September 15 to
2948 the scholarship-funding organization that awarded the majority
2949 of the school's scholarship funds. However, a school that
2950 receives more than \$250,000 in scholarship funds only through
2951 the John M. McKay Scholarship for Students with Disabilities
2952 Program pursuant to s. 1002.39 must submit the annual report by
2953 September 15 to the department. The agreed-upon procedures must
2954 be conducted in accordance with attestation standards
2955 established by the American Institute of Certified Public
2956 Accountants.

2957
2958 ~~The department shall suspend the payment of funds under ss.~~
2959 ~~1002.39 and 1002.395 to a private school that knowingly fails to~~
2960 ~~comply with this subsection, and shall prohibit the school from~~
2961 ~~enrolling new scholarship students, for 1 fiscal year and until~~
2962 ~~the school complies.~~

2963 ~~(5) If The inability of a private school fails to meet the~~
2964 ~~requirements of this subsection or has consecutive years of~~
2965 ~~material exceptions listed in the report required under~~
2966 ~~paragraph (q), the commissioner may determine that the private~~
2967 ~~school is ineligible section shall constitute a basis for the~~
2968 ~~ineligibility of the private school to participate in a~~



2969 scholarship program ~~as determined by the department.~~
2970 (2) DEPARTMENT OF EDUCATION OBLIGATIONS.—
2971 (a) The Department of Education shall:
2972 1. Annually verify the eligibility of private schools that
2973 meet the requirements of this section, specific requirements
2974 identified within respective scholarship program laws, and other
2975 provisions of state law that apply to private schools.
2976 2. Establish a toll-free hotline that provides parents and
2977 private schools with information on participation in the
2978 scholarship programs.
2979 3. Establish a process by which individuals may notify the
2980 department of any violation by a parent, private school, or
2981 school district of state laws relating to program participation.
2982 If the department has reasonable cause to believe that a
2983 violation of this section or any rule adopted by the State Board
2984 of Education has occurred, it shall conduct an inquiry or make a
2985 referral to the appropriate agency for an investigation. A
2986 department inquiry is not subject to the requirements of chapter
2987 120.
2988 4. Require an annual, notarized, sworn compliance statement
2989 from participating private schools certifying compliance with
2990 state laws, and retain such records.
2991 5. Coordinate with the entities conducting the health
2992 inspection for a private school to obtain copies of the
2993 inspection reports.
2994 6. Conduct site visits to private schools entering a
2995 scholarship program for the first time. Beginning with the 2019-
2996 2020 school year, a private school is not eligible to receive
2997 scholarship payments until a satisfactory site visit has been



831300

2998 conducted and the school is in compliance with all other
2999 requirements of this section.

3000 7. Coordinate with the State Fire Marshal to obtain access
3001 to fire inspection reports for private schools. The authority
3002 conducting the fire safety inspection shall certify to the State
3003 Fire Marshal that the annual inspection has been completed and
3004 that the school is in full compliance. The certification shall
3005 be made electronically or by such other means as directed by the
3006 State Fire Marshal.

3007 8. Upon the request of a participating private school
3008 authorized to administer statewide assessments, provide at no
3009 cost to the school the statewide assessments administered under
3010 s. 1008.22 and any related materials for administering the
3011 assessments. Students at a private school may be assessed using
3012 the statewide assessments if the addition of those students and
3013 the school does not cause the state to exceed its contractual
3014 caps for the number of students tested and the number of testing
3015 sites. The state shall provide the same materials and support to
3016 a private school that it provides to a public school. A private
3017 school that chooses to administer statewide assessments under s.
3018 1008.22 shall follow the requirements set forth in ss. 1008.22
3019 and 1008.24, rules adopted by the State Board of Education to
3020 implement those sections, and district-level testing policies
3021 established by the district school board.

3022 (b) The department may conduct site visits to any private
3023 school participating in a scholarship program pursuant to this
3024 chapter that has received a complaint about a violation of state
3025 law or state board rule pursuant to subparagraph (a)3. or has
3026 received a notice of noncompliance or a notice of proposed



831300

3027 action within the previous 2 years.

3028 (c) Annually, by December 15, the department shall report
3029 to the Governor, the President of the Senate, and the Speaker of
3030 the House of Representatives its actions in implementing
3031 accountability in the scholarship programs under this section,
3032 any substantiated allegations or violations of law or rule by an
3033 eligible private school under this section, and the corrective
3034 action taken.

3035 (3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—
3036 The Commissioner of Education:

3037 (a) Shall deny, suspend, or revoke a private school's
3038 participation in a scholarship program if it is determined that
3039 the private school has failed to comply with this section or
3040 exhibits a previous pattern of failure to comply. However, if
3041 the noncompliance is correctable within a reasonable amount of
3042 time, not to exceed 45 days, and if the health, safety, or
3043 welfare of the students is not threatened, the commissioner may
3044 issue a notice of noncompliance which provides the private
3045 school with a timeframe within which to provide evidence of
3046 compliance before taking action to suspend or revoke the private
3047 school's participation in the scholarship program.

3048 (b) May deny, suspend, or revoke a private school's
3049 participation in a scholarship program if the commissioner
3050 determines that an owner or operator of the private school is
3051 operating or has operated an educational institution in this
3052 state or in another state or jurisdiction in a manner contrary
3053 to the health, safety, or welfare of the public or if the owner
3054 or operator has exhibited a previous pattern of failure to
3055 comply with this section or specific requirements identified



831300

3056 within respective scholarship program laws. For purposes of this
3057 subsection, the term "owner or operator" has the same meaning as
3058 provided in paragraph (1) (p).

3059 (c)1. In making such a determination, may consider factors
3060 that include, but are not limited to, acts or omissions by an
3061 owner or operator which led to a previous denial, suspension, or
3062 revocation of participation in a state or federal education
3063 scholarship program; an owner's or operator's failure to
3064 reimburse the department or scholarship-funding organization for
3065 scholarship funds improperly received or retained by a school;
3066 the imposition of a prior criminal sanction related to an
3067 owner's or operator's management or operation of an educational
3068 institution; the imposition of a civil fine or administrative
3069 fine, license revocation or suspension, or program eligibility
3070 suspension, termination, or revocation related to an owner's or
3071 operator's management or operation of an educational
3072 institution; or other types of criminal proceedings in which an
3073 owner or operator was found guilty of, regardless of
3074 adjudication, or entered a plea of nolo contendere or guilty to,
3075 any offense involving fraud, deceit, dishonesty, or moral
3076 turpitude.

3077 2. The commissioner's determination is subject to the
3078 following:

3079 a. If the commissioner intends to deny, suspend, or revoke
3080 a private school's participation in the scholarship program, the
3081 department shall notify the private school of such proposed
3082 action in writing by certified mail and regular mail to the
3083 private school's address of record with the department. The
3084 notification shall include the reasons for the proposed action



831300

3085 and notice of the timelines and procedures set forth in this
3086 paragraph.

3087 b. The private school that is adversely affected by the
3088 proposed action shall have 15 days after receipt of the notice
3089 of proposed action to file with the department's agency clerk a
3090 request for a proceeding pursuant to ss. 120.569 and 120.57. If
3091 the private school is entitled to a hearing under s. 120.57(1),
3092 the department shall forward the request to the Division of
3093 Administrative Hearings.

3094 c. Upon receipt of a request referred pursuant to this
3095 subparagraph, the director of the Division of Administrative
3096 Hearings shall expedite the hearing and assign an administrative
3097 law judge who shall commence a hearing within 30 days after the
3098 receipt of the formal written request by the division and enter
3099 a recommended order within 30 days after the hearing or within
3100 30 days after receipt of the hearing transcript, whichever is
3101 later. Each party shall be allowed 10 days in which to submit
3102 written exceptions to the recommended order. A final order shall
3103 be entered by the agency within 30 days after the entry of a
3104 recommended order. The provisions of this sub-subparagraph may
3105 be waived upon stipulation by all parties.

3106 (d) May immediately suspend payment of scholarship funds if
3107 it is determined that there is probable cause to believe that
3108 there is:

3109 1. An imminent threat to the health, safety, or welfare of
3110 the students;

3111 2. A previous pattern of failure to comply with this
3112 section; or

3113 3. Fraudulent activity on the part of the private school.



831300

3114 Notwithstanding s. 1002.22, in incidents of alleged fraudulent
3115 activity pursuant to this section, the department's Office of
3116 Inspector General is authorized to release personally
3117 identifiable records or reports of students to the following
3118 persons or organizations:

3119 a. A court of competent jurisdiction in compliance with an
3120 order of that court or the attorney of record in accordance with
3121 a lawfully issued subpoena, consistent with the Family
3122 Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

3123 b. A person or entity authorized by a court of competent
3124 jurisdiction in compliance with an order of that court or the
3125 attorney of record pursuant to a lawfully issued subpoena,
3126 consistent with the Family Educational Rights and Privacy Act,
3127 20 U.S.C. s. 1232g.

3128 c. Any person, entity, or authority issuing a subpoena for
3129 law enforcement purposes when the court or other issuing agency
3130 has ordered that the existence or the contents of the subpoena
3131 or the information furnished in response to the subpoena not be
3132 disclosed, consistent with the Family Educational Rights and
3133 Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

3134
3135 The commissioner's order suspending payment pursuant to this
3136 paragraph may be appealed pursuant to the same procedures and
3137 timelines as the notice of proposed action set forth in
3138 subparagraph (c)2.

3139 (4) ~~(6)~~ The inclusion of eligible private schools within
3140 options available to Florida public school students does not
3141 expand the regulatory authority of the state, its officers, or
3142 any school district to impose any additional regulation of



831300

3143 private schools beyond those reasonably necessary to enforce
3144 requirements expressly set forth in this section.

3145 (5)~~(7)~~ The State Board of Education shall adopt rules
3146 pursuant to ss. 120.536(1) and 120.54 to administer this
3147 section, including rules to establish a deadline for private
3148 school applications for participation and timelines for the
3149 department to conduct site visits.

3150 Section 21. Subsection (5) of section 1002.55, Florida
3151 Statutes, is amended to read:

3152 1002.55 School-year prekindergarten program delivered by
3153 private prekindergarten providers.—

3154 (5) (a) Notwithstanding paragraph (3) (b), a private
3155 prekindergarten provider may not participate in the Voluntary
3156 Prekindergarten Education Program if the provider has child
3157 disciplinary policies that do not prohibit children from being
3158 subjected to discipline that is severe, humiliating,
3159 frightening, or associated with food, rest, toileting, spanking,
3160 or any other form of physical punishment as provided in s.
3161 402.305(12).

3162 (b) Notwithstanding any other provision of law, if a
3163 private prekindergarten provider has been cited for a class I
3164 violation, as defined by rule, the coalition may refuse to
3165 contract with the provider.

3166 Section 22. Paragraph (c) of subsection (3) of section
3167 1002.75, Florida Statutes, is amended to read:

3168 1002.75 Office of Early Learning; powers and duties.—

3169 (3) The Office of Early Learning shall adopt, in
3170 consultation with and subject to approval by the department,
3171 procedures governing the administration of the Voluntary



831300

3172 Prekindergarten Education Program by the early learning
3173 coalitions and school districts for:

3174 (c) Removing a private prekindergarten provider or public
3175 school from eligibility to deliver the program due to the
3176 provider's or school's remaining on probation beyond the time
3177 permitted under s. 1002.67. Notwithstanding any other provision
3178 of law, if a private prekindergarten provider has been cited for
3179 a class I violation, as defined by rule, the coalition may
3180 refuse to contract with the provider or revoke the provider's
3181 eligibility to deliver the Voluntary Prekindergarten Education
3182 Program.

3183 Section 23. Subsection (2) of section 1002.88, Florida
3184 Statutes, is amended to read:

3185 1002.88 School readiness program provider standards;
3186 eligibility to deliver the school readiness program.—

3187 (2)(a) If a school readiness program provider fails or
3188 refuses to comply with this part or any contractual obligation
3189 of the statewide provider contract under s. 1002.82(2)(m), the
3190 coalition may revoke the provider's eligibility to deliver the
3191 school readiness program or receive state or federal funds under
3192 this chapter for a period of 5 years.

3193 (b) Notwithstanding any other provision of law, if a school
3194 readiness program provider has been cited for a class I
3195 violation, as defined by rule, the coalition may refuse to
3196 contract with the provider or revoke the provider's eligibility
3197 to deliver the school readiness program.

3198 Section 24. Subsection (4) is added to section 1003.44,
3199 Florida Statutes, to read:

3200 1003.44 Patriotic programs; rules.—



831300

3201 (4) Each district school board shall adopt rules to
3202 require, in all of the schools of the district and in each
3203 building used by the district school board, the display of the
3204 state motto, "In God We Trust," designated under s. 15.0301, in
3205 a conspicuous place.

3206 Section 25. Subsection (3) of section 1003.453, Florida
3207 Statutes, is amended to read:

3208 1003.453 School wellness and physical education policies;
3209 nutrition guidelines.—

3210 (3) School districts are encouraged to provide basic
3211 training in first aid, including cardiopulmonary resuscitation,
3212 for all students, beginning in grade 6 and every 2 years
3213 thereafter. Instruction in the use of cardiopulmonary
3214 resuscitation must be based on a nationally recognized program
3215 that uses the most current evidence-based emergency
3216 cardiovascular care guidelines. The instruction must allow
3217 students to practice the psychomotor skills associated with
3218 performing cardiopulmonary resuscitation and use an automated
3219 external defibrillator when a school district has the equipment
3220 necessary to perform the instruction. Private and public
3221 partnerships for providing training or necessary funding are
3222 encouraged.

3223 Section 26. Section 1003.576, Florida Statutes, is amended
3224 to read:

3225 1003.576 Individual education plans for exceptional
3226 students.—The Department of Education must develop and have an
3227 operating electronic IEP system in place for ~~potential~~ statewide
3228 use ~~no later than July 1, 2007~~. The statewide system shall be
3229 developed collaboratively with school districts and must include



3230 input from school districts currently developing or operating
3231 electronic IEP systems.

3232 Section 27. Section 1006.061, Florida Statutes, is amended
3233 to read:

3234 1006.061 Child abuse, abandonment, and neglect policy.—Each
3235 district school board, charter school, and private school that
3236 accepts scholarship students who participate in a state
3237 scholarship program under chapter 1002 ~~under s. 1002.39 or s.~~
3238 ~~1002.395~~ shall:

3239 (1) Post in a prominent place in each school a notice that,
3240 pursuant to chapter 39, all employees and agents of the district
3241 school board, charter school, or private school have an
3242 affirmative duty to report all actual or suspected cases of
3243 child abuse, abandonment, or neglect; have immunity from
3244 liability if they report such cases in good faith; and have a
3245 duty to comply with child protective investigations and all
3246 other provisions of law relating to child abuse, abandonment,
3247 and neglect. The notice shall also include the statewide toll-
3248 free telephone number of the central abuse hotline.

3249 (2) Post in a prominent place at each school site and on
3250 each school's Internet website, if available, the policies and
3251 procedures for reporting alleged misconduct by instructional
3252 personnel or school administrators which affects the health,
3253 safety, or welfare of a student; the contact person to whom the
3254 report is made; and the penalties imposed on instructional
3255 personnel or school administrators who fail to report suspected
3256 or actual child abuse or alleged misconduct by other
3257 instructional personnel or school administrators.

3258 (3) Require the principal of the charter school or private



831300

3259 school, or the district school superintendent, or the
3260 superintendent's designee, at the request of the Department of
3261 Children and Families, to act as a liaison to the Department of
3262 Children and Families and the child protection team, as defined
3263 in s. 39.01, when in a case of suspected child abuse,
3264 abandonment, or neglect or an unlawful sexual offense involving
3265 a child the case is referred to such a team; except that this
3266 does not relieve or restrict the Department of Children and
3267 Families from discharging its duty and responsibility under the
3268 law to investigate and report every suspected or actual case of
3269 child abuse, abandonment, or neglect or unlawful sexual offense
3270 involving a child.

3271 (4) (a) Post in a prominent place in a clearly visible
3272 location and public area of the school which is readily
3273 accessible to and widely used by students a sign in English and
3274 Spanish that contains:

3275 1. The statewide toll-free telephone number of the central
3276 abuse hotline as provided in chapter 39;

3277 2. Instructions to call 911 for emergencies; and

3278 3. Directions for accessing the Department of Children and
3279 Families Internet website for more information on reporting
3280 abuse, neglect, and exploitation.

3281 (b) The information in paragraph (a) must be put on at
3282 least one poster in each school, on a sheet that measures at
3283 least 11 inches by 17 inches, produced in large print, and
3284 placed at student eye level for easy viewing.

3285

3286 The Department of Education shall develop, and publish on the
3287 department's Internet website, sample notices suitable for



831300

3288 posting in accordance with subsections (1), (2), and (4).

3289 Section 28. Paragraphs (c), (d), and (e) of subsection (3)
3290 of section 1006.15, Florida Statutes, are amended to read:

3291 1006.15 Student standards for participation in
3292 interscholastic and intrascholastic extracurricular student
3293 activities; regulation.—

3294 (3)

3295 (c) An individual home education student is eligible to
3296 participate at the public school to which the student would be
3297 assigned according to district school board attendance area
3298 policies or which the student could choose to attend pursuant to
3299 s. 1002.31, or may develop an agreement to participate at a
3300 private school, in the interscholastic extracurricular
3301 activities of that school, provided the following conditions are
3302 met:

3303 1. The home education student must meet the requirements of
3304 the home education program pursuant to s. 1002.41.

3305 2. During the period of participation at a school, the home
3306 education student must demonstrate educational progress as
3307 required in paragraph (b) in all subjects taken in the home
3308 education program by a method of evaluation agreed upon by the
3309 parent and the school principal which may include: review of the
3310 student's work by a certified teacher chosen by the parent;
3311 grades earned through correspondence; grades earned in courses
3312 taken at a Florida College System institution, university, or
3313 trade school; standardized test scores above the 35th
3314 percentile; or any other method designated in s. 1002.41.

3315 3. The home education student must meet the same residency
3316 requirements as other students in the school at which he or she



831300

3317 participates.

3318 4. The home education student must meet the same standards
3319 of acceptance, behavior, and performance as required of other
3320 students in extracurricular activities.

3321 5. The student must register with the school his or her
3322 intent to participate in interscholastic extracurricular
3323 activities as a representative of the school before
3324 ~~participation the beginning date of the season for the activity~~
3325 ~~in which he or she wishes to participate.~~ A home education
3326 student must be able to participate in curricular activities if
3327 that is a requirement for an extracurricular activity.

3328 6. A student who transfers from a home education program to
3329 a public school before or during the first grading period of the
3330 school year is academically eligible to participate in
3331 interscholastic extracurricular activities during the first
3332 grading period provided the student has a successful evaluation
3333 from the previous school year, pursuant to subparagraph 2.

3334 7. Any public school or private school student who has been
3335 unable to maintain academic eligibility for participation in
3336 interscholastic extracurricular activities is ineligible to
3337 participate in such activities as a home education student until
3338 the student has successfully completed one grading period in
3339 home education pursuant to subparagraph 2. to become eligible to
3340 participate as a home education student.

3341 (d) An individual charter school student pursuant to s.
3342 1002.33 is eligible to participate at the public school to which
3343 the student would be assigned according to district school board
3344 attendance area policies or which the student could attend in
3345 any interscholastic extracurricular activity of that school,



831300

3346 unless such activity is provided by the student's charter
3347 school, if the following conditions are met:

3348 1. The charter school student must meet the requirements of
3349 the charter school education program as determined by the
3350 charter school governing board.

3351 2. During the period of participation at a school, the
3352 charter school student must demonstrate educational progress as
3353 required in paragraph (b).

3354 3. The charter school student must meet the same residency
3355 requirements as other students in the school at which he or she
3356 participates.

3357 4. The charter school student must meet the same standards
3358 of acceptance, behavior, and performance that are required of
3359 other students in extracurricular activities.

3360 5. The charter school student must register with the school
3361 his or her intent to participate in interscholastic
3362 extracurricular activities as a representative of the school
3363 before participation ~~the beginning date of the season for the~~
3364 ~~activity in which he or she wishes to participate.~~ A charter
3365 school student must be able to participate in curricular
3366 activities if that is a requirement for an extracurricular
3367 activity.

3368 6. A student who transfers from a charter school program to
3369 a traditional public school before or during the first grading
3370 period of the school year is academically eligible to
3371 participate in interscholastic extracurricular activities during
3372 the first grading period if the student has a successful
3373 evaluation from the previous school year, pursuant to
3374 subparagraph 2.



831300

3375 7. Any public school or private school student who has been
3376 unable to maintain academic eligibility for participation in
3377 interscholastic extracurricular activities is ineligible to
3378 participate in such activities as a charter school student until
3379 the student has successfully completed one grading period in a
3380 charter school pursuant to subparagraph 2. to become eligible to
3381 participate as a charter school student.

3382 (e) A student of the Florida Virtual School full-time
3383 program may participate in any interscholastic extracurricular
3384 activity at the public school to which the student would be
3385 assigned according to district school board attendance area
3386 policies or which the student could choose to attend pursuant to
3387 s. 1002.31 if the student:

3388 1. During the period of participation in the
3389 interscholastic extracurricular activity, meets the requirements
3390 in paragraph (a).

3391 2. Meets any additional requirements as determined by the
3392 board of trustees of the Florida Virtual School.

3393 3. Meets the same residency requirements as other students
3394 in the school at which he or she participates.

3395 4. Meets the same standards of acceptance, behavior, and
3396 performance that are required of other students in
3397 extracurricular activities.

3398 5. Registers his or her intent to participate in
3399 interscholastic extracurricular activities with the school
3400 before participation ~~the beginning date of the season for the~~
3401 ~~activity in which he or she wishes to participate.~~ A Florida
3402 Virtual school student must be able to participate in curricular
3403 activities if that is a requirement for an extracurricular



831300

3404 activity.

3405 Section 29. Subsections (3) and (13) and paragraph (b) of
3406 subsection (24) of section 1007.271, Florida Statutes, are
3407 amended to read:

3408 1007.271 Dual enrollment programs.—

3409 (3) Student eligibility requirements for initial enrollment
3410 in college credit dual enrollment courses must include a 3.0
3411 unweighted high school grade point average and the minimum score
3412 on a common placement test adopted by the State Board of
3413 Education which indicates that the student is ready for college-
3414 level coursework. Student eligibility requirements for continued
3415 enrollment in college credit dual enrollment courses must
3416 include the maintenance of a 3.0 unweighted high school grade
3417 point average and the minimum postsecondary grade point average
3418 established by the postsecondary institution. Regardless of
3419 meeting student eligibility requirements for continued
3420 enrollment, a student may lose the opportunity to participate in
3421 a dual enrollment course if the student is disruptive to the
3422 learning process such that the progress of other students or the
3423 efficient administration of the course is hindered. Student
3424 eligibility requirements for initial and continued enrollment in
3425 career certificate dual enrollment courses must include a 2.0
3426 unweighted high school grade point average. Exceptions to the
3427 required grade point averages may be granted on an individual
3428 student basis if the educational entities agree and the terms of
3429 the agreement are contained within the dual enrollment
3430 articulation agreement established pursuant to subsection (21).
3431 Florida College System institution boards of trustees may
3432 establish additional initial student eligibility requirements,



831300

3433 which shall be included in the dual enrollment articulation
3434 agreement, to ensure student readiness for postsecondary
3435 instruction. Additional requirements included in the agreement
3436 may not arbitrarily prohibit students who have demonstrated the
3437 ability to master advanced courses from participating in dual
3438 enrollment courses or limit the number of dual enrollment
3439 courses in which a student may enroll based solely upon
3440 enrollment by the student at an independent postsecondary
3441 institution.

3442 (13) (a) The dual enrollment program for a home education
3443 student, including, but not limited to, students with
3444 disabilities, consists of the enrollment of an eligible home
3445 education secondary student in a postsecondary course creditable
3446 toward an associate degree, a career certificate, or a
3447 baccalaureate degree. To participate in the dual enrollment
3448 program, an eligible home education secondary student must:

3449 1. Provide proof of enrollment in a home education program
3450 pursuant to s. 1002.41.

3451 2. Be responsible for his or her own ~~instructional~~
3452 ~~materials and~~ transportation unless provided for in the
3453 articulation agreement.

3454 3. Sign a home education articulation agreement pursuant to
3455 paragraph (b).

3456 (b) Each public postsecondary institution eligible to
3457 participate in the dual enrollment program pursuant to s.
3458 1011.62(1)(i) must enter into a home education articulation
3459 agreement with each home education student seeking enrollment in
3460 a dual enrollment course and the student's parent. By August 1
3461 of each year, the eligible postsecondary institution shall



831300

3462 complete and submit the home education articulation agreement to
3463 the Department of Education. The home education articulation
3464 agreement must include, at a minimum:

3465 1. A delineation of courses and programs available to
3466 dually enrolled home education students. Courses and programs
3467 may be added, revised, or deleted at any time by the
3468 postsecondary institution. Any course or program limitations may
3469 not exceed the limitations for other dually enrolled students.

3470 2. The initial and continued eligibility requirements for
3471 home education student participation, not to exceed those
3472 required of other dually enrolled students. A high school grade
3473 point average may not be required for home education students
3474 who meet the minimum score on a common placement test adopted by
3475 the State Board of Education which indicates that the student is
3476 ready for college-level coursework; however, home education
3477 student eligibility requirements for continued enrollment in
3478 dual enrollment courses must include the maintenance of the
3479 minimum postsecondary grade point average established by the
3480 postsecondary institution.

3481 3. The student's responsibilities for providing his or her
3482 own ~~instructional materials and~~ transportation.

3483 4. A copy of the statement on transfer guarantees developed
3484 by the Department of Education under subsection (15).

3485 (24)

3486 (b) Each public postsecondary institution eligible to
3487 participate in the dual enrollment program pursuant to s.
3488 1011.62(1)(i) must enter into a private school articulation
3489 agreement with each eligible private school in its geographic
3490 service area seeking to offer dual enrollment courses to its



3491 students, including, but not limited to, students with
3492 disabilities. By August 1 of each year, the eligible
3493 postsecondary institution shall complete and submit the private
3494 school articulation agreement to the Department of Education.
3495 The private school articulation agreement must include, at a
3496 minimum:

3497 1. A delineation of courses and programs available to the
3498 private school student. The postsecondary institution may add,
3499 revise, or delete courses and programs at any time.

3500 2. The initial and continued eligibility requirements for
3501 private school student participation, not to exceed those
3502 required of other dual enrollment students.

3503 3. The student's responsibilities for providing his or her
3504 own instructional materials and transportation.

3505 4. A provision clarifying that the private school will
3506 award appropriate credit toward high school completion for the
3507 postsecondary course under the dual enrollment program.

3508 5. A provision expressing that costs associated with
3509 tuition and fees, including registration, and laboratory fees,
3510 will not be passed along to the student.

3511 ~~6. A provision stating whether the private school will~~
3512 ~~compensate the postsecondary institution for the standard~~
3513 ~~tuition rate per credit hour for each dual enrollment course~~
3514 ~~taken by its students.~~

3515 Section 30. Paragraph (a) of subsection (3) and paragraph
3516 (a) of subsection (8) of section 1008.22, Florida Statutes, are
3517 amended to read:

3518 1008.22 Student assessment program for public schools.—

3519 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The



831300

3520 Commissioner of Education shall design and implement a
3521 statewide, standardized assessment program aligned to the core
3522 curricular content established in the Next Generation Sunshine
3523 State Standards. The commissioner also must develop or select
3524 and implement a common battery of assessment tools that will be
3525 used in all juvenile justice education programs in the state.
3526 These tools must accurately measure the core curricular content
3527 established in the Next Generation Sunshine State Standards.
3528 Participation in the assessment program is mandatory for all
3529 school districts and all students attending public schools,
3530 including adult students seeking a standard high school diploma
3531 under s. 1003.4282 and students in Department of Juvenile
3532 Justice education programs, except as otherwise provided by law.
3533 If a student does not participate in the assessment program, the
3534 school district must notify the student's parent and provide the
3535 parent with information regarding the implications of such
3536 nonparticipation. The statewide, standardized assessment program
3537 shall be designed and implemented as follows:

3538 (a) *Statewide, standardized comprehensive assessments.*—The
3539 statewide, standardized Reading assessment shall be administered
3540 annually in grades 3 through 10. The statewide, standardized
3541 Writing assessment shall be administered annually at least once
3542 at the elementary, middle, and high school levels. When the
3543 Reading and Writing assessments are replaced by English Language
3544 Arts (ELA) assessments, ELA assessments shall be administered to
3545 students in grades 3 through 10. Retake opportunities for the
3546 grade 10 Reading assessment or, upon implementation, the grade
3547 10 ELA assessment must be provided. Students taking the ELA
3548 assessments shall not take the statewide, standardized



831300

3549 assessments in Reading or Writing. Reading passages and writing
3550 prompts for ELA assessments shall incorporate grade-level core
3551 curricula content from social studies ~~be administered online.~~
3552 The statewide, standardized Mathematics assessments shall be
3553 administered annually in grades 3 through 8. Students taking a
3554 revised Mathematics assessment shall not take the discontinued
3555 assessment. The statewide, standardized Science assessment shall
3556 be administered annually at least once at the elementary and
3557 middle grades levels. In order to earn a standard high school
3558 diploma, a student who has not earned a passing score on the
3559 grade 10 Reading assessment or, upon implementation, the grade
3560 10 ELA assessment must earn a passing score on the assessment
3561 retake or earn a concordant score as authorized under subsection
3562 (9).

3563 (8) PUBLICATION OF ASSESSMENTS.—To promote transparency in
3564 the statewide assessment program, in any procurement for the ELA
3565 assessment in grades 3 through 10 and the mathematics assessment
3566 in grades 3 through 8, the Department of Education shall solicit
3567 cost proposals for publication of the state assessments on its
3568 website in accordance with this subsection.

3569 (a) The department shall publish each assessment
3570 administered under paragraph (3)(a) and subparagraph (3)(b)1.,
3571 excluding assessment retakes, at least once on a triennial basis
3572 pursuant to a schedule determined by the Commissioner of
3573 Education. Each assessment, when published, must have been
3574 administered during the most recent school year and be in a
3575 format that facilitates the sharing of assessment items.

3576 Section 31. Paragraphs (f), (o), and (t) of subsection (1),
3577 paragraph (b) of subsection (6), and paragraphs (a), (c), and



831300

3578 (d) of subsection (9) of section 1011.62, Florida Statutes, are
3579 amended to read:

3580 1011.62 Funds for operation of schools.—If the annual
3581 allocation from the Florida Education Finance Program to each
3582 district for operation of schools is not determined in the
3583 annual appropriations act or the substantive bill implementing
3584 the annual appropriations act, it shall be determined as
3585 follows:

3586 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
3587 OPERATION.—The following procedure shall be followed in
3588 determining the annual allocation to each district for
3589 operation:

3590 (f) Supplemental academic instruction allocation;
3591 ~~category fund.~~—

3592 1. There is created the supplemental academic instruction
3593 allocation ~~a category fund~~ to provide supplemental academic
3594 instruction to students in kindergarten through grade 12. ~~This~~
3595 ~~paragraph may be cited as the "Supplemental Academic Instruction~~
3596 ~~Category Fund."~~

3597 2. The supplemental academic instruction allocation shall
3598 be provided annually in the Florida Education Finance Program as
3599 specified in the General Appropriations Act. These funds are
3600 ~~category fund is~~ in addition to the funds appropriated on the
3601 basis of FTE student membership in the Florida Education Finance
3602 Program and shall be included in the total potential funds of
3603 each district. Beginning with the 2018-2019 fiscal year, These
3604 ~~funds shall be used to provide supplemental academic instruction~~
3605 ~~to students enrolled in the K-12 program.~~ each school district
3606 that has a school earning a grade of "D" or "F" pursuant to s.



831300

3607 1008.34 must use that school's portion of the supplemental
3608 academic instruction allocation to implement intervention and
3609 support strategies for school improvement pursuant to s. 1008.33
3610 and for salary incentives pursuant to s. 1012.2315(3) or salary
3611 supplements pursuant to s. 1012.22(1)(c)5.c. that are provided
3612 through a memorandum of understanding between the collective
3613 bargaining agent and the school board that addresses the
3614 selection, placement, and expectations of instructional
3615 personnel and school administrators. For all other schools, the
3616 school district's use of the supplemental academic instruction
3617 allocation ~~one or more of the 300 lowest-performing elementary~~
3618 ~~schools based on the state reading assessment for the prior year~~
3619 ~~shall use these funds, together with the funds provided in the~~
3620 ~~district's research-based reading instruction allocation and~~
3621 ~~other available funds, to provide an additional hour of~~
3622 ~~instruction beyond the normal school day for each day of the~~
3623 ~~entire school year for intensive reading instruction for the~~
3624 ~~students in each of these schools. This additional hour of~~
3625 ~~instruction must be provided by teachers or reading specialists~~
3626 ~~who have demonstrated effectiveness in teaching reading or by a~~
3627 ~~K-5 mentoring reading program that is supervised by a teacher~~
3628 ~~who is effective at teaching reading. Students enrolled in these~~
3629 ~~schools who have level 5 assessment scores may participate in~~
3630 ~~the additional hour of instruction on an optional basis.~~
3631 ~~Exceptional student education centers shall not be included in~~
3632 ~~the 300 schools. The designation of the 300 lowest-performing~~
3633 ~~elementary schools must be based on the state reading assessment~~
3634 ~~for the prior year. After this requirement has been met,~~
3635 ~~supplemental instruction strategies may include, but is are not~~



3636 limited to, the use of a modified curriculum, reading
3637 instruction, after-school instruction, tutoring, mentoring, a
3638 reduction in class size, extended school year, intensive skills
3639 development in summer school, dropout prevention programs as
3640 defined in ss. 1003.52 and 1003.53(1)(a), (b), and (c), and
3641 other methods of improving student achievement. Each school
3642 district that has one or more of the 300 lowest-performing
3643 elementary schools based on a 3-year average of the state
3644 reading assessment data must use the school's portion of the
3645 allocation to provide an additional hour per day of intensive
3646 reading for the students in each school. The additional hour may
3647 be provided within the school day. Students enrolled in these
3648 schools who earned a level 4 or level 5 score on the statewide,
3649 standardized English Language Arts assessment for the previous
3650 school year may participate in the extra hour of instruction.
3651 Supplemental academic instruction may be provided to a student
3652 in any manner and at any time during or beyond the regular 180-
3653 day term identified by the school as being the most effective
3654 and efficient way to best help that student progress from grade
3655 to grade and to graduate.

3656 ~~3. Categorical funds for supplemental academic instruction~~
3657 ~~shall be provided annually in the Florida Education Finance~~
3658 ~~Program as specified in the General Appropriations Act. These~~
3659 ~~funds shall be provided as a supplement to the funds~~
3660 ~~appropriated for the basic funding level and shall be included~~
3661 ~~in the total funds of each district. The supplemental academic~~
3662 instruction allocation shall consist of a base amount that has a
3663 workload adjustment based on changes in unweighted FTE. ~~In~~
3664 ~~addition, districts that have elementary schools included in the~~



831300

3665 ~~300 lowest performing schools designation shall be allocated~~
3666 ~~additional funds to assist these districts in providing~~
3667 ~~intensive reading instruction to students in those schools. The~~
3668 ~~amount provided shall be based on each district's level of per-~~
3669 ~~student funding in the reading instruction allocation and the~~
3670 ~~supplemental academic instruction categorical fund and on the~~
3671 ~~total FTE for each of the schools. The supplemental academic~~
3672 ~~instruction allocation categorical funding shall be recalculated~~
3673 ~~during the fiscal year following an updated designation of the~~
3674 ~~300 lowest performing elementary schools and shall be based on~~
3675 ~~actual student membership from the FTE surveys. Upon~~
3676 ~~recalculation of funding for the supplemental academic~~
3677 ~~instruction allocation categorical fund, if the total allocation~~
3678 ~~is greater than the amount provided in the General~~
3679 ~~Appropriations Act, the allocation shall be prorated to the~~
3680 ~~level provided to support the appropriation, based on each~~
3681 ~~district's share of the total.~~

3682 4. ~~Effective with the 1999-2000 fiscal year,~~ Funding on the
3683 basis of FTE membership beyond the 180-day regular term shall be
3684 provided in the FEFP only for students enrolled in juvenile
3685 justice education programs or in education programs for
3686 juveniles placed in secure facilities or programs under s.
3687 985.19. Funding for instruction beyond the regular 180-day
3688 school year for all other K-12 students shall be provided
3689 through the supplemental academic instruction allocation and
3690 other state, federal, and local fund sources with ample
3691 flexibility for schools to provide supplemental instruction to
3692 assist students in progressing from grade to grade and
3693 graduating.



831300

3694 ~~5. The Florida State University School, as a lab school, is~~
3695 ~~authorized to expend from its FEFP or Lottery Enhancement Trust~~
3696 ~~Fund allocation the cost to the student of remediation in~~
3697 ~~reading, writing, or mathematics for any graduate who requires~~
3698 ~~remediation at a postsecondary educational institution.~~

3699 ~~6. Beginning in the 1999-2000 school year, dropout~~
3700 ~~prevention programs as defined in ss. 1003.52, 1003.53(1)(a),~~
3701 ~~(b), and (c), and 1003.54 shall be included in group 1 programs~~
3702 ~~under subparagraph (d)3.~~

3703 *(o) Calculation of additional full-time equivalent*
3704 *membership based on successful completion of a career-themed*
3705 *course pursuant to ss. 1003.491, 1003.492, and 1003.493, or*
3706 *courses with embedded CAPE industry certifications or CAPE*
3707 *Digital Tool certificates, and issuance of industry*
3708 *certification identified on the CAPE Industry Certification*
3709 *Funding List pursuant to rules adopted by the State Board of*
3710 *Education or CAPE Digital Tool certificates pursuant to s.*
3711 *1003.4203.-*

3712 1.a. A value of 0.025 full-time equivalent student
3713 membership shall be calculated for CAPE Digital Tool
3714 certificates earned by students in elementary and middle school
3715 grades.

3716 b. A value of 0.1 or 0.2 full-time equivalent student
3717 membership shall be calculated for each student who completes a
3718 course as defined in s. 1003.493(1)(b) or courses with embedded
3719 CAPE industry certifications and who is issued an industry
3720 certification identified annually on the CAPE Industry
3721 Certification Funding List approved under rules adopted by the
3722 State Board of Education. A value of 0.2 full-time equivalent



831300

3723 membership shall be calculated for each student who is issued a
3724 CAPE industry certification that has a statewide articulation
3725 agreement for college credit approved by the State Board of
3726 Education. For CAPE industry certifications that do not
3727 articulate for college credit, the Department of Education shall
3728 assign a full-time equivalent value of 0.1 for each
3729 certification. Middle grades students who earn additional FTE
3730 membership for a CAPE Digital Tool certificate pursuant to sub-
3731 subparagraph a. may not use the previously funded examination to
3732 satisfy the requirements for earning an industry certification
3733 under this sub-subparagraph. Additional FTE membership for an
3734 elementary or middle grades student may not exceed 0.1 for
3735 certificates or certifications earned within the same fiscal
3736 year. The State Board of Education shall include the assigned
3737 values on the CAPE Industry Certification Funding List under
3738 rules adopted by the state board. Such value shall be added to
3739 the total full-time equivalent student membership for grades 6
3740 through 12 in the subsequent year. CAPE industry certifications
3741 earned through dual enrollment must be reported and funded
3742 pursuant to s. 1011.80. However, if a student earns a
3743 certification through a dual enrollment course and the
3744 certification is not a fundable certification on the
3745 postsecondary certification funding list, or the dual enrollment
3746 certification is earned as a result of an agreement between a
3747 school district and a nonpublic postsecondary institution, the
3748 bonus value shall be funded in the same manner as other nondual
3749 enrollment course industry certifications. In such cases, the
3750 school district may provide for an agreement between the high
3751 school and the technical center, or the school district and the



3752 postsecondary institution may enter into an agreement for
3753 equitable distribution of the bonus funds.

3754 c. A value of 0.3 full-time equivalent student membership
3755 shall be calculated for student completion of the courses and
3756 the embedded certifications identified on the CAPE Industry
3757 Certification Funding List and approved by the commissioner
3758 pursuant to ss. 1003.4203(5) (a) and 1008.44.

3759 d. A value of 0.5 full-time equivalent student membership
3760 shall be calculated for CAPE Acceleration Industry
3761 Certifications that articulate for 15 to 29 college credit
3762 hours, and 1.0 full-time equivalent student membership shall be
3763 calculated for CAPE Acceleration Industry Certifications that
3764 articulate for 30 or more college credit hours pursuant to CAPE
3765 Acceleration Industry Certifications approved by the
3766 commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

3767 2. Each district must allocate at least 80 percent of the
3768 funds provided for CAPE industry certification, in accordance
3769 with this paragraph, to the program that generated the funds.
3770 This allocation may not be used to supplant funds provided for
3771 basic operation of the program.

3772 3. For CAPE industry certifications earned in the 2013-2014
3773 school year and in subsequent years, the school district shall
3774 distribute to each classroom teacher who provided direct
3775 instruction toward the attainment of a CAPE industry
3776 certification that qualified for additional full-time equivalent
3777 membership under subparagraph 1.:

3778 a. A bonus of \$25 for each student taught by a teacher who
3779 provided instruction in a course that led to the attainment of a
3780 CAPE industry certification on the CAPE Industry Certification



831300

3781 Funding List with a weight of 0.1.
3782 b. A bonus of \$50 for each student taught by a teacher who
3783 provided instruction in a course that led to the attainment of a
3784 CAPE industry certification on the CAPE Industry Certification
3785 Funding List with a weight of 0.2.
3786 c. A bonus of \$75 for each student taught by a teacher who
3787 provided instruction in a course that led to the attainment of a
3788 CAPE industry certification on the CAPE Industry Certification
3789 Funding List with a weight of 0.3.
3790 d. A bonus of \$100 for each student taught by a teacher who
3791 provided instruction in a course that led to the attainment of a
3792 CAPE industry certification on the CAPE Industry Certification
3793 Funding List with a weight of 0.5 or 1.0.
3794
3795 Bonuses awarded pursuant to this paragraph shall be provided to
3796 teachers who are employed by the district in the year in which
3797 the additional FTE membership calculation is included in the
3798 calculation. Bonuses shall be calculated based upon the
3799 associated weight of a CAPE industry certification on the CAPE
3800 Industry Certification Funding List for the year in which the
3801 certification is earned by the student. Any bonus awarded to a
3802 teacher pursuant to ~~under~~ this paragraph is in addition to any
3803 regular wage or other bonus the teacher received or is scheduled
3804 to receive. A bonus may not be awarded to a teacher who fails to
3805 maintain the security of any CAPE industry certification
3806 examination or who otherwise violates the security or
3807 administration protocol of any assessment instrument that may
3808 result in a bonus being awarded to the teacher under this
3809 paragraph.



831300

3810 (t) *Computation for funding through the Florida Education*
3811 *Finance Program.*—The State Board of Education may adopt rules
3812 establishing programs, industry certifications, and courses for
3813 which the student may earn credit toward high school graduation
3814 and the criteria under which a student's industry certification
3815 or grade may be rescinded.

3816 (6) CATEGORICAL FUNDS.—

3817 (b) If a district school board finds and declares in a
3818 resolution adopted at a regular meeting of the school board that
3819 the funds received for any of the following categorical
3820 appropriations are urgently needed to maintain school board
3821 specified academic classroom instruction or improve school
3822 safety, the school board may consider and approve an amendment
3823 to the school district operating budget transferring the
3824 identified amount of the categorical funds to the appropriate
3825 account for expenditure:

3826 1. Funds for student transportation.

3827 ~~2. Funds for safe schools.~~

3828 ~~3. Funds for supplemental academic instruction if the~~
3829 ~~required additional hour of instruction beyond the normal school~~
3830 ~~day for each day of the entire school year has been provided for~~
3831 ~~the students in each low-performing elementary school in the~~
3832 ~~district pursuant to paragraph (1)(f).~~

3833 2.4. Funds for research-based reading instruction if the
3834 required additional hour of instruction beyond the normal school
3835 day for each day of the entire school year has been provided for
3836 the students in each low-performing elementary school in the
3837 district pursuant to paragraph (9)(a).

3838 ~~3.5.~~ Funds for instructional materials if all instructional



831300

3839 material purchases necessary to provide updated materials that
3840 are aligned with applicable state standards and course
3841 descriptions and that meet statutory requirements of content and
3842 learning have been completed for that fiscal year, but no sooner
3843 than March 1. Funds available after March 1 may be used to
3844 purchase hardware for student instruction.

3845 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

3846 (a) The research-based reading instruction allocation is
3847 created to provide comprehensive reading instruction to students
3848 in kindergarten through grade 12. Each school district that has
3849 one or more of the 300 lowest-performing elementary schools
3850 based on a 3-year average of the state reading assessment data
3851 must use the school's portion of the allocation to provide ~~shall~~
3852 ~~give priority to providing~~ an additional hour per day of
3853 ~~intensive reading instruction beyond the normal school day for~~
3854 ~~each day of the entire school year~~ for the students in each
3855 school. The additional hour may be provided within the school
3856 ~~day. The designation of the 300 lowest-performing elementary~~
3857 ~~schools must be based on the state reading assessment for the~~
3858 ~~prior year.~~ Students enrolled in these schools who earned a have
3859 level 4 or level 5 score on the statewide, standardized English
3860 Language Arts assessment for the previous school year scores may
3861 participate in the additional hour of instruction ~~on an optional~~
3862 ~~basis.~~ Exceptional student education centers may not be included
3863 in the 300 schools. The intensive reading instruction delivered
3864 in this additional hour ~~and for other students~~ shall include:
3865 research-based reading instruction that has been proven to
3866 accelerate progress of students exhibiting a reading deficiency;
3867 differentiated instruction based on screening, diagnostic,



831300

3868 progress monitoring, or student assessment data to meet
3869 students' specific reading needs; explicit and systematic
3870 reading strategies to develop phonemic awareness, phonics,
3871 fluency, vocabulary, and comprehension, with more extensive
3872 opportunities for guided practice, error correction, and
3873 feedback; and the integration of social studies, science, and
3874 mathematics-text reading, text discussion, and writing in
3875 response to reading.

3876 (c) Funds allocated under this subsection must be used to
3877 provide a system of comprehensive reading instruction to
3878 students enrolled in the K-12 programs, which may include the
3879 following:

3880 1. ~~The provision of~~ An additional hour per day of intensive
3881 reading instruction to students in the 300 lowest-performing
3882 elementary schools by teachers and reading specialists who have
3883 demonstrated effectiveness in teaching reading as required in
3884 paragraph (a).

3885 2. Kindergarten through grade 5 reading intervention
3886 teachers to provide intensive intervention during the school day
3887 and in the required extra hour for students identified as having
3888 a reading deficiency.

3889 3. ~~The provision of~~ Highly qualified reading coaches to
3890 specifically support teachers in making instructional decisions
3891 based on student data, and improve teacher delivery of effective
3892 reading instruction, intervention, and reading in the content
3893 areas based on student need.

3894 4. Professional development for school district teachers in
3895 scientifically based reading instruction, including strategies
3896 to teach reading in content areas and with an emphasis on



3897 technical and informational text, to help school district
3898 teachers earn a certification or an endorsement in reading.

3899 ~~5. The provision of Summer reading camps, using only~~
3900 ~~teachers or other district personnel who are certified or~~
3901 ~~endorsed in reading consistent with s. 1008.25(7)(b)3., for all~~
3902 students in kindergarten through grade 2 who demonstrate a
3903 reading deficiency as determined by district and state
3904 assessments, and students in grades 3 through 5 who score at
3905 Level 1 on the statewide, standardized ~~reading assessment or,~~
3906 ~~upon implementation, the English Language Arts assessment.~~

3907 ~~6. The provision of Supplemental instructional materials~~
3908 that are grounded in scientifically based reading research as
3909 identified by the Just Read, Florida! Office pursuant to s.
3910 1001.215(8).

3911 ~~7. The provision of Intensive interventions for students in~~
3912 kindergarten through grade 12 who have been identified as having
3913 a reading deficiency or who are reading below grade level as
3914 determined by the statewide, standardized English Language Arts
3915 assessment.

3916 (d)1. Annually, by a date determined by the Department of
3917 Education but before May 1, school districts shall submit a K-12
3918 comprehensive reading plan for the specific use of the research-
3919 based reading instruction allocation in the format prescribed by
3920 the department for review and approval by the Just Read,
3921 Florida! Office created pursuant to s. 1001.215. The plan
3922 annually submitted by school districts shall be deemed approved
3923 unless the department rejects the plan on or before June 1. If a
3924 school district and the Just Read, Florida! Office cannot reach
3925 agreement on the contents of the plan, the school district may



831300

3926 appeal to the State Board of Education for resolution. School
3927 districts shall be allowed reasonable flexibility in designing
3928 their plans and shall be encouraged to offer reading
3929 intervention through innovative methods, including career
3930 academies. The plan format shall be developed with input from
3931 school district personnel, including teachers and principals,
3932 and shall provide for ~~allow courses in core, career, and~~
3933 ~~alternative programs that deliver~~ intensive reading
3934 interventions remediation through integrated curricula, provided
3935 that, beginning with the 2020-2021 school year, the
3936 interventions are delivered by a teacher who is certified or
3937 endorsed in reading. Such interventions must incorporate
3938 strategies identified by the Just Read, Florida! Office pursuant
3939 to s. 1001.215(8) ~~deemed highly qualified to teach reading or~~
3940 ~~working toward that status.~~ No later than July 1 annually, the
3941 department shall release the school district's allocation of
3942 appropriated funds to those districts having approved plans. A
3943 school district that spends 100 percent of this allocation on
3944 its approved plan shall be deemed to have been in compliance
3945 with the plan. The department may withhold funds upon a
3946 determination that reading instruction allocation funds are not
3947 being used to implement the approved plan. The department shall
3948 monitor and track the implementation of each district plan,
3949 including conducting site visits and collecting specific data on
3950 expenditures and reading improvement results. By February 1 of
3951 each year, the department shall report its findings to the
3952 Legislature.

3953 2. Each school district that has a school designated as one
3954 of the 300 lowest-performing elementary schools as specified in



3955 paragraph (a) shall specifically delineate in the comprehensive
3956 reading plan, or in an addendum to the comprehensive reading
3957 plan, the implementation design and reading intervention
3958 strategies that will be used for the required additional hour of
3959 reading instruction. The term "reading intervention" includes
3960 evidence-based strategies frequently used to remediate reading
3961 deficiencies and also includes individual instruction, tutoring,
3962 mentoring, or the use of technology that targets specific
3963 reading skills and abilities.

3964 Section 32. Section 1011.6202, Florida Statutes, is amended
3965 to read:

3966 1011.6202 Principal Autonomy ~~Pilot~~ Program Initiative.—The
3967 Principal Autonomy ~~Pilot~~ Program Initiative is created within
3968 the Department of Education. The purpose of the ~~pilot~~ program is
3969 to provide a ~~the~~ highly effective principal of a participating
3970 school with increased autonomy and authority to operate his or
3971 her school, as well as other schools, in a way that produces
3972 significant improvements in student achievement and school
3973 management while complying with constitutional requirements. The
3974 State Board of Education may, upon approval of a principal
3975 autonomy proposal, enter into a performance contract with the ~~up~~
3976 ~~to seven~~ district school board ~~boards~~ for participation in the
3977 ~~pilot~~ program.

3978 (1) PARTICIPATING SCHOOL DISTRICTS.—Beginning with the
3979 2018-2019 school year, contingent upon available funds, and on a
3980 first-come, first-served basis, a ~~The~~ district school board
3981 ~~boards in Broward, Duval, Jefferson, Madison, Palm Beach,~~
3982 ~~Pinellas, and Seminole Counties~~ may submit, no later than
3983 December 1, to the state board for approval a principal autonomy



831300

3984 proposal that exchanges statutory and rule exemptions for an
3985 agreement to meet performance goals established in the proposal.
3986 If approved by the state board, the ~~each of these~~ school
3987 district is ~~districts shall be~~ eligible to participate in the
3988 ~~pilot~~ program for 3 years. ~~At the end of the 3 years, the~~
3989 ~~performance of all participating schools in the school district~~
3990 ~~shall be evaluated.~~

3991 (2) PRINCIPAL AUTONOMY PROPOSAL.—

3992 (a) To participate in the ~~pilot~~ program, a school district
3993 must:

3994 1. Identify three schools that received at least two school
3995 grades of "D" or "F" pursuant to s. 1008.34 during the previous
3996 3 school years.

3997 2. Identify three principals who have earned a highly
3998 effective rating on the prior year's performance evaluation
3999 pursuant to s. 1012.34, one of whom shall be assigned to each of
4000 the participating schools.

4001 3. Describe the current financial and administrative
4002 management of each participating school; identify the areas in
4003 which each school principal will have increased fiscal and
4004 administrative autonomy, including the authority and
4005 responsibilities provided in s. 1012.28(8); and identify the
4006 areas in which each participating school will continue to follow
4007 district school board fiscal and administrative policies.

4008 4. Explain the methods used to identify the educational
4009 strengths and needs of the participating school's students and
4010 identify how student achievement can be improved.

4011 5. Establish performance goals for student achievement, as
4012 defined in s. 1008.34(1), and explain how the increased autonomy



831300

4013 of principals will help participating schools improve student
4014 achievement and school management.

4015 6. Provide each participating school's mission and a
4016 description of its student population.

4017 (b) The state board shall establish criteria, which must
4018 include the criteria listed in paragraph (a), for the approval
4019 of a principal autonomy proposal.

4020 (c) A district school board must submit its principal
4021 autonomy proposal to the state board for approval by December 1
4022 in order to begin participation in the subsequent school year.
4023 By February 28 of the school year in which the proposal is
4024 submitted, the state board shall notify the district school
4025 board in writing whether the proposal is approved.

4026 (3) EXEMPTION FROM LAWS.—

4027 (a) With the exception of those laws listed in paragraph
4028 (b), a participating school or a school operated by a principal
4029 pursuant to subsection (5) is exempt from the provisions of
4030 chapters 1000-1013 and rules of the state board that implement
4031 those exempt provisions.

4032 (b) A participating school or a school operated by a
4033 principal pursuant to subsection (5) shall comply with the
4034 provisions of chapters 1000-1013, and rules of the state board
4035 that implement those provisions, pertaining to the following:

4036 1. Those laws relating to the election and compensation of
4037 district school board members, the election or appointment and
4038 compensation of district school superintendents, public meetings
4039 and public records requirements, financial disclosure, and
4040 conflicts of interest.

4041 2. Those laws relating to the student assessment program



831300

4042 and school grading system, including chapter 1008.
4043 3. Those laws relating to the provision of services to
4044 students with disabilities.
4045 4. Those laws relating to civil rights, including s.
4046 1000.05, relating to discrimination.
4047 5. Those laws relating to student health, safety, and
4048 welfare.
4049 6. Section 1001.42(4)(f), relating to the uniform opening
4050 date for public schools.
4051 7. Section 1003.03, governing maximum class size, except
4052 that the calculation for compliance pursuant to s. 1003.03 is
4053 the average at the school level for a participating school.
4054 8. Sections 1012.22(1)(c) and 1012.27(2), relating to
4055 compensation and salary schedules.
4056 9. Section 1012.33(5), relating to workforce reductions for
4057 annual contracts for instructional personnel. This subparagraph
4058 does not apply to at-will employees.
4059 10. Section 1012.335, relating to annual contracts for
4060 instructional personnel hired on or after July 1, 2011. This
4061 subparagraph does not apply to at-will employees.
4062 11. Section 1012.34, relating to personnel evaluation
4063 procedures and criteria.
4064 12. Those laws pertaining to educational facilities,
4065 including chapter 1013, except that s. 1013.20, relating to
4066 covered walkways for relocatables, and s. 1013.21, relating to
4067 the use of relocatable facilities exceeding 20 years of age, are
4068 eligible for exemption.
4069 13. Those laws pertaining to participating school
4070 districts, including this section and ss. 1011.69(2) and



831300

4071 1012.28(8).

4072 (c) A school shall remain exempt, as provided in this
4073 subsection, beyond the term of the program so long as the school
4074 receives no grade lower than a "B."

4075 (4) PROFESSIONAL DEVELOPMENT.—Each participating school
4076 district shall require that the principal of each participating
4077 school and a designated leadership team selected by the
4078 principal of the participating school, a three-member leadership
4079 team from each participating school, and district personnel
4080 working with each participating school complete a nationally
4081 recognized school turnaround program which focuses on improving
4082 leadership, instructional infrastructure, talent management, and
4083 differentiated support and accountability. The required
4084 personnel must enroll in the nationally recognized school
4085 turnaround program upon acceptance into the ~~pilot~~ program. ~~Each~~
4086 ~~participating school district shall receive \$100,000 from the~~
4087 ~~department for participation in the nationally recognized school~~
4088 ~~turnaround program.~~

4089 (5) DISTRICT INNOVATION ACADEMIES AND ZONES.—To encourage
4090 further innovation and expand the reach of highly effective
4091 principals trained pursuant to subsection (4) district school
4092 boards may authorize these principals to manage multiple schools
4093 within a zone. A zone may include the school at which the
4094 principal is assigned, persistently low-performing schools,
4095 feeder pattern schools, or a group of schools identified by the
4096 school district. The principal may allocate resources and
4097 personnel between the schools under his or her administration.

4098 (6) ~~(5)~~ TERM OF PARTICIPATION.—The state board shall
4099 authorize a school district to participate in the ~~pilot~~ program



831300

4100 for a period of 3 years commencing with approval of the
4101 principal autonomy proposal. ~~Authorization to participate in the~~
4102 ~~pilot program may be renewed upon action of the state board.~~ The
4103 state board may revoke authorization to participate in the ~~pilot~~
4104 program if the school district fails to meet the requirements of
4105 this section during the 3-year period.

4106 ~~(6) REPORTING. Each participating school district shall~~
4107 ~~submit an annual report to the state board. The state board~~
4108 ~~shall annually report on the implementation of the Principal~~
4109 ~~Autonomy Pilot Program Initiative. Upon completion of the pilot~~
4110 ~~program's first 3-year term, the Commissioner of Education shall~~
4111 ~~submit to the President of the Senate and the Speaker of the~~
4112 ~~House of Representatives by December 1 a full evaluation of the~~
4113 ~~effectiveness of the pilot program.~~

4114 (7) FUNDING.~~Subject to an annual appropriation, The~~
4115 ~~Legislature shall provide an appropriation to the department~~
4116 shall fund for the costs of the ~~pilot~~ program to include the,
4117 ~~including~~ administrative ~~costs~~ and enrollment costs for the
4118 nationally recognized school turnaround program required in
4119 subsection (4), and an ~~additional~~ amount not to exceed of
4120 \$10,000 for each participating principal in each participating
4121 district as an annual salary supplement for 3 years, ~~a fund for~~
4122 ~~the principal's school to be used at the principal's discretion,~~
4123 ~~or both, as determined by the district.~~ To be eligible for a
4124 salary supplement under this subsection, a participating
4125 principal must:

4126 (a) Be rated "highly effective" as determined by the
4127 principal's performance evaluation under s. 1012.34;

4128 (b) Be transferred to a school that earned a grade of "F"



831300

4129 or two ~~three~~ consecutive grades of "D" pursuant to s. 1008.34,
4130 or manage, pursuant to subsection (5), a persistently low-
4131 performing school and provided additional authority and
4132 responsibilities pursuant to s. 1012.28(8); and

4133 (c) Have implemented a turnaround option under s. 1008.33
4134 ~~s. 1008.33(4)~~ at a school as the school's principal. The
4135 turnaround option must have resulted in the school improving by
4136 at least one letter grade while he or she was serving as the
4137 school's principal.

4138 (8) RULEMAKING.—The State Board of Education shall adopt
4139 rules to administer this section.

4140 Section 33. Subsection (5) of section 1011.69, Florida
4141 Statutes, is amended to read:

4142 1011.69 Equity in School-Level Funding Act.—

4143 (5) After providing Title I, Part A, Basic funds to schools
4144 above the 75 percent poverty threshold, which may include high
4145 schools above the 50 percent threshold as permitted by federal
4146 law, school districts shall provide any remaining Title I, Part
4147 A, Basic funds directly to all eligible schools as provided in
4148 this subsection. For purposes of this subsection, an eligible
4149 school is a school that is eligible to receive Title I funds,
4150 including a charter school. The threshold for identifying
4151 eligible schools may not exceed the threshold established by a
4152 school district for the 2016-2017 school year or the statewide
4153 percentage of economically disadvantaged students, as determined
4154 annually.

4155 (a) Prior to the allocation of Title I funds to eligible
4156 schools, a school district may withhold funds only as follows:

4157 1. One percent for parent involvement, in addition to the



831300

4158 one percent the district must reserve under federal law for
4159 allocations to eligible schools for parent involvement;

4160 2. A necessary and reasonable amount for administration,
4161 which includes the district's indirect cost rate, not to exceed
4162 a total of 10 ~~8~~ percent; ~~and~~

4163 3. A reasonable and necessary amount to provide:

4164 a. Homeless programs;

4165 b. Delinquent and neglected programs;

4166 c. Prekindergarten programs and activities;

4167 d. Private school equitable services; ~~and~~

4168 e. Transportation for foster care children to their school
4169 of origin or choice programs; ~~and~~.

4170 4. A necessary and reasonable amount, not to exceed 1
4171 percent, for eligible schools to provide educational services in
4172 accordance with the approved Title I plan.

4173 (b) All remaining Title I funds shall be distributed to all
4174 eligible schools in accordance with federal law and regulation.
4175 An eligible school may use funds under this subsection to
4176 participate in discretionary educational services provided by
4177 the school district. Any funds provided by an eligible school to
4178 participate in discretionary educational services provided by
4179 the school district are not subject to the requirements of this
4180 subsection.

4181 (c) Any funds carried forward by the school district are
4182 not subject to the requirements of this subsection.

4183 Section 34. Subsection (2) of section 1011.71, Florida
4184 Statutes, is amended to read:

4185 1011.71 District school tax.—

4186 (2) In addition to the maximum millage levy as provided in



4187 subsection (1), each school board may levy not more than 1.5
4188 mills against the taxable value for school purposes for charter
4189 schools pursuant to s. 1013.62(1) and (3) ~~s. 1013.62(3)~~ and for
4190 district schools to fund:

4191 (a) New construction and remodeling projects, as set forth
4192 in s. 1013.64(6)(b) ~~s. 1013.64(3)(d) and (6)(b)~~ and included in
4193 the district's educational plant survey pursuant to s. 1013.31,
4194 without regard to prioritization, sites and site improvement or
4195 expansion to new sites, existing sites, auxiliary facilities,
4196 athletic facilities, or ancillary facilities.

4197 (b) Maintenance, renovation, and repair of existing school
4198 plants or of leased facilities to correct deficiencies pursuant
4199 to s. 1013.15(2).

4200 (c) The purchase, lease-purchase, or lease of school buses.

4201 (d) The purchase, lease-purchase, or lease of new and
4202 replacement equipment; computer and device hardware and
4203 operating system software necessary for gaining access to or
4204 enhancing the use of electronic and digital instructional
4205 content and resources; and enterprise resource software
4206 applications that are classified as capital assets in accordance
4207 with definitions of the Governmental Accounting Standards Board,
4208 have a useful life of at least 5 years, and are used to support
4209 districtwide administration or state-mandated reporting
4210 requirements. Enterprise resource software may be acquired by
4211 annual license fees, maintenance fees, or lease agreements.

4212 (e) Payments for educational facilities and sites due under
4213 a lease-purchase agreement entered into by a district school
4214 board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
4215 exceeding, in the aggregate, an amount equal to three-fourths of



831300

4216 the proceeds from the millage levied by a district school board
4217 pursuant to this subsection. The three-fourths limit is waived
4218 for lease-purchase agreements entered into before June 30, 2009,
4219 by a district school board pursuant to this paragraph. If
4220 payments under lease-purchase agreements in the aggregate,
4221 including lease-purchase agreements entered into before June 30,
4222 2009, exceed three-fourths of the proceeds from the millage
4223 levied pursuant to this subsection, the district school board
4224 may not withhold the administrative fees authorized by s.
4225 1002.33(20) from any charter school operating in the school
4226 district.

4227 (f) Payment of loans approved pursuant to ss. 1011.14 and
4228 1011.15.

4229 (g) Payment of costs directly related to complying with
4230 state and federal environmental statutes, rules, and regulations
4231 governing school facilities.

4232 (h) Payment of costs of leasing relocatable educational
4233 facilities, of renting or leasing educational facilities and
4234 sites pursuant to s. 1013.15(2), or of renting or leasing
4235 buildings or space within existing buildings pursuant to s.
4236 1013.15(4).

4237 (i) Payment of the cost of school buses when a school
4238 district contracts with a private entity to provide student
4239 transportation services if the district meets the requirements
4240 of this paragraph.

4241 1. The district's contract must require that the private
4242 entity purchase, lease-purchase, or lease, and operate and
4243 maintain, one or more school buses of a specific type and size
4244 that meet the requirements of s. 1006.25.



831300

4245 2. Each such school bus must be used for the daily
4246 transportation of public school students in the manner required
4247 by the school district.

4248 3. Annual payment for each such school bus may not exceed
4249 10 percent of the purchase price of the state pool bid.

4250 4. The proposed expenditure of the funds for this purpose
4251 must have been included in the district school board's notice of
4252 proposed tax for school capital outlay as provided in s.
4253 200.065(10).

4254 (j) Payment of the cost of the opening day collection for
4255 the library media center of a new school.

4256 (k) Payout of sick leave and annual leave accrued as of
4257 June 30, 2017, by individuals who are no longer employed by a
4258 school district that transfers to a charter school operator all
4259 day-to-day classroom instruction responsibility for all full-
4260 time equivalent students funded under s. 1011.62. This paragraph
4261 expires July 1, 2018.

4262 Section 35. Subsection (4) of section 1012.2315, Florida
4263 Statutes, is amended to read:

4264 1012.2315 Assignment of teachers.—

4265 (4) COLLECTIVE BARGAINING.—

4266 (a) Notwithstanding provisions of chapter 447 relating to
4267 district school board collective bargaining, collective
4268 bargaining provisions may not preclude a school district from
4269 providing incentives to high-quality teachers and assigning such
4270 teachers to low-performing schools.

4271 (b) Before the start of the 2019-2020 school year, each
4272 school district and the certified collective bargaining unit for
4273 instructional personnel shall negotiate a memorandum of



831300

4274 understanding that addresses the selection, placement, and
4275 expectations of instructional personnel and provides school
4276 principals with the autonomy described in s. 1012.28(8).

4277 (c)1. In addition to the provisions under s. 447.305(2), an
4278 employee organization that has been certified as the bargaining
4279 agent for a unit of instructional personnel as defined in s.
4280 1012.01(2) must include for each such certified bargaining unit
4281 the following information in its application for renewal of
4282 registration:

4283 a. The number of employees in the bargaining unit who are
4284 eligible for representation by the employee organization.

4285 b. The number of employees who are represented by the
4286 employee organization, specifying the number of members who pay
4287 dues and the number of members who do not pay dues.

4288 2. Notwithstanding the provisions of chapter 447 relating
4289 to collective bargaining, an employee organization whose dues
4290 paying membership is less than 50 percent of the employees
4291 eligible for representation in the unit, as identified in
4292 subparagraph 1., must petition the Public Employees Relations
4293 Commission pursuant to s. 447.307(2) and (3) for recertification
4294 as the exclusive representative of all employees in the unit
4295 within 1 month after the date on which the organization applies
4296 for renewal of registration pursuant to s. 447.305(2). The
4297 certification of an employee organization that does not comply
4298 with this paragraph is revoked.

4299 Section 36. Subsection (8) of section 1012.28, Florida
4300 Statutes, is amended to read:

4301 1012.28 Public school personnel; duties of school
4302 principals.-



831300

4303 (8) The principal of a school participating in the
4304 Principal Autonomy ~~Pilot~~ Program Initiative under s. 1011.6202
4305 has the following additional authority and responsibilities:

4306 (a) In addition to the authority provided in subsection
4307 (6), the authority to select qualified instructional personnel
4308 for placement or to refuse to accept the placement or transfer
4309 of instructional personnel by the district school
4310 superintendent. Placement of instructional personnel at a
4311 participating school in a participating school district does not
4312 affect the employee's status as a school district employee.

4313 (b) The authority to deploy financial resources to school
4314 programs at the principal's discretion to help improve student
4315 achievement, as defined in s. 1008.34(1), and meet performance
4316 goals identified in the principal autonomy proposal submitted
4317 pursuant to s. 1011.6202.

4318 (c) To annually provide to the district school
4319 superintendent and the district school board a budget for the
4320 operation of the participating school that identifies how funds
4321 provided pursuant to s. 1011.69(2) are allocated. ~~The school~~
4322 ~~district shall include the budget in the annual report provided~~
4323 ~~to the State Board of Education pursuant to s. 1011.6202(6).~~

4324 Section 37. Section 1012.315, Florida Statutes, is amended
4325 to read:

4326 1012.315 Disqualification from employment.—A person is
4327 ineligible for educator certification, and instructional
4328 personnel and school administrators, as defined in s. 1012.01,
4329 are ineligible for employment in any position that requires
4330 direct contact with students in a district school system,
4331 charter school, or private school that accepts scholarship



831300

4332 students who participate in a state scholarship program under
4333 chapter 1002 ~~under s. 1002.39 or s. 1002.395~~, if the person,
4334 instructional personnel, or school administrator has been
4335 convicted of:

4336 (1) Any felony offense prohibited under any of the
4337 following statutes:

4338 (a) Section 393.135, relating to sexual misconduct with
4339 certain developmentally disabled clients and reporting of such
4340 sexual misconduct.

4341 (b) Section 394.4593, relating to sexual misconduct with
4342 certain mental health patients and reporting of such sexual
4343 misconduct.

4344 (c) Section 415.111, relating to adult abuse, neglect, or
4345 exploitation of aged persons or disabled adults.

4346 (d) Section 782.04, relating to murder.

4347 (e) Section 782.07, relating to manslaughter, aggravated
4348 manslaughter of an elderly person or disabled adult, aggravated
4349 manslaughter of a child, or aggravated manslaughter of an
4350 officer, a firefighter, an emergency medical technician, or a
4351 paramedic.

4352 (f) Section 784.021, relating to aggravated assault.

4353 (g) Section 784.045, relating to aggravated battery.

4354 (h) Section 784.075, relating to battery on a detention or
4355 commitment facility staff member or a juvenile probation
4356 officer.

4357 (i) Section 787.01, relating to kidnapping.

4358 (j) Section 787.02, relating to false imprisonment.

4359 (k) Section 787.025, relating to luring or enticing a
4360 child.



831300

4361 (l) Section 787.04(2), relating to leading, taking,
4362 enticing, or removing a minor beyond the state limits, or
4363 concealing the location of a minor, with criminal intent pending
4364 custody proceedings.

4365 (m) Section 787.04(3), relating to leading, taking,
4366 enticing, or removing a minor beyond the state limits, or
4367 concealing the location of a minor, with criminal intent pending
4368 dependency proceedings or proceedings concerning alleged abuse
4369 or neglect of a minor.

4370 (n) Section 790.115(1), relating to exhibiting firearms or
4371 weapons at a school-sponsored event, on school property, or
4372 within 1,000 feet of a school.

4373 (o) Section 790.115(2)(b), relating to possessing an
4374 electric weapon or device, destructive device, or other weapon
4375 at a school-sponsored event or on school property.

4376 (p) Section 794.011, relating to sexual battery.

4377 (q) Former s. 794.041, relating to sexual activity with or
4378 solicitation of a child by a person in familial or custodial
4379 authority.

4380 (r) Section 794.05, relating to unlawful sexual activity
4381 with certain minors.

4382 (s) Section 794.08, relating to female genital mutilation.

4383 (t) Chapter 796, relating to prostitution.

4384 (u) Chapter 800, relating to lewdness and indecent
4385 exposure.

4386 (v) Section 806.01, relating to arson.

4387 (w) Section 810.14, relating to voyeurism.

4388 (x) Section 810.145, relating to video voyeurism.

4389 (y) Section 812.014(6), relating to coordinating the



831300

4390 commission of theft in excess of \$3,000.
4391 (z) Section 812.0145, relating to theft from persons 65
4392 years of age or older.
4393 (aa) Section 812.019, relating to dealing in stolen
4394 property.
4395 (bb) Section 812.13, relating to robbery.
4396 (cc) Section 812.131, relating to robbery by sudden
4397 snatching.
4398 (dd) Section 812.133, relating to carjacking.
4399 (ee) Section 812.135, relating to home-invasion robbery.
4400 (ff) Section 817.563, relating to fraudulent sale of
4401 controlled substances.
4402 (gg) Section 825.102, relating to abuse, aggravated abuse,
4403 or neglect of an elderly person or disabled adult.
4404 (hh) Section 825.103, relating to exploitation of an
4405 elderly person or disabled adult.
4406 (ii) Section 825.1025, relating to lewd or lascivious
4407 offenses committed upon or in the presence of an elderly person
4408 or disabled person.
4409 (jj) Section 826.04, relating to incest.
4410 (kk) Section 827.03, relating to child abuse, aggravated
4411 child abuse, or neglect of a child.
4412 (ll) Section 827.04, relating to contributing to the
4413 delinquency or dependency of a child.
4414 (mm) Section 827.071, relating to sexual performance by a
4415 child.
4416 (nn) Section 843.01, relating to resisting arrest with
4417 violence.
4418 (oo) Chapter 847, relating to obscenity.



831300

4419 (pp) Section 874.05, relating to causing, encouraging,
4420 soliciting, or recruiting another to join a criminal street
4421 gang.

4422 (qq) Chapter 893, relating to drug abuse prevention and
4423 control, if the offense was a felony of the second degree or
4424 greater severity.

4425 (rr) Section 916.1075, relating to sexual misconduct with
4426 certain forensic clients and reporting of such sexual
4427 misconduct.

4428 (ss) Section 944.47, relating to introduction, removal, or
4429 possession of contraband at a correctional facility.

4430 (tt) Section 985.701, relating to sexual misconduct in
4431 juvenile justice programs.

4432 (uu) Section 985.711, relating to introduction, removal, or
4433 possession of contraband at a juvenile detention facility or
4434 commitment program.

4435 (2) Any misdemeanor offense prohibited under any of the
4436 following statutes:

4437 (a) Section 784.03, relating to battery, if the victim of
4438 the offense was a minor.

4439 (b) Section 787.025, relating to luring or enticing a
4440 child.

4441 (3) Any criminal act committed in another state or under
4442 federal law which, if committed in this state, constitutes an
4443 offense prohibited under any statute listed in subsection (1) or
4444 subsection (2).

4445 (4) Any delinquent act committed in this state or any
4446 delinquent or criminal act committed in another state or under
4447 federal law which, if committed in this state, qualifies an



831300

4448 individual for inclusion on the Registered Juvenile Sex Offender
4449 List under s. 943.0435(1)(h)1.d.

4450 Section 38. Subsection (2) of section 1012.32, Florida
4451 Statutes, is amended to read:

4452 1012.32 Qualifications of personnel.—

4453 (2)(a) Instructional and noninstructional personnel who are
4454 hired or contracted to fill positions that require direct
4455 contact with students in any district school system or
4456 university lab school must, upon employment or engagement to
4457 provide services, undergo background screening as required under
4458 s. 1012.465 or s. 1012.56, whichever is applicable.

4459 (b) Instructional and noninstructional personnel who are
4460 hired or contracted to fill positions in any charter school and
4461 members of the governing board of any charter school, in
4462 compliance with s. 1002.33(12)(g), must, upon employment,
4463 engagement of services, or appointment, undergo background
4464 screening as required under s. 1012.465 or s. 1012.56, whichever
4465 is applicable, by filing with the district school board for the
4466 school district in which the charter school is located a
4467 complete set of fingerprints taken by an authorized law
4468 enforcement agency or an employee of the school or school
4469 district who is trained to take fingerprints.

4470 (c) Instructional and noninstructional personnel who are
4471 hired or contracted to fill positions that require direct
4472 contact with students in an alternative school that operates
4473 under contract with a district school system must, upon
4474 employment or engagement to provide services, undergo background
4475 screening as required under s. 1012.465 or s. 1012.56, whichever
4476 is applicable, by filing with the district school board for the



831300

4477 school district to which the alternative school is under
4478 contract a complete set of fingerprints taken by an authorized
4479 law enforcement agency or an employee of the school or school
4480 district who is trained to take fingerprints.

4481 (d) Student teachers and persons participating in a field
4482 experience pursuant to s. 1004.04(5) or s. 1004.85 in any
4483 district school system, lab school, or charter school must, upon
4484 engagement to provide services, undergo background screening as
4485 required under s. 1012.56.

4486

4487 Fingerprints shall be submitted to the Department of Law
4488 Enforcement for statewide criminal and juvenile records checks
4489 and to the Federal Bureau of Investigation for federal criminal
4490 records checks. A person subject to this subsection who is found
4491 ineligible for employment under s. 1012.315, or otherwise found
4492 through background screening to have been convicted of any crime
4493 involving moral turpitude as defined by rule of the State Board
4494 of Education, shall not be employed, engaged to provide
4495 services, or serve in any position that requires direct contact
4496 with students. Probationary persons subject to this subsection
4497 terminated because of their criminal record have the right to
4498 appeal such decisions. The cost of the background screening may
4499 be borne by the district school board, the charter school, the
4500 employee, the contractor, or a person subject to this
4501 subsection. A district school board shall reimburse a charter
4502 school the cost of background screening if it does not notify
4503 the charter school of the eligibility of a governing board
4504 members or instructional or noninstructional personnel within
4505 the earlier of 14 days after receipt of the background screening



831300

4506 results from the Florida Department of Law Enforcement or 30
4507 days of submission of fingerprints by the governing board member
4508 or instructional or noninstructional personnel.

4509 Section 39. Section 1012.562, Florida Statutes, is amended
4510 to read:

4511 1012.562 Public accountability and state approval of school
4512 leader preparation programs.—The Department of Education shall
4513 establish a process for the approval of Level I and Level II
4514 school leader preparation programs that will enable aspiring
4515 school leaders to obtain their certificate in educational
4516 leadership under s. 1012.56. School leader preparation programs
4517 must be competency-based, aligned to the principal leadership
4518 standards adopted by the state board, and open to individuals
4519 employed by public schools, including charter schools and
4520 virtual schools. Level I programs ~~may be offered by school~~
4521 ~~districts or postsecondary institutions and~~ lead to initial
4522 certification in educational leadership for the purpose of
4523 preparing individuals to serve as school administrators. Level
4524 II programs ~~may be offered by school districts,~~ build upon Level
4525 I training~~,~~ and lead to renewal certification as a school
4526 principal.

4527 (1) PURPOSE.—The purpose of school leader preparation
4528 programs are to:

4529 (a) Increase the supply of effective school leaders in the
4530 public schools of this state.

4531 (b) Produce school leaders who are prepared to lead the
4532 state's diverse student population in meeting high standards for
4533 academic achievement.

4534 (c) Enable school leaders to facilitate the development and



831300

4535 retention of effective and highly effective classroom teachers.

4536 (d) Produce leaders with the competencies and skills
4537 necessary to achieve the state's education goals.

4538 (e) Sustain the state system of school improvement and
4539 education accountability.

4540 (2) LEVEL I PROGRAMS.—

4541 (a) Initial approval of a Level I program shall be for a
4542 period of 5 years. A postsecondary institution, ~~or~~ school
4543 district, charter school, or charter management organization may
4544 submit to the department in a format prescribed by the
4545 department an application to establish a Level I school leader
4546 preparation program. To be approved, a Level I program must:

4547 1. Provide competency-based training aligned to the
4548 principal leadership standards adopted by the State Board of
4549 Education.

4550 2. If the program is provided by a postsecondary
4551 institution, partner with at least one school district.

4552 3. Describe the qualifications that will be used to
4553 determine program admission standards, including a candidate's
4554 instructional expertise and leadership potential.

4555 4. Describe how the training provided through the program
4556 will be aligned to the personnel evaluation criteria under s.
4557 1012.34.

4558 (b) Renewal of a Level I program's approval shall be for a
4559 period of 5 years and shall be based upon evidence of the
4560 program's continued ability to meet the requirements of
4561 paragraph (a). A postsecondary institution or school district
4562 must submit an institutional program evaluation plan in a format
4563 prescribed by the department for a Level I program to be



831300

4564 considered for renewal. The plan must include:
4565 1. The percentage of personnel who complete the program and
4566 are placed in school leadership positions in public schools
4567 within the state.
4568 2. Results from the personnel evaluations required under s.
4569 1012.34 for personnel who complete the program.
4570 3. The passage rate of personnel who complete the program
4571 on the Florida Education Leadership Examination.
4572 4. The impact personnel who complete the program have on
4573 student learning as measured by the formulas developed by the
4574 commissioner pursuant to s. 1012.34(7).
4575 5. Strategies for continuous improvement of the program.
4576 6. Strategies for involving personnel who complete the
4577 program, other school personnel, community agencies, business
4578 representatives, and other stakeholders in the program
4579 evaluation process.
4580 7. Additional data included at the discretion of the
4581 postsecondary institution or school district.
4582 (c) A Level I program must guarantee the high quality of
4583 personnel who complete the program for the first 2 years after
4584 program completion or the person's initial certification as a
4585 school leader, whichever occurs first. If a person who completed
4586 the program is evaluated at less than highly effective or
4587 effective under s. 1012.34 and the person's employer requests
4588 additional training, the Level I program must provide additional
4589 training at no cost to the person or his or her employer. The
4590 training must include the creation of an individualized plan
4591 agreed to by the employer that includes specific learning
4592 outcomes. The Level I program is not responsible for the



831300

4593 person's employment contract with his or her employer.

4594 (3) LEVEL II PROGRAMS.—Initial approval and subsequent
4595 renewal of a Level II program shall be for a period of 5 years.
4596 A school district, charter school, or charter management
4597 organization may submit to the department in a format prescribed
4598 by the department an application to establish a Level II school
4599 leader preparation program or for program renewal. To be
4600 approved or renewed, a Level II program must:

4601 (a) Demonstrate that personnel accepted into the Level II
4602 program have:

4603 1. Obtained their certificate in educational leadership
4604 under s. 1012.56.

4605 2. Earned a highly effective or effective designation under
4606 s. 1012.34.

4607 3. Satisfactorily performed instructional leadership
4608 responsibilities as measured by the evaluation system in s.
4609 1012.34.

4610 (b) Demonstrate that the Level II program:

4611 1. Provides competency-based training aligned to the
4612 principal leadership standards adopted by the State Board of
4613 Education.

4614 2. Provides training aligned to the personnel evaluation
4615 criteria under s. 1012.34 and professional development program
4616 in s. 1012.986.

4617 3. Provides individualized instruction using a customized
4618 learning plan for each person enrolled in the program that is
4619 based on data from self-assessment, selection, and appraisal
4620 instruments.

4621 4. Conducts program evaluations and implements program



831300

4622 improvements using input from personnel who completed the
4623 program and employers and data gathered pursuant to paragraph
4624 (2) (b) .

4625 (c) Gather and monitor the data specified in paragraph
4626 (2) (b) .

4627 (4) RULES.—The State Board of Education shall adopt rules
4628 to administer this section.

4629 Section 40. Paragraph (b) of subsection (1) of section
4630 1012.586, Florida Statutes, is amended to read:

4631 1012.586 Additions or changes to certificates; duplicate
4632 certificates.—A school district may process via a Department of
4633 Education website certificates for the following applications of
4634 public school employees:

4635 (1) Addition of a subject coverage or endorsement to a
4636 valid Florida certificate on the basis of the completion of the
4637 appropriate subject area testing requirements of s.
4638 1012.56(5) (a) or the completion of the requirements of an
4639 approved school district program or the inservice components for
4640 an endorsement.

4641 (b) By July 1, 2018, and at least once every 5 years
4642 thereafter, the department shall conduct a review of existing
4643 subject coverage or endorsement requirements in the elementary,
4644 reading, and exceptional student educational areas. The review
4645 must include reciprocity requirements for out-of-state
4646 certificates and requirements for demonstrating competency in
4647 the reading instruction professional development topics listed
4648 in s. 1012.98(4) (b)11. The review must also consider the award
4649 of an endorsement to an individual who holds a certificate
4650 issued by an internationally recognized organization that



831300

4651 establishes standards for providing evidence-based interventions
4652 to struggling readers or who completes a postsecondary program
4653 that is accredited by such organization. Any such certificate or
4654 program must require an individual who completes the certificate
4655 or program to demonstrate competence in reading intervention
4656 strategies through clinical experience. At the conclusion of
4657 each review, the department shall recommend to the state board
4658 changes to the subject coverage or endorsement requirements
4659 based upon any identified instruction or intervention strategies
4660 proven to improve student reading performance. This paragraph
4661 does not authorize the state board to establish any new
4662 certification subject coverage.

4663
4664 The employing school district shall charge the employee a fee
4665 not to exceed the amount charged by the Department of Education
4666 for such services. Each district school board shall retain a
4667 portion of the fee as defined in the rules of the State Board of
4668 Education. The portion sent to the department shall be used for
4669 maintenance of the technology system, the web application, and
4670 posting and mailing of the certificate.

4671 Section 41. Paragraph (b) of subsection (3) of section
4672 1012.731, Florida Statutes, is amended to read:

4673 1012.731 The Florida Best and Brightest Teacher Scholarship
4674 Program.—

4675 (3)

4676 (b)1. In order to demonstrate eligibility for an award, an
4677 eligible classroom teacher must submit to the school district,
4678 no later than November 1, an official record of his or her
4679 qualifying assessment score and, beginning with the 2020-2021



831300

4680 school year, an official transcript demonstrating that he or she
4681 graduated cum laude or higher with a baccalaureate degree, if
4682 applicable. Once a classroom teacher is deemed eligible by the
4683 school district, the teacher shall remain eligible as long as he
4684 or she remains employed by the school district as a classroom
4685 teacher at the time of the award and receives an annual
4686 performance evaluation rating of highly effective pursuant to s.
4687 1012.34 or is evaluated as highly effective based on a
4688 commissioner-approved student learning growth formula pursuant
4689 to s. 1012.34(8) for the 2019-2020 school year or thereafter.

4690 2. A school district employee who is no longer a classroom
4691 teacher may receive an award if the employee was a classroom
4692 teacher in the prior school year, was rated highly effective,
4693 and met the requirements of this section as a classroom teacher.

4694 Section 42. Paragraph (e) of subsection (1) of section
4695 1012.796, Florida Statutes, is amended to read:

4696 1012.796 Complaints against teachers and administrators;
4697 procedure; penalties.-

4698 (1)

4699 (e) If allegations arise against an employee who is
4700 certified under s. 1012.56 and employed in an educator-
4701 certificated position in any public school, charter school or
4702 governing board thereof, or private school that accepts
4703 scholarship students who participate in a state scholarship
4704 program under chapter 1002 ~~under s. 1002.39 or s. 1002.395~~, the
4705 school shall file in writing with the department a legally
4706 sufficient complaint within 30 days after the date on which the
4707 subject matter of the complaint came to the attention of the
4708 school. A complaint is legally sufficient if it contains



831300

4709 ultimate facts that show a violation has occurred as provided in
4710 s. 1012.795 and defined by rule of the State Board of Education.
4711 The school shall include all known information relating to the
4712 complaint with the filing of the complaint. This paragraph does
4713 not limit or restrict the power and duty of the department to
4714 investigate complaints, regardless of the school's untimely
4715 filing, or failure to file, complaints and followup reports.

4716 Section 43. Subsection (11) of section 1012.98, Florida
4717 Statutes, is amended to read:

4718 1012.98 School Community Professional Development Act.—

4719 (11) The department shall disseminate to the school
4720 community proven model professional development programs that
4721 have demonstrated success in increasing rigorous and relevant
4722 content, increasing student achievement and engagement, meeting
4723 identified student needs, and providing effective mentorship
4724 activities to new teachers and training to teacher mentors. The
4725 methods of dissemination must include a web-based statewide
4726 performance-support system including a database of exemplary
4727 professional development activities, a listing of available
4728 professional development resources, training programs, and
4729 available technical assistance. Professional development
4730 resources must include sample course-at-a-glance and unit
4731 overview templates that school districts may use when developing
4732 curriculum. The templates must provide an organized structure
4733 for addressing the Florida Standards, grade-level expectations,
4734 evidence outcomes, and 21st century skills that build to
4735 students' mastery of the standards at each grade level. Each
4736 template must support teaching to greater intellectual depth and
4737 emphasize transfer and application of concepts, content, and



831300

4738 skills. At a minimum, each template must:
4739 (a) Provide course or year-long sequencing of concept-based
4740 unit overviews based on the Florida Standards.
4741 (b) Describe the knowledge and vocabulary necessary for
4742 comprehension.
4743 (c) Promote the instructional shifts required within the
4744 Florida Standards.
4745 (d) Illustrate the interdependence of grade level
4746 expectations within and across content areas within a grade.
4747 Section 44. Paragraph (a) of subsection (2) of section
4748 1013.28, Florida Statutes, is amended to read:
4749 1013.28 Disposal of property.—
4750 (2) TANGIBLE PERSONAL PROPERTY.—
4751 (a) Tangible personal property that has been properly
4752 classified as surplus by a district school board or Florida
4753 College System institution board of trustees shall be disposed
4754 of in accordance with the procedure established by chapter 274.
4755 However, the provisions of chapter 274 shall not be applicable
4756 to a motor vehicle used in driver education to which title is
4757 obtained for a token amount from an automobile dealer or
4758 manufacturer. In such cases, the disposal of the vehicle shall
4759 be as prescribed in the contractual agreement between the
4760 automotive agency or manufacturer and the board. Tangible
4761 personal property that has been properly classified as surplus,
4762 marked for disposal, or otherwise unused by a district school
4763 board shall be provided for a charter school's use on the same
4764 basis as it is made available to other public schools in the
4765 district. A charter school receiving property from the school
4766 district may not sell or dispose of such property without the



831300

4767 written permission of the school district.

4768 Section 45. Present paragraphs (a) through (d) of
4769 subsection (1) of section 1013.31, Florida Statutes, are
4770 redesignated as paragraphs (b) through (e), respectively, and a
4771 new paragraph (a) is added to that subsection, to read:

4772 1013.31 Educational plant survey; localized need
4773 assessment; PECO project funding.—

4774 (1) At least every 5 years, each board shall arrange for an
4775 educational plant survey, to aid in formulating plans for
4776 housing the educational program and student population, faculty,
4777 administrators, staff, and auxiliary and ancillary services of
4778 the district or campus, including consideration of the local
4779 comprehensive plan. The Department of Education shall document
4780 the need for additional career and adult education programs and
4781 the continuation of existing programs before facility
4782 construction or renovation related to career or adult education
4783 may be included in the educational plant survey of a school
4784 district or Florida College System institution that delivers
4785 career or adult education programs. Information used by the
4786 Department of Education to establish facility needs must
4787 include, but need not be limited to, labor market data, needs
4788 analysis, and information submitted by the school district or
4789 Florida College System institution.

4790 (a) Educational plant survey and localized need assessment
4791 for capital outlay purposes.—A district may only use funds from
4792 the following sources for educational, auxiliary, and ancillary
4793 plant capital outlay purposes without needing a survey
4794 recommendation:

4795 1. The local capital outlay improvement fund, consisting of



831300

4796 funds that come from and are a part of the district's basic
4797 operating budget;

4798 2. If a board decides to build an educational, auxiliary,
4799 or ancillary facility without a survey recommendation and the
4800 taxpayers approve a bond referendum, the voted bond referendum;

4801 3. One-half cent sales surtax revenue;

4802 4. One cent local governmental surtax revenue;

4803 5. Impact fees; and

4804 6. Private gifts or donations.

4805 Section 46. Paragraph (e) is added to subsection (2) of
4806 section 1013.385, Florida Statutes, to read:

4807 1013.385 School district construction flexibility.—

4808 (2) A resolution adopted under this section may propose
4809 implementation of exceptions to requirements of the uniform
4810 statewide building code for the planning and construction of
4811 public educational and ancillary plants adopted pursuant to ss.
4812 553.73 and 1013.37 relating to:

4813 (e) Any other provisions that limit the ability of a school
4814 to operate in a facility on the same basis as a charter school
4815 pursuant to s. 1002.33(18) so long as the regional planning
4816 council determines that there is sufficient shelter capacity
4817 within the school district as documented in the Statewide
4818 Emergency Shelter Plan.

4819 Section 47. Subsections (1), (3), and (5) of section
4820 1013.62, Florida Statutes, are amended to read:

4821 1013.62 Charter schools capital outlay funding.—

4822 (1) For the 2018-2019 fiscal year, charter school capital
4823 outlay funding shall consist of ~~revenue resulting from the~~
4824 ~~discretionary millage authorized in s. 1011.71(2) and state~~



831300

4825 funds ~~when such funds are~~ appropriated in the 2018-2019 General
4826 Appropriations Act. Beginning in fiscal year 2019-2020, charter
4827 school capital outlay funding shall consist of state funds when
4828 such funds are appropriated in the General Appropriations Act
4829 and revenue resulting from the discretionary millage authorized
4830 in s. 1011.71(2) if the amount of state funds appropriated for
4831 charter school capital outlay in any fiscal year is less than
4832 the average charter school capital outlay funds per unweighted
4833 full-time equivalent student for the 2018-2019 fiscal year,
4834 multiplied by the estimated number of charter school students
4835 for the applicable fiscal year, and adjusted by changes in the
4836 Consumer Price Index issued by the United States Department of
4837 Labor from the previous fiscal year. Nothing in this subsection
4838 prohibits a school district from distributing to charter schools
4839 funds resulting from the discretionary millage authorized in s.
4840 1011.71(2).

4841 (a) To be eligible to receive capital outlay funds, a
4842 charter school must:

4843 1.a. Have been in operation for 2 or more years;

4844 b. Be governed by a governing board established in the
4845 state for 2 or more years which operates both charter schools
4846 and conversion charter schools within the state;

4847 c. Be an expanded feeder chain of a charter school within
4848 the same school district that is currently receiving charter
4849 school capital outlay funds;

4850 d. Have been accredited by a regional accrediting
4851 association as defined by State Board of Education rule; or

4852 e. Serve students in facilities that are provided by a
4853 business partner for a charter school-in-the-workplace pursuant



831300

4854 to s. 1002.33(15)(b).

4855 2. Have an annual audit that does not reveal any of the
4856 financial emergency conditions provided in s. 218.503(1) for the
4857 most recent fiscal year for which such audit results are
4858 available.

4859 3. Have satisfactory student achievement based on state
4860 accountability standards applicable to the charter school.

4861 4. Have received final approval from its sponsor pursuant
4862 to s. 1002.33 for operation during that fiscal year.

4863 5. Serve students in facilities that are not provided by
4864 the charter school's sponsor.

4865 (b) A charter school is not eligible to receive capital
4866 outlay funds if it was created by the conversion of a public
4867 school and operates in facilities provided by the charter
4868 school's sponsor for a nominal fee, or at no charge, or if it is
4869 directly or indirectly operated by the school district.

4870 (3) If the school board levies the discretionary millage
4871 authorized in s. 1011.71(2), and the state funds appropriated
4872 for charter school capital outlay in any fiscal year are less
4873 than the average charter school capital outlay funds per
4874 unweighted full-time equivalent student for the 2018-2019 fiscal
4875 year, multiplied by the estimated number of charter school
4876 students for the applicable fiscal year, and adjusted by changes
4877 in the Consumer Price Index issued by the United States
4878 Department of Labor from the previous fiscal year, the
4879 department shall use the following calculation methodology to
4880 determine the amount of revenue that a school district must
4881 distribute to each eligible charter school:

4882 (a) Reduce the total discretionary millage revenue by the



831300

4883 school district's annual debt service obligation incurred as of
4884 March 1, 2017, which has not been subsequently retired, and any
4885 amount of participation requirement pursuant to s.
4886 1013.64(2)(a)8. that is being satisfied by revenues raised by
4887 the discretionary millage.

4888 (b) Divide the school district's adjusted discretionary
4889 millage revenue by the district's total capital outlay full-time
4890 equivalent membership and the total number of unweighted full-
4891 time equivalent students of each eligible charter school to
4892 determine a capital outlay allocation per full-time equivalent
4893 student.

4894 (c) Multiply the capital outlay allocation per full-time
4895 equivalent student by the total number of full-time equivalent
4896 students of each eligible charter school to determine the
4897 capital outlay allocation for each charter school.

4898 (d) If applicable, reduce the capital outlay allocation
4899 identified in paragraph (c) by the total amount of state funds
4900 allocated to each eligible charter school in subsection (2) to
4901 determine the maximum calculated capital outlay allocation.

4902 (e) School districts shall distribute capital outlay funds
4903 to charter schools no later than February 1 of each year, as
4904 required by this subsection, based on the amount of funds
4905 received by the district school board, beginning on February 1,
4906 2018, for the 2017-2018 fiscal year. School districts shall
4907 distribute any remaining capital outlay funds, as required by
4908 this subsection, upon the receipt of such funds until the total
4909 amount calculated pursuant to this subsection is distributed.

4910
4911 By October 1 of each year, each school district shall certify to



831300

4912 the department the amount of debt service and participation
4913 requirement that complies with the requirement of paragraph (a)
4914 and can be reduced from the total discretionary millage revenue.
4915 The Auditor General shall verify compliance with the
4916 requirements of paragraph (a) and s. 1011.71(2)(e) during
4917 scheduled operational audits of school districts.

4918 (5) If a charter school is nonrenewed or terminated, any
4919 unencumbered funds and all equipment and property purchased with
4920 district public funds shall revert to the ownership of the
4921 district school board, as provided for in s. 1002.33(8)(d) and
4922 (e) ~~s. 1002.33(8)(e) and (f)~~. In the case of a charter lab
4923 school, any unencumbered funds and all equipment and property
4924 purchased with university public funds shall revert to the
4925 ownership of the state university that issued the charter. The
4926 reversion of such equipment, property, and furnishings shall
4927 focus on recoverable assets, but not on intangible or
4928 irrecoverable costs such as rental or leasing fees, normal
4929 maintenance, and limited renovations. The reversion of all
4930 property secured with public funds is subject to the complete
4931 satisfaction of all lawful liens or encumbrances. If there are
4932 additional local issues such as the shared use of facilities or
4933 partial ownership of facilities or property, these issues shall
4934 be agreed to in the charter contract prior to the expenditure of
4935 funds.

4936 Section 48. For the 2018-2019 fiscal year, the sum of
4937 \$13,750,000 in recurring funds from the General Revenue Fund and
4938 the sum of \$850,000 in nonrecurring funds from the General
4939 Revenue Fund are appropriated to the Department of Education to
4940 implement this act, except as provided in this section. Of the



831300

4941 recurring funds, \$9,700,000 shall be used to fund reading
4942 scholarship accounts pursuant to s. 1002.411, Florida Statutes,
4943 \$300,000 shall be provided as an administrative fee pursuant to
4944 s. 1002.411(7)(g), Florida Statutes, \$2,000,000 shall be used to
4945 implement the provisions of s. 1002.40(8), Florida Statutes,
4946 \$950,000 shall be used to implement the additional oversight
4947 requirements pursuant to s. 1002.421, Florida Statutes, \$250,000
4948 shall be used to issue a competitive grant award pursuant to s.
4949 1002.395(9), Florida Statutes, and \$550,000 shall be used for
4950 instructional materials pursuant to s. 1007.271(13), Florida
4951 Statutes. Of the nonrecurring funds, and contingent upon HB 1279
4952 or similar legislation in the 2018 regular session or an
4953 extension thereof becoming law,, \$750,000 shall be used to fund
4954 the web-based fiscal transparency tool required pursuant to s.
4955 1010.20(2)(c), Florida Statutes, and \$100,000 shall be used to
4956 implement the provisions of s. 1011.051(2)(b), Florida Statutes,
4957 as provided in HB 1279.

4958 Section 49. For the 2017-2018 fiscal year, the sum of
4959 \$150,000 in nonrecurring funds from the General Revenue Fund are
4960 appropriated to the Department of Revenue to implement the
4961 creation of s. 212.099, Florida Statutes, by this act.

4962 Section 50. The amendments made by this act to ss. 220.13,
4963 220.1875, and 1002.395, Florida Statutes, apply to taxable years
4964 beginning on or after January 1, 2018.

4965 Section 51. (1) The Department of Revenue is authorized,
4966 and all conditions are deemed to be met, to adopt emergency
4967 rules pursuant to s. 120.54(4), Florida Statutes, for the
4968 purpose of administering the provisions of this act.

4969 (2) Notwithstanding any other provision of law, emergency



831300

4970 rules adopted pursuant to subsection (1) are effective for 6
4971 months after adoption and may be renewed during the pendency of
4972 procedures to adopt permanent rules addressing the subject of
4973 the emergency rules.

4974 (3) This section shall take effect upon this act becoming a
4975 law and shall expire January 1, 2022.

4976 Section 52. Except as otherwise expressly provided in this
4977 act and except for this section, which shall take effect upon
4978 this act becoming a law, this act shall take effect July 1,
4979 2018.

4980
4981 ===== T I T L E A M E N D M E N T =====

4982 And the title is amended as follows:

4983 Delete everything before the enacting clause
4984 and insert:

4985 A bill to be entitled
4986 An act relating to education; amending s. 121.091,
4987 F.S.; revising limitations on the maximum length of
4988 participation in the Deferred Retirement Option
4989 Program for certain instructional personnel and
4990 administrative personnel; requiring an employer to
4991 notify the Division of Retirement of the Department of
4992 Management Services regarding any change in
4993 termination date and program participation for each
4994 affected member; providing a statement of important
4995 state interest; creating s. 212.099, F.S.; defining
4996 terms; authorizing eligible businesses to receive a
4997 tax credit against specified taxes; requiring eligible
4998 businesses to apply to the Department of Revenue for



831300

4999 an allocation; specifying uses for eligible
5000 contributions; requiring the department to adopt
5001 rules; amending s. 212.1831, F.S.; modifying the
5002 calculation of the dealer's collection allowance under
5003 s. 212.12 to include certain contributions to eligible
5004 nonprofit scholarship-funding organizations; creating
5005 s. 212.1832, F.S.; authorizing certain persons to
5006 receive a tax credit for certain contributions to
5007 eligible nonprofit scholarship-funding organizations
5008 for the Hope Scholarship Program; providing
5009 requirements for motor vehicle dealers; requiring the
5010 Department of Revenue to disregard certain tax credits
5011 for specified purposes; providing that specified
5012 provisions apply to certain provisions; amending s.
5013 213.053, F.S.; providing definitions; authorizing the
5014 Department of Revenue to provide a list of certain
5015 taxpayers to certain nonprofit scholarship-funding
5016 organizations; amending s. 220.13, F.S.; providing an
5017 exception to the additions to the calculation of
5018 adjusted taxable income for corporate income tax
5019 purposes; amending s. 220.1875, F.S.; providing a
5020 deadline for an eligible contribution to be made to an
5021 eligible nonprofit scholarship-funding organization;
5022 determining compliance with the requirement to pay
5023 tentative taxes under ss. 220.222 and 220.32 for tax
5024 credits under s. 1002.395; amending s. 1001.10, F.S.;
5025 revising the private schools to which the Department
5026 of Education is required to provide technical
5027 assistance and authorized staff; amending s. 1002.33,



831300

5028 F.S.; revising the charter school application and
5029 review process relating to the opening of a school;
5030 revising the criteria for denying high-performing
5031 charter school system applications; revising the
5032 requirements for the term of a charter; revising
5033 provisions for the modification of and the nonrenewal
5034 or termination of a charter; revising the process for
5035 resolving contractual disputes; requiring a sponsor to
5036 provide specified information to the department
5037 annually; requiring the department to include the
5038 information in a specified report; amending s.
5039 1002.331, F.S.; revising the criteria for designation
5040 as a high-performing charter school; revising the
5041 calculation used to determine facility capacity for
5042 such charter schools; revising the number of schools
5043 that can be established by a high-performing charter
5044 school; amending s. 1002.333, F.S.; providing for
5045 certain funds for the Schools of Hope Program to be
5046 carried forward for a specified number of years;
5047 amending s. 1002.37, F.S.; providing that certain
5048 students shall be given priority; requiring school
5049 districts to provide Florida Virtual School students
5050 access to certain examinations and assessments and
5051 certain information; amending s. 1002.385, F.S.;
5052 revising eligible expenditures for the Gardiner
5053 Scholarship Program; conforming provisions to changes
5054 made by the act; amending s. 1002.39, F.S.; conforming
5055 provisions to changes made by the act; amending s.
5056 1002.395, F.S.; revising the requirements for an



5057 annual report of certain student data for the Florida
5058 Tax Credit Scholarship Program; providing an
5059 application deadline for certain tax credits related
5060 to nonprofit scholarship-funding organizations;
5061 extending the carry forward period for unused tax
5062 credits from 5 years to 10 years; providing
5063 applicability of the carried forward tax credit for
5064 purposes of certain taxes; removing the requirement
5065 for a taxpayer to apply to the department for approval
5066 of a carry forward tax credit; conforming provisions
5067 to changes made by the act; creating s. 1002.40, F.S.;
5068 establishing the Hope Scholarship Program; providing
5069 the purpose of the program; providing definitions;
5070 providing eligibility requirements; prohibiting the
5071 payment of a scholarship under certain circumstances;
5072 requiring a school principal to investigate a report
5073 of physical violence or emotional abuse; requiring a
5074 school district to notify an eligible student's parent
5075 of the program; requiring a school district to provide
5076 certain information relating to the statewide
5077 assessment program; providing requirements and
5078 obligations for eligible private schools; providing
5079 department obligations relating to participating
5080 students and private schools and program requirements;
5081 providing parent and student responsibilities for
5082 initial and continued participation in the program;
5083 providing eligible nonprofit scholarship-funding
5084 organization obligations; providing for the
5085 calculation of the scholarship amount; providing the



5086 scholarship amount for students transferred to certain
5087 public schools; requiring verification of specified
5088 information before a scholarship may be disbursed;
5089 providing requirements for the scholarship payments;
5090 providing funds for administrative expenses for
5091 certain nonprofit scholarship-funding organizations;
5092 providing requirements for administrative expenses;
5093 prohibiting an eligible nonprofit scholarship-funding
5094 organization from charging an application fee;
5095 providing Auditor General obligations; providing
5096 requirements for taxpayer elections to contribute to
5097 the program; requiring the Department of Revenue to
5098 adopt forms to administer the program; providing
5099 reporting requirements for eligible nonprofit
5100 scholarship-funding organizations relating to taxpayer
5101 contributions; providing requirements for certain
5102 agents of the Department of Revenue and motor vehicle
5103 dealers; providing penalties; providing for the
5104 restitution of specified funds under certain
5105 circumstances; providing that the state is not liable
5106 for the award or use of program funds; prohibiting
5107 additional regulations for private schools
5108 participating in the program beyond those necessary to
5109 enforce program requirements; requiring the State
5110 Board of Education and the Department of Revenue to
5111 adopt rules to administer the program; creating s.
5112 1002.411, F.S.; establishing reading scholarship
5113 accounts for specified purposes; providing for
5114 eligibility for scholarships; providing for



831300

5115 administration; providing duties of the Department of
5116 Education; providing school district obligations;
5117 specifying options for parents; providing that maximum
5118 funding shall be specified in the General
5119 Appropriations Act; providing for payment of funds;
5120 specifying that no state liability arises from the
5121 award or use of such an account; amending s. 1002.421,
5122 F.S.; providing private school requirements for
5123 participation in educational scholarship programs;
5124 providing background screening requirements and
5125 procedures for owners of private schools; providing
5126 that a private school is ineligible to participate in
5127 an educational scholarship program under certain
5128 circumstances; providing department obligations
5129 relating to educational scholarship programs;
5130 providing commissioner authority and responsibilities
5131 for educational scholarship programs; authorizing the
5132 commissioner to deny, suspend, or revoke a private
5133 school's participation in an educational scholarship
5134 program; amending s. 1002.55, F.S.; authorizing an
5135 early learning coalition to refuse to contract with
5136 certain private prekindergarten providers; amending s.
5137 1002.75, F.S.; authorizing an early learning coalition
5138 to refuse to contract with or revoke the eligibility
5139 of certain Voluntary Prekindergarten Education Program
5140 providers; amending s. 1002.88, F.S.; authorizing an
5141 early learning coalition to refuse to contract with or
5142 revoke the eligibility of certain school readiness
5143 program providers; amending s. 1003.44, F.S.;



5144 requiring each district school board to adopt rules
5145 for the display of the official state motto in
5146 specified places; amending s. 1003.453, F.S.; revising
5147 school wellness policies; providing requirements for
5148 instruction in the use of cardiopulmonary
5149 resuscitation; amending s. 1003.576, F.S.; requiring a
5150 specified IEP system to be used statewide; deleting an
5151 obsolete date; amending s. 1006.061, F.S.; revising
5152 the applicability of certain child abuse, abandonment,
5153 and neglect provisions; amending s. 1006.15, F.S.;;
5154 revising requirements for participation in
5155 extracurricular student activities for certain
5156 students; amending s. 1007.271, F.S.; deleting a
5157 requirement for a home education student to provide
5158 his or her own instructional materials; revising the
5159 requirements for home education and private school
5160 articulation agreements; amending s. 1008.22, F.S.;;
5161 requiring certain portions of the English Language
5162 Arts assessments to include social studies content;
5163 revising the format requirements for certain statewide
5164 assessments; requiring published assessment items to
5165 be in a format that meets certain criteria; amending
5166 s. 1011.62, F.S.; renaming the "supplemental academic
5167 instruction categorical fund" as the "supplemental
5168 academic instruction allocation"; requiring certain
5169 school districts to use the allocation for specified
5170 purposes; deleting an obsolete date; deleting a
5171 provision authorizing the Florida State University
5172 School to expend specified funds for certain purposes;



5173 prohibiting the award of certain bonuses to teachers
5174 who fail to maintain the security of certain
5175 examinations or violate certain protocols; authorizing
5176 the state board to adopt rules for specified purposes;
5177 conforming provisions to changes made by the act;
5178 revising the research-based reading instruction
5179 allocation; revising the criteria for establishing the
5180 300 lowest-performing elementary schools; providing
5181 requirements for staffing summer reading camps funded
5182 through the allocation; requiring school districts
5183 that meet specified criteria, rather than all school
5184 districts, to submit a comprehensive reading plan for
5185 specified purposes; deleting provisions for the
5186 release or withholding of funds based on a school
5187 district's comprehensive reading plan; revising a
5188 definition; requiring K-12 comprehensive reading plans
5189 to provide for intensive reading interventions that
5190 are delivered by teachers who meet certain criteria
5191 beginning with a specified school year; providing
5192 requirements for such interventions; amending s.
5193 1011.6202, F.S.; renaming the "Principal Autonomy
5194 Pilot Program" as the "Principal Autonomy Program";
5195 providing that any school district may apply to
5196 participate in the program; providing that a school
5197 shall retain its exemption from specified laws under
5198 specified circumstances; requiring a designated
5199 leadership team at a participating school to complete
5200 a certain turnaround program; deleting a provision
5201 providing a specified amount of funds to a



831300

5202 participating school district that completes the
5203 turnaround program; providing requirements for such
5204 schools; providing for such schools to participate in
5205 the program; providing requirements for such
5206 participation; specifying that no school district
5207 liability arises from the management of such schools;
5208 deleting a school's authority to renew participation
5209 in the program; deleting reporting requirements;
5210 providing for funding; revising the principal
5211 eligibility criteria for a salary supplement through
5212 the program; amending s. 1011.69, F.S.; authorizing
5213 certain high schools to receive Title I funds;
5214 providing that a school district may withhold Title I
5215 funds for specified purposes; authorizing certain
5216 schools to use Title I funds for specified purposes;
5217 providing an exception for specified funds; amending
5218 s. 1011.71, F.S.; prohibiting a school district from
5219 withholding charter school administrative fees under
5220 certain circumstances; amending s. 1012.2315, F.S.;
5221 requiring certain employee organizations to include
5222 specified information in a specified application and
5223 to petition for recertification for specified
5224 purposes; amending s. 1012.28, F.S.; conforming
5225 provisions to changes made by the act; amending s.
5226 1012.315, F.S.; revising the applicability of certain
5227 provisions related to disqualification from employment
5228 for the conviction of specified offenses; amending s.
5229 1012.32, F.S.; requiring a district school board to
5230 reimburse certain costs if it fails to notify a



5231 charter school of the eligibility status of certain
5232 persons; amending s. 1012.562, F.S.; authorizing
5233 charter schools and charter management organizations
5234 to offer school leader preparation programs; amending
5235 s. 1012.586, F.S.; requiring the Department of
5236 Education to consider the award of endorsements for a
5237 teaching certificate to individuals who hold specified
5238 certifications or who complete specified programs that
5239 meet certain criteria in a specified review; amending
5240 s. 1012.731, F.S.; extending eligibility for the
5241 Florida Best and Brightest Teacher Scholarship Program
5242 to school district employees who, in the prior school
5243 year, were classroom teachers and met certain
5244 eligibility requirements; amending s. 1012.796, F.S.;
5245 revising the applicability of a requirement that
5246 certain private schools file specified reports with
5247 the department for certain allegations against its
5248 employees; amending s. 1012.98, F.S.; requiring
5249 professional development resources to include sample
5250 course-at-a-glance and unit overview templates;
5251 providing requirements for such templates; amending s.
5252 1013.28, F.S.; requiring school districts to provide
5253 charter schools access to certain property on the same
5254 basis as public schools; prohibiting certain actions
5255 by a charter school without the written permission of
5256 the school district; amending s. 1013.31, F.S.;
5257 authorizing a district to use certain sources of funds
5258 for educational, auxiliary, and ancillary plant
5259 capital outlay purposes without needing a survey



831300

5260 recommendation; amending s. 1013.385, F.S.; providing
5261 additional exceptions to certain building code
5262 regulations for school districts; amending s. 1013.62,
5263 F.S.; revising requirements for charter school capital
5264 outlay funding; requiring each district to certify
5265 certain information to the department by October 1
5266 each year; conforming provisions to changes made by
5267 the act; providing appropriations; providing
5268 retroactive applicability; authorizing the Department
5269 of Revenue to adopt emergency rules for specified
5270 purposes; providing an effective date.