

By Senator Diaz

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1 A bill to be entitled
2 An act relating to education; amending s. 1002.394,
3 F.S.; revising initial scholarship eligibility
4 criteria for the Family Empowerment Scholarship
5 Program, beginning with a specified school year;
6 providing that participation in certain virtual
7 schools, correspondence schools, or distance learning
8 programs does not make a student ineligible for a
9 scholarship under the program in certain
10 circumstances; amending s. 1002.395, F.S.; revising
11 eligibility criteria for the Florida Tax Credit
12 Scholarship Program and applying the criteria only to
13 initial eligibility; requiring that priority be given
14 to students whose household incomes do not exceed a
15 specified amount; amending s. 1011.61, F.S.; providing
16 that a certain scholarship award is not subject to the
17 maximum value for funding a student under the Florida
18 Education Finance Program; amending s. 1011.62, F.S.;
19 creating the minimum base annual salary allocation to
20 assist school districts in providing minimum base
21 annual salaries to classroom teachers; providing for
22 the calculation of the initial allocation; requiring
23 the Department of Education, by a specified date, to
24 estimate the funding required to increase the minimum
25 base annual salary as required by the act; creating
26 the Rewarding Great Classroom Teachers for Extending
27 Student Success Program within the Department of
28 Education for a specified purpose; defining terms;
29 requiring that awards made under the program be tiered

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30 based upon students' performance or improvement, as
31 demonstrated by the school's grade; providing that the
32 amount of awards under the program must be established
33 annually in the General Appropriations Act; providing
34 for teacher eligibility; requiring school districts to
35 certify certain information annually to the
36 department; providing for the proration of award
37 amounts under certain circumstances; providing
38 construction; creating the Rewarding Great Principals
39 for Extending Student Success Program within the
40 Department of Education for a specified purpose;
41 specifying that certain principals must receive awards
42 under the program; providing for principal
43 eligibility; requiring school districts to certify
44 certain information annually to the department;
45 requiring that awards made under the program be tiered
46 based upon students' performance or improvement, as
47 demonstrated by the school's grade; providing for
48 proration of awards under certain circumstances;
49 providing construction; amending s. 1012.22, F.S.;
50 requiring district school boards and charter school
51 governing boards to implement a minimum base annual
52 salary for certain teachers beginning on a specified
53 date; amending s. 1003.47, F.S.; conforming a cross-
54 reference; providing an effective date.

55
56 Be It Enacted by the Legislature of the State of Florida:

57
58 Section 1. Paragraph (b) of subsection (3) and subsection

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59 (5) of section 1002.394, Florida Statutes, are amended to read:

60 1002.394 The Family Empowerment Scholarship Program.—

61 (3) INITIAL SCHOLARSHIP ELIGIBILITY.—A student is eligible
62 for a Family Empowerment Scholarship under this section if the
63 student meets the following criteria:

64 (b)1. The student is eligible to enroll in kindergarten or
65 has spent the prior school year in attendance at a Florida
66 public school; or

67 2. Beginning with the 2020-2021 school year, the student
68 received a scholarship pursuant to s. 1002.395 during the
69 previous school year and, before initial receipt of such
70 scholarship, spent the prior school year in attendance at a
71 Florida public school.

72
73 For purposes of this paragraph, the term "prior school year in
74 attendance" means that the student was enrolled and reported by
75 a school district for funding during the preceding October and
76 February Florida Education Finance Program surveys in
77 kindergarten through grade 12, which includes time spent in a
78 Department of Juvenile Justice commitment program if funded
79 under the Florida Education Finance Program. However, a
80 dependent child of a member of the United States Armed Forces
81 who transfers to a school in this state from out of state or
82 from a foreign country due to a parent's permanent change of
83 station orders or a foster child is exempt from the prior public
84 school attendance requirement under this paragraph, but must
85 meet the other eligibility requirements specified under this
86 section to participate in the program.

87 (5) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for

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88 a Family Empowerment Scholarship while he or she is:

89 (a) Enrolled in a public school, including, but not limited
90 to, the Florida School for the Deaf and the Blind, the College-
91 Preparatory Boarding Academy, a developmental research school
92 authorized under s. 1002.32, or a charter school authorized
93 under this chapter;

94 (b) Enrolled in a school operating for the purpose of
95 providing educational services to youth in a Department of
96 Juvenile Justice commitment program;

97 (c) Receiving any other educational scholarship pursuant to
98 this chapter;

99 (d) Participating in a home education program as defined in
100 s. 1002.01(1);

101 (e) Participating in a private tutoring program pursuant to
102 s. 1002.43; or

103 (f) Participating in a virtual school, correspondence
104 school, or distance learning program that receives state funding
105 pursuant to the student's participation, unless the
106 participation is limited to no more than two courses per school
107 year.

108 Section 2. Subsection (3) and paragraph (e) of subsection
109 (6) of section 1002.395, Florida Statutes, are amended to read:

110 1002.395 Florida Tax Credit Scholarship Program.—

111 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

112 (a) The Florida Tax Credit Scholarship Program is
113 established.

114 (b) A student is eligible for a Florida tax credit
115 scholarship under this section if the student meets one or more
116 of the following criteria:

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117 1. The student is on the direct certification list or the
118 student's household income level does not exceed 300 ~~185~~ percent
119 of the federal poverty level; or

120 2. The student is currently placed, or during the previous
121 state fiscal year was placed, in foster care or in out-of-home
122 care as defined in s. 39.01.

123 ~~3. The student's household income level is greater than 185~~
124 ~~percent of the federal poverty level but does not exceed 260~~
125 ~~percent of the federal poverty level.~~

126
127 Priority must be given to students whose household income levels
128 do not exceed 185 percent of the federal poverty level or who
129 are in foster care or out-of-home care. A student who initially
130 receives a scholarship based on eligibility under this paragraph
131 ~~subparagraph (b)2.~~ remains eligible to participate until he or
132 she ~~the student~~ graduates from high school or attains the age of
133 21 years, whichever occurs first, regardless of the student's
134 household income level. ~~A student who initially received a~~
135 ~~scholarship based on income eligibility before the 2019-2020~~
136 ~~school year remains eligible to participate until he or she~~
137 ~~graduates from high school, attains the age of 21 years, or the~~
138 ~~student's household income level exceeds 260 percent of the~~
139 ~~federal poverty level, whichever occurs first.~~ A sibling of a
140 student who is participating in the scholarship program under
141 this subsection is eligible for a scholarship if the student
142 resides in the same household as the sibling.

143 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
144 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
145 organization:

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146 (e) Must give first priority to eligible students who
147 received a scholarship from an eligible nonprofit scholarship-
148 funding organization or from the State of Florida during the
149 previous school year. ~~Beginning in the 2016-2017 school year, an~~
150 ~~eligible nonprofit scholarship funding organization shall give~~
151 ~~priority to new applicants whose household income levels do not~~
152 ~~exceed 185 percent of the federal poverty level or who are in~~
153 ~~foster care or out-of-home care.~~

154
155 Information and documentation provided to the Department of
156 Education and the Auditor General relating to the identity of a
157 taxpayer that provides an eligible contribution under this
158 section shall remain confidential at all times in accordance
159 with s. 213.053.

160 Section 3. Subsection (4) of section 1011.61, Florida
161 Statutes, is amended to read:

162 1011.61 Definitions.—Notwithstanding the provisions of s.
163 1000.21, the following terms are defined as follows for the
164 purposes of the Florida Education Finance Program:

165 (4) The maximum value for funding a student in kindergarten
166 through grade 12 or in a prekindergarten program for exceptional
167 children as provided in s. 1003.21(1)(e) shall be the sum of the
168 calculations in paragraphs (a), (b), and (c) as calculated by
169 the department.

170 (a) The sum of the student's full-time equivalent student
171 membership value for the school year or the equivalent derived
172 from paragraphs (1)(a) and (b), subparagraph (1)(c)1., sub-
173 subparagraphs (1)(c)2.b. and c., subparagraph (1)(c)3., and
174 subsection (2). If the sum is greater than 1.0, the full-time

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175 equivalent student membership value for each program or course
176 shall be reduced by an equal proportion so that the student's
177 total full-time equivalent student membership value is equal to
178 1.0.

179 (b) If the result in paragraph (a) is less than 1.0 full-
180 time equivalent student and the student has full-time equivalent
181 student enrollment pursuant to sub-sub-subparagraph
182 (1)(c)1.b.(VIII), calculate an amount that is the lesser of the
183 value in sub-sub-subparagraph (1)(c)1.b.(VIII) or the value of
184 1.0 less the value in paragraph (a).

185 (c) The full-time equivalent student enrollment value in
186 sub-subparagraph (1)(c)2.a.

187
188 A scholarship award provided to a student enrolled in the John
189 M. McKay Scholarships for Students with Disabilities Program
190 pursuant to s. 1002.39 or the Family Empowerment Scholarship
191 Program pursuant to s. 1002.394 is not subject to the maximum
192 value for funding a student under this subsection.

193 Section 4. Subsections (22), (23), and (24) are added to
194 section 1011.62, Florida Statutes, to read:

195 1011.62 Funds for operation of schools.—If the annual
196 allocation from the Florida Education Finance Program to each
197 district for operation of schools is not determined in the
198 annual appropriations act or the substantive bill implementing
199 the annual appropriations act, it shall be determined as
200 follows:

201 (22) MINIMUM BASE ANNUAL SALARY ALLOCATION.—The minimum
202 base annual salary allocation is created to assist school
203 districts in meeting the minimum base annual salary requirement

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204 as provided in s. 1012.22(1)(d).

205 (a) Subject to an annual appropriation, each school
206 district shall receive an allocation based on the district's
207 proportionate share of FEFP base funding. The Legislature may
208 specify a minimum allocation for all districts in the General
209 Appropriations Act.

210 (b) By July 1, 2020, the department shall estimate for each
211 school district the funding required to increase the minimum
212 base annual salary as required by s. 1012.22(1)(d). The
213 department may require the reporting of information on salaries
214 by school districts as necessary to implement this subsection.

215 (23) REWARDING GREAT CLASSROOM TEACHERS FOR EXTENDING
216 STUDENT SUCCESS PROGRAM.—The Rewarding Great Classroom Teachers
217 for Extending Student Success Program is created within the
218 Department of Education to provide financial awards to classroom
219 teachers in public schools who improve student success, as
220 demonstrated by an increase in the percentage of points earned
221 by such schools.

222 (a) As used in this subsection, the term:

223 1. "Classroom teacher" means a classroom teacher, as
224 defined in s. 1012.01(2)(a), who is a full-time employee of a
225 public school district or charter school and whose full-time
226 responsibility is the professional activity of instructing
227 students in any grade from kindergarten through grade 12 in
228 courses funded through the FEFP.

229 2. "Percentage of points" means the percentage of total
230 points earned by a school in the determination of its grade
231 under s. 1008.34.

232 3. "Title I eligible school" means a public school that

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233 receives federal funds under Title I, Part A, of the federal
234 Elementary and Secondary Education Act as a result of serving a
235 high percentage of students from low-income families.

236 (b) Financial awards made to classroom teachers under this
237 subsection must be tiered based upon the performance or
238 improvement of students at their school, as reflected in the
239 school's grade. Financial awards must be doubled when a school
240 is a Title I eligible school. For purposes of this paragraph:

241 1. Tier 1 schools are schools that have earned 85 percent
242 or higher of the total school grade points or that increase
243 their percentage of points by 6 or more percentage points from
244 the prior school year.

245 2. Tier 2 schools are schools that increase their
246 percentage of points by at least 3 percentage points, but less
247 than 6 percentage points, from the prior school year.

248 3. Tier 3 schools are schools that increase their
249 percentage of points by at least 1 percentage point, but less
250 than 3 percentage points, from the prior school year.

251 (c) The amount of the financial awards must be established
252 annually in the General Appropriations Act.

253 (d) A classroom teacher who retires, changes schools or
254 positions within the same school district, or becomes a
255 classroom teacher in another school district may receive an
256 award under this subsection if he or she met the requirements of
257 this section in the prior academic year.

258 (e) Annually, in a format prescribed by the department,
259 school districts must certify the number of classroom teachers
260 who qualify for an award under this subsection and the amount of
261 the award.

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262 (f) If the amount appropriated by the Legislature is
263 insufficient to fully fund the program, the department may
264 prorate awards equally among the tiers.

265 (g) This subsection does not create a substantial interest
266 under s. 120.569 for the purpose of challenging any of the
267 department's decisions or actions, including, but not limited
268 to, school grades.

269 (24) REWARDING GREAT PRINCIPALS FOR EXTENDING STUDENT
270 SUCCESS PROGRAM.—

271 (a) The Rewarding Great Principals for Extending Student
272 Success Program is created within the Department of Education to
273 provide financial awards to principals at public schools who
274 improve student success, as demonstrated by an increase in the
275 percentage of points earned by such schools. For each school
276 whose teachers qualify for an award under subsection (23), the
277 principal at that school must receive a principal award, as
278 determined annually by the General Appropriations Act, subject
279 to the requirements of this subsection.

280 (b) An otherwise eligible principal who retires, changes
281 schools or positions, or moves to another school district
282 remains eligible for and may receive an award under this
283 subsection if he or she met the requirements of this section in
284 the prior academic year.

285 (c) Annually, in a format prescribed by the department,
286 school districts must certify the number of principals who
287 qualify for an award under this subsection and the amount of the
288 award.

289 (d) Funds shall be allocated as specified in the General
290 Appropriations Act and awards shall be tiered in accordance with

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291 paragraph (23) (b). If the amount appropriated by the Legislature
292 is insufficient to fully fund the program, the department may
293 prorate awards equally among the tiers.

294 (e) This subsection does not create a substantial interest
295 under s. 120.569 for the purpose of challenging any of the
296 department's decisions or actions, including, but not limited
297 to, school grades.

298 Section 5. Present paragraphs (d) through (i) of subsection
299 (1) of section 1012.22, Florida Statutes, are redesignated as
300 paragraphs (e) through (j), respectively, and a new paragraph
301 (d) is added to that subsection, to read:

302 1012.22 Public school personnel; powers and duties of the
303 district school board.—The district school board shall:

304 (1) Designate positions to be filled, prescribe
305 qualifications for those positions, and provide for the
306 appointment, compensation, promotion, suspension, and dismissal
307 of employees as follows, subject to the requirements of this
308 chapter:

309 (d) *Minimum base annual salary.*—Beginning on July 1, 2020,
310 each district school board and charter school governing board
311 shall adopt a minimum base annual salary of \$47,500 for full-
312 time public school classroom teachers, as defined in s.
313 1012.01(2) (a), whose full-time responsibility is the
314 professional activity of instructing students in kindergarten
315 through grade 12 in courses funded through the Florida Education
316 Finance Program.

317 Section 6. Subsection (3) of section 1003.47, Florida
318 Statutes, is amended to read:

319 1003.47 Biological experiments on living subjects.—

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320 (3) If any instructional employee of a public high school
321 or career center knowingly or intentionally fails or refuses to
322 comply with any of the provisions of this section, the district
323 school board may suspend, dismiss, return to annual contract, or
324 otherwise discipline such employee as provided in s.
325 1012.22(1)(g) ~~s. 1012.22(1)(f)~~ in accordance with procedures
326 established in chapter 1012. If any instructional employee of
327 any private school knowingly or intentionally fails or refuses
328 to comply with the provisions of this section, the governing
329 authority of the private school may suspend, dismiss, or
330 otherwise discipline such employee in accordance with its
331 standard personnel procedures.

332 Section 7. This act shall take effect July 1, 2020.