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1
2 An act relating to the repeal of education provisions;
3 amending s. 403.7032, F.S.; removing a requirement
4 that each K-12 public school annually report to the
5 county on recycled materials; repealing s. 1001.26(3),
6 F.S.; removing duplicative, redundant, or unused
7 rulemaking authority; repealing s. 1001.435, F.S.,
8 relating to a K-12 foreign language curriculum plan;
9 repealing s. 1002.23(4), (6), and (9), F.S., relating
10 to a parent-response center, submission of family
11 involvement and empowerment rules by district school
12 boards, and State Board of Education compliance review
13 and enforcement under the Family and School
14 Partnership for Student Achievement Act; repealing s.
15 1002.32(10), F.S.; removing duplicative, redundant, or
16 unused rulemaking authority; repealing s. 1002.361,
17 F.S., relating to a direct-support organization for
18 the Florida School for the Deaf and the Blind;
19 repealing s. 1002.375, F.S., relating to a pilot
20 project to award alternative credit for high school
21 courses; repealing s. 1003.4285(1), F.S., relating to
22 a standard high school diploma designation that
23 indicates a student's major area of interest;
24 repealing s. 1003.43, F.S., relating to general
25 requirements for high school graduation; repealing s.
26 1003.433(5), F.S.; removing duplicative, redundant, or
27 unused rulemaking authority; repealing s. 1003.453(2),
28 F.S., relating to information on school wellness and
29 physical education policies posted on Department of

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30 Education and school district websites; repealing s.
31 1003.496, F.S., relating to the High School to
32 Business Career Enhancement Program; repealing s.
33 1004.05, F.S., relating to substance abuse training
34 programs for specified public school personnel;
35 amending s. 1004.435, F.S.; removing duplicative,
36 redundant, or unused rulemaking authority; amending s.
37 1004.45, F.S.; removing unnecessary rulemaking
38 authority; repealing s. 1004.62, F.S., relating to
39 incentives for state university student internships to
40 study urban or socially and economically disadvantaged
41 areas; repealing s. 1004.77, F.S., relating to centers
42 of technology innovation; repealing s. 1006.02, F.S.,
43 relating to provision of information to students and
44 parents regarding school-to-work transition; repealing
45 s. 1006.035, F.S., relating to a dropout reentry and
46 mentor project; repealing s. 1006.051, F.S., relating
47 to the Sunshine Workforce Solutions Grant Program;
48 repealing s. 1006.09(1)(d), F.S., relating to duties
49 of school principals with respect to annual reporting
50 and analysis of student suspensions and expulsions;
51 repealing ss. 1006.17 and 1006.70, F.S., relating to
52 sponsorship of athletic activities similar to those
53 for which scholarships are offered; repealing s.
54 1006.65, F.S., relating to safety issues in courses
55 offered by public postsecondary educational
56 institutions; repealing s. 1007.21, F.S., relating to
57 readiness for postsecondary education and the
58 workplace; repealing s. 1007.35(10), F.S.; removing

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59 duplicative, redundant, or unused rulemaking
60 authority; repealing s. 1008.31(3)(d) and (e), F.S.,
61 relating to review and reporting duties of the
62 Commissioner of Education with respect to
63 consolidating paperwork under Florida's K-20 education
64 performance accountability system; repealing s.
65 1009.68, F.S., relating to the Florida Minority
66 Medical Education Program; amending s. 1009.85, F.S.;
67 removing duplicative, redundant, or unused rulemaking
68 authority; repealing s. 1012.58, F.S., relating to the
69 Transition to Teaching Program; repealing s.
70 1012.71(6), F.S., relating to a pilot program for
71 establishing an electronic management system for the
72 Florida Teachers Lead Program; repealing s. 1013.231,
73 F.S., relating to Florida College System institution
74 and state university energy consumption reduction;
75 repealing s. 1013.32, F.S., relating to exceptions to
76 recommendations in educational plant surveys;
77 repealing ss. 1013.42 and 1013.72, F.S., relating to
78 the School Infrastructure Thrift (SIT) Program;
79 repealing ss. 1013.502 and 1013.721, F.S., relating to
80 A Business-Community (ABC) School Program; repealing
81 s. 1013.64(7), F.S., relating to exceptions from
82 Special Facility Construction Account requirements;
83 repealing s. 1013.73, F.S., relating to effort index
84 grants for school district facilities; amending ss.
85 120.81, 250.115, 409.1451, 1001.11, 1002.20, 1002.33,
86 1002.34, 1002.45, 1003.03, 1003.429, 1003.438,
87 1003.49, 1004.70, 1004.71, 1006.025, 1006.15,

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88 1007.263, 1007.271, 1008.22, 1008.23, 1009.40,
89 1009.531, 1009.94, 1011.61, 1013.35, 1013.356,
90 1013.41, 1013.64, 1013.69, and 1013.738, F.S.;
91 conforming provisions; providing effective dates.

92
93 Be It Enacted by the Legislature of the State of Florida:

94
95 Section 1. Subsection (3) of section 403.7032, Florida
96 Statutes, is amended to read:

97 403.7032 Recycling.—

98 (3) Each state agency, ~~K-12 public school~~, public
99 institution of higher learning, community college, and state
100 university, including all buildings that are occupied by
101 municipal, county, or state employees and entities occupying
102 buildings managed by the Department of Management Services,
103 must, at a minimum, annually report all recycled materials to
104 the county using the department's designated reporting format.
105 Private businesses, other than certified recovered materials
106 dealers, that recycle paper, metals, glass, plastics, textiles,
107 rubber materials, and mulch, are encouraged to report the amount
108 of materials they recycle to the county annually beginning
109 January 1, 2011, using the department's designated reporting
110 format. Using the information provided, the department shall
111 recognize those private businesses that demonstrate outstanding
112 recycling efforts. Notwithstanding any other provision of state
113 or county law, private businesses, other than certified
114 recovered materials dealers, shall not be required to report
115 recycling rates. Cities with less than a population of 2,500 and
116 per capita taxable value less than \$48,000 and cities with a per

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117 capita taxable value less than \$30,000 are exempt from the
118 reporting requirement specified in this subsection.

119 Section 2. Subsection (3) of section 1001.26, Florida
120 Statutes, is repealed.

121 Section 3. Section 1001.435, Florida Statutes, is repealed.

122 Section 4. Subsections (4), (6), and (9) of section
123 1002.23, Florida Statutes, are repealed.

124 Section 5. Subsection (10) of section 1002.32, Florida
125 Statutes, is repealed.

126 Section 6. Section 1002.361, Florida Statutes, is repealed.

127 Section 7. Section 1002.375, Florida Statutes, is repealed.

128 Section 8. Subsection (1) of section 1003.4285, Florida
129 Statutes, is repealed.

130 Section 9. Section 1003.43, Florida Statutes, is repealed.

131 Section 10. Subsection (5) of section 1003.433, Florida
132 Statutes, is repealed.

133 Section 11. Subsection (2) of section 1003.453, Florida
134 Statutes, is repealed.

135 Section 12. Section 1003.496, Florida Statutes, is
136 repealed.

137 Section 13. Section 1004.05, Florida Statutes, is repealed.

138 Section 14. Paragraphs (c) and (d) of subsection (5) of
139 section 1004.435, Florida Statutes, are amended to read:

140 1004.435 Cancer control and research.—

141 (5) RESPONSIBILITIES OF THE BOARD OF GOVERNORS, THE H. LEE
142 MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC., AND THE
143 STATE SURGEON GENERAL.—

144 ~~(c) The Board of Governors or the State Surgeon General,~~
145 ~~after consultation with the council, may adopt rules necessary~~

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146 ~~for the implementation of this section.~~

147 ~~(c) (d) The State Surgeon General, after consultation with~~
148 ~~the council, shall make rules specifying to what extent and on~~
149 ~~what terms and conditions cancer patients of the state may~~
150 ~~receive financial aid for the diagnosis and treatment of cancer~~
151 ~~in any hospital or clinic selected.~~ The department may furnish
152 to citizens of this state who are afflicted with cancer
153 financial aid to the extent of the appropriation provided for
154 that purpose in a manner which in its opinion will afford the
155 greatest benefit to those afflicted and may make arrangements
156 with hospitals, laboratories, or clinics to afford proper care
157 and treatment for cancer patients in this state.

158 Section 15. Paragraph (g) of subsection (2) of section
159 1004.45, Florida Statutes, is amended to read:

160 1004.45 Ringling Center for Cultural Arts.-

161 (2)

162 (g) The university, in consultation with the direct-support
163 organization, shall establish policies ~~and may adopt rules~~ for
164 the sale or exchange of works of art.

165 Section 16. Section 1004.62, Florida Statutes, is repealed.

166 Section 17. Section 1004.77, Florida Statutes, is repealed.

167 Section 18. Section 1006.02, Florida Statutes, is repealed.

168 Section 19. Section 1006.035, Florida Statutes, is
169 repealed.

170 Section 20. Section 1006.051, Florida Statutes, is
171 repealed.

172 Section 21. Paragraph (d) of subsection (1) of section
173 1006.09, Florida Statutes, is repealed.

174 Section 22. Sections 1006.17 and 1006.70, Florida Statutes,

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175 are repealed.

176 Section 23. Section 1006.65, Florida Statutes, is repealed.

177 Section 24. Section 1007.21, Florida Statutes, is repealed.

178 Section 25. Subsection (10) of section 1007.35, Florida
179 Statutes, is repealed.

180 Section 26. Paragraphs (d) and (e) of subsection (3) of
181 section 1008.31, Florida Statutes, are repealed.

182 Section 27. Section 1009.68, Florida Statutes, is repealed.

183 Section 28. Section 1009.85, Florida Statutes, is amended
184 to read:

185 1009.85 Participation in guaranteed student loan program.—
186 ~~The State Board of Education shall adopt rules necessary for~~
187 ~~participation in the guaranteed student loan program, as~~
188 ~~provided by the Higher Education Act of 1965 (20 U.S.C. ss. 1071~~
189 ~~et seq.), as amended or as may be amended. The intent of this~~
190 ~~act is to authorize student loans when this state, through the~~
191 ~~Department of Education, has become an eligible lender under the~~
192 ~~provisions of the applicable federal laws providing for the~~
193 ~~guarantee of loans to students and the partial payment of~~
194 ~~interest on such loans by the United States Government.~~

195 Section 29. Section 1012.58, Florida Statutes, is repealed.

196 Section 30. Subsection (6) of section 1012.71, Florida
197 Statutes, is repealed.

198 Section 31. Section 1013.231, Florida Statutes, is
199 repealed.

200 Section 32. Section 1013.32, Florida Statutes, is repealed.

201 Section 33. Sections 1013.42 and 1013.72, Florida Statutes,
202 are repealed.

203 Section 34. Sections 1013.502 and 1013.721, Florida

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204 Statutes, are repealed.

205 Section 35. Effective July 1, 2013, subsection (7) of
206 section 1013.64, Florida Statutes, is repealed.

207 Section 36. Section 1013.73, Florida Statutes, is repealed.

208 Section 37. Paragraph (c) of subsection (1) of section
209 120.81, Florida Statutes, is amended to read:

210 120.81 Exceptions and special requirements; general areas.—

211 (1) EDUCATIONAL UNITS.—

212 (c) Notwithstanding s. 120.52(16), any tests, test scoring
213 criteria, or testing procedures relating to student assessment
214 which are developed or administered by the Department of
215 Education pursuant to s. 1003.428 ~~1003.43~~, s. 1003.429, s.
216 1003.438, s. 1008.22, or s. 1008.25, or any other statewide
217 educational tests required by law, are not rules.

218 Section 38. Subsection (5) of section 250.115, Florida
219 Statutes, is amended to read:

220 250.115 Department of Military Affairs direct-support
221 organization.—

222 (5) ACTIVITIES; RESTRICTIONS.—Any transaction or agreement
223 between the direct-support organization organized pursuant to
224 this section and another direct-support organization ~~or center~~
225 ~~of technology innovation designated under s. 1004.77~~ must be
226 approved by the Department of Military Affairs.

227 Section 39. Paragraph (b) of subsection (5) of section
228 409.1451, Florida Statutes, is amended to read:

229 409.1451 Independent living transition services.—

230 (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER CARE.—

231 Based on the availability of funds, the department shall provide
232 or arrange for the following services to young adults formerly

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233 in foster care who meet the prescribed conditions and are
234 determined eligible by the department. The department, or a
235 community-based care lead agency when the agency is under
236 contract with the department to provide the services described
237 under this subsection, shall develop a plan to implement those
238 services. A plan shall be developed for each community-based
239 care service area in the state. Each plan that is developed by a
240 community-based care lead agency shall be submitted to the
241 department. Each plan shall include the number of young adults
242 to be served each month of the fiscal year and specify the
243 number of young adults who will reach 18 years of age who will
244 be eligible for the plan and the number of young adults who will
245 reach 23 years of age and will be ineligible for the plan or who
246 are otherwise ineligible during each month of the fiscal year;
247 staffing requirements and all related costs to administer the
248 services and program; expenditures to or on behalf of the
249 eligible recipients; costs of services provided to young adults
250 through an approved plan for housing, transportation, and
251 employment; reconciliation of these expenses and any additional
252 related costs with the funds allocated for these services; and
253 an explanation of and a plan to resolve any shortages or
254 surpluses in order to end the fiscal year with a balanced
255 budget. The categories of services available to assist a young
256 adult formerly in foster care to achieve independence are:

257 (b) *Road-to-Independence Program.*—

258 1. The Road-to-Independence Program is intended to help
259 eligible students who are former foster children in this state
260 to receive the educational and vocational training needed to
261 achieve independence. The amount of the award shall be based on

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262 the living and educational needs of the young adult and may be
263 up to, but may not exceed, the amount of earnings that the
264 student would have been eligible to earn working a 40-hour-a-
265 week federal minimum wage job.

266 2. A young adult who has earned a standard high school
267 diploma or its equivalent as described in s. 1003.428, s.
268 1003.429, ~~1003.43~~ or s. 1003.435, has earned a special diploma
269 or special certificate of completion as described in s.
270 1003.438, or has reached 18 years of age but is not yet 21 years
271 of age is eligible for the initial award, and a young adult
272 under 23 years of age is eligible for renewal awards, if he or
273 she:

274 a. Was a dependent child, under chapter 39, and was living
275 in licensed foster care or in subsidized independent living at
276 the time of his or her 18th birthday or is currently living in
277 licensed foster care or subsidized independent living, or, after
278 reaching the age of 16, was adopted from foster care or placed
279 with a court-approved dependency guardian and has spent a
280 minimum of 6 months in foster care immediately preceding such
281 placement or adoption;

282 b. Spent at least 6 months living in foster care before
283 reaching his or her 18th birthday;

284 c. Is a resident of this state as defined in s. 1009.40;
285 and

286 d. Meets one of the following qualifications:

287 (I) Has earned a standard high school diploma or its
288 equivalent as described in s. 1003.428, s. 1003.429, ~~1003.43~~ or
289 s. 1003.435, or has earned a special diploma or special
290 certificate of completion as described in s. 1003.438, and has

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291 been admitted for full-time enrollment in an eligible
292 postsecondary education institution as defined in s. 1009.533;

293 (II) Is enrolled full time in an accredited high school; or

294 (III) Is enrolled full time in an accredited adult
295 education program designed to provide the student with a high
296 school diploma or its equivalent.

297 3. A young adult applying for the Road-to-Independence
298 Program must apply for any other grants and scholarships for
299 which he or she may qualify. The department shall assist the
300 young adult in the application process and may use the federal
301 financial aid grant process to determine the funding needs of
302 the young adult.

303 4. An award shall be available to a young adult who is
304 considered a full-time student or its equivalent by the
305 educational institution in which he or she is enrolled, unless
306 that young adult has a recognized disability preventing full-
307 time attendance. The amount of the award, whether it is being
308 used by a young adult working toward completion of a high school
309 diploma or its equivalent or working toward completion of a
310 postsecondary education program, shall be determined based on an
311 assessment of the funding needs of the young adult. This
312 assessment must consider the young adult's living and
313 educational costs and other grants, scholarships, waivers,
314 earnings, and other income to be received by the young adult. An
315 award shall be available only to the extent that other grants
316 and scholarships are not sufficient to meet the living and
317 educational needs of the young adult, but an award may not be
318 less than \$25 in order to maintain Medicaid eligibility for the
319 young adult as provided in s. 409.903.

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320 5. The amount of the award may be disregarded for purposes
321 of determining the eligibility for, or the amount of, any other
322 federal or federally supported assistance.

323 6.a. The department must advertise the criteria,
324 application procedures, and availability of the program to:

325 (I) Children and young adults in, leaving, or formerly in
326 foster care.

327 (II) Case managers.

328 (III) Guidance and family services counselors.

329 (IV) Principals or other relevant school administrators.

330 (V) Guardians ad litem.

331 (VI) Foster parents.

332 b. The department shall issue awards from the program for
333 each young adult who meets all the requirements of the program
334 to the extent funding is available.

335 c. An award shall be issued at the time the eligible
336 student reaches 18 years of age.

337 d. A young adult who is eligible for the Road-to-
338 Independence Program, transitional support services, or
339 aftercare services and who so desires shall be allowed to reside
340 with the licensed foster family or group care provider with whom
341 he or she was residing at the time of attaining his or her 18th
342 birthday or to reside in another licensed foster home or with a
343 group care provider arranged by the department.

344 e. If the award recipient transfers from one eligible
345 institution to another and continues to meet eligibility
346 requirements, the award must be transferred with the recipient.

347 f. Funds awarded to any eligible young adult under this
348 program are in addition to any other services or funds provided

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349 to the young adult by the department through transitional
350 support services or aftercare services.

351 g. The department shall provide information concerning
352 young adults receiving funding through the Road-to-Independence
353 Program to the Department of Education for inclusion in the
354 student financial assistance database, as provided in s.
355 1009.94.

356 h. Funds are intended to help eligible young adults who are
357 former foster children in this state to receive the educational
358 and vocational training needed to become independent and self-
359 supporting. The funds shall be terminated when the young adult
360 has attained one of four postsecondary goals under subsection
361 (3) or reaches 23 years of age, whichever occurs earlier. In
362 order to initiate postsecondary education, to allow for a change
363 in career goal, or to obtain additional skills in the same
364 educational or vocational area, a young adult may earn no more
365 than two diplomas, certificates, or credentials. A young adult
366 attaining an associate of arts or associate of science degree
367 shall be permitted to work toward completion of a bachelor of
368 arts or a bachelor of science degree or an equivalent
369 undergraduate degree. Road-to-Independence Program funds may not
370 be used for education or training after a young adult has
371 attained a bachelor of arts or a bachelor of science degree or
372 an equivalent undergraduate degree.

373 i. The department shall evaluate and renew each award
374 annually during the 90-day period before the young adult's
375 birthday. In order to be eligible for a renewal award for the
376 subsequent year, the young adult must:

377 (I) Complete the number of hours, or the equivalent

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378 considered full time by the educational institution, unless that
379 young adult has a recognized disability preventing full-time
380 attendance, in the last academic year in which the young adult
381 earned an award, except for a young adult who meets the
382 requirements of s. 1009.41.

383 (II) Maintain appropriate progress as required by the
384 educational institution, except that, if the young adult's
385 progress is insufficient to renew the award at any time during
386 the eligibility period, the young adult may restore eligibility
387 by improving his or her progress to the required level.

388 j. Funds may be terminated during the interim between an
389 award and the evaluation for a renewal award if the department
390 determines that the award recipient is no longer enrolled in an
391 educational institution as defined in sub-subparagraph 2.d., or
392 is no longer a state resident. The department shall notify a
393 recipient who is terminated and inform the recipient of his or
394 her right to appeal.

395 k. An award recipient who does not qualify for a renewal
396 award or who chooses not to renew the award may subsequently
397 apply for reinstatement. An application for reinstatement must
398 be made before the young adult reaches 23 years of age, and a
399 student may not apply for reinstatement more than once. In order
400 to be eligible for reinstatement, the young adult must meet the
401 eligibility criteria and the criteria for award renewal for the
402 program.

403 Section 40. Subsection (7) of section 1001.11, Florida
404 Statutes, is amended to read:

405 1001.11 Commissioner of Education; other duties.—

406 (7) The commissioner shall make prominently available on

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407 the department's website the following: links to the Internet-
408 based clearinghouse for professional development regarding
409 physical education; the school wellness and physical education
410 policies and other resources required under s. 1003.453(1) and
411 ~~(2)~~; and other Internet sites that provide professional
412 development for elementary teachers of physical education as
413 defined in s. 1003.01(16). These links must provide elementary
414 teachers with information concerning current physical education
415 and nutrition philosophy and best practices that result in
416 student participation in physical activities that promote
417 lifelong physical and mental well-being.

418 Section 41. Paragraph (f) of subsection (3) and subsection
419 (8) of section 1002.20, Florida Statutes, are amended to read:

420 1002.20 K-12 student and parent rights.—Parents of public
421 school students must receive accurate and timely information
422 regarding their child's academic progress and must be informed
423 of ways they can help their child to succeed in school. K-12
424 students and their parents are afforded numerous statutory
425 rights including, but not limited to, the following:

426 (3) HEALTH ISSUES.—

427 (f) *Career education courses involving hazardous*
428 *substances.*—High school students must be given plano safety
429 glasses or devices in career education courses involving the use
430 of hazardous substances likely to cause eye injury, ~~in~~
431 ~~accordance with the provisions of s. 1006.65.~~

432 (8) STUDENTS WITH DISABILITIES.—Parents of public school
433 students with disabilities and parents of public school students
434 in residential care facilities are entitled to notice and due
435 process in accordance with the provisions of ss. 1003.57 and

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436 1003.58. Public school students with disabilities must be
437 provided the opportunity to meet the graduation requirements for
438 a standard high school diploma in accordance with the provisions
439 of s. 1003.428(3) ~~1003.43(4)~~. Certain public school students
440 with disabilities may be awarded a special diploma upon high
441 school graduation.

442 Section 42. Paragraph (a) of subsection (7) of section
443 1002.33, Florida Statutes, is amended to read:

444 1002.33 Charter schools.—

445 (7) CHARTER.—The major issues involving the operation of a
446 charter school shall be considered in advance and written into
447 the charter. The charter shall be signed by the governing board
448 of the charter school and the sponsor, following a public
449 hearing to ensure community input.

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

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

454 2. The focus of the curriculum, the instructional methods
455 to be used, any distinctive instructional techniques to be
456 employed, and identification and acquisition of appropriate
457 technologies needed to improve educational and administrative
458 performance which include a means for promoting safe, ethical,
459 and appropriate uses of technology which comply with legal and
460 professional standards.

461 a. The charter shall ensure that reading is a primary focus
462 of the curriculum and that resources are provided to identify
463 and provide specialized instruction for students who are reading
464 below grade level. The curriculum and instructional strategies

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465 for reading must be consistent with the Sunshine State Standards
466 and grounded in scientifically based reading research.

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

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

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

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494 b. How these baseline rates will be compared to rates of
495 academic progress achieved by these same students while
496 attending the charter school.

497 c. To the extent possible, how these rates of progress will
498 be evaluated and compared with rates of progress of other
499 closely comparable student populations.

500

501 The district school board is required to provide academic
502 student performance data to charter schools for each of their
503 students coming from the district school system, as well as
504 rates of academic progress of comparable student populations in
505 the district school system.

506 4. The methods used to identify the educational strengths
507 and needs of students and how well educational goals and
508 performance standards are met by students attending the charter
509 school. The methods shall provide a means for the charter school
510 to ensure accountability to its constituents by analyzing
511 student performance data and by evaluating the effectiveness and
512 efficiency of its major educational programs. Students in
513 charter schools shall, at a minimum, participate in the
514 statewide assessment program created under s. 1008.22.

515 5. In secondary charter schools, a method for determining
516 that a student has satisfied the requirements for graduation in
517 s. 1003.428 or s. 1003.429, ~~or s. 1003.43~~.

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

520 7. The admissions procedures and dismissal procedures,
521 including the school's code of student conduct.

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

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523 racial/ethnic balance reflective of the community it serves or
524 within the racial/ethnic range of other public schools in the
525 same school district.

526 9. The financial and administrative management of the
527 school, including a reasonable demonstration of the professional
528 experience or competence of those individuals or organizations
529 applying to operate the charter school or those hired or
530 retained to perform such professional services and the
531 description of clearly delineated responsibilities and the
532 policies and practices needed to effectively manage the charter
533 school. A description of internal audit procedures and
534 establishment of controls to ensure that financial resources are
535 properly managed must be included. Both public sector and
536 private sector professional experience shall be equally valid in
537 such a consideration.

538 10. The asset and liability projections required in the
539 application which are incorporated into the charter and shall be
540 compared with information provided in the annual report of the
541 charter school.

542 11. A description of procedures that identify various risks
543 and provide for a comprehensive approach to reduce the impact of
544 losses; plans to ensure the safety and security of students and
545 staff; plans to identify, minimize, and protect others from
546 violent or disruptive student behavior; and the manner in which
547 the school will be insured, including whether or not the school
548 will be required to have liability insurance, and, if so, the
549 terms and conditions thereof and the amounts of coverage.

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

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552 made in attaining the student achievement objectives of the
553 charter and if it is not likely that such objectives can be
554 achieved before expiration of the charter. The initial term of a
555 charter shall be for 4 or 5 years. In order to facilitate access
556 to long-term financial resources for charter school
557 construction, charter schools that are operated by a
558 municipality or other public entity as provided by law are
559 eligible for up to a 15-year charter, subject to approval by the
560 district school board. A charter lab school is eligible for a
561 charter for a term of up to 15 years. In addition, to facilitate
562 access to long-term financial resources for charter school
563 construction, charter schools that are operated by a private,
564 not-for-profit, s. 501(c)(3) status corporation are eligible for
565 up to a 15-year charter, subject to approval by the district
566 school board. Such long-term charters remain subject to annual
567 review and may be terminated during the term of the charter, but
568 only according to the provisions set forth in subsection (8).

569 13. The facilities to be used and their location.

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

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

576 16. A timetable for implementing the charter which
577 addresses the implementation of each element thereof and the
578 date by which the charter shall be awarded in order to meet this
579 timetable.

580 17. In the case of an existing public school that is being

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581 converted to charter status, alternative arrangements for
582 current students who choose not to attend the charter school and
583 for current teachers who choose not to teach in the charter
584 school after conversion in accordance with the existing
585 collective bargaining agreement or district school board rule in
586 the absence of a collective bargaining agreement. However,
587 alternative arrangements shall not be required for current
588 teachers who choose not to teach in a charter lab school, except
589 as authorized by the employment policies of the state university
590 which grants the charter to the lab school.

591 18. Full disclosure of the identity of all relatives
592 employed by the charter school who are related to the charter
593 school owner, president, chairperson of the governing board of
594 directors, superintendent, governing board member, principal,
595 assistant principal, or any other person employed by the charter
596 school who has equivalent decisionmaking authority. For the
597 purpose of this subparagraph, the term "relative" means father,
598 mother, son, daughter, brother, sister, uncle, aunt, first
599 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
600 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
601 stepfather, stepmother, stepson, stepdaughter, stepbrother,
602 stepsister, half brother, or half sister.

603 19. Implementation of the activities authorized under s.
604 1002.331 by the charter school when it satisfies the eligibility
605 requirements for a high-performing charter school. A high-
606 performing charter school shall notify its sponsor in writing by
607 March 1 if it intends to increase enrollment or expand grade
608 levels the following school year. The written notice shall
609 specify the amount of the enrollment increase and the grade

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610 levels that will be added, as applicable.

611 Section 43. Paragraph (g) of subsection (4) of section
612 1002.34, Florida Statutes, is amended to read:

613 1002.34 Charter technical career centers.—

614 (4) CHARTER.—A sponsor may designate centers as provided in
615 this section. An application to establish a center may be
616 submitted by a sponsor or another organization that is
617 determined, by rule of the State Board of Education, to be
618 appropriate. However, an independent school is not eligible for
619 status as a center. The charter must be signed by the governing
620 body of the center and the sponsor and must be approved by the
621 district school board and Florida College System institution
622 board of trustees in whose geographic region the facility is
623 located. If a charter technical career center is established by
624 the conversion to charter status of a public technical center
625 formerly governed by a district school board, the charter status
626 of that center takes precedence in any question of governance.
627 The governance of the center or of any program within the center
628 remains with its board of directors unless the board agrees to a
629 change in governance or its charter is revoked as provided in
630 subsection (15). Such a conversion charter technical career
631 center is not affected by a change in the governance of public
632 technical centers or of programs within other centers that are
633 or have been governed by district school boards. A charter
634 technical career center, or any program within such a center,
635 that was governed by a district school board and transferred to
636 a Florida College System institution prior to the effective date
637 of this act is not affected by this provision. An applicant who
638 wishes to establish a center must submit to the district school

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639 board or Florida College System institution board of trustees,
640 or a consortium of one or more of each, an application on a form
641 developed by the Department of Education which includes:

642 (g) A method for determining whether a student has
643 satisfied the requirements for graduation specified in s.
644 1003.428 or s. 1003.429 ~~1003.43~~ and for completion of a
645 postsecondary certificate or degree.

646
647 Students at a center must meet the same testing and academic
648 performance standards as those established by law and rule for
649 students at public schools and public technical centers. The
650 students must also meet any additional assessment indicators
651 that are included within the charter approved by the district
652 school board or Florida College System institution board of
653 trustees.

654 Section 44. Paragraph (b) of subsection (4) of section
655 1002.45, Florida Statutes, is amended to read:

656 1002.45 Virtual instruction programs.—

657 (4) CONTRACT REQUIREMENTS.—Each contract with an approved
658 provider must at minimum:

659 (b) Provide a method for determining that a student has
660 satisfied the requirements for graduation in s. 1003.428 or, s.
661 ~~1003.429, or s. 1003.43~~ if the contract is for the provision of
662 a full-time virtual instruction program to students in grades 9
663 through 12.

664 Section 45. Paragraph (e) of subsection (3) of section
665 1003.03, Florida Statutes, is amended to read:

666 1003.03 Maximum class size.—

667 (3) IMPLEMENTATION OPTIONS.—District school boards must

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668 consider, but are not limited to, implementing the following
669 items in order to meet the constitutional class size maximums
670 described in subsection (1):

671 (e) Use innovative methods to reduce the cost of school
672 construction by using prototype school designs, using SMART
673 Schools designs, ~~participating in the School Infrastructure~~
674 ~~Thrift Program~~, or any other method not prohibited by law.

675 Section 46. Subsection (1), paragraph (c) of subsection
676 (7), and subsection (8) of section 1003.429, Florida Statutes,
677 are amended to read:

678 1003.429 Accelerated high school graduation options.—

679 (1) Students who enter grade 9 in the 2006-2007 school year
680 and thereafter may select, upon receipt of each consent required
681 by this section, one of the following three high school
682 graduation options:

683 (a) Completion of the general requirements for high school
684 graduation pursuant to s. 1003.428 ~~or s. 1003.43~~, as applicable;

685 (b) Completion of a 3-year standard college preparatory
686 program requiring successful completion of a minimum of 18
687 academic credits in grades 9 through 12. At least 6 of the 18
688 credits required for completion of this program must be received
689 in classes that are offered pursuant to the International
690 Baccalaureate Program, the Advanced Placement Program, dual
691 enrollment, Advanced International Certificate of Education, or
692 specifically listed or identified by the Department of Education
693 as rigorous pursuant to s. 1009.531(3). The 18 credits required
694 for completion of this program shall be primary requirements and
695 shall be distributed as follows:

696 1. Four credits in English, with major concentration in

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697 composition and literature;

698 2. Three credits and, beginning with students entering
699 grade 9 in the 2010-2011 school year, four credits in
700 mathematics at the Algebra I level or higher from the list of
701 courses that qualify for state university admission. Beginning
702 with students entering grade 9 in the 2010-2011 school year, in
703 addition to the Algebra I credit requirement, one of the four
704 credits in mathematics must be geometry or a series of courses
705 equivalent to geometry as approved by the State Board of
706 Education. Beginning with students entering grade 9 in the 2010-
707 2011 school year, the end-of-course assessment requirements
708 under s. 1008.22(3)(c)2.a.(I) must be met in order for a student
709 to earn the required credit in Algebra I. Beginning with
710 students entering grade 9 in the 2011-2012 school year, the end-
711 of-course assessment requirements under s. 1008.22(3)(c)2.a.(I)
712 must be met in order for a student to earn the required credit
713 in geometry. Beginning with students entering grade 9 in the
714 2012-2013 school year, in addition to the Algebra I and geometry
715 credit requirements, one of the four credits in mathematics must
716 be Algebra II or a series of courses equivalent to Algebra II as
717 approved by the State Board of Education;

718 3. Three credits in science, two of which must have a
719 laboratory component. Beginning with students entering grade 9
720 in the 2011-2012 school year, one of the three credits in
721 science must be Biology I or a series of courses equivalent to
722 Biology I as approved by the State Board of Education. Beginning
723 with students entering grade 9 in the 2011-2012 school year, the
724 end-of-course assessment requirements under s.
725 1008.22(3)(c)2.a.(II) must be met in order for a student to earn

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726 the required credit in Biology I. Beginning with students
727 entering grade 9 in the 2013-2014 school year, one of the three
728 credits must be Biology I or a series of courses equivalent to
729 Biology I as approved by the State Board of Education, one
730 credit must be chemistry or physics or a series of courses
731 equivalent to chemistry or physics as approved by the State
732 Board of Education, and one credit must be an equally rigorous
733 course, as approved by the State Board of Education;

734 4. Three credits in social sciences, which must include one
735 credit in United States history, one credit in world history,
736 one-half credit in United States government, and one-half credit
737 in economics;

738 5. Two credits in the same second language unless the
739 student is a native speaker of or can otherwise demonstrate
740 competency in a language other than English. If the student
741 demonstrates competency in another language, the student may
742 replace the language requirement with two credits in other
743 academic courses; and

744 6. Three credits in electives and, beginning with students
745 entering grade 9 in the 2010-2011 school year, two credits in
746 electives; or

747 (c) Completion of a 3-year career preparatory program
748 requiring successful completion of a minimum of 18 academic
749 credits in grades 9 through 12. The 18 credits shall be primary
750 requirements and shall be distributed as follows:

751 1. Four credits in English, with major concentration in
752 composition and literature;

753 2. Three credits and, beginning with students entering
754 grade 9 in the 2010-2011 school year, four credits in

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755 mathematics, one of which must be Algebra I. Beginning with
756 students entering grade 9 in the 2010-2011 school year, in
757 addition to the Algebra I credit requirement, one of the four
758 credits in mathematics must be geometry or a series of courses
759 equivalent to geometry as approved by the State Board of
760 Education. Beginning with students entering grade 9 in the 2010-
761 2011 school year, the end-of-course assessment requirements
762 under s. 1008.22(3)(c)2.a.(I) must be met in order for a student
763 to earn the required credit in Algebra I. Beginning with
764 students entering grade 9 in the 2011-2012 school year, the end-
765 of-course assessment requirements under s. 1008.22(3)(c)2.a.(I)
766 must be met in order for a student to earn the required credit
767 in geometry. Beginning with students entering grade 9 in the
768 2012-2013 school year, in addition to the Algebra I and geometry
769 credit requirements, one of the four credits in mathematics must
770 be Algebra II or a series of courses equivalent to Algebra II as
771 approved by the State Board of Education;

772 3. Three credits in science, two of which must have a
773 laboratory component. Beginning with students entering grade 9
774 in the 2011-2012 school year, one of the three credits in
775 science must be Biology I or a series of courses equivalent to
776 Biology I as approved by the State Board of Education. Beginning
777 with students entering grade 9 in the 2011-2012 school year, the
778 end-of-course assessment requirements under s.
779 1008.22(3)(c)2.a.(II) must be met in order for a student to earn
780 the required credit in Biology I. Beginning with students
781 entering grade 9 in the 2013-2014 school year, one of the three
782 credits must be Biology I or a series of courses equivalent to
783 Biology I as approved by the State Board of Education, one

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784 credit must be chemistry or physics or a series of courses
785 equivalent to chemistry or physics as approved by the State
786 Board of Education, and one credit must be an equally rigorous
787 course, as approved by the State Board of Education;

788 4. Three credits in social sciences, which must include one
789 credit in United States history, one credit in world history,
790 one-half credit in United States government, and one-half credit
791 in economics;

792 5. Three credits in a single vocational or career education
793 program, three credits in career and technical certificate dual
794 enrollment courses, or five credits in vocational or career
795 education courses; and

796 6. Two credits and, beginning with students entering grade
797 9 in the 2010-2011 school year, one credit in electives unless
798 five credits are earned pursuant to subparagraph 5.

799

800 Any student who selected an accelerated graduation program
801 before July 1, 2004, may continue that program, and all
802 statutory program requirements that were applicable when the
803 student made the program choice shall remain applicable to the
804 student as long as the student continues that program.

805 (7) If, at the end of each grade, a student is not on track
806 to meet the credit, assessment, or grade-point-average
807 requirements of the accelerated graduation option selected, the
808 school shall notify the student and parent of the following:

809 (c) The right of the student to change to the 4-year
810 program set forth in s. 1003.428 ~~or s. 1003.43, as applicable.~~

811 (8) A student who selected one of the accelerated 3-year
812 graduation options shall automatically move to the 4-year

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813 program set forth in s. 1003.428 ~~or s. 1003.43, if applicable,~~
814 if the student:

815 (a) Exercises his or her right to change to the 4-year
816 program;

817 (b) Fails to earn 5 credits by the end of grade 9 or fails
818 to earn 11 credits by the end of grade 10;

819 (c) Does not achieve a score of 3 or higher on the grade 10
820 FCAT Writing assessment; or

821 (d) By the end of grade 11 does not meet the requirements
822 of subsections (1) and (6).

823 Section 47. Section 1003.438, Florida Statutes, is amended
824 to read:

825 1003.438 Special high school graduation requirements for
826 certain exceptional students.—A student who has been identified,
827 in accordance with rules established by the State Board of
828 Education, as a student with disabilities who has an
829 intellectual disability; an autism spectrum disorder; a language
830 impairment; an orthopedic impairment; an other health
831 impairment; a traumatic brain injury; an emotional or behavioral
832 disability; a specific learning disability, including, but not
833 limited to, dyslexia, dyscalculia, or developmental aphasia; or
834 students who are deaf or hard of hearing or dual sensory
835 impaired shall not be required to meet all requirements of ~~s.~~
836 ~~1003.43~~ ~~or~~ s. 1003.428 or s. 1003.429 and shall, upon meeting
837 all applicable requirements prescribed by the district school
838 board pursuant to s. 1008.25, be awarded a special diploma in a
839 form prescribed by the commissioner; however, such special
840 graduation requirements prescribed by the district school board
841 must include minimum graduation requirements as prescribed by

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842 the commissioner. Any such student who meets all special
843 requirements of the district school board, but is unable to meet
844 the appropriate special state minimum requirements, shall be
845 awarded a special certificate of completion in a form prescribed
846 by the commissioner. However, this section does not limit or
847 restrict the right of an exceptional student solely to a special
848 diploma or special certificate of completion. Any such student
849 shall, upon proper request, be afforded the opportunity to fully
850 meet all requirements of ~~s. 1003.43~~ or s. 1003.428 or s.
851 1003.429 through the standard procedures established therein and
852 thereby to qualify for a standard diploma upon graduation.

853 Section 48. Subsection (1) of section 1003.49, Florida
854 Statutes, is amended to read:

855 1003.49 Graduation and promotion requirements for publicly
856 operated schools.—

857 (1) Each state or local public agency, including the
858 Department of Children and Family Services, the Department of
859 Corrections, the boards of trustees of universities and Florida
860 College System institutions, and the Board of Trustees of the
861 Florida School for the Deaf and the Blind, which agency is
862 authorized to operate educational programs for students at any
863 level of grades kindergarten through 12 shall be subject to all
864 applicable requirements of ss. 1003.428, 1003.429 ~~1003.43~~,
865 1008.23, and 1008.25. Within the content of these cited statutes
866 each such state or local public agency or entity shall be
867 considered a "district school board."

868 Section 49. Paragraph (c) of subsection (4) of section
869 1004.70, Florida Statutes, is amended to read:

870 1004.70 Florida College System institution direct-support

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871 organizations.—

872 (4) ACTIVITIES; RESTRICTIONS.—

873 (c) Any transaction or agreement between one direct-support
874 organization and another direct-support organization ~~or between~~
875 ~~a direct-support organization and a center of technology~~
876 ~~innovation designated under s. 1004.77~~ must be approved by the
877 board of trustees.

878 Section 50. Paragraph (b) of subsection (4) of section
879 1004.71, Florida Statutes, is amended to read:

880 1004.71 Statewide Florida College System institution
881 direct-support organizations.—

882 (4) RESTRICTIONS.—

883 (b) Any transaction or agreement between a statewide,
884 direct-support organization and any other direct-support
885 organization ~~or between a statewide, direct-support organization~~
886 ~~and a center of technology innovation designated under s.~~
887 ~~1004.77~~ must be approved by the State Board of Education.

888 Section 51. Paragraph (g) of subsection (2) of section
889 1006.025, Florida Statutes, is redesignated as paragraph (f) and
890 present paragraph (f) of that subsection is amended, to read:

891 1006.025 Guidance services.—

892 (2) The guidance report shall include, but not be limited
893 to, the following:

894 ~~(f) Actions taken to provide information to students for~~
895 ~~the school to work transition pursuant to s. 1006.02.~~

896 Section 52. Paragraph (a) of subsection (3) of section
897 1006.15, Florida Statutes, is amended to read:

898 1006.15 Student standards for participation in
899 interscholastic and intrascholastic extracurricular student

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900 activities; regulation.—

901 (3) (a) To be eligible to participate in interscholastic
902 extracurricular student activities, a student must:

903 1. Maintain a grade point average of 2.0 or above on a 4.0
904 scale, or its equivalent, in the previous semester or a
905 cumulative grade point average of 2.0 or above on a 4.0 scale,
906 or its equivalent, in the courses required by s. 1003.428 or s.
907 1003.429 ~~1003.43(1)~~.

908 2. Execute and fulfill the requirements of an academic
909 performance contract between the student, the district school
910 board, the appropriate governing association, and the student's
911 parents, if the student's cumulative grade point average falls
912 below 2.0, or its equivalent, on a 4.0 scale in the courses
913 required by s. 1003.428 or s. 1003.429 ~~1003.43(1)~~ or, for
914 ~~students who entered the 9th grade prior to the 1997-1998 school~~
915 ~~year, if the student's cumulative grade point average falls~~
916 ~~below 2.0 on a 4.0 scale, or its equivalent, in the courses~~
917 ~~required by s. 1003.43(1) which are taken after July 1, 1997.~~ At
918 a minimum, the contract must require that the student attend
919 summer school, or its graded equivalent, between grades 9 and 10
920 or grades 10 and 11, as necessary.

921 3. Have a cumulative grade point average of 2.0 or above on
922 a 4.0 scale, or its equivalent, in the courses required by s.
923 1003.428 or s. 1003.429 ~~1003.43(1)~~ during his or her junior or
924 senior year.

925 4. Maintain satisfactory conduct, including adherence to
926 appropriate dress and other codes of student conduct policies
927 described in s. 1006.07(2). If a student is convicted of, or is
928 found to have committed, a felony or a delinquent act that would

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929 have been a felony if committed by an adult, regardless of
930 whether adjudication is withheld, the student's participation in
931 interscholastic extracurricular activities is contingent upon
932 established and published district school board policy.

933 Section 53. Subsection (4) of section 1007.263, Florida
934 Statutes, is amended to read:

935 1007.263 Florida College System institutions; admissions of
936 students.—Each Florida College System institution board of
937 trustees is authorized to adopt rules governing admissions of
938 students subject to this section and rules of the State Board of
939 Education. These rules shall include the following:

940 (4) A student who has been awarded a special diploma as
941 defined in s. 1003.438 or a certificate of completion as defined
942 in s. 1003.428(7)(b) ~~1003.43(10)~~ is eligible to enroll in
943 certificate career education programs.

944
945 Each board of trustees shall establish policies that notify
946 students about, and place students into, adult basic education,
947 adult secondary education, or other instructional programs that
948 provide students with alternatives to traditional college-
949 preparatory instruction, including private provider instruction.
950 A student is prohibited from enrolling in additional college-
951 level courses until the student scores above the cut-score on
952 all sections of the common placement test.

953 Section 54. Subsections (2) and (9) of section 1007.271,
954 Florida Statutes, are amended to read:

955 1007.271 Dual enrollment programs.—

956 (2) For the purpose of this section, an eligible secondary
957 student is a student who is enrolled in a Florida public

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958 secondary school or in a Florida private secondary school which
959 is in compliance with s. 1002.42(2) and provides a secondary
960 curriculum pursuant to s. 1003.428 or s. 1003.429, ~~or s.~~
961 ~~1003.43~~. Students who are eligible for dual enrollment pursuant
962 to this section may enroll in dual enrollment courses conducted
963 during school hours, after school hours, and during the summer
964 term. However, if the student is projected to graduate from high
965 school before the scheduled completion date of a postsecondary
966 course, the student may not register for that course through
967 dual enrollment. The student may apply to the postsecondary
968 institution and pay the required registration, tuition, and fees
969 if the student meets the postsecondary institution's admissions
970 requirements under s. 1007.263. Instructional time for dual
971 enrollment may vary from 900 hours; however, the school district
972 may only report the student for a maximum of 1.0 FTE, as
973 provided in s. 1011.61(4). Any student enrolled as a dual
974 enrollment student is exempt from the payment of registration,
975 tuition, and laboratory fees. Vocational-preparatory
976 instruction, college-preparatory instruction, and other forms of
977 precollegiate instruction, as well as physical education courses
978 that focus on the physical execution of a skill rather than the
979 intellectual attributes of the activity, are ineligible for
980 inclusion in the dual enrollment program. Recreation and leisure
981 studies courses shall be evaluated individually in the same
982 manner as physical education courses for potential inclusion in
983 the program.

984 (9) The Commissioner of Education shall appoint faculty
985 committees representing public school, Florida College System
986 institution, and university faculties to identify postsecondary

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987 courses that meet the high school graduation requirements of s.
988 1003.428 or, s. 1003.429, ~~or s. 1003.43~~ and to establish the
989 number of postsecondary semester credit hours of instruction and
990 equivalent high school credits earned through dual enrollment
991 pursuant to this section that are necessary to meet high school
992 graduation requirements. Such equivalencies shall be determined
993 solely on comparable course content and not on seat time
994 traditionally allocated to such courses in high school. The
995 Commissioner of Education shall recommend to the State Board of
996 Education those postsecondary courses identified to meet high
997 school graduation requirements, based on mastery of course
998 outcomes, by their course numbers, and all high schools shall
999 accept these postsecondary education courses toward meeting the
1000 requirements of s. 1003.428 or, s. 1003.429, ~~or s. 1003.43~~.

1001 Section 55. Paragraph (c) of subsection (3) of section
1002 1008.22, Florida Statutes, is amended to read:

1003 1008.22 Student assessment program for public schools.—

1004 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
1005 design and implement a statewide program of educational
1006 assessment that provides information for the improvement of the
1007 operation and management of the public schools, including
1008 schools operating for the purpose of providing educational
1009 services to youth in Department of Juvenile Justice programs.
1010 The commissioner may enter into contracts for the continued
1011 administration of the assessment programs authorized and funded
1012 by the Legislature. Contracts may be initiated in 1 fiscal year
1013 and continue into the next and may be paid from the
1014 appropriations of either or both fiscal years. The commissioner
1015 is authorized to negotiate for the sale or lease of tests,

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1016 scoring protocols, test scoring services, and related materials
1017 developed pursuant to law. Pursuant to the statewide assessment
1018 program, the commissioner shall:

1019 (c) Develop and implement a student achievement assessment
1020 program as follows:

1021 1. The Florida Comprehensive Assessment Test (FCAT)
1022 measures a student's content knowledge and skills in reading,
1023 writing, science, and mathematics. The content knowledge and
1024 skills assessed by the FCAT must be aligned to the core
1025 curricular content established in the Next Generation Sunshine
1026 State Standards. FCAT Reading and FCAT Mathematics shall be
1027 administered annually in grades 3 through 10 except, beginning
1028 with the 2010-2011 school year, the administration of grade 9
1029 FCAT Mathematics shall be discontinued, and beginning with the
1030 2011-2012 school year, the administration of grade 10 FCAT
1031 Mathematics shall be discontinued, except as required for
1032 students who have not attained minimum performance expectations
1033 for graduation as provided in paragraph (9)(c). FCAT Writing and
1034 FCAT Science shall be administered at least once at the
1035 elementary, middle, and high school levels except, beginning
1036 with the 2011-2012 school year, the administration of FCAT
1037 Science at the high school level shall be discontinued. Students
1038 enrolled in an Algebra I, geometry, or Biology I course or an
1039 equivalent course with a statewide, standardized end-of-course
1040 assessment are not required to take the corresponding grade-
1041 level FCAT assessment.

1042 2.a. End-of-course assessments must be rigorous, statewide,
1043 standardized, and developed or approved by the department. The
1044 content knowledge and skills assessed by end-of-course

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1045 assessments must be aligned to the core curricular content
1046 established in the Next Generation Sunshine State Standards.

1047 (I) Statewide, standardized end-of-course assessments in
1048 mathematics shall be administered according to this sub-sub-
1049 subparagraph. Beginning with the 2010-2011 school year, all
1050 students enrolled in Algebra I or an equivalent course must take
1051 the Algebra I end-of-course assessment. For students entering
1052 grade 9 during the 2010-2011 school year and who are enrolled in
1053 Algebra I or an equivalent, each student's performance on the
1054 end-of-course assessment in Algebra I shall constitute 30
1055 percent of the student's final course grade. Beginning with the
1056 2012-2013 school year, the end-of-course assessment in Algebra I
1057 shall be administered four times annually. Beginning with
1058 students entering grade 9 in the 2011-2012 school year, a
1059 student who is enrolled in Algebra I or an equivalent must earn
1060 a passing score on the end-of-course assessment in Algebra I or
1061 attain an equivalent score as described in subsection (11) in
1062 order to earn course credit. Beginning with the 2011-2012 school
1063 year, all students enrolled in geometry or an equivalent course
1064 must take the geometry end-of-course assessment. For students
1065 entering grade 9 during the 2011-2012 school year, each
1066 student's performance on the end-of-course assessment in
1067 geometry shall constitute 30 percent of the student's final
1068 course grade. Beginning with students entering grade 9 during
1069 the 2012-2013 school year, a student must earn a passing score
1070 on the end-of-course assessment in geometry or attain an
1071 equivalent score as described in subsection (11) in order to
1072 earn course credit.

1073 (II) Statewide, standardized end-of-course assessments in

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1074 science shall be administered according to this sub-sub-
1075 subparagraph. Beginning with the 2011-2012 school year, all
1076 students enrolled in Biology I or an equivalent course must take
1077 the Biology I end-of-course assessment. For the 2011-2012 school
1078 year, each student's performance on the end-of-course assessment
1079 in Biology I shall constitute 30 percent of the student's final
1080 course grade. Beginning with students entering grade 9 during
1081 the 2012-2013 school year, a student must earn a passing score
1082 on the end-of-course assessment in Biology I in order to earn
1083 course credit.

1084 b. During the 2012-2013 school year, an end-of-course
1085 assessment in civics education shall be administered as a field
1086 test at the middle school level. During the 2013-2014 school
1087 year, each student's performance on the statewide, standardized
1088 end-of-course assessment in civics education shall constitute 30
1089 percent of the student's final course grade. Beginning with the
1090 2014-2015 school year, a student must earn a passing score on
1091 the end-of-course assessment in civics education in order to
1092 pass the course and be promoted from the middle grades. The
1093 school principal of a middle school shall determine, in
1094 accordance with State Board of Education rule, whether a student
1095 who transfers to the middle school and who has successfully
1096 completed a civics education course at the student's previous
1097 school must take an end-of-course assessment in civics
1098 education.

1099 c. The commissioner may select one or more nationally
1100 developed comprehensive examinations, which may include, but
1101 need not be limited to, examinations for a College Board
1102 Advanced Placement course, International Baccalaureate course,

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1103 or Advanced International Certificate of Education course, or
1104 industry-approved examinations to earn national industry
1105 certifications identified in the Industry Certification Funding
1106 List, pursuant to rules adopted by the State Board of Education,
1107 for use as end-of-course assessments under this paragraph, if
1108 the commissioner determines that the content knowledge and
1109 skills assessed by the examinations meet or exceed the grade
1110 level expectations for the core curricular content established
1111 for the course in the Next Generation Sunshine State Standards.
1112 The commissioner may collaborate with the American Diploma
1113 Project in the adoption or development of rigorous end-of-course
1114 assessments that are aligned to the Next Generation Sunshine
1115 State Standards.

1116 d. Contingent upon funding provided in the General
1117 Appropriations Act, including the appropriation of funds
1118 received through federal grants, the Commissioner of Education
1119 shall establish an implementation schedule for the development
1120 and administration of additional statewide, standardized end-of-
1121 course assessments in English/Language Arts II, Algebra II,
1122 chemistry, physics, earth/space science, United States history,
1123 and world history. Priority shall be given to the development of
1124 end-of-course assessments in English/Language Arts II. The
1125 Commissioner of Education shall evaluate the feasibility and
1126 effect of transitioning from the grade 9 and grade 10 FCAT
1127 Reading and high school level FCAT Writing to an end-of-course
1128 assessment in English/Language Arts II. The commissioner shall
1129 report the results of the evaluation to the President of the
1130 Senate and the Speaker of the House of Representatives no later
1131 than July 1, 2011.

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1132 3. The assessment program shall measure student content
1133 knowledge and skills adopted by the State Board of Education as
1134 specified in paragraph (a) and measure and report student
1135 performance levels of all students assessed in reading, writing,
1136 mathematics, and science. The commissioner shall provide for the
1137 tests to be developed or obtained, as appropriate, through
1138 contracts and project agreements with private vendors, public
1139 vendors, public agencies, postsecondary educational
1140 institutions, or school districts. The commissioner shall obtain
1141 input with respect to the design and implementation of the
1142 assessment program from state educators, assistive technology
1143 experts, and the public.

1144 4. The assessment program shall be composed of criterion-
1145 referenced tests that shall, to the extent determined by the
1146 commissioner, include test items that require the student to
1147 produce information or perform tasks in such a way that the core
1148 content knowledge and skills he or she uses can be measured.

1149 5. FCAT Reading, Mathematics, and Science and all
1150 statewide, standardized end-of-course assessments shall measure
1151 the content knowledge and skills a student has attained on the
1152 assessment by the use of scaled scores and achievement levels.
1153 Achievement levels shall range from 1 through 5, with level 1
1154 being the lowest achievement level, level 5 being the highest
1155 achievement level, and level 3 indicating satisfactory
1156 performance on an assessment. For purposes of FCAT Writing,
1157 student achievement shall be scored using a scale of 1 through 6
1158 and the score earned shall be used in calculating school grades.
1159 A score shall be designated for each subject area tested, below
1160 which score a student's performance is deemed inadequate. The

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1161 school districts shall provide appropriate remedial instruction
1162 to students who score below these levels.

1163 6. The State Board of Education shall, by rule, designate a
1164 passing score for each part of the grade 10 assessment test and
1165 end-of-course assessments. Any rule that has the effect of
1166 raising the required passing scores may apply only to students
1167 taking the assessment for the first time after the rule is
1168 adopted by the State Board of Education. Except as otherwise
1169 provided in this subparagraph and as provided in s.

1170 1003.428(8)(b) ~~or s. 1003.43(11)(b)~~, students must earn a
1171 passing score on grade 10 FCAT Reading and grade 10 FCAT
1172 Mathematics or attain concordant scores as described in
1173 subsection (10) in order to qualify for a standard high school
1174 diploma.

1175 7. In addition to designating a passing score under
1176 subparagraph 6., the State Board of Education shall also
1177 designate, by rule, a score for each statewide, standardized
1178 end-of-course assessment which indicates that a student is high
1179 achieving and has the potential to meet college-readiness
1180 standards by the time the student graduates from high school.

1181 8. Participation in the assessment program is mandatory for
1182 all students attending public school, including students served
1183 in Department of Juvenile Justice programs, except as otherwise
1184 prescribed by the commissioner. A student who has not earned
1185 passing scores on the grade 10 FCAT as provided in subparagraph
1186 6. must participate in each retake of the assessment until the
1187 student earns passing scores or achieves scores on a
1188 standardized assessment which are concordant with passing scores
1189 pursuant to subsection (10). If a student does not participate

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1190 in the statewide assessment, the district must notify the
1191 student's parent and provide the parent with information
1192 regarding the implications of such nonparticipation. A parent
1193 must provide signed consent for a student to receive classroom
1194 instructional accommodations that would not be available or
1195 permitted on the statewide assessments and must acknowledge in
1196 writing that he or she understands the implications of such
1197 instructional accommodations. The State Board of Education shall
1198 adopt rules, based upon recommendations of the commissioner, for
1199 the provision of test accommodations for students in exceptional
1200 education programs and for students who have limited English
1201 proficiency. Accommodations that negate the validity of a
1202 statewide assessment are not allowable in the administration of
1203 the FCAT or an end-of-course assessment. However, instructional
1204 accommodations are allowable in the classroom if included in a
1205 student's individual education plan. Students using
1206 instructional accommodations in the classroom that are not
1207 allowable as accommodations on the FCAT or an end-of-course
1208 assessment may have the FCAT or an end-of-course assessment
1209 requirement waived pursuant to the requirements of s.
1210 1003.428(8)(b) ~~or s. 1003.43(11)(b)~~.

1211 9. A student seeking an adult high school diploma must meet
1212 the same testing requirements that a regular high school student
1213 must meet.

1214 10. District school boards must provide instruction to
1215 prepare students in the core curricular content established in
1216 the Next Generation Sunshine State Standards adopted under s.
1217 1003.41, including the core content knowledge and skills
1218 necessary for successful grade-to-grade progression and high

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1219 school graduation. If a student is provided with instructional
1220 accommodations in the classroom that are not allowable as
1221 accommodations in the statewide assessment program, as described
1222 in the test manuals, the district must inform the parent in
1223 writing and must provide the parent with information regarding
1224 the impact on the student's ability to meet expected performance
1225 levels in reading, writing, mathematics, and science. The
1226 commissioner shall conduct studies as necessary to verify that
1227 the required core curricular content is part of the district
1228 instructional programs.

1229 11. District school boards must provide opportunities for
1230 students to demonstrate an acceptable performance level on an
1231 alternative standardized assessment approved by the State Board
1232 of Education following enrollment in summer academies.

1233 12. The Department of Education must develop, or select,
1234 and implement a common battery of assessment tools that will be
1235 used in all juvenile justice programs in the state. These tools
1236 must accurately measure the core curricular content established
1237 in the Next Generation Sunshine State Standards.

1238 13. For students seeking a special diploma pursuant to s.
1239 1003.438, the Department of Education must develop or select and
1240 implement an alternate assessment tool that accurately measures
1241 the core curricular content established in the Next Generation
1242 Sunshine State Standards for students with disabilities under s.
1243 1003.438.

1244 14. The Commissioner of Education shall establish schedules
1245 for the administration of statewide assessments and the
1246 reporting of student test results. When establishing the
1247 schedules for the administration of statewide assessments, the

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1248 commissioner shall consider the observance of religious and
1249 school holidays. The commissioner shall, by August 1 of each
1250 year, notify each school district in writing and publish on the
1251 department's Internet website the testing and reporting
1252 schedules for, at a minimum, the school year following the
1253 upcoming school year. The testing and reporting schedules shall
1254 require that:

1255 a. There is the latest possible administration of statewide
1256 assessments and the earliest possible reporting to the school
1257 districts of student test results which is feasible within
1258 available technology and specific appropriations; however, test
1259 results for the FCAT must be made available no later than the
1260 week of June 8. Student results for end-of-course assessments
1261 must be provided no later than 1 week after the school district
1262 completes testing for each course. The commissioner may extend
1263 the reporting schedule under exigent circumstances.

1264 b. FCAT Writing may not be administered earlier than the
1265 week of March 1, and a comprehensive statewide assessment of any
1266 other subject may not be administered earlier than the week of
1267 April 15.

1268 c. A statewide, standardized end-of-course assessment is
1269 administered at the end of the course. The commissioner shall
1270 select an administration period for assessments that meets the
1271 intent of end-of-course assessments and provides student results
1272 prior to the end of the course. School districts shall
1273 administer tests in accordance with the schedule determined by
1274 the commissioner. For an end-of-course assessment administered
1275 at the end of the first semester, the commissioner shall
1276 determine the most appropriate testing dates based on a review

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1277 of each school district's academic calendar.

1278

1279 The commissioner may, based on collaboration and input from
1280 school districts, design and implement student testing programs,
1281 for any grade level and subject area, necessary to effectively
1282 monitor educational achievement in the state, including the
1283 measurement of educational achievement of the Next Generation
1284 Sunshine State Standards for students with disabilities.
1285 Development and refinement of assessments shall include
1286 universal design principles and accessibility standards that
1287 will prevent any unintended obstacles for students with
1288 disabilities while ensuring the validity and reliability of the
1289 test. These principles should be applicable to all technology
1290 platforms and assistive devices available for the assessments.
1291 The field testing process and psychometric analyses for the
1292 statewide assessment program must include an appropriate
1293 percentage of students with disabilities and an evaluation or
1294 determination of the effect of test items on such students.

1295 Section 56. Section 1008.23, Florida Statutes, is amended
1296 to read:

1297 1008.23 Confidentiality of assessment instruments.—All
1298 examination and assessment instruments, including developmental
1299 materials and workpapers directly related thereto, which are
1300 prepared, prescribed, or administered pursuant to ss. ~~1003.43~~,
1301 1008.22~~7~~ and 1008.25 shall be confidential and exempt from the
1302 provisions of s. 119.07(1) and from s. 1001.52. Provisions
1303 governing access, maintenance, and destruction of such
1304 instruments and related materials shall be prescribed by rules
1305 of the State Board of Education.

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1306 Section 57. Paragraph (a) of subsection (1) of section
1307 1009.40, Florida Statutes, is amended to read:

1308 1009.40 General requirements for student eligibility for
1309 state financial aid awards and tuition assistance grants.—

1310 (1) (a) The general requirements for eligibility of students
1311 for state financial aid awards and tuition assistance grants
1312 consist of the following:

1313 1. Achievement of the academic requirements of and
1314 acceptance at a state university or Florida College System
1315 institution; a nursing diploma school approved by the Florida
1316 Board of Nursing; a Florida college or university which is
1317 accredited by an accrediting agency recognized by the State
1318 Board of Education; any Florida institution the credits of which
1319 are acceptable for transfer to state universities; any career
1320 center; or any private career institution accredited by an
1321 accrediting agency recognized by the State Board of Education.

1322 2. Residency in this state for no less than 1 year
1323 preceding the award of aid or a tuition assistance grant for a
1324 program established pursuant to s. 1009.50, s. 1009.505, s.
1325 1009.51, s. 1009.52, s. 1009.53, s. 1009.56, s. 1009.60, s.
1326 1009.62, ~~s. 1009.68~~, s. 1009.72, s. 1009.73, s. 1009.77, s.
1327 1009.89, or s. 1009.891. Residency in this state must be for
1328 purposes other than to obtain an education. Resident status for
1329 purposes of receiving state financial aid awards shall be
1330 determined in the same manner as resident status for tuition
1331 purposes pursuant to s. 1009.21.

1332 3. Submission of certification attesting to the accuracy,
1333 completeness, and correctness of information provided to
1334 demonstrate a student's eligibility to receive state financial

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1335 aid awards or tuition assistance grants. Falsification of such
1336 information shall result in the denial of any pending
1337 application and revocation of any award or grant currently held
1338 to the extent that no further payments shall be made.
1339 Additionally, students who knowingly make false statements in
1340 order to receive state financial aid awards or tuition
1341 assistance grants commit a misdemeanor of the second degree
1342 subject to the provisions of s. 837.06 and shall be required to
1343 return all state financial aid awards or tuition assistance
1344 grants wrongfully obtained.

1345 Section 58. Paragraph (b) of subsection (1) of section
1346 1009.531, Florida Statutes, is amended to read:

1347 1009.531 Florida Bright Futures Scholarship Program;
1348 student eligibility requirements for initial awards.—

1349 (1) Effective January 1, 2008, in order to be eligible for
1350 an initial award from any of the three types of scholarships
1351 under the Florida Bright Futures Scholarship Program, a student
1352 must:

1353 (b) Earn a standard Florida high school diploma or its
1354 equivalent pursuant to s. 1003.428, s. 1003.4281, s. 1003.429,
1355 ~~s. 1003.43~~, or s. 1003.435 unless:

1356 1. The student completes a home education program according
1357 to s. 1002.41; or

1358 2. The student earns a high school diploma from a non-
1359 Florida school while living with a parent or guardian who is on
1360 military or public service assignment away from Florida.

1361 Section 59. Paragraph (c) of subsection (2) of section
1362 1009.94, Florida Statutes, is amended to read:

1363 1009.94 Student financial assistance database.—

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1364 (2) For purposes of this section, financial assistance
1365 includes:

1366 (c) Any financial assistance provided under s. 1009.50, s.
1367 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.55, s.
1368 1009.56, s. 1009.60, s. 1009.62, ~~s. 1009.68~~, s. 1009.70, s.
1369 1009.701, s. 1009.72, s. 1009.73, s. 1009.74, s. 1009.77, s.
1370 1009.89, or s. 1009.891.

1371 Section 60. Paragraph (c) of subsection (1) of section
1372 1011.61, Florida Statutes, is amended to read:

1373 1011.61 Definitions.—Notwithstanding the provisions of s.
1374 1000.21, the following terms are defined as follows for the
1375 purposes of the Florida Education Finance Program:

1376 (1) A "full-time equivalent student" in each program of the
1377 district is defined in terms of full-time students and part-time
1378 students as follows:

1379 (c)1. A "full-time equivalent student" is:

1380 a. A full-time student in any one of the programs listed in
1381 s. 1011.62(1)(c); or

1382 b. A combination of full-time or part-time students in any
1383 one of the programs listed in s. 1011.62(1)(c) which is the
1384 equivalent of one full-time student based on the following
1385 calculations:

1386 (I) A full-time student in a combination of programs listed
1387 in s. 1011.62(1)(c) shall be a fraction of a full-time
1388 equivalent membership in each program equal to the number of net
1389 hours per school year for which he or she is a member, divided
1390 by the appropriate number of hours set forth in subparagraph

1391 (a)1. or subparagraph (a)2. The sum of the fractions for each
1392 program may not exceed the maximum value set forth in subsection

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1393 (4).

1394 (II) A prekindergarten student with a disability shall meet
1395 the requirements specified for kindergarten students.

1396 (III) A full-time equivalent student for students in
1397 kindergarten through grade 12 in a full-time virtual instruction
1398 program under s. 1002.45 or a virtual charter school under s.
1399 1002.33 shall consist of six full-credit completions or the
1400 prescribed level of content that counts toward promotion to the
1401 next grade in programs listed in s. 1011.62(1)(c). Credit
1402 completions may be a combination of full-credit courses or half-
1403 credit courses. Beginning in the 2014-2015 fiscal year, when s.
1404 1008.22(3)(g) is implemented, the reported full-time equivalent
1405 students and associated funding of students enrolled in courses
1406 requiring passage of an end-of-course assessment shall be
1407 adjusted after the student completes the end-of-course
1408 assessment.

1409 (IV) A full-time equivalent student for students in
1410 kindergarten through grade 12 in a part-time virtual instruction
1411 program under s. 1002.45 shall consist of six full-credit
1412 completions in programs listed in s. 1011.62(1)(c)1. and 3.
1413 Credit completions may be a combination of full-credit courses
1414 or half-credit courses. Beginning in the 2014-2015 fiscal year,
1415 when s. 1008.22(3)(g) is implemented, the reported full-time
1416 equivalent students and associated funding of students enrolled
1417 in courses requiring passage of an end-of-course assessment
1418 shall be adjusted after the student completes the end-of-course
1419 assessment.

1420 (V) A Florida Virtual School full-time equivalent student
1421 shall consist of six full-credit completions or the prescribed

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1422 level of content that counts toward promotion to the next grade
1423 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
1424 participating in kindergarten through grade 12 part-time virtual
1425 instruction and the programs listed in s. 1011.62(1)(c) for
1426 students participating in kindergarten through grade 12 full-
1427 time virtual instruction. Credit completions may be a
1428 combination of full-credit courses or half-credit courses.
1429 Beginning in the 2014-2015 fiscal year, when s. 1008.22(3)(g) is
1430 implemented, the reported full-time equivalent students and
1431 associated funding of students enrolled in courses requiring
1432 passage of an end-of-course assessment shall be adjusted after
1433 the student completes the end-of-course assessment.

1434 (VI) Each successfully completed full-credit course earned
1435 through an online course delivered by a district other than the
1436 one in which the student resides shall be calculated as 1/6 FTE.

1437 ~~(VII) Each successfully completed credit earned under the~~
1438 ~~alternative high school course credit requirements authorized in~~
1439 ~~s. 1002.375, which is not reported as a portion of the 900 net~~
1440 ~~hours of instruction pursuant to subparagraph (1)(a)1., shall be~~
1441 ~~calculated as 1/6 FTE.~~

1442 (VII) ~~(VIII)~~(A) A full-time equivalent student for courses
1443 requiring a statewide, standardized end-of-course assessment
1444 pursuant to s. 1008.22(3)(c)2.a. shall be defined and reported
1445 based on the number of instructional hours as provided in this
1446 subsection for the first 3 years of administering the end-of-
1447 course assessment. Beginning in the fourth year of administering
1448 the end-of-course assessment, the FTE shall be credit-based and
1449 each course shall be equal to 1/6 FTE. The reported FTE shall be
1450 adjusted after the student successfully completes the end-of-

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1451 course assessment pursuant to s. 1008.22(3)(c)2.a.

1452 (B) For students enrolled in a school district as a full-
1453 time student, the district may report 1/6 FTE for each student
1454 who passes a statewide, standardized end-of-course assessment
1455 without being enrolled in the corresponding course.

1456 (C) The FTE earned under this sub-sub-subparagraph and any
1457 FTE for courses or programs listed in s. 1011.62(1)(c) that do
1458 not require passing a statewide, standardized end-of-course
1459 assessment are subject to the requirements in subsection (4).

1460 2. A student in membership in a program scheduled for more
1461 or less than 180 school days or the equivalent on an hourly
1462 basis as specified by rules of the State Board of Education is a
1463 fraction of a full-time equivalent membership equal to the
1464 number of instructional hours in membership divided by the
1465 appropriate number of hours set forth in subparagraph (a)1.;
1466 however, for the purposes of this subparagraph, membership in
1467 programs scheduled for more than 180 days is limited to students
1468 enrolled in juvenile justice education programs and the Florida
1469 Virtual School.

1470
1471 The department shall determine and implement an equitable method
1472 of equivalent funding for experimental schools and for schools
1473 operating under emergency conditions, which schools have been
1474 approved by the department to operate for less than the minimum
1475 school day.

1476 Section 61. Paragraph (b) of subsection (2) of section
1477 1013.35, Florida Statutes, is amended to read:

1478 1013.35 School district educational facilities plan;
1479 definitions; preparation, adoption, and amendment; long-term

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1480 work programs.—

1481 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL
1482 FACILITIES PLAN.—

1483 (b) The plan must also include a financially feasible
1484 district facilities work program for a 5-year period. The work
1485 program must include:

1486 1. A schedule of major repair and renovation projects
1487 necessary to maintain the educational facilities and ancillary
1488 facilities of the district.

1489 2. A schedule of capital outlay projects necessary to
1490 ensure the availability of satisfactory student stations for the
1491 projected student enrollment in K-12 programs. This schedule
1492 shall consider:

1493 a. The locations, capacities, and planned utilization rates
1494 of current educational facilities of the district. The capacity
1495 of existing satisfactory facilities, as reported in the Florida
1496 Inventory of School Houses must be compared to the capital
1497 outlay full-time-equivalent student enrollment as determined by
1498 the department, including all enrollment used in the calculation
1499 of the distribution formula in s. 1013.64.

1500 b. The proposed locations of planned facilities, whether
1501 those locations are consistent with the comprehensive plans of
1502 all affected local governments, and recommendations for
1503 infrastructure and other improvements to land adjacent to
1504 existing facilities. The provisions of ss. 1013.33(6), (7), and
1505 (8) and 1013.36 must be addressed for new facilities planned
1506 within the first 3 years of the work plan, as appropriate.

1507 c. Plans for the use and location of relocatable
1508 facilities, leased facilities, and charter school facilities.

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1509 d. Plans for multitrack scheduling, grade level
1510 organization, block scheduling, or other alternatives that
1511 reduce the need for additional permanent student stations.

1512 e. Information concerning average class size and
1513 utilization rate by grade level within the district which will
1514 result if the tentative district facilities work program is
1515 fully implemented.

1516 f. The number and percentage of district students planned
1517 to be educated in relocatable facilities during each year of the
1518 tentative district facilities work program. For determining
1519 future needs, student capacity may not be assigned to any
1520 relocatable classroom that is scheduled for elimination or
1521 replacement with a permanent educational facility in the current
1522 year of the adopted district educational facilities plan and in
1523 the district facilities work program adopted under this section.
1524 Those relocatable classrooms clearly identified and scheduled
1525 for replacement in a school-board-adopted, financially feasible,
1526 5-year district facilities work program shall be counted at zero
1527 capacity at the time the work program is adopted and approved by
1528 the school board. However, if the district facilities work
1529 program is changed and the relocatable classrooms are not
1530 replaced as scheduled in the work program, the classrooms must
1531 be reentered into the system and be counted at actual capacity.
1532 Relocatable classrooms may not be perpetually added to the work
1533 program or continually extended for purposes of circumventing
1534 this section. All relocatable classrooms not identified and
1535 scheduled for replacement, including those owned, lease-
1536 purchased, or leased by the school district, must be counted at
1537 actual student capacity. The district educational facilities

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1538 plan must identify the number of relocatable student stations
1539 scheduled for replacement during the 5-year survey period and
1540 the total dollar amount needed for that replacement.

1541 g. Plans for the closure of any school, including plans for
1542 disposition of the facility or usage of facility space, and
1543 anticipated revenues.

1544 h. Projects for which capital outlay and debt service funds
1545 accruing under s. 9(d), Art. XII of the State Constitution are
1546 to be used shall be identified separately in priority order on a
1547 project priority list within the district facilities work
1548 program.

1549 3. The projected cost for each project identified in the
1550 district facilities work program. For proposed projects for new
1551 student stations, a schedule shall be prepared comparing the
1552 planned cost and square footage for each new student station, by
1553 elementary, middle, and high school levels, to the low, average,
1554 and high cost of facilities constructed throughout the state
1555 during the most recent fiscal year for which data is available
1556 from the Department of Education.

1557 4. A schedule of estimated capital outlay revenues from
1558 each currently approved source which is estimated to be
1559 available for expenditure on the projects included in the
1560 district facilities work program.

1561 5. A schedule indicating which projects included in the
1562 district facilities work program will be funded from current
1563 revenues projected in subparagraph 4.

1564 6. A schedule of options for the generation of additional
1565 revenues by the district for expenditure on projects identified
1566 in the district facilities work program which are not funded

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1567 under subparagraph 5. Additional anticipated revenues may
1568 include ~~effort index grants, SIT Program awards,~~ and Classrooms
1569 First funds.

1570 Section 62. Subsection (2) of section 1013.356, Florida
1571 Statutes, is amended to read:

1572 1013.356 Local funding for educational facilities benefit
1573 districts or community development districts.—Upon confirmation
1574 by a district school board of the commitment of revenues by an
1575 educational facilities benefit district or community development
1576 district necessary to construct and maintain an educational
1577 facility contained within an individual district facilities work
1578 program or proposed by an approved charter school or a charter
1579 school applicant, the following funds shall be provided to the
1580 educational facilities benefit district or community development
1581 district annually, beginning with the next fiscal year after
1582 confirmation until the district's financial obligations are
1583 completed:

1584 (2) For construction and capital maintenance costs not
1585 covered by the funds provided under subsection (1), an annual
1586 amount contributed by the district school board equal to one-
1587 half of the remaining costs of construction and capital
1588 maintenance of the educational facility. Any construction costs
1589 above the cost-per-student criteria established in s.
1590 1013.64(6)(b)1. ~~for the SIT Program in s. 1013.72(2)~~ shall be
1591 funded exclusively by the educational facilities benefit
1592 district or the community development district. Funds
1593 contributed by a district school board shall not be used to fund
1594 operational costs.

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1596 Educational facilities funded pursuant to this act may be
1597 constructed on land that is owned by any person after the
1598 district school board has acquired from the owner of the land a
1599 long-term lease for the use of this land for a period of not
1600 less than 40 years or the life expectancy of the permanent
1601 facilities constructed thereon, whichever is longer. All
1602 interlocal agreements entered into pursuant to this act shall
1603 provide for ownership of educational facilities funded pursuant
1604 to this act to revert to the district school board if such
1605 facilities cease to be used for public educational purposes
1606 prior to 40 years after construction or prior to the end of the
1607 life expectancy of the educational facilities, whichever is
1608 longer.

1609 Section 63. Subsections (4), (5), and (6) of section
1610 1013.41, Florida Statutes, are amended to read:

1611 1013.41 SMART schools; Classrooms First; legislative
1612 purpose.—

1613 (4) OFFICE OF EDUCATIONAL FACILITIES.—It is the purpose of
1614 the Legislature to require the Office of Educational Facilities
1615 to assist school districts in building SMART schools utilizing
1616 functional and frugal practices. The Office of Educational
1617 Facilities must review district facilities work programs and
1618 projects and ~~identify districts qualified for incentive funding~~
1619 ~~available through School Infrastructure Thrift Program awards;~~
1620 identify opportunities to maximize design and construction
1621 savings; develop school district facilities work program
1622 performance standards; and provide for review and
1623 recommendations to the Governor, the Legislature, and the State
1624 Board of Education.

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1625 ~~(5) EFFORT INDEX GRANTS. It is the purpose of the~~
1626 ~~Legislature to create s. 1013.73, in order to provide grants~~
1627 ~~from state funds to assist school districts that have provided a~~
1628 ~~specified level of local effort funding.~~

1629 ~~(6) SCHOOL INFRASTRUCTURE THRIFT (SIT) PROGRAM AWARDS. It~~
1630 ~~is the purpose of the Legislature to convert the SIT Program~~
1631 ~~established in ss. 1013.42 and 1013.72 to an incentive award~~
1632 ~~program to encourage functional, frugal facilities and~~
1633 ~~practices.~~

1634 Section 64. Paragraph (b) of subsection (6) of section
1635 1013.64, Florida Statutes, is amended to read:

1636 1013.64 Funds for comprehensive educational plant needs;
1637 construction cost maximums for school district capital
1638 projects.—Allocations from the Public Education Capital Outlay
1639 and Debt Service Trust Fund to the various boards for capital
1640 outlay projects shall be determined as follows:

1641 (6)

1642 (b)1. A district school board must not use funds from the
1643 following sources: Public Education Capital Outlay and Debt
1644 Service Trust Fund; School District and Community College
1645 District Capital Outlay and Debt Service Trust Fund; Classrooms
1646 First Program funds provided in s. 1013.68; ~~effort index grant~~
1647 ~~funds provided in s. 1013.73;~~ nonvoted 1.5-mill levy of ad
1648 valorem property taxes provided in s. 1011.71(2); Classrooms for
1649 Kids Program funds provided in s. 1013.735; District Effort
1650 Recognition Program funds provided in s. 1013.736; or High
1651 Growth District Capital Outlay Assistance Grant Program funds
1652 provided in s. 1013.738 for any new construction of educational
1653 plant space with a total cost per student station, including

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1654 change orders, that equals more than:

1655 a. \$17,952 for an elementary school,

1656 b. \$19,386 for a middle school, or

1657 c. \$25,181 for a high school,

1658

1659 (January 2006) as adjusted annually to reflect increases or
1660 decreases in the Consumer Price Index.

1661 2. A district school board must not use funds from the
1662 Public Education Capital Outlay and Debt Service Trust Fund or
1663 the School District and Community College District Capital
1664 Outlay and Debt Service Trust Fund for any new construction of
1665 an ancillary plant that exceeds 70 percent of the average cost
1666 per square foot of new construction for all schools.

1667 Section 65. Section 1013.69, Florida Statutes, is amended
1668 to read:

1669 1013.69 Full bonding required to participate in programs.—
1670 Any district with unused bonding capacity in its Capital Outlay
1671 and Debt Service Trust Fund allocation that certifies in its
1672 district educational facilities plan that it will not be able to
1673 meet all of its need for new student stations within existing
1674 revenues must fully bond its Capital Outlay and Debt Service
1675 Trust Fund allocation before it may participate in Classrooms
1676 First, ~~the School Infrastructure Thrift (SIT) Program, or the~~
1677 ~~Effort Index Grants Program.~~

1678 Section 66. Paragraph (b) of subsection (2) of section
1679 1013.738, Florida Statutes, is amended to read:

1680 1013.738 High Growth District Capital Outlay Assistance
1681 Grant Program.—

1682 (2) In order to qualify for a grant, a school district must

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1683 meet the following criteria:

1684 (b) Fifty percent of the revenue derived from the 2-mill
1685 nonvoted discretionary capital outlay millage for the past 4
1686 fiscal years, when divided by the district's growth in capital
1687 outlay FTE students over this period, produces a value that is
1688 less than the average cost per student station calculated
1689 pursuant to s. 1013.64(6)(b)1. ~~1013.72(2)~~, and weighted by
1690 statewide growth in capital outlay FTE students in elementary,
1691 middle, and high schools for the past 4 fiscal years.

1692 Section 67. Except as otherwise expressly provided in this
1693 act, this act shall take effect upon becoming a law.