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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/RE/2R

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03/04/2016 10:39 PM

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Senator Gaetz moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

(27) VISITATION OF SCHOOLS.—Visit the schools, observe the



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12 management and instruction, give suggestions for improvement,  
13 and advise citizens with the view of promoting interest in  
14 education and improving the school.

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

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

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

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

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

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

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

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

40 (f) A job placement or continuing education rate of 88



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41 percent or higher for workforce programs, as reported by FETPIP.

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

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

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

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

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

64 (6) EDUCATIONAL CHOICE.—

65 (a) *Public educational school choices.*—Parents of public  
66 school students may seek any ~~whatever~~ public educational school  
67 choice options that are applicable and available to students  
68 throughout the state ~~in their school districts~~. These options  
69 may include controlled open enrollment, single-gender programs,



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

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

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

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

98 3. Under the Florida Personal Learning Scholarship Accounts



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99 Program, the parent of a student with a qualifying disability  
100 may apply for a personal learning scholarship to be used for  
101 individual educational needs in accordance with s. 1002.385.

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

112 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

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

122 (22) TRANSPORTATION.—

123 (a) *Transportation to school.*—Public school students shall  
124 be provided transportation to school, in accordance with ~~the~~  
125 ~~provisions of~~ s. 1006.21(3)(a). Public school students may be  
126 provided transportation to school in accordance with the  
127 controlled open enrollment provisions of s. 1002.31(2).



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

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

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

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

155 (b) Each school district and charter school capacity  
156 determinations for its schools must be current and must be



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

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

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

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

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

175 4. Students residing in the school district.

176 (d) As part of its controlled open enrollment process, a  
177 charter school must provide preferential treatment in its  
178 controlled open enrollment participation process to the  
179 enrollment limitations pursuant to s. 1002.33(10)(e)1., 2., 5.,  
180 6., and 7, and may provide preferential treatment for the  
181 enrollment preferences pursuant to s. 1002.33(10)(d)4.b., if  
182 such special purposes are identified in the charter agreement.  
183 Each charter school shall annually post on its website the  
184 application process required to participate in controlled open  
185 enrollment, consistent with this section and s. 1002.33.



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

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

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

201 The process ~~a controlled open enrollment plan~~ which must:

202       (a) Adhere to federal desegregation requirements.

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

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

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

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

213       (f) Address the availability of transportation.

214       (g) Maintain existing academic eligibility criteria for





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

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

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

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

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

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

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

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

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



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244 placement in a different school zone.

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

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

250 Section 5. Subsection (1), paragraph (a) of subsection (2),  
251 paragraphs (a) and (b) of subsection (6), paragraphs (a) and (d)  
252 of subsection (7), paragraphs (g), (n), and (p) of subsection  
253 (9), paragraph (d) of subsection (10), paragraphs (b) and (e) of  
254 subsection (17), paragraph (a) of subsection (18), and paragraph  
255 (a) of subsection (20) of section 1002.33, Florida Statutes, are  
256 amended, and a new paragraph (g) is added to subsection (17) of  
257 that section, to read:

258 1002.33 Charter schools.—

259 (1) AUTHORIZATION.—Charter schools shall be part of the  
260 state's program of public education. All charter schools in  
261 Florida are public schools. A charter school may be formed by  
262 creating a new school or converting an existing public school to  
263 charter status. A charter school may operate a virtual charter  
264 school pursuant to s. 1002.45(1)(d) to provide full-time online  
265 instruction to eligible students, pursuant to s. 1002.455, in  
266 kindergarten through grade 12. An existing A charter school that  
267 is seeking to become a virtual charter school must amend its  
268 charter or submit a new application pursuant to subsection (6)  
269 to become a virtual charter school. A virtual charter school is  
270 subject to the requirements of this section; however, a virtual  
271 charter school is exempt from subsections (18) and (19),  
272 subparagraphs (20)(a)2., 4., 5., and 7., paragraph (20)(c), and



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273 s. 1003.03. A public school may not use the term charter in its  
274 name unless it has been approved under this section.

275 (2) GUIDING PRINCIPLES; PURPOSE.—

276 (a) Charter schools in Florida shall be guided by the  
277 following principles:

278 1. Meet high standards of student achievement while  
279 providing parents flexibility to choose among diverse  
280 educational opportunities within the state's public school  
281 system.

282 2. Promote enhanced academic success and financial  
283 efficiency by aligning responsibility with accountability.

284 3. Provide parents with sufficient information on whether  
285 their child is reading at grade level and whether the child  
286 gains at least a year's worth of learning for every year spent  
287 in the charter school. For a student who exhibits a substantial  
288 deficiency in reading, as determined by the charter school, the  
289 school shall notify the parent of the deficiency, the intensive  
290 interventions and supports used, and the student's progress in  
291 accordance with s. 1008.25(5).

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

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

297 1. Demonstrates how the school will use the guiding  
298 principles and meet the statutorily defined purpose of a charter  
299 school.

300 2. Provides a detailed curriculum plan that illustrates how  
301 students will be provided services to attain the Sunshine State



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302 Standards.

303         3. Contains goals and objectives for improving student  
304 learning and measuring that improvement. These goals and  
305 objectives must indicate how much academic improvement students  
306 are expected to show each year, how success will be evaluated,  
307 and the specific results to be attained through instruction.

308         4. Describes the reading curriculum and differentiated  
309 strategies that will be used for students reading at grade level  
310 or higher and a separate curriculum and strategies for students  
311 who are reading below grade level. A sponsor shall deny an  
312 application ~~a charter~~ if the school does not propose a reading  
313 curriculum that is evidence-based and includes explicit,  
314 systematic, and multisensory reading instructional strategies;  
315 however, a sponsor may not require the charter school to  
316 implement the reading plan adopted by the school district  
317 pursuant to s. 1011.62(9) consistent with effective teaching  
318 strategies that are grounded in scientifically based reading  
319 research.

320         5. Contains an annual financial plan for each year  
321 requested by the charter for operation of the school for up to 5  
322 years. This plan must contain anticipated fund balances based on  
323 revenue projections, a spending plan based on projected revenues  
324 and expenses, and a description of controls that will safeguard  
325 finances and projected enrollment trends.

326         6. Discloses the name of each applicant, governing board  
327 member, and all proposed education services providers; the name  
328 and sponsor of any charter school operated by each applicant,  
329 each governing board member, and each proposed education  
330 services provider that has closed and the reasons for the



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331 closure; and the academic and financial history of such charter  
332 schools, which the sponsor shall consider in deciding whether to  
333 approve or deny the application.

334 ~~7.6.~~ Contains additional information a sponsor may require,  
335 which shall be attached as an addendum to the charter school  
336 application described in this paragraph.

337 ~~8.7.~~ For the establishment of a virtual charter school,  
338 documents that the applicant has contracted with a provider of  
339 virtual instruction services pursuant to s. 1002.45(1)(d).

340 (b) A sponsor shall receive and review all applications for  
341 a charter school using the ~~an~~ evaluation instrument developed by  
342 the Department of Education. A sponsor shall receive and  
343 consider charter school applications received on or before  
344 August 1 of each calendar year for charter schools to be opened  
345 at the beginning of the school district's next school year, or  
346 to be opened at a time agreed to by the applicant and the  
347 sponsor. A sponsor may not refuse to receive a charter school  
348 application submitted before August 1 and may receive an  
349 application submitted later than August 1 if it chooses. In  
350 order to facilitate greater collaboration in the application  
351 process, an applicant may submit a draft charter school  
352 application on or before May 1 with an application fee of \$500.  
353 If a draft application is timely submitted, the sponsor shall  
354 review and provide feedback as to material deficiencies in the  
355 application by July 1. The applicant shall then have until  
356 August 1 to resubmit a revised and final application. The  
357 sponsor may approve the draft application. Except as provided  
358 for a draft application, a sponsor may not charge an applicant  
359 for a charter any fee for the processing or consideration of an



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360 application, and a sponsor may not base its consideration or  
361 approval of a final application upon the promise of future  
362 payment of any kind. Before approving or denying any final  
363 application, the sponsor shall allow the applicant, upon receipt  
364 of written notification, at least 7 calendar days to make  
365 technical or nonsubstantive corrections and clarifications,  
366 including, but not limited to, corrections of grammatical,  
367 typographical, and like errors or missing signatures, if such  
368 errors are identified by the sponsor as cause to deny the final  
369 application.

370 1. In order to facilitate an accurate budget projection  
371 process, a sponsor shall be held harmless for FTE students who  
372 are not included in the FTE projection due to approval of  
373 charter school applications after the FTE projection deadline.  
374 In a further effort to facilitate an accurate budget projection,  
375 within 15 calendar days after receipt of a charter school  
376 application, a sponsor shall report to the Department of  
377 Education the name of the applicant entity, the proposed charter  
378 school location, and its projected FTE.

379 2. In order to ensure fiscal responsibility, an application  
380 for a charter school shall include a full accounting of expected  
381 assets, a projection of expected sources and amounts of income,  
382 including income derived from projected student enrollments and  
383 from community support, and an expense projection that includes  
384 full accounting of the costs of operation, including start-up  
385 costs.

386 3.a. A sponsor shall by a majority vote approve or deny an  
387 application no later than 60 calendar days after the application  
388 is received, unless the sponsor and the applicant mutually agree



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389 in writing to temporarily postpone the vote to a specific date,  
390 at which time the sponsor shall by a majority vote approve or  
391 deny the application. If the sponsor fails to act on the  
392 application, an applicant may appeal to the State Board of  
393 Education as provided in paragraph (c). If an application is  
394 denied, the sponsor shall, within 10 calendar days after such  
395 denial, articulate in writing the specific reasons, based upon  
396 good cause, supporting its denial of the ~~charter~~ application and  
397 shall provide the letter of denial and supporting documentation  
398 to the applicant and to the Department of Education.

399 b. An application submitted by a high-performing charter  
400 school identified pursuant to s. 1002.331 may be denied by the  
401 sponsor only if the sponsor demonstrates by clear and convincing  
402 evidence that:

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

405 (II) The charter school proposed in the application does  
406 not materially comply with the requirements in paragraphs  
407 (9) (a) - (f);

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

411 (IV) The applicant has made a material misrepresentation or  
412 false statement or concealed an essential or material fact  
413 during the application process; or

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

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418 Material noncompliance is a failure to follow requirements or a  
419 violation of prohibitions applicable to charter school  
420 applications, which failure is quantitatively or qualitatively  
421 significant either individually or when aggregated with other  
422 noncompliance. An applicant is considered to be replicating a  
423 high-performing charter school if the proposed school is  
424 substantially similar to at least one of the applicant's high-  
425 performing charter schools and the organization or individuals  
426 involved in the establishment and operation of the proposed  
427 school are significantly involved in the operation of replicated  
428 schools.

429       c. If the sponsor denies an application submitted by a  
430 high-performing charter school, the sponsor must, within 10  
431 calendar days after such denial, state in writing the specific  
432 reasons, based upon the criteria in sub-subparagraph b.,  
433 supporting its denial of the application and must provide the  
434 letter of denial and supporting documentation to the applicant  
435 and to the Department of Education. The applicant may appeal the  
436 sponsor's denial of the application directly to the State Board  
437 of Education and, if an appeal is filed, must provide a copy of  
438 the appeal to the sponsor pursuant to paragraph (c) ~~sub-~~  
439 subparagraph ~~(c)3.b.~~

440       4. For budget projection purposes, the sponsor shall report  
441 to the Department of Education the approval or denial of an a  
442 ~~charter~~ application within 10 calendar days after such approval  
443 or denial. In the event of approval, the report to the  
444 Department of Education shall include the final projected FTE  
445 for the approved charter school.

446       5. Upon approval of an a ~~charter~~ application, the initial





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447 startup shall commence with the beginning of the public school  
448 calendar for the district in which the charter is granted unless  
449 the sponsor allows a waiver of this subparagraph for good cause.

450 (7) CHARTER.—The major issues involving the operation of a  
451 charter school shall be considered in advance and written into  
452 the charter. The charter shall be signed by the governing board  
453 of the charter school and the sponsor, following a public  
454 hearing to ensure community input.

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

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

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

466 a. The charter shall ensure that reading is a primary focus  
467 of the curriculum and that resources are provided to identify  
468 and provide specialized instruction for students who are reading  
469 below grade level. The curriculum and instructional strategies  
470 for reading must be consistent with the Next Generation Sunshine  
471 State Standards and evidence-based ~~grounded in scientifically~~  
472 ~~based reading research~~.

473 b. In order to provide students with access to diverse  
474 instructional delivery models, to facilitate the integration of  
475 technology within traditional classroom instruction, and to



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476 provide students with the skills they need to compete in the  
477 21st century economy, the Legislature encourages instructional  
478 methods for blended learning courses consisting of both  
479 traditional classroom and online instructional techniques.  
480 Charter schools may implement blended learning courses which  
481 combine traditional classroom instruction and virtual  
482 instruction. Students in a blended learning course must be full-  
483 time students of the charter school and receive the online  
484 instruction in a classroom setting at the charter school.  
485 Instructional personnel certified pursuant to s. 1012.55 who  
486 provide virtual instruction for blended learning courses may be  
487 employees of the charter school or may be under contract to  
488 provide instructional services to charter school students. At a  
489 minimum, such instructional personnel must hold an active state  
490 or school district adjunct certification under s. 1012.57 for  
491 the subject area of the blended learning course. The funding and  
492 performance accountability requirements for blended learning  
493 courses are the same as those for traditional courses.

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

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

500 b. How these baseline rates will be compared to rates of  
501 academic progress achieved by these same students while  
502 attending the charter school.

503 c. To the extent possible, how these rates of progress will  
504 be evaluated and compared with rates of progress of other



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505 closely comparable student populations.

506

507 The district school board is required to provide academic  
508 student performance data to charter schools for each of their  
509 students coming from the district school system, as well as  
510 rates of academic progress of comparable student populations in  
511 the district school system.

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

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

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

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

529 8. The ways by which the school will achieve a  
530 racial/ethnic balance reflective of the community it serves or  
531 within the racial/ethnic range of other public schools in the  
532 same school district.

533 9. The financial and administrative management of the



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534 school, including a reasonable demonstration of the professional  
535 experience or competence of those individuals or organizations  
536 applying to operate the charter school or those hired or  
537 retained to perform such professional services and the  
538 description of clearly delineated responsibilities and the  
539 policies and practices needed to effectively manage the charter  
540 school. A description of internal audit procedures and  
541 establishment of controls to ensure that financial resources are  
542 properly managed must be included. Both public sector and  
543 private sector professional experience shall be equally valid in  
544 such a consideration.

545         10. The asset and liability projections required in the  
546 application which are incorporated into the charter and shall be  
547 compared with information provided in the annual report of the  
548 charter school.

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

557         12. The term of the charter which shall provide for  
558 cancellation of the charter if insufficient progress has been  
559 made in attaining the student achievement objectives of the  
560 charter and if it is not likely that such objectives can be  
561 achieved before expiration of the charter. The initial term of a  
562 charter shall be for 4 or 5 years. In order to facilitate access



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563 to long-term financial resources for charter school  
564 construction, charter schools that are operated by a  
565 municipality or other public entity as provided by law are  
566 eligible for up to a 15-year charter, subject to approval by the  
567 district school board. A charter lab school is eligible for a  
568 charter for a term of up to 15 years. In addition, to facilitate  
569 access to long-term financial resources for charter school  
570 construction, charter schools that are operated by a private,  
571 not-for-profit, s. 501(c)(3) status corporation are eligible for  
572 up to a 15-year charter, subject to approval by the district  
573 school board. Such long-term charters remain subject to annual  
574 review and may be terminated during the term of the charter, but  
575 only according to the provisions set forth in subsection (8).

576 13. The facilities to be used and their location. The  
577 sponsor may not require a charter school to have a certificate  
578 of occupancy or a temporary certificate of occupancy for such a  
579 facility earlier than 15 calendar days before the first day of  
580 school.

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

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

587 16. A timetable for implementing the charter which  
588 addresses the implementation of each element thereof and the  
589 date by which the charter shall be awarded in order to meet this  
590 timetable.

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



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592 converted to charter status, alternative arrangements for  
593 current students who choose not to attend the charter school and  
594 for current teachers who choose not to teach in the charter  
595 school after conversion in accordance with the existing  
596 collective bargaining agreement or district school board rule in  
597 the absence of a collective bargaining agreement. However,  
598 alternative arrangements shall not be required for current  
599 teachers who choose not to teach in a charter lab school, except  
600 as authorized by the employment policies of the state university  
601 which grants the charter to the lab school.

602 18. Full disclosure of the identity of all relatives  
603 employed by the charter school who are related to the charter  
604 school owner, president, chairperson of the governing board of  
605 directors, superintendent, governing board member, principal,  
606 assistant principal, or any other person employed by the charter  
607 school who has equivalent decisionmaking authority. For the  
608 purpose of this subparagraph, the term "relative" means father,  
609 mother, son, daughter, brother, sister, uncle, aunt, first  
610 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
611 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
612 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
613 stepsister, half brother, or half sister.

614 19. Implementation of the activities authorized under s.  
615 1002.331 by the charter school when it satisfies the eligibility  
616 requirements for a high-performing charter school. A high-  
617 performing charter school shall notify its sponsor in writing by  
618 March 1 if it intends to increase enrollment or expand grade  
619 levels the following school year. The written notice shall  
620 specify the amount of the enrollment increase and the grade



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621 levels that will be added, as applicable.

622 ~~(d)1. A charter may be terminated by a charter school's~~  
623 ~~governing board through voluntary closure. The decision to cease~~  
624 ~~operations must be determined at a public meeting. The governing~~  
625 ~~board shall notify the parents and sponsor of the public meeting~~  
626 ~~in writing before the public meeting. The governing board must~~  
627 ~~notify the sponsor, parents of enrolled students, and the~~  
628 ~~department in writing within 24 hours after the public meeting~~  
629 ~~of its determination. The notice shall state the charter~~  
630 ~~school's intent to continue operations or the reason for the~~  
631 ~~closure and acknowledge that the governing board agrees to~~  
632 ~~follow the procedures for dissolution and reversion of public~~  
633 ~~funds pursuant to paragraphs (8) (e)-(g) and (9) (o) Each charter~~  
634 ~~school's governing board must appoint a representative to~~  
635 ~~facilitate parental involvement, provide access to information,~~  
636 ~~assist parents and others with questions and concerns, and~~  
637 ~~resolve disputes. The representative must reside in the school~~  
638 ~~district in which the charter school is located and may be a~~  
639 ~~governing board member, charter school employee, or individual~~  
640 ~~contracted to represent the governing board. If the governing~~  
641 ~~board oversees multiple charter schools in the same school~~  
642 ~~district, the governing board must appoint a separate individual~~  
643 ~~representative for each charter school in the district. The~~  
644 ~~representative's contact information must be provided annually~~  
645 ~~in writing to parents and posted prominently on the charter~~  
646 ~~school's website if a website is maintained by the school. The~~  
647 ~~sponsor may not require that governing board members reside in~~  
648 ~~the school district in which the charter school is located if~~  
649 ~~the charter school complies with this paragraph.~~



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650           ~~2. Each charter school's governing board must hold at least~~  
651 ~~two public meetings per school year in the school district. The~~  
652 ~~meetings must be noticed, open, and accessible to the public,~~  
653 ~~and attendees must be provided an opportunity to receive~~  
654 ~~information and provide input regarding the charter school's~~  
655 ~~operations. The appointed representative and charter school~~  
656 ~~principal or director, or his or her equivalent, must be~~  
657 ~~physically present at each meeting.~~

658           (9) CHARTER SCHOOL REQUIREMENTS.—

659           (g)1. In order to provide financial information that is  
660 comparable to that reported for other public schools, charter  
661 schools are to maintain all financial records that constitute  
662 their accounting system:

663           a. In accordance with the accounts and codes prescribed in  
664 the most recent issuance of the publication titled "Financial  
665 and Program Cost Accounting and Reporting for Florida Schools";  
666 or

667           b. At the discretion of the charter school's governing  
668 board, a charter school may elect to follow generally accepted  
669 accounting standards for not-for-profit organizations, but must  
670 reformat this information for reporting according to this  
671 paragraph.

672           2. Charter schools shall provide annual financial report  
673 and program cost report information in the state-required  
674 formats for inclusion in district reporting in compliance with  
675 s. 1011.60(1). Charter schools that are operated by a  
676 municipality or are a component unit of a parent nonprofit  
677 organization may use the accounting system of the municipality  
678 or the parent but must reformat this information for reporting





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679 according to this paragraph.

680 3. A charter school shall, upon approval of the charter  
681 contract, provide the sponsor with a concise, uniform, monthly  
682 financial statement summary sheet that contains a balance sheet  
683 and a statement of revenue, expenditures, and changes in fund  
684 balance. The balance sheet and the statement of revenue,  
685 expenditures, and changes in fund balance shall be in the  
686 governmental funds format prescribed by the Governmental  
687 Accounting Standards Board. A high-performing charter school  
688 pursuant to s. 1002.331 may provide a quarterly financial  
689 statement in the same format and requirements as the uniform  
690 monthly financial statement summary sheet. The sponsor shall  
691 review each monthly or quarterly financial statement to identify  
692 the existence of any conditions identified in s. 1002.345(1)(a).

693 4. A charter school shall maintain and provide financial  
694 information as required in this paragraph. The financial  
695 statement required in subparagraph 3. must be in a form  
696 prescribed by the Department of Education.

697 (n)1. The director and a representative of the governing  
698 board of a charter school that has earned a grade of "D" or "F"  
699 pursuant to s. 1008.34 shall appear before the sponsor to  
700 present information concerning each contract component having  
701 noted deficiencies. The director and a representative of the  
702 governing board shall submit to the sponsor for approval a  
703 school improvement plan to raise student performance. Upon  
704 approval by the sponsor, the charter school shall begin  
705 implementation of the school improvement plan. The department  
706 shall offer technical assistance and training to the charter  
707 school and its governing board and establish guidelines for



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708 developing, submitting, and approving such plans.

709 2.a. If a charter school earns three consecutive grades of  
710 "D," two consecutive grades of "D" followed by a grade of "F,"  
711 or two nonconsecutive grades of "F" within a 3-year period, the  
712 charter school governing board shall choose one of the following  
713 corrective actions:

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

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

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

721 (IV) Voluntarily close the charter school.

722 b. The charter school must implement the corrective action  
723 in the school year following receipt of a third consecutive  
724 grade of "D," a grade of "F" following two consecutive grades of  
725 "D," or a second nonconsecutive grade of "F" within a 3-year  
726 period.

727 c. The sponsor may annually waive a corrective action if it  
728 determines that the charter school is likely to improve a letter  
729 grade if additional time is provided to implement the  
730 intervention and support strategies prescribed by the school  
731 improvement plan. Notwithstanding this sub-subparagraph, a  
732 charter school that earns a second consecutive grade of "F" is  
733 subject to subparagraph 4.

734 d. A charter school is no longer required to implement a  
735 corrective action if it improves by at least one letter grade.  
736 However, the charter school must continue to implement



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

741 e. A charter school implementing a corrective action that  
742 does not improve by at least one letter grade after 2 full  
743 school years of implementing the corrective action must select a  
744 different corrective action. Implementation of the new  
745 corrective action must begin in the school year following the  
746 implementation period of the existing corrective action, unless  
747 the sponsor determines that the charter school is likely to  
748 improve a letter grade if additional time is provided to  
749 implement the existing corrective action. Notwithstanding this  
750 sub-subparagraph, a charter school that earns a second  
751 consecutive grade of "F" while implementing a corrective action  
752 is subject to subparagraph 4.

753 3. A charter school with a grade of "D" or "F" that  
754 improves by at least one letter grade must continue to implement  
755 the strategies identified in the school improvement plan. The  
756 sponsor must annually review implementation of the school  
757 improvement plan to monitor the school's continued improvement  
758 pursuant to subparagraph 5.

759 4. A charter school's charter contract is automatically  
760 terminated if the school earns two consecutive grades of "F"  
761 after all school grade appeals are final ~~The sponsor shall~~  
762 ~~terminate a charter if the charter school earns two consecutive~~  
763 ~~grades of "F" unless:~~

764 a. The charter school is established to turn around the  
765 performance of a district public school pursuant to s.



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766 1008.33(4)(b)3. Such charter schools shall be governed by s.  
767 1008.33;

768       b. The charter school serves a student population the  
769 majority of which resides in a school zone served by a district  
770 public school that earned a grade of "F" in the year before the  
771 charter school opened and the charter school earns at least a  
772 grade of "D" in its third year of operation. The exception  
773 provided under this sub-subparagraph does not apply to a charter  
774 school in its fourth year of operation and thereafter; or

775       c. The state board grants the charter school a waiver of  
776 termination. The charter school must request the waiver within  
777 15 days after the department's official release of school  
778 grades. The state board may waive termination if the charter  
779 school demonstrates that the Learning Gains of its students on  
780 statewide assessments are comparable to or better than the  
781 Learning Gains of similarly situated students enrolled in nearby  
782 district public schools. The waiver is valid for 1 year and may  
783 only be granted once. Charter schools that have been in  
784 operation for more than 5 years are not eligible for a waiver  
785 under this sub-subparagraph.

786  
787 The sponsor shall notify the charter school's governing board,  
788 the charter school principal, and the department in writing when  
789 a charter contract is terminated under this subparagraph. The  
790 letter of termination must meet the requirements of paragraph  
791 (8)(c). A charter terminated under this subparagraph must follow  
792 the procedures for dissolution and reversion of public funds  
793 pursuant to paragraphs (8)(e)-(g) and (9)(o).

794       5. The director and a representative of the governing board



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795 of a graded charter school that has implemented a school  
796 improvement plan under this paragraph shall appear before the  
797 sponsor at least once a year to present information regarding  
798 the progress of intervention and support strategies implemented  
799 by the school pursuant to the school improvement plan and  
800 corrective actions, if applicable. The sponsor shall communicate  
801 at the meeting, and in writing to the director, the services  
802 provided to the school to help the school address its  
803 deficiencies.

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

807 (p) 1. Each charter school shall maintain a website that  
808 enables the public to obtain information regarding the school;  
809 the school's academic performance; the names of the governing  
810 board members; the programs at the school; any management  
811 companies, service providers, or education management  
812 corporations associated with the school; the school's annual  
813 budget and its annual independent fiscal audit; the school's  
814 grade pursuant to s. 1008.34; and, on a quarterly basis, the  
815 minutes of governing board meetings.

816 2. Each charter school's governing board must appoint a  
817 representative to facilitate parental involvement, provide  
818 access to information, assist parents and others with questions  
819 and concerns, and resolve disputes. The representative must  
820 reside in the school district in which the charter school is  
821 located and may be a governing board member, a charter school  
822 employee, or an individual contracted to represent the governing  
823 board. If the governing board oversees multiple charter schools



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824 in the same school district, the governing board must appoint a  
825 separate representative for each charter school in the district.  
826 The representative's contact information must be provided  
827 annually in writing to parents and posted prominently on the  
828 charter school's website. The sponsor may not require governing  
829 board members to reside in the school district in which the  
830 charter school is located if the charter school complies with  
831 this subparagraph.

832 3. Each charter school's governing board must hold at least  
833 two public meetings per school year in the school district where  
834 the charter school is located. The meetings must be noticed,  
835 open, and accessible to the public, and attendees must be  
836 provided an opportunity to receive information and provide input  
837 regarding the charter school's operations. The appointed  
838 representative and charter school principal or director, or his  
839 or her designee, must be physically present at each meeting.  
840 Members of the governing board may attend in person or by means  
841 of communications media technology used in accordance with rules  
842 adopted by the Administration Commission under s. 120.54(5).

843 (10) ELIGIBLE STUDENTS.—

844 (d) A charter school may give enrollment preference to the  
845 following student populations:

846 1. Students who are siblings of a student enrolled in the  
847 charter school.

848 2. Students who are the children of a member of the  
849 governing board of the charter school.

850 3. Students who are the children of an employee of the  
851 charter school.

852 4. Students who are the children of:



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853 a. An employee of the business partner of a charter school-  
854 in-the-workplace established under paragraph (15)(b) or a  
855 resident of the municipality in which such charter school is  
856 located; or

857 b. A resident or employee of a municipality that operates a  
858 charter school-in-a-municipality pursuant to paragraph (15)(c)  
859 or allows a charter school to use a school facility or portion  
860 of land provided by the municipality for the operation of the  
861 charter school.

862 5. Students who have successfully completed a voluntary  
863 prekindergarten education program under ss. 1002.51-1002.79  
864 provided by the charter school or the charter school's governing  
865 board during the previous year.

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

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

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

875 (b) The basis for the agreement for funding students  
876 enrolled in a charter school shall be the sum of the school  
877 district's operating funds from the Florida Education Finance  
878 Program as provided in s. 1011.62 and the General Appropriations  
879 Act, including gross state and local funds, discretionary  
880 lottery funds, and funds from the school district's current  
881 operating discretionary millage levy; divided by total funded



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882 weighted full-time equivalent students in the school district;  
883 multiplied by the weighted full-time equivalent students for the  
884 charter school. Charter schools whose students or programs meet  
885 the eligibility criteria in law are entitled to their  
886 proportionate share of categorical program funds included in the  
887 total funds available in the Florida Education Finance Program  
888 by the Legislature, including transportation, the research-based  
889 reading allocation, and the Florida digital classrooms  
890 allocation. Total funding for each charter school shall be  
891 recalculated during the year to reflect the revised calculations  
892 under the Florida Education Finance Program by the state and the  
893 actual weighted full-time equivalent students reported by the  
894 charter school during the full-time equivalent student survey  
895 periods designated by the Commissioner of Education.

896 (e) District school boards shall make timely and efficient  
897 payment and reimbursement to charter schools, including  
898 processing paperwork required to access special state and  
899 federal funding for which they may be eligible. Payments of  
900 funds under paragraph (b) shall be made monthly or twice a  
901 month, beginning with the start of the district school board's  
902 fiscal year. Each payment shall be one-twelfth, or one twenty-  
903 fourth, as applicable, of the total state and local funds  
904 described in paragraph (b) and adjusted as set forth therein.  
905 For the first 2 years of a charter school's operation, if a  
906 minimum of 75 percent of the projected enrollment is entered  
907 into the sponsor's student information system by the first day  
908 of the current month, the district school board shall ~~may~~  
909 distribute funds to the ~~a charter~~ school for the ~~up to 3~~ months  
910 of July through October based on the projected full-time





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911 equivalent student membership of the charter school as submitted  
912 in the approved application. If less than 75 percent of the  
913 projected enrollment is entered into the sponsor's student  
914 information system by the first day of the current month, the  
915 sponsor shall base payments on the actual number of student  
916 enrollment entered into the sponsor's student information  
917 system. Thereafter, the results of full-time equivalent student  
918 membership surveys shall be used in adjusting the amount of  
919 funds distributed monthly to the charter school for the  
920 remainder of the fiscal year. The ~~payments~~ payment shall be  
921 issued no later than 10 working days after the district school  
922 board receives a distribution of state or federal funds or the  
923 date the payment is due pursuant to this subsection. If a  
924 warrant for payment is not issued within 10 working days after  
925 receipt of funding by the district school board, the school  
926 district shall pay to the charter school, in addition to the  
927 amount of the scheduled disbursement, interest at a rate of 1  
928 percent per month calculated on a daily basis on the unpaid  
929 balance from the expiration of the 10 working days until such  
930 time as the warrant is issued. The district school board may not  
931 delay payment to a charter school of any portion of the funds  
932 provided in paragraph (b) based on the timing of receipt of  
933 local funds by the district school board.

934 (g) To be eligible for public education capital outlay  
935 (PECO) funds, a charter school must be located in the State of  
936 Florida.

937 (18) FACILITIES.—

938 (a) A startup charter school shall utilize facilities which  
939 comply with the Florida Building Code pursuant to chapter 553



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940 except for the State Requirements for Educational Facilities.  
941 Conversion charter schools shall utilize facilities that comply  
942 with the State Requirements for Educational Facilities provided  
943 that the school district and the charter school have entered  
944 into a mutual management plan for the reasonable maintenance of  
945 such facilities. The mutual management plan shall contain a  
946 provision by which the district school board agrees to maintain  
947 charter school facilities in the same manner as its other public  
948 schools within the district. Charter schools, with the exception  
949 of conversion charter schools, are not required to comply, but  
950 may choose to comply, with the State Requirements for  
951 Educational Facilities of the Florida Building Code adopted  
952 pursuant to s. 1013.37. The local governing authority shall not  
953 adopt or impose any local building requirements or site-  
954 development restrictions, such as parking and site-size  
955 criteria, that are addressed by and more stringent than those  
956 found in the State Requirements for Educational Facilities of  
957 the Florida Building Code. ~~Beginning July 1, 2011,~~ A local  
958 governing authority must treat charter schools equitably in  
959 comparison to similar requirements, restrictions, and site  
960 planning processes imposed upon public schools that are not  
961 charter schools. The agency having jurisdiction for inspection  
962 of a facility and issuance of a certificate of occupancy or use  
963 shall be the local municipality or, if in an unincorporated  
964 area, the county governing authority. If an official or employee  
965 of the local governing authority refuses to comply with this  
966 paragraph, the aggrieved school or entity has an immediate right  
967 to bring an action in circuit court to enforce its rights by  
968 injunction. An aggrieved party that receives injunctive relief



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969 may be awarded attorney fees and court costs.

970 (20) SERVICES.—

971 (a)1. A sponsor shall provide certain administrative and  
972 educational services to charter schools. These services shall  
973 include contract management services; full-time equivalent and  
974 data reporting services; exceptional student education  
975 administration services; services related to eligibility and  
976 reporting duties required to ensure that school lunch services  
977 under the federal lunch program, consistent with the needs of  
978 the charter school, are provided by the school district at the  
979 request of the charter school, that any funds due to the charter  
980 school under the federal lunch program be paid to the charter  
981 school as soon as the charter school begins serving food under  
982 the federal lunch program, and that the charter school is paid  
983 at the same time and in the same manner under the federal lunch  
984 program as other public schools serviced by the sponsor or the  
985 school district; test administration services, including payment  
986 of the costs of state-required or district-required student  
987 assessments; processing of teacher certificate data services;  
988 and information services, including equal access to student  
989 information systems that are used by public schools in the  
990 district in which the charter school is located. Student  
991 performance data for each student in a charter school,  
992 including, but not limited to, FCAT scores, standardized test  
993 scores, previous public school student report cards, and student  
994 performance measures, shall be provided by the sponsor to a  
995 charter school in the same manner provided to other public  
996 schools in the district.

997 2. A total administrative fee for the provision of such



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998 services shall be calculated based upon up to 5 percent of the  
999 available funds defined in paragraph (17) (b) for all students,  
1000 except that when 75 percent or more of the students enrolled in  
1001 the charter school are exceptional students as defined in s.  
1002 1003.01(3), the 5 percent of those available funds shall be  
1003 calculated based on unweighted full-time equivalent students.  
1004 However, a sponsor may only withhold up to a 5-percent  
1005 administrative fee for enrollment for up to and including 250  
1006 students. For charter schools with a population of 251 or more  
1007 students, the difference between the total administrative fee  
1008 calculation and the amount of the administrative fee withheld  
1009 may only be used for capital outlay purposes specified in s.  
1010 1013.62(2).

1011 3. For high-performing charter schools, as defined in s.  
1012 1002.331 ~~ch. 2011-232~~, a sponsor may withhold a total  
1013 administrative fee of up to 2 percent for enrollment up to and  
1014 including 250 students per school.

1015 4. In addition, a sponsor may withhold only up to a 5-  
1016 percent administrative fee for enrollment for up to and  
1017 including 500 students within a system of charter schools which  
1018 meets all of the following:

1019 a. Includes both conversion charter schools and  
1020 nonconversion charter schools;

1021 b. Has all schools located in the same county;

1022 c. Has a total enrollment exceeding the total enrollment of  
1023 at least one school district in the state;

1024 d. Has the same governing board; and

1025 e. Does not contract with a for-profit service provider for  
1026 management of school operations.



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1027           5. The difference between the total administrative fee  
1028 calculation and the amount of the administrative fee withheld  
1029 pursuant to subparagraph 4. may be used for instructional and  
1030 administrative purposes as well as for capital outlay purposes  
1031 specified in s. 1013.62(2).

1032           6. For a high-performing charter school system that also  
1033 meets the requirements in subparagraph 4., a sponsor may  
1034 withhold a 2-percent administrative fee for enrollments up to  
1035 and including 500 students per system.

1036           7. Sponsors shall not charge charter schools any additional  
1037 fees or surcharges for administrative and educational services  
1038 in addition to the maximum 5-percent administrative fee withheld  
1039 pursuant to this paragraph.

1040           8. The sponsor of a virtual charter school may withhold a  
1041 fee of up to 5 percent. The funds shall be used to cover the  
1042 cost of services provided under subparagraph 1. and  
1043 implementation of the school district's digital classrooms plan  
1044 pursuant to s. 1011.62.

1045           Section 6. Paragraph (a) of subsection (3) of section  
1046 1002.37, Florida Statutes, is amended to read:

1047           1002.37 The Florida Virtual School.—

1048           (3) Funding for the Florida Virtual School shall be  
1049 provided as follows:

1050           (a)1. The calculation of "full-time equivalent student"  
1051 shall be as prescribed in s. 1011.61(1)(c)1.b.(V) and is subject  
1052 to s. 1011.61(4) ~~For a student in grades 9 through 12, a "full-~~  
1053 ~~time equivalent student" is one student who has successfully~~  
1054 ~~completed six full-credit courses that count toward the minimum~~  
1055 ~~number of credits required for high school graduation. A student~~



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1056 ~~who completes fewer than six full-credit courses is a fraction~~  
1057 ~~of a full-time equivalent student. Half-credit course~~  
1058 ~~completions shall be included in determining a full-time~~  
1059 ~~equivalent student.~~

1060 ~~2. For a student in kindergarten through grade 8, a "full-~~  
1061 ~~time equivalent student" is one student who has successfully~~  
1062 ~~completed six courses or the prescribed level of content that~~  
1063 ~~counts toward promotion to the next grade. A student who~~  
1064 ~~completes fewer than six courses or the prescribed level of~~  
1065 ~~content shall be a fraction of a full-time equivalent student.~~

1066 ~~2.3. For a student in a home education program, funding~~  
1067 ~~shall be provided in accordance with this subsection upon course~~  
1068 ~~completion if the parent verifies, upon enrollment for each~~  
1069 ~~course, that the student is registered with the school district~~  
1070 ~~as a home education student pursuant to s. 1002.41(1)(a).~~  
1071 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~  
1072 ~~equivalent students and associated funding of students enrolled~~  
1073 ~~in courses requiring passage of an end-of-course assessment~~  
1074 ~~under s. 1003.4282 to earn a standard high school diploma shall~~  
1075 ~~be adjusted if the student does not pass the end-of-course~~  
1076 ~~assessment. However, no adjustment shall be made for home~~  
1077 ~~education program students who choose not to take an end-of-~~  
1078 ~~course assessment or for a student who enrolls in a segmented~~  
1079 ~~remedial course delivered online.~~

1080  
1081 ~~For purposes of this paragraph, the calculation of "full-time~~  
1082 ~~equivalent student" shall be as prescribed in s.~~  
1083 ~~1011.61(1)(c)1.b.(V) and is subject to the requirements in s.~~  
1084 ~~1011.61(4).~~



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1085 Section 7. Subsection (4) is added to section 1002.391,  
1086 Florida Statutes, to read:

1087 1002.391 Auditory-oral education programs.—

1088 (4) Beginning with the 2017-2018 school year, a school  
1089 district shall add four special consideration points to the  
1090 calculation of a matrix of services for a student who is deaf  
1091 and enrolled in an auditory-oral education program.

1092 Section 8. Paragraphs (c) and (d) of subsection (1),  
1093 paragraph (e) of subsection (7), and paragraphs (c) and (d) of  
1094 subsection (8) of section 1002.45, Florida Statutes, are amended  
1095 to read:

1096 1002.45 Virtual instruction programs.—

1097 (1) PROGRAM.—

1098 (c) To provide students with the option of participating in  
1099 virtual instruction programs as required by paragraph (b), a  
1100 school district may:

1101 1. Contract with the Florida Virtual School or establish a  
1102 franchise of the Florida Virtual School for the provision of a  
1103 program under paragraph (b). Using this option is subject to the  
1104 requirements of this section and s. 1011.61(1)(c)1.b.(III) and  
1105 (IV) and (4). A district may report full-time equivalent student  
1106 membership for credit earned by a student who is enrolled in a  
1107 virtual education course provided by the district which was  
1108 completed after the end of the regular school year if the FTE is  
1109 reported no later than the deadline for amending the final  
1110 student membership report for that year.

1111 2. Contract with an approved provider under subsection (2)  
1112 for the provision of a full-time or part-time program under  
1113 paragraph (b).



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1114           3. Enter into an agreement with other school districts to  
1115 allow the participation of its students in an approved virtual  
1116 instruction program provided by the other school district. The  
1117 agreement must indicate a process for the transfer of funds  
1118 required by paragraph (7) (e) ~~(7) (f)~~.

1119           4. Establish school district operated part-time or full-  
1120 time kindergarten through grade 12 virtual instruction programs  
1121 under paragraph (b) for students enrolled in the school  
1122 district. A full-time program shall operate under its own Master  
1123 School Identification Number.

1124           5. Enter into an agreement with a virtual charter school  
1125 authorized by the school district under s. 1002.33.

1126  
1127 Contracts under subparagraph 1. or subparagraph 2. may include  
1128 multidistrict contractual arrangements that may be executed by a  
1129 regional consortium for its member districts. A multidistrict  
1130 contractual arrangement or an agreement under subparagraph 3. is  
1131 not subject to s. 1001.42(4) (d) and does not require the  
1132 participating school districts to be contiguous. These  
1133 arrangements may be used to fulfill the requirements of  
1134 paragraph (b).

1135           (d) A virtual charter school may provide full-time virtual  
1136 instruction for students in kindergarten through grade 12 if the  
1137 virtual charter school has a charter approved pursuant to s.  
1138 1002.33 authorizing full-time virtual instruction. A virtual  
1139 charter school may:

- 1140           1. Contract with the Florida Virtual School.  
1141           2. Contract with an approved provider under subsection (2).  
1142           3. Enter into an agreement with a school district to allow





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1143 the participation of the virtual charter school's students in  
1144 the school district's virtual instruction program. The agreement  
1145 must indicate a process for reporting of student enrollment and  
1146 the transfer of funds required by paragraph (7)(e) ~~(7)(f)~~.

1147 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL  
1148 FUNDING.—

1149 ~~(e) Beginning in the 2016-2017 fiscal year, the reported~~  
1150 ~~full-time equivalent students and associated funding of students~~  
1151 ~~enrolled in courses requiring passage of an end-of-course~~  
1152 ~~assessment under s. 1003.4282 to earn a standard high school~~  
1153 ~~diploma shall be adjusted if the student does not pass the end-~~  
1154 ~~of-course assessment. However, no adjustment shall be made for a~~  
1155 ~~student who enrolls in a segmented remedial course delivered~~  
1156 ~~online.~~

1157 (8) ASSESSMENT AND ACCOUNTABILITY.—

1158 (c) An approved provider that receives a school grade of  
1159 "D" or "F" under s. 1008.34 or a school improvement rating of  
1160 "Unsatisfactory" ~~"Declining"~~ under s. 1008.341 must file a  
1161 school improvement plan with the department for consultation to  
1162 determine the causes for low performance and to develop a plan  
1163 for correction and improvement.

1164 (d) An approved provider's contract must be terminated if  
1165 the provider receives a school grade of "D" or "F" under s.  
1166 1008.34 or a school improvement rating of "Unsatisfactory"  
1167 ~~"Declining"~~ under s. 1008.341 for 2 years during any consecutive  
1168 4-year period or has violated any qualification requirement  
1169 pursuant to subsection (2). A provider that has a contract  
1170 terminated under this paragraph may not be an approved provider  
1171 for a period of at least 1 year after the date upon which the



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1172 contract was terminated and until the department determines that  
1173 the provider is in compliance with subsection (2) and has  
1174 corrected each cause of the provider's low performance.

1175 Section 9. Section 1003.3101, Florida Statutes, is created  
1176 to read:

1177 1003.3101 Additional educational choice options.—Each  
1178 school district board shall establish a transfer process for a  
1179 parent to request his or her child be transferred to another  
1180 classroom teacher. This section does not give a parent the right  
1181 to choose a specific classroom teacher. A school must approve or  
1182 deny the transfer within 2 weeks after receiving a request. If a  
1183 request for transfer is denied, the school must notify the  
1184 parent and specify the reasons for the denial. An explanation of  
1185 the transfer process must be made available in the student  
1186 handbook or a similar publication.

1187 Section 10. Subsection (3) of section 1003.4295, Florida  
1188 Statutes, is amended to read:

1189 1003.4295 Acceleration options.—

1190 (3) The Credit Acceleration Program (CAP) is created for  
1191 the purpose of allowing a student to earn high school credit in  
1192 courses required for high school graduation through passage of  
1193 an end-of-course assessment Algebra I, Algebra II, geometry,  
1194 United States history, or biology if the student passes the  
1195 statewide, standardized assessment administered under s.

1196 1008.22, an Advanced Placement Examination, or a College Level  
1197 Examination Program (CLEP). Notwithstanding s. 1003.436, a  
1198 school district shall award course credit to a student who is  
1199 not enrolled in the course, or who has not completed the course,  
1200 if the student attains a passing score on the corresponding end-



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1201 of-course assessment, Advanced Placement Examination, or CLEP  
1202 statewide, standardized assessment. The school district shall  
1203 permit a public school or home education student who is not  
1204 enrolled in the course, or who has not completed the course, to  
1205 take the assessment or examination during the regular  
1206 administration of the assessment or examination.

1207 Section 11. Effective June 29, 2016, section 1004.935,  
1208 Florida Statutes, is amended to read:

1209 1004.935 Adults with Disabilities Workforce Education ~~Pilot~~  
1210 Program.—

1211 (1) The Adults with Disabilities Workforce Education ~~Pilot~~  
1212 Program is established in the Department of Education ~~through~~  
1213 ~~June 30, 2016,~~ in Hardee, DeSoto, Manatee, and Sarasota Counties  
1214 to provide the option of receiving a scholarship for instruction  
1215 at private schools for up to 30 students who:

1216 (a) Have a disability;

1217 (b) Are 22 years of age;

1218 (c) Are receiving instruction from an instructor in a  
1219 private school to meet the high school graduation requirements  
1220 in s. 1002.3105(5) or s. 1003.4282;

1221 (d) Do not have a standard high school diploma or a special  
1222 high school diploma; and

1223 (e) Receive "supported employment services," which means  
1224 employment that is located or provided in an integrated work  
1225 setting with earnings paid on a commensurate wage basis and for  
1226 which continued support is needed for job maintenance.

1227  
1228 As used in this section, the term "student with a disability"  
1229 includes a student who is documented as having an intellectual



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1230 disability; a speech impairment; a language impairment; a  
1231 hearing impairment, including deafness; a visual impairment,  
1232 including blindness; a dual sensory impairment; an orthopedic  
1233 impairment; another health impairment; an emotional or  
1234 behavioral disability; a specific learning disability,  
1235 including, but not limited to, dyslexia, dyscalculia, or  
1236 developmental aphasia; a traumatic brain injury; a developmental  
1237 delay; or autism spectrum disorder.

1238 (2) A student participating in the ~~pilot~~ program may  
1239 continue to participate in the program until the student  
1240 graduates from high school or reaches the age of 40 years,  
1241 whichever occurs first.

1242 (3) Supported employment services may be provided at more  
1243 than one site.

1244 (4) The provider of supported employment services must be a  
1245 nonprofit corporation under s. 501(c)(3) of the Internal Revenue  
1246 Code which serves Hardee County, DeSoto County, Manatee County,  
1247 or Sarasota County and must contract with a private school in  
1248 this state which meets the requirements in subsection (5).

1249 (5) A private school that participates in the ~~pilot~~ program  
1250 may be sectarian or nonsectarian and must:

1251 (a) Be academically accountable for meeting the educational  
1252 needs of the student by annually providing to the provider of  
1253 supported employment services a written explanation of the  
1254 student's progress.

1255 (b) Comply with the antidiscrimination provisions of 42  
1256 U.S.C. s. 2000d.

1257 (c) Meet state and local health and safety laws and codes.

1258 (d) Provide to the provider of supported employment



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1259 services all documentation required for a student's  
1260 participation, including the private school's and student's fee  
1261 schedules, at least 30 days before any quarterly scholarship  
1262 payment is made for the student. A student is not eligible to  
1263 receive a quarterly scholarship payment if the private school  
1264 fails to meet this deadline.

1265

1266 The inability of a private school to meet the requirements of  
1267 this subsection constitutes a basis for the ineligibility of the  
1268 private school to participate in the ~~pilot~~ program.

1269 (6) (a) If the student chooses to participate in the ~~pilot~~  
1270 program and is accepted by the provider of supported employment  
1271 services, the student must notify the Department of Education of  
1272 his or her acceptance into the program 60 days before the first  
1273 scholarship payment and before participating in the ~~pilot~~  
1274 program in order to be eligible for the scholarship.

1275 (b) Upon receipt of a scholarship warrant, the student or  
1276 parent to whom the warrant is made must restrictively endorse  
1277 the warrant to the provider of supported employment services for  
1278 deposit into the account of the provider. The student or parent  
1279 may not designate any entity or individual associated with the  
1280 participating provider of supported employment services as the  
1281 student's or parent's attorney in fact to endorse a scholarship  
1282 warrant. A participant who fails to comply with this paragraph  
1283 forfeits the scholarship.

1284 (7) Funds for the scholarship shall be provided from the  
1285 appropriation from the school district's Workforce Development  
1286 Fund in the General Appropriations Act for students who reside  
1287 in the Hardee County School District, the DeSoto County School



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1288 District, the Manatee County School District, or the Sarasota  
1289 County School District. ~~During the pilot program,~~ The  
1290 scholarship amount granted for an eligible student with a  
1291 disability shall be equal to the cost per unit of a full-time  
1292 equivalent adult general education student, multiplied by the  
1293 adult general education funding factor, and multiplied by the  
1294 district cost differential pursuant to the formula required by  
1295 s. 1011.80(6)(a) for the district in which the student resides.

1296 (8) Upon notification by the Department of Education that  
1297 it has received the required documentation, the Chief Financial  
1298 Officer shall make scholarship payments in four equal amounts no  
1299 later than September 1, November 1, February 1, and April 1 of  
1300 each academic year in which the scholarship is in force. The  
1301 initial payment shall be made after the Department of Education  
1302 verifies that the student was accepted into the ~~pilot~~ program,  
1303 and subsequent payments shall be made upon verification of  
1304 continued participation in the ~~pilot~~ program. Payment must be by  
1305 individual warrant made payable to the student or parent and  
1306 mailed by the Department of Education to the provider of  
1307 supported employment services, and the student or parent shall  
1308 restrictively endorse the warrant to the provider of supported  
1309 employment services for deposit into the account of that  
1310 provider.

1311 (9) Subsequent to each scholarship payment, the Department  
1312 of Education shall request from the Department of Financial  
1313 Services a sample of endorsed warrants to review and confirm  
1314 compliance with endorsement requirements.

1315 Section 12. Subsection (3) and paragraph (a) of subsection  
1316 (8) of section 1006.15, Florida Statutes, are amended, and



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1317 subsection (9) is added to that section, to read:

1318       1006.15 Student standards for participation in  
1319 interscholastic and intrascholastic extracurricular student  
1320 activities; regulation.-

1321       (3) (a) As used in this section and s. 1006.20, the term  
1322 "eligible to participate" includes, but is not limited to, a  
1323 student participating in tryouts, off-season conditioning,  
1324 summer workouts, preseason conditioning, in-season practice, or  
1325 contests. The term does not mean that a student must be placed  
1326 on any specific team for interscholastic or intrascholastic  
1327 extracurricular activities. To be eligible to participate in  
1328 interscholastic extracurricular student activities, a student  
1329 must:

1330       1. Maintain a grade point average of 2.0 or above on a 4.0  
1331 scale, or its equivalent, in the previous semester or a  
1332 cumulative grade point average of 2.0 or above on a 4.0 scale,  
1333 or its equivalent, in the courses required by s. 1002.3105(5) or  
1334 s. 1003.4282.

1335       2. Execute and fulfill the requirements of an academic  
1336 performance contract between the student, the district school  
1337 board, the appropriate governing association, and the student's  
1338 parents, if the student's cumulative grade point average falls  
1339 below 2.0, or its equivalent, on a 4.0 scale in the courses  
1340 required by s. 1002.3105(5) or s. 1003.4282. At a minimum, the  
1341 contract must require that the student attend summer school, or  
1342 its graded equivalent, between grades 9 and 10 or grades 10 and  
1343 11, as necessary.

1344       3. Have a cumulative grade point average of 2.0 or above on  
1345 a 4.0 scale, or its equivalent, in the courses required by s.



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1346 1002.3105(5) or s. 1003.4282 during his or her junior or senior  
1347 year.

1348 4. Maintain satisfactory conduct, including adherence to  
1349 appropriate dress and other codes of student conduct policies  
1350 described in s. 1006.07(2). If a student is convicted of, or is  
1351 found to have committed, a felony or a delinquent act that would  
1352 have been a felony if committed by an adult, regardless of  
1353 whether adjudication is withheld, the student's participation in  
1354 interscholastic extracurricular activities is contingent upon  
1355 established and published district school board policy.

1356 (b) Any student who is exempt from attending a full school  
1357 day based on rules adopted by the district school board for  
1358 double session schools or programs, experimental schools, or  
1359 schools operating under emergency conditions must maintain the  
1360 grade point average required by this section and pass each class  
1361 for which he or she is enrolled.

1362 (c) An individual home education student is eligible to  
1363 participate at the public school to which the student would be  
1364 assigned according to district school board attendance area  
1365 policies or which the student could ~~choose to attend pursuant to~~  
1366 ~~district or interdistrict controlled open enrollment provisions,~~  
1367 or may develop an agreement to participate at a private school,  
1368 in the interscholastic extracurricular activities of that  
1369 school, provided the following conditions are met:

1370 1. The home education student must meet the requirements of  
1371 the home education program pursuant to s. 1002.41.

1372 2. During the period of participation at a school, the home  
1373 education student must demonstrate educational progress as  
1374 required in paragraph (b) in all subjects taken in the home





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1375 education program by a method of evaluation agreed upon by the  
1376 parent and the school principal which may include: review of the  
1377 student's work by a certified teacher chosen by the parent;  
1378 grades earned through correspondence; grades earned in courses  
1379 taken at a Florida College System institution, university, or  
1380 trade school; standardized test scores above the 35th  
1381 percentile; or any other method designated in s. 1002.41.

1382 3. The home education student must meet the same residency  
1383 requirements as other students in the school at which he or she  
1384 participates.

1385 4. The home education student must meet the same standards  
1386 of acceptance, behavior, and performance as required of other  
1387 students in extracurricular activities.

1388 5. The student must register with the school his or her  
1389 intent to participate in interscholastic extracurricular  
1390 activities as a representative of the school before the  
1391 beginning date of the season for the activity in which he or she  
1392 wishes to participate. A home education student must be able to  
1393 participate in curricular activities if that is a requirement  
1394 for an extracurricular activity.

1395 6. A student who transfers from a home education program to  
1396 a public school before or during the first grading period of the  
1397 school year is academically eligible to participate in  
1398 interscholastic extracurricular activities during the first  
1399 grading period provided the student has a successful evaluation  
1400 from the previous school year, pursuant to subparagraph 2.

1401 7. Any public school or private school student who has been  
1402 unable to maintain academic eligibility for participation in  
1403 interscholastic extracurricular activities is ineligible to



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1404 participate in such activities as a home education student until  
1405 the student has successfully completed one grading period in  
1406 home education pursuant to subparagraph 2. to become eligible to  
1407 participate as a home education student.

1408 (d) An individual charter school student pursuant to s.  
1409 1002.33 is eligible to participate at the public school to which  
1410 the student would be assigned according to district school board  
1411 attendance area policies or which the student could ~~choose to~~  
1412 ~~attend, pursuant to district or interdistrict controlled open-~~  
1413 ~~enrollment provisions,~~ in any interscholastic extracurricular  
1414 activity of that school, unless such activity is provided by the  
1415 student's charter school, if the following conditions are met:

1416 1. The charter school student must meet the requirements of  
1417 the charter school education program as determined by the  
1418 charter school governing board.

1419 2. During the period of participation at a school, the  
1420 charter school student must demonstrate educational progress as  
1421 required in paragraph (b).

1422 3. The charter school student must meet the same residency  
1423 requirements as other students in the school at which he or she  
1424 participates.

1425 4. The charter school student must meet the same standards  
1426 of acceptance, behavior, and performance that are required of  
1427 other students in extracurricular activities.

1428 5. The charter school student must register with the school  
1429 his or her intent to participate in interscholastic  
1430 extracurricular activities as a representative of the school  
1431 before the beginning date of the season for the activity in  
1432 which he or she wishes to participate. A charter school student



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1433 must be able to participate in curricular activities if that is  
1434 a requirement for an extracurricular activity.

1435         6. A student who transfers from a charter school program to  
1436 a traditional public school before or during the first grading  
1437 period of the school year is academically eligible to  
1438 participate in interscholastic extracurricular activities during  
1439 the first grading period if the student has a successful  
1440 evaluation from the previous school year, pursuant to  
1441 subparagraph 2.

1442         7. Any public school or private school student who has been  
1443 unable to maintain academic eligibility for participation in  
1444 interscholastic extracurricular activities is ineligible to  
1445 participate in such activities as a charter school student until  
1446 the student has successfully completed one grading period in a  
1447 charter school pursuant to subparagraph 2. to become eligible to  
1448 participate as a charter school student.

1449         (e) A student of the Florida Virtual School full-time  
1450 program may participate in any interscholastic extracurricular  
1451 activity at the public school to which the student would be  
1452 assigned according to district school board attendance area  
1453 policies or which the student could ~~choose to attend, pursuant~~  
1454 ~~to district or interdistrict controlled open enrollment~~  
1455 ~~policies,~~ if the student:

1456             1. During the period of participation in the  
1457 interscholastic extracurricular activity, meets the requirements  
1458 in paragraph (a).

1459             2. Meets any additional requirements as determined by the  
1460 board of trustees of the Florida Virtual School.

1461             3. Meets the same residency requirements as other students



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1462 in the school at which he or she participates.

1463 4. Meets the same standards of acceptance, behavior, and  
1464 performance that are required of other students in  
1465 extracurricular activities.

1466 5. Registers his or her intent to participate in  
1467 interscholastic extracurricular activities with the school  
1468 before the beginning date of the season for the activity in  
1469 which he or she wishes to participate. A Florida Virtual School  
1470 student must be able to participate in curricular activities if  
1471 that is a requirement for an extracurricular activity.

1472 (f) A student who transfers from the Florida Virtual School  
1473 full-time program to a traditional public school before or  
1474 during the first grading period of the school year is  
1475 academically eligible to participate in interscholastic  
1476 extracurricular activities during the first grading period if  
1477 the student has a successful evaluation from the previous school  
1478 year pursuant to paragraph (a).

1479 (g) A public school or private school student who has been  
1480 unable to maintain academic eligibility for participation in  
1481 interscholastic extracurricular activities is ineligible to  
1482 participate in such activities as a Florida Virtual School  
1483 student until the student successfully completes one grading  
1484 period in the Florida Virtual School pursuant to paragraph (a).

1485 (h)1. A school district or charter school may not delay  
1486 eligibility or otherwise prevent a student participating in  
1487 controlled open enrollment, or a choice program, from being  
1488 immediately eligible to participate in interscholastic and  
1489 intrascholastic extracurricular activities.

1490 2. A student may not participate in a sport if the student



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1491 participated in that same sport at another school during that  
1492 school year, unless the student meets one of the following  
1493 criteria:

1494 a. Dependent children of active duty military personnel  
1495 whose move resulted from military orders.

1496 b. Children who have been relocated due to a foster care  
1497 placement in a different school zone.

1498 c. Children who move due to a court ordered change in  
1499 custody due to separation or divorce, or the serious illness or  
1500 death of a custodial parent.

1501 d. Authorized for good cause in district or charter school  
1502 policy.

1503 (8) (a) The Florida High School Athletic Association  
1504 (FHSAA), in cooperation with each district school board, shall  
1505 facilitate a program in which a middle school or high school  
1506 student who attends a private school shall be eligible to  
1507 participate in an interscholastic or intrascholastic sport at a  
1508 public high school, a public middle school, or a 6-12 public  
1509 school that is zoned for the physical address at which the  
1510 student resides if:

1511 1. The private school in which the student is enrolled is  
1512 not a member of the FHSAA ~~and does not offer an interscholastic~~  
1513 ~~or intrascholastic athletic program.~~

1514 2. The private school student meets the guidelines for the  
1515 conduct of the program established by the FHSAA's board of  
1516 directors and the district school board. At a minimum, such  
1517 guidelines shall provide:

1518 a. A deadline for each sport by which the private school  
1519 student's parents must register with the public school in



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1520 writing their intent for their child to participate at that  
1521 school in the sport.

1522       b. Requirements for a private school student to  
1523 participate, including, but not limited to, meeting the same  
1524 standards of eligibility, acceptance, behavior, educational  
1525 progress, and performance which apply to other students  
1526 participating in interscholastic or intrascholastic sports at a  
1527 public school or FHSAA member private school.

1528       (9) (a) A student who transfers to a school during the  
1529 school year may seek to immediately join an existing team if the  
1530 roster for the specific interscholastic or intrascholastic  
1531 extracurricular activity has not reached the activity's  
1532 identified maximum size and if the coach for the activity  
1533 determines that the student has the requisite skill and ability  
1534 to participate. The FHSAA and school district or charter school  
1535 may not declare such a student ineligible because the student  
1536 did not have the opportunity to comply with qualifying  
1537 requirements.

1538       (b) A student may not participate in a sport if the student  
1539 participated in that same sport at another school during that  
1540 school year, unless the student meets one of the following  
1541 criteria:

1542       1. Dependent children of active duty military personnel  
1543 whose move resulted from military orders.

1544       2. Children who have been relocated due to a foster care  
1545 placement in a different school zone.

1546       3. Children who move due to a court ordered change in  
1547 custody due to separation or divorce, or the serious illness or  
1548 death of a custodial parent.



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1549 4. Authorized for good cause in district or charter school  
1550 policy.

1551 Section 13. Section 1006.195, Florida Statutes, is created  
1552 to read:

1553 1006.195 District school board, charter school authority  
1554 and responsibility to establish student eligibility regarding  
1555 participation in interscholastic and intrascholastic  
1556 extracurricular activities.—Notwithstanding any provision to the  
1557 contrary in ss. 1006.15, 1006.18, and 1006.20, regarding student  
1558 eligibility to participate in interscholastic and  
1559 intrascholastic extracurricular activities:

1560 (1) (a) A district school board must establish, through its  
1561 code of student conduct, student eligibility standards and  
1562 related student disciplinary actions regarding student  
1563 participation in interscholastic and intrascholastic  
1564 extracurricular activities. The code of student conduct must  
1565 provide that:

1566 1. A student not currently suspended from interscholastic  
1567 or intrascholastic extracurricular activities, or suspended or  
1568 expelled from school, pursuant to a district school board's  
1569 suspension or expulsion powers provided in law, including ss.  
1570 1006.07, 1006.08, and 1006.09, is eligible to participate in  
1571 interscholastic and intrascholastic extracurricular activities.

1572 2. A student may not participate in a sport if the student  
1573 participated in that same sport at another school during that  
1574 school year, unless the student meets the criteria in s.  
1575 1006.15(3)(h).

1576 3. A student's eligibility to participate in any  
1577 interscholastic or intrascholastic extracurricular activity may



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1578 not be affected by any alleged recruiting violation until final  
1579 disposition of the allegation pursuant to s. 1006.20(2)(b).

1580 (b) Students who participate in interscholastic and  
1581 intrascholastic extracurricular activities for, but are not  
1582 enrolled in, a public school pursuant to s. 1006.15(3)(c)-(e)  
1583 and (8), are subject to the district school board's code of  
1584 student conduct for the limited purpose of establishing and  
1585 maintaining the student's eligibility to participate at the  
1586 school.

1587 (c) The provisions of this subsection apply to  
1588 interscholastic and intrascholastic extracurricular activities  
1589 conducted by charter schools and private schools, as applicable,  
1590 except that the charter school governing board, or equivalent  
1591 private school authority, is responsible for the authority and  
1592 responsibility otherwise provided to district school boards.

1593 (2)(a) The Florida High School Athletic Association (FHSAA)  
1594 continues to retain jurisdiction over the following provisions  
1595 in s. 1006.20, which may not be implemented in a manner contrary  
1596 to this section: membership in the FHSAA; recruiting  
1597 prohibitions and violations; student medical evaluations;  
1598 investigations; and sanctions for coaches; school eligibility  
1599 and forfeiture of contests; student concussions or head  
1600 injuries; the sports medical advisory committee; and the general  
1601 operational provisions of the FHSAA.

1602 (b) The FHSAA must adopt, and prominently publish, the text  
1603 of this section on its website and in its bylaws, rules,  
1604 procedures, training and education materials, and all other  
1605 governing authority documents by August 1, 2016.

1606 Section 14. Subsection (1) and paragraphs (a), (b), (c),





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1607 and (g) of subsection (2) of section 1006.20, Florida Statutes,  
1608 are amended to read:

1609 1006.20 Athletics in public K-12 schools.—

1610 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High  
1611 School Athletic Association (FHSAA) is designated as the  
1612 governing nonprofit organization of athletics in Florida public  
1613 schools. If the FHSAA fails to meet the provisions of this  
1614 section, the commissioner shall designate a nonprofit  
1615 organization to govern athletics with the approval of the State  
1616 Board of Education. The FHSAA is not a state agency as defined  
1617 in s. 120.52. The FHSAA shall be subject to the provisions of s.  
1618 1006.19. A private school that wishes to engage in high school  
1619 athletic competition with a public high school may become a  
1620 member of the FHSAA. Any high school in the state, including  
1621 charter schools, virtual schools, and home education  
1622 cooperatives, may become a member of the FHSAA and participate  
1623 in the activities of the FHSAA. However, membership in the FHSAA  
1624 is not mandatory for any school. The FHSAA must allow a private  
1625 school the option of maintaining full membership in the  
1626 association or joining by sport and may not discourage a private  
1627 school from simultaneously maintaining membership in another  
1628 athletic association. The FHSAA may allow a public school the  
1629 option to apply for consideration to join another athletic  
1630 association. The FHSAA may not deny or discourage  
1631 interscholastic competition between its member schools and non-  
1632 FHSAA member Florida schools, including members of another  
1633 athletic governing organization, and may not take any  
1634 retributory or discriminatory action against any of its member  
1635 schools that participate in interscholastic competition with



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1636 non-FHSAA member Florida schools. The FHSAA may not unreasonably  
1637 withhold its approval of an application to become an affiliate  
1638 member of the National Federation of State High School  
1639 Associations submitted by any other organization that governs  
1640 interscholastic athletic competition in this state. The bylaws  
1641 of the FHSAA are the rules by which high school athletic  
1642 programs in its member schools, and the students who participate  
1643 in them, are governed, unless otherwise specifically provided by  
1644 statute. For the purposes of this section, "high school"  
1645 includes grades 6 through 12.

1646 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

1647 (a) The FHSAA shall adopt bylaws that, unless specifically  
1648 provided by statute, establish eligibility requirements for all  
1649 students who participate in high school athletic competition in  
1650 its member schools. The bylaws governing residence and transfer  
1651 shall allow the student to be immediately eligible in the school  
1652 in which he or she first enrolls each school year or the school  
1653 in which the student makes himself or herself a candidate for an  
1654 athletic team by engaging in a practice prior to enrolling in  
1655 the school. The bylaws shall also allow the student to be  
1656 immediately eligible in the school to which the student has  
1657 ~~transferred during the school year if the transfer is made by a~~  
1658 ~~deadline established by the FHSAA, which may not be prior to the~~  
1659 ~~date authorized for the beginning of practice for the sport.~~  
1660 ~~These transfers shall be allowed pursuant to the district school~~  
1661 ~~board policies in the case of transfer to a public school or~~  
1662 ~~pursuant to the private school policies in the case of transfer~~  
1663 ~~to a private school.~~ The student shall be eligible in that  
1664 school so long as he or she remains enrolled in that school.



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1665 Subsequent eligibility shall be determined and enforced through  
1666 the FHSAA's bylaws. Requirements governing eligibility and  
1667 transfer between member schools shall be applied similarly to  
1668 public school students and private school students.

1669 (b) The FHSAA shall adopt bylaws that specifically prohibit  
1670 the recruiting of students for athletic purposes. The bylaws  
1671 shall prescribe penalties and an appeals process for athletic  
1672 recruiting violations.

1673 1. If it is determined that a school has recruited a  
1674 student in violation of FHSAA bylaws, the FHSAA may require the  
1675 school to participate in a higher classification for the sport  
1676 in which the recruited student competes for a minimum of one  
1677 classification cycle, in addition to the penalties in  
1678 subparagraphs 2. and 3., and any other appropriate fine ~~or~~ ~~and~~  
1679 sanction imposed on the school, its coaches, or adult  
1680 representatives who violate recruiting rules.

1681 2. Any recruitment by a school district employee or  
1682 contractor in violation of FHSAA bylaws results in escalating  
1683 punishments as follows:

1684 a. For a first offense, a \$5,000 forfeiture of pay for the  
1685 school district employee or contractor who committed the  
1686 violation.

1687 b. For a second offense, suspension without pay for 12  
1688 months from coaching, directing, or advertising an  
1689 extracurricular activity and a \$5,000 forfeiture of pay for the  
1690 school district employee or contractor who committed the  
1691 violation.

1692 c. For a third offense, a \$5,000 forfeiture of pay for the  
1693 school district employee or contractor who committed the



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1694 violation. If the individual who committed the violation holds  
1695 an educator certificate, the FHSAA shall also refer the  
1696 violation to the department for review pursuant to s. 1012.796  
1697 to determine whether probable cause exists, and, if there is a  
1698 finding of probable cause, the commissioner shall file a formal  
1699 complaint against the individual. If the complaint is upheld,  
1700 the individual's educator certificate shall be revoked for 3  
1701 years, in addition to any penalties available under s. 1012.796.  
1702 Additionally, the department shall revoke any adjunct teaching  
1703 certificates issued pursuant to s. 1012.57 and all permissions  
1704 under ss. 1012.39 and 1012.43, and the educator is ineligible  
1705 for such certificates or permissions for a period of time equal  
1706 to the period of revocation of his or her state-issued  
1707 certificate.

1708 3. Notwithstanding any other provision of law, a school,  
1709 team, or activity shall forfeit all competitions, including  
1710 honors resulting from such competitions, in which a student who  
1711 participated in any fashion was recruited in a manner prohibited  
1712 pursuant to state law or the FHSAA bylaws.

1713 4. A student may not be declared ineligible based on  
1714 violation of recruiting rules unless the student or parent has  
1715 falsified any enrollment or eligibility document or accepted any  
1716 benefit ~~or any promise of benefit~~ if such benefit is not  
1717 generally available to the school's students or family members  
1718 or is based in any way on athletic interest, potential, or  
1719 performance.

1720 5. A student's eligibility to participate in any  
1721 interscholastic or intrascholastic extracurricular activity, as  
1722 determined by a district school board pursuant to s.



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1723 1006.195(1)(a)3., may not be affected by any alleged recruiting  
1724 violation until final disposition of the allegation.

1725 (c) The FHSAA shall adopt bylaws that require all students  
1726 participating in interscholastic athletic competition or who are  
1727 candidates for an interscholastic athletic team to  
1728 satisfactorily pass a medical evaluation each year prior to  
1729 participating in interscholastic athletic competition or  
1730 engaging in any practice, tryout, workout, or other physical  
1731 activity associated with the student's candidacy for an  
1732 interscholastic athletic team. Such medical evaluation may be  
1733 administered only by a practitioner licensed under chapter 458,  
1734 chapter 459, chapter 460, or s. 464.012, and in good standing  
1735 with the practitioner's regulatory board. The bylaws shall  
1736 establish requirements for eliciting a student's medical history  
1737 and performing the medical evaluation required under this  
1738 paragraph, which shall include a physical assessment of the  
1739 student's physical capabilities to participate in  
1740 interscholastic athletic competition as contained in a uniform  
1741 preparticipation physical evaluation and history form. The  
1742 evaluation form shall incorporate the recommendations of the  
1743 American Heart Association for participation cardiovascular  
1744 screening and shall provide a place for the signature of the  
1745 practitioner performing the evaluation with an attestation that  
1746 each examination procedure listed on the form was performed by  
1747 the practitioner or by someone under the direct supervision of  
1748 the practitioner. The form shall also contain a place for the  
1749 practitioner to indicate if a referral to another practitioner  
1750 was made in lieu of completion of a certain examination  
1751 procedure. The form shall provide a place for the practitioner



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1752 to whom the student was referred to complete the remaining  
1753 sections and attest to that portion of the examination. The  
1754 preparticipation physical evaluation form shall advise students  
1755 to complete a cardiovascular assessment and shall include  
1756 information concerning alternative cardiovascular evaluation and  
1757 diagnostic tests. Results of such medical evaluation must be  
1758 provided to the school. A student is not ~~No student shall be~~  
1759 eligible to participate, as provided in s. 1006.15(3), in any  
1760 interscholastic athletic competition or engage in any practice,  
1761 tryout, workout, or other physical activity associated with the  
1762 student's candidacy for an interscholastic athletic team until  
1763 the results of the medical evaluation have been received and  
1764 approved by the school.

1765 (g) The FHSAA shall adopt bylaws establishing the process  
1766 and standards by which FHSAA determinations of eligibility are  
1767 made. Such bylaws shall provide that:

1768 1. Ineligibility must be established by a preponderance of  
1769 the ~~clear and convincing~~ evidence;

1770 2. Student athletes, parents, and schools must have notice  
1771 of the initiation of any investigation or other inquiry into  
1772 eligibility and may present, to the investigator and to the  
1773 individual making the eligibility determination, any information  
1774 or evidence that is credible, persuasive, and of a kind  
1775 reasonably prudent persons rely upon in the conduct of serious  
1776 affairs;

1777 3. An investigator may not determine matters of eligibility  
1778 but must submit information and evidence to the executive  
1779 director or a person designated by the executive director or by  
1780 the board of directors for an unbiased and objective



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1781 determination of eligibility; and

1782 4. A determination of ineligibility must be made in  
1783 writing, setting forth the findings of fact and specific  
1784 violation upon which the decision is based.

1785 Section 15. Section 1009.893, Florida Statutes, is amended  
1786 to read:

1787 1009.893 Benacquisto Scholarship ~~Florida National Merit~~  
1788 ~~Scholar Incentive~~ Program.—

1789 (1) As used in this section, the term:

1790 (a) "Department" means the Department of Education.

1791 (b) "Scholarship ~~Incentive~~ program" means the Benacquisto  
1792 Scholarship ~~Florida National Merit Scholar Incentive~~ Program.

1793 (2) The Benacquisto Scholarship ~~Florida National Merit~~  
1794 ~~Scholar Incentive~~ Program is created to reward any Florida high  
1795 school graduate who receives recognition as a National Merit  
1796 Scholar or National Achievement Scholar and who initially  
1797 enrolls in the 2014-2015 academic year or, later, in a  
1798 baccalaureate degree program at an eligible Florida public or  
1799 independent postsecondary educational institution.

1800 (3) The department shall administer the scholarship  
1801 ~~incentive~~ program according to rules and procedures established  
1802 by the State Board of Education. The department shall advertise  
1803 the availability of the scholarship ~~incentive~~ program and notify  
1804 students, teachers, parents, certified school counselors, and  
1805 principals or other relevant school administrators of the  
1806 criteria.

1807 (4) In order to be eligible for an award under the  
1808 scholarship ~~incentive~~ program, a student must:

1809 (a) Be a state resident as determined in s. 1009.40 and



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1810 rules of the State Board of Education;

1811 (b) Earn a standard Florida high school diploma or its  
1812 equivalent pursuant to s. 1002.3105, s. 1003.4281, s. 1003.4282,  
1813 or s. 1003.435 unless:

1814 1. The student completes a home education program according  
1815 to s. 1002.41; or

1816 2. The student earns a high school diploma from a non-  
1817 Florida school while living with a parent who is on military or  
1818 public service assignment out of this state;

1819 (c) Be accepted by and enroll in a Florida public or  
1820 independent postsecondary educational institution that is  
1821 regionally accredited; and

1822 (d) Be enrolled full-time in a baccalaureate degree program  
1823 at an eligible regionally accredited Florida public or  
1824 independent postsecondary educational institution during the  
1825 fall academic term following high school graduation.

1826 (5) (a) An eligible student who is a National Merit Scholar  
1827 or National Achievement Scholar and who attends a Florida public  
1828 postsecondary educational institution shall receive a  
1829 scholarship ~~an incentive~~ award equal to the institutional cost  
1830 of attendance minus the sum of the student's Florida Bright  
1831 Futures Scholarship and National Merit Scholarship or National  
1832 Achievement Scholarship.

1833 (b) An eligible student who is a National Merit Scholar or  
1834 National Achievement Scholar and who attends a Florida  
1835 independent postsecondary educational institution shall receive  
1836 a scholarship ~~an incentive~~ award equal to the highest cost of  
1837 attendance at a Florida public university, as reported by the  
1838 Board of Governors of the State University System, minus the sum





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1839 of the student's Florida Bright Futures Scholarship and National  
1840 Merit Scholarship or National Achievement Scholarship.

1841 (6) (a) To be eligible for a renewal award, a student must  
1842 earn all credits for which he or she was enrolled and maintain a  
1843 3.0 or higher grade point average.

1844 (b) A student may receive the scholarship ~~incentive~~ award  
1845 for a maximum of 100 percent of the number of credit hours  
1846 required to complete a baccalaureate degree program, or until  
1847 completion of a baccalaureate degree program, whichever comes  
1848 first.

1849 (7) The department shall annually issue awards from the  
1850 scholarship ~~incentive~~ program. Before the registration period  
1851 each semester, the department shall transmit payment for each  
1852 award to the president or director of the postsecondary  
1853 educational institution, or his or her representative, except  
1854 that the department may withhold payment if the receiving  
1855 institution fails to report or to make refunds to the department  
1856 as required in this section.

1857 (a) Each institution shall certify to the department the  
1858 eligibility status of each student to receive a disbursement  
1859 within 30 days before the end of its regular registration  
1860 period, inclusive of a drop and add period. An institution is  
1861 not required to reevaluate the student eligibility after the end  
1862 of the drop and add period.

1863 (b) An institution that receives funds from the scholarship  
1864 ~~incentive~~ program must certify to the department the amount of  
1865 funds disbursed to each student and remit to the department any  
1866 undisbursed advances within 60 days after the end of regular  
1867 registration.



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1868 (c) If funds appropriated are not adequate to provide the  
1869 maximum allowable award to each eligible student, awards must be  
1870 prorated using the same percentage reduction.

1871 (8) Funds from any award within the scholarship incentive  
1872 program may not be used to pay for remedial coursework or  
1873 developmental education.

1874 (9) A student may use an award for a summer term if funds  
1875 are available and appropriated by the Legislature.

1876 (10) The department shall allocate funds to the appropriate  
1877 institutions and collect and maintain data regarding the  
1878 scholarship incentive program within the student financial  
1879 assistance database as specified in s. 1009.94.

1880 (11) Section 1009.40(4) does not apply to awards issued  
1881 under this section.

1882 (12) A student who receives an award under the scholarship  
1883 program shall be known as a Benacquisto Scholar.

1884 (13) All eligible Florida public or independent  
1885 postsecondary educational institutions are encouraged to become,  
1886 and all eligible state universities shall become, college  
1887 sponsors of the National Merit Scholarship Program.

1888 (14)~~(12)~~ The State Board of Education shall adopt rules  
1889 necessary to administer this section.

1890 Section 16. Subsection (1) of section 1011.61, Florida  
1891 Statutes, is amended to read:

1892 1011.61 Definitions.—Notwithstanding the provisions of s.  
1893 1000.21, the following terms are defined as follows for the  
1894 purposes of the Florida Education Finance Program:

1895 (1) A "full-time equivalent student" in each program of the  
1896 district is defined in terms of full-time students and part-time



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1897 students as follows:

1898 (a) A "full-time student" is one student on the membership  
1899 roll of one school program or a combination of school programs  
1900 listed in s. 1011.62(1)(c) for the school year or the equivalent  
1901 for:

1902 1. Instruction in a standard school, comprising not less  
1903 than 900 net hours for a student in or at the grade level of 4  
1904 through 12, or not less than 720 net hours for a student in or  
1905 at the grade level of kindergarten through grade 3 or in an  
1906 authorized prekindergarten exceptional program; or

1907 ~~2. Instruction in a double-session school or a school~~  
1908 ~~utilizing an experimental school calendar approved by the~~  
1909 ~~Department of Education, comprising not less than the equivalent~~  
1910 ~~of 810 net hours in grades 4 through 12 or not less than 630 net~~  
1911 ~~hours in kindergarten through grade 3; or~~

1912 2.3. Instruction comprising the appropriate number of net  
1913 hours set forth in subparagraph 1. ~~or subparagraph 2.~~ for  
1914 students who, within the past year, have moved with their  
1915 parents for the purpose of engaging in the farm labor or fish  
1916 industries, if a plan furnishing such an extended school day or  
1917 week, or a combination thereof, has been approved by the  
1918 commissioner. Such plan may be approved to accommodate the needs  
1919 of migrant students only or may serve all students in schools  
1920 having a high percentage of migrant students. The plan described  
1921 in this subparagraph is optional for any school district and is  
1922 not mandated by the state.

1923 (b) A "part-time student" is a student on the active  
1924 membership roll of a school program or combination of school  
1925 programs listed in s. 1011.62(1)(c) who is less than a full-time



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1926 student. A student who receives instruction in a school that  
1927 operates for less than the minimum term shall generate full-time  
1928 equivalent student membership proportional to the amount of  
1929 instructional hours provided by the school divided by the  
1930 minimum term requirement as provided in s. 1011.60(2).

1931 (c)1. A "full-time equivalent student" is:

1932 a. A full-time student in any one of the programs listed in  
1933 s. 1011.62(1)(c); or

1934 b. A combination of full-time or part-time students in any  
1935 one of the programs listed in s. 1011.62(1)(c) which is the  
1936 equivalent of one full-time student based on the following  
1937 calculations:

1938 (I) A full-time student in a combination of programs listed  
1939 in s. 1011.62(1)(c) shall be a fraction of a full-time  
1940 equivalent membership in each special program equal to the  
1941 number of net hours per school year for which he or she is a  
1942 member, divided by the appropriate number of hours set forth in  
1943 subparagraph (a)1. ~~or subparagraph (a)2.~~ The difference between  
1944 that fraction or sum of fractions and the maximum value as set  
1945 forth in subsection (4) for each full-time student is presumed  
1946 to be the balance of the student's time not spent in a special  
1947 program and shall be recorded as time in the appropriate basic  
1948 program.

1949 (II) A prekindergarten student with a disability shall meet  
1950 the requirements specified for kindergarten students.

1951 (III) A full-time equivalent student for students in  
1952 kindergarten through grade 12 in a full-time virtual instruction  
1953 program under s. 1002.45 or a virtual charter school under s.  
1954 1002.33 shall consist of six full-credit completions or the



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1955 prescribed level of content that counts toward promotion to the  
1956 next grade in programs listed in s. 1011.62(1)(c). Credit  
1957 completions may be a combination of full-credit courses or half-  
1958 credit courses. ~~Beginning in the 2016-2017 fiscal year, the~~  
1959 ~~reported full-time equivalent students and associated funding of~~  
1960 ~~students enrolled in courses requiring passage of an end-of-~~  
1961 ~~course assessment under s. 1003.4282 to earn a standard high~~  
1962 ~~school diploma shall be adjusted if the student does not pass~~  
1963 ~~the end-of-course assessment. However, no adjustment shall be~~  
1964 ~~made for a student who enrolls in a segmented remedial course~~  
1965 ~~delivered online.~~

1966 (IV) A full-time equivalent student for students in  
1967 kindergarten through grade 12 in a part-time virtual instruction  
1968 program under s. 1002.45 shall consist of six full-credit  
1969 completions in programs listed in s. 1011.62(1)(c)1. and 3.  
1970 Credit completions may be a combination of full-credit courses  
1971 or half-credit courses. ~~Beginning in the 2016-2017 fiscal year,~~  
1972 ~~the reported full-time equivalent students and associated~~  
1973 ~~funding of students enrolled in courses requiring passage of an~~  
1974 ~~end-of-course assessment under s. 1003.4282 to earn a standard~~  
1975 ~~high school diploma shall be adjusted if the student does not~~  
1976 ~~pass the end-of-course assessment. However, no adjustment shall~~  
1977 ~~be made for a student who enrolls in a segmented remedial course~~  
1978 ~~delivered online.~~

1979 (V) A Florida Virtual School full-time equivalent student  
1980 shall consist of six full-credit completions or the prescribed  
1981 level of content that counts toward promotion to the next grade  
1982 in the programs listed in s. 1011.62(1)(c)1. and 3. for students  
1983 participating in kindergarten through grade 12 part-time virtual



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1984 instruction and the programs listed in s. 1011.62(1)(c) for  
1985 students participating in kindergarten through grade 12 full-  
1986 time virtual instruction. Credit completions may be a  
1987 combination of full-credit courses or half-credit courses.  
1988 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~  
1989 ~~equivalent students and associated funding of students enrolled~~  
1990 ~~in courses requiring passage of an end-of-course assessment~~  
1991 ~~under s. 1003.4282 to earn a standard high school diploma shall~~  
1992 ~~be adjusted if the student does not pass the end-of-course~~  
1993 ~~assessment. However, no adjustment shall be made for a student~~  
1994 ~~who enrolls in a segmented remedial course delivered online.~~

1995 (VI) Each successfully completed full-credit course earned  
1996 through an online course delivered by a district other than the  
1997 one in which the student resides shall be calculated as 1/6 FTE.

1998 (VII) A full-time equivalent student for courses requiring  
1999 passage of a statewide, standardized end-of-course assessment  
2000 under s. 1003.4282 to earn a standard high school diploma shall  
2001 be defined and reported based on the number of instructional  
2002 hours as provided in this subsection ~~until the 2016-2017 fiscal~~  
2003 ~~year. Beginning in the 2016-2017 fiscal year, the FTE for the~~  
2004 ~~course shall be assessment-based and shall be equal to 1/6 FTE.~~  
2005 ~~The reported FTE shall be adjusted if the student does not pass~~  
2006 ~~the end-of-course assessment. However, no adjustment shall be~~  
2007 ~~made for a student who enrolls in a segmented remedial course~~  
2008 ~~delivered online.~~

2009 (VIII) For students enrolled in a school district as a  
2010 full-time student, the district may report 1/6 FTE for each  
2011 student who passes a statewide, standardized end-of-course  
2012 assessment without being enrolled in the corresponding course.



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2013           2. A student in membership in a program scheduled for more  
2014 or less than 180 school days or the equivalent on an hourly  
2015 basis as specified by rules of the State Board of Education is a  
2016 fraction of a full-time equivalent membership equal to the  
2017 number of instructional hours in membership divided by the  
2018 appropriate number of hours set forth in subparagraph (a)1.;

2019 however, for the purposes of this subparagraph, membership in  
2020 programs scheduled for more than 180 days is limited to students  
2021 enrolled in:

- 2022           a. Juvenile justice education programs.
- 2023           b. The Florida Virtual School.
- 2024           c. Virtual instruction programs and virtual charter schools  
2025 for the purpose of course completion and credit recovery  
2026 pursuant to ss. 1002.45 and 1003.498. Course completion applies  
2027 only to a student who is reported during the second or third  
2028 membership surveys and who does not complete a virtual education  
2029 course by the end of the regular school year. The course must be  
2030 completed no later than the deadline for amending the final  
2031 student enrollment survey for that year. Credit recovery applies  
2032 only to a student who has unsuccessfully completed a traditional  
2033 or virtual education course during the regular school year and  
2034 must re-take the course in order to be eligible to graduate with  
2035 the student's class.

2036  
2037 The full-time equivalent student enrollment calculated under  
2038 this subsection is subject to the requirements in subsection  
2039 (4).

2040  
2041 The department shall determine and implement an equitable method



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2042 of equivalent funding for ~~experimental schools and for~~ schools  
2043 operating under emergency conditions, which schools have been  
2044 approved by the department to operate for less than the minimum  
2045 term as provided in s. 1011.60(2) school day.

2046 Section 17. Effective July 1, 2016, and upon the expiration  
2047 of the amendment to section 1011.62, Florida Statutes, made by  
2048 chapter 2015-222, Laws of Florida, paragraphs (e) and (o) of  
2049 subsection (1), paragraph (a) of subsection (4), and present  
2050 subsection (13) of that section are amended, present subsections  
2051 (13), (14), and (15) of that section are redesignated as  
2052 subsections (14), (15), and (16), respectively, and a new  
2053 subsection (13) is added to that section, to read:

2054 1011.62 Funds for operation of schools.—If the annual  
2055 allocation from the Florida Education Finance Program to each  
2056 district for operation of schools is not determined in the  
2057 annual appropriations act or the substantive bill implementing  
2058 the annual appropriations act, it shall be determined as  
2059 follows:

2060 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
2061 OPERATION.—The following procedure shall be followed in  
2062 determining the annual allocation to each district for  
2063 operation:

2064 (e) *Funding model for exceptional student education*  
2065 *programs.—*

2066 1.a. The funding model uses basic, at-risk, support levels  
2067 IV and V for exceptional students and career Florida Education  
2068 Finance Program cost factors, and a guaranteed allocation for  
2069 exceptional student education programs. Exceptional education  
2070 cost factors are determined by using a matrix of services to





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2071 document the services that each exceptional student will  
2072 receive. The nature and intensity of the services indicated on  
2073 the matrix shall be consistent with the services described in  
2074 each exceptional student's individual educational plan. The  
2075 Department of Education shall review and revise the descriptions  
2076 of the services and supports included in the matrix of services  
2077 for exceptional students and shall implement those revisions  
2078 before the beginning of the 2012-2013 school year.

2079       b. In order to generate funds using one of the two weighted  
2080 cost factors, a matrix of services must be completed at the time  
2081 of the student's initial placement into an exceptional student  
2082 education program and at least once every 3 years by personnel  
2083 who have received approved training. Nothing listed in the  
2084 matrix shall be construed as limiting the services a school  
2085 district must provide in order to ensure that exceptional  
2086 students are provided a free, appropriate public education.

2087       c. Students identified as exceptional, in accordance with  
2088 chapter 6A-6, Florida Administrative Code, who do not have a  
2089 matrix of services as specified in sub-subparagraph b. shall  
2090 generate funds on the basis of full-time-equivalent student  
2091 membership in the Florida Education Finance Program at the same  
2092 funding level per student as provided for basic students.

2093 Additional funds for these exceptional students will be provided  
2094 through the guaranteed allocation designated in subparagraph 2.

2095       2. For students identified as exceptional who do not have a  
2096 matrix of services and students who are gifted in grades K  
2097 through 8, there is created a guaranteed allocation to provide  
2098 these students with a free appropriate public education, in  
2099 accordance with s. 1001.42(4)(1) and rules of the State Board of



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2100 Education, which shall be allocated initially annually to each  
2101 school district in the amount provided in the General  
2102 Appropriations Act. These funds shall be supplemental in  
2103 ~~addition~~ to the funds appropriated for the basic funding level  
2104 ~~on the basis of FTE student membership in the Florida Education~~  
2105 ~~Finance Program~~, and the amount allocated for each school  
2106 district shall ~~not~~ be recalculated once during the year, based  
2107 on actual student membership from the October FTE survey. Upon  
2108 recalculation, if the generated allocation is greater than the  
2109 amount provided in the General Appropriations Act, the total  
2110 shall be prorated to the level of the appropriation based on  
2111 each district's share of the total recalculated amount. These  
2112 funds shall be used to provide special education and related  
2113 services for exceptional students and students who are gifted in  
2114 grades K through 8. ~~Beginning with the 2007-2008 fiscal year, A~~  
2115 ~~district's expenditure of funds from the guaranteed allocation~~  
2116 ~~for students in grades 9 through 12 who are gifted may not be~~  
2117 ~~greater than the amount expended during the 2006-2007 fiscal~~  
2118 ~~year for gifted students in grades 9 through 12.~~

2119 (o) *Calculation of additional full-time equivalent*  
2120 *membership based on successful completion of a career-themed*  
2121 *course pursuant to ss. 1003.491, 1003.492, and 1003.493, or*  
2122 *courses with embedded CAPE industry certifications or CAPE*  
2123 *Digital Tool certificates, and issuance of industry*  
2124 *certification identified on the CAPE Industry Certification*  
2125 *Funding List pursuant to rules adopted by the State Board of*  
2126 *Education or CAPE Digital Tool certificates pursuant to s.*  
2127 *1003.4203.—*

2128 1.a. A value of 0.025 full-time equivalent student



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2129 membership shall be calculated for CAPE Digital Tool  
2130 certificates earned by students in elementary and middle school  
2131 grades.

2132       b. A value of 0.1 or 0.2 full-time equivalent student  
2133 membership shall be calculated for each student who completes a  
2134 course as defined in s. 1003.493(1)(b) or courses with embedded  
2135 CAPE industry certifications and who is issued an industry  
2136 certification identified annually on the CAPE Industry  
2137 Certification Funding List approved under rules adopted by the  
2138 State Board of Education. A value of 0.2 full-time equivalent  
2139 membership shall be calculated for each student who is issued a  
2140 CAPE industry certification that has a statewide articulation  
2141 agreement for college credit approved by the State Board of  
2142 Education. For CAPE industry certifications that do not  
2143 articulate for college credit, the Department of Education shall  
2144 assign a full-time equivalent value of 0.1 for each  
2145 certification. Middle grades students who earn additional FTE  
2146 membership for a CAPE Digital Tool certificate pursuant to sub-  
2147 subparagraph a. may not use the previously funded examination to  
2148 satisfy the requirements for earning an industry certification  
2149 under this sub-subparagraph. Additional FTE membership for an  
2150 elementary or middle grades student may ~~shall~~ not exceed 0.1 for  
2151 certificates or certifications earned within the same fiscal  
2152 year. The State Board of Education shall include the assigned  
2153 values on the CAPE Industry Certification Funding List under  
2154 rules adopted by the state board. Such value shall be added to  
2155 the total full-time equivalent student membership for grades 6  
2156 through 12 in the subsequent year ~~for courses that were not~~  
2157 ~~provided through dual enrollment.~~ CAPE industry certifications



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2158 earned through dual enrollment must be reported and funded  
2159 pursuant to s. 1011.80. However, if a student earns a  
2160 certification through a dual enrollment course and the  
2161 certification is not a fundable certification on the  
2162 postsecondary certification funding list, or the dual enrollment  
2163 certification is earned as a result of an agreement between a  
2164 school district and a nonpublic postsecondary institution, the  
2165 bonus value shall be funded in the same manner as other nondual  
2166 enrollment course industry certifications. In such cases, the  
2167 school district may provide for an agreement between the high  
2168 school and the technical center, or the school district and the  
2169 postsecondary institution may enter into an agreement for  
2170 equitable distribution of the bonus funds.

2171 c. A value of 0.3 full-time equivalent student membership  
2172 shall be calculated for student completion of the courses and  
2173 the embedded certifications identified on the CAPE Industry  
2174 Certification Funding List and approved by the commissioner  
2175 pursuant to ss. 1003.4203(5) (a) and 1008.44.

2176 d. A value of 0.5 full-time equivalent student membership  
2177 shall be calculated for CAPE Acceleration Industry  
2178 Certifications that articulate for 15 to 29 college credit  
2179 hours, and 1.0 full-time equivalent student membership shall be  
2180 calculated for CAPE Acceleration Industry Certifications that  
2181 articulate for 30 or more college credit hours pursuant to CAPE  
2182 Acceleration Industry Certifications approved by the  
2183 commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

2184 2. Each district must allocate at least 80 percent of the  
2185 funds provided for CAPE industry certification, in accordance  
2186 with this paragraph, to the program that generated the funds.



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2187 This allocation may not be used to supplant funds provided for  
2188 basic operation of the program.

2189 3. For CAPE industry certifications earned in the 2013-2014  
2190 school year and in subsequent years, the school district shall  
2191 distribute to each classroom teacher who provided direct  
2192 instruction toward the attainment of a CAPE industry  
2193 certification that qualified for additional full-time equivalent  
2194 membership under subparagraph 1.:

2195 a. A bonus ~~in the amount~~ of \$25 for each student taught by  
2196 a teacher who provided instruction in a course that led to the  
2197 attainment of a CAPE industry certification on the CAPE Industry  
2198 Certification Funding List with a weight of 0.1.

2199 b. A bonus ~~in the amount~~ of \$50 for each student taught by  
2200 a teacher who provided instruction in a course that led to the  
2201 attainment of a CAPE industry certification on the CAPE Industry  
2202 Certification Funding List with a weight of 0.2, ~~0.3, 0.5, and~~  
2203 ~~1.0~~.

2204 c. A bonus of \$75 for each student taught by a teacher who  
2205 provided instruction in a course that led to the attainment of a  
2206 CAPE industry certification on the CAPE Industry Certification  
2207 Funding List with a weight of 0.3.

2208 d. A bonus of \$100 for each student taught by a teacher who  
2209 provided instruction in a course that led to the attainment of a  
2210 CAPE industry certification on the CAPE Industry Certification  
2211 Funding List with a weight of 0.5 or 1.0.

2212  
2213 Bonuses awarded pursuant to this paragraph shall be provided to  
2214 teachers who are employed by the district in the year in which  
2215 the additional FTE membership calculation is included in the



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2216 calculation. Bonuses shall be calculated based upon the  
2217 associated weight of a CAPE industry certification on the CAPE  
2218 Industry Certification Funding List for the year in which the  
2219 certification is earned by the student. Any bonus awarded to a  
2220 teacher under this paragraph ~~may not exceed \$2,000 in any given~~  
2221 ~~school year and~~ is in addition to any regular wage or other  
2222 bonus the teacher received or is scheduled to receive.

2223 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The  
2224 Legislature shall prescribe the aggregate required local effort  
2225 for all school districts collectively as an item in the General  
2226 Appropriations Act for each fiscal year. The amount that each  
2227 district shall provide annually toward the cost of the Florida  
2228 Education Finance Program for kindergarten through grade 12  
2229 programs shall be calculated as follows:

2230 (a) Estimated taxable value calculations.—

2231 1.a. Not later than 2 working days before ~~prior to~~ July 19,  
2232 the Department of Revenue shall certify to the Commissioner of  
2233 Education its most recent estimate of the taxable value for  
2234 school purposes in each school district and the total for all  
2235 school districts in the state for the current calendar year  
2236 based on the latest available data obtained from the local  
2237 property appraisers. The value certified shall be the taxable  
2238 value for school purposes for that year, and no further  
2239 adjustments shall be made, except those made pursuant to  
2240 paragraphs (c) and (d), or an assessment roll change required by  
2241 final judicial decisions as specified in paragraph (15) (b)  
2242 ~~(14) (b)~~. Not later than July 19, the Commissioner of Education  
2243 shall compute a millage rate, rounded to the next highest one  
2244 one-thousandth of a mill, which, when applied to 96 percent of



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2245 the estimated state total taxable value for school purposes,  
2246 would generate the prescribed aggregate required local effort  
2247 for that year for all districts. The Commissioner of Education  
2248 shall certify to each district school board the millage rate,  
2249 computed as prescribed in this subparagraph, as the minimum  
2250 millage rate necessary to provide the district required local  
2251 effort for that year.

2252 b. The General Appropriations Act shall direct the  
2253 computation of the statewide adjusted aggregate amount for  
2254 required local effort for all school districts collectively from  
2255 ad valorem taxes to ensure that no school district's revenue  
2256 from required local effort millage will produce more than 90  
2257 percent of the district's total Florida Education Finance  
2258 Program calculation as calculated and adopted by the  
2259 Legislature, and the adjustment of the required local effort  
2260 millage rate of each district that produces more than 90 percent  
2261 of its total Florida Education Finance Program entitlement to a  
2262 level that will produce only 90 percent of its total Florida  
2263 Education Finance Program entitlement in the July calculation.

2264 2. On the same date as the certification in sub-  
2265 subparagraph 1.a., the Department of Revenue shall certify to  
2266 the Commissioner of Education for each district:

2267 a. Each year for which the property appraiser has certified  
2268 the taxable value pursuant to s. 193.122(2) or (3), if  
2269 applicable, since the prior certification under sub-subparagraph  
2270 1.a.

2271 b. For each year identified in sub-subparagraph a., the  
2272 taxable value certified by the appraiser pursuant to s.  
2273 193.122(2) or (3), if applicable, since the prior certification



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2274 under sub-subparagraph 1.a. This is the certification that  
2275 reflects all final administrative actions of the value  
2276 adjustment board.

2277 (13) FEDERALLY CONNECTED STUDENT SUPPLEMENT.—The federally  
2278 connected student supplement is created to provide supplemental  
2279 funding for school districts to support the education of  
2280 students connected with federally owned military installations,  
2281 National Aeronautics and Space Administration (NASA) real  
2282 property, and Indian lands. To be eligible for this supplement,  
2283 the district must be eligible for federal Impact Aid Program  
2284 funds under s. 8003 of Title VIII of the Elementary and  
2285 Secondary Education Act of 1965. The supplement shall be  
2286 allocated annually to each eligible school district in the  
2287 amount provided in the General Appropriations Act. The  
2288 supplement shall be the sum of the student allocation and an  
2289 exempt property allocation.

2290 (a) The student allocation shall be calculated based on the  
2291 number of students reported for federal Impact Aid Program  
2292 funds, including students with disabilities, who meet one of the  
2293 following criteria:

2294 1. The student has a parent who is on active duty in the  
2295 uniformed services or is an accredited foreign government  
2296 official and military officer. Students with disabilities shall  
2297 also be reported separately for this category.

2298 2. The student resides on eligible federally owned Indian  
2299 land. Students with disabilities shall also be reported  
2300 separately for this category.

2301 3. The student resides with a civilian parent who lives or  
2302 works on eligible federal property connected with a military





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2303 installation or NASA. The number of these students shall be  
2304 multiplied by a factor of 0.5.

2305 (b) The total number of federally connected students  
2306 calculated under paragraph (a) shall be multiplied by a  
2307 percentage of the base student allocation as provided in the  
2308 General Appropriations Act. The total of the number of students  
2309 with disabilities as reported separately under subparagraphs  
2310 (a)1. and (a)2. shall be multiplied by an additional percentage  
2311 of the base student allocation as provided in the General  
2312 Appropriations Act. The base amount and the amount for students  
2313 with disabilities shall be summed to provide the student  
2314 allocation.

2315 (c) The exempt property allocation shall be equal to the  
2316 tax-exempt value of federal impact aid lands reserved as  
2317 military installations, real property owned by NASA, or eligible  
2318 federally owned Indian lands located in the district, as of  
2319 January 1 of the previous year, multiplied by the millage  
2320 authorized and levied under s. 1011.71(2).

2321 (14) ~~(13)~~ QUALITY ASSURANCE GUARANTEE.—The Legislature may  
2322 annually in the General Appropriations Act determine a  
2323 percentage increase in funds per K-12 unweighted FTE as a  
2324 minimum guarantee to each school district. The guarantee shall  
2325 be calculated from prior year base funding per unweighted FTE  
2326 student which shall include the adjusted FTE dollars as provided  
2327 in subsection (15) ~~(14)~~, quality guarantee funds, and actual  
2328 nonvoted discretionary local effort from taxes. From the base  
2329 funding per unweighted FTE, the increase shall be calculated for  
2330 the current year. The current year funds from which the  
2331 guarantee shall be determined shall include the adjusted FTE



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2332 dollars as provided in subsection (15) ~~(14)~~ and potential  
2333 nonvoted discretionary local effort from taxes. A comparison of  
2334 current year funds per unweighted FTE to prior year funds per  
2335 unweighted FTE shall be computed. For those school districts  
2336 which have less than the legislatively assigned percentage  
2337 increase, funds shall be provided to guarantee the assigned  
2338 percentage increase in funds per unweighted FTE student. Should  
2339 appropriated funds be less than the sum of this calculated  
2340 amount for all districts, the commissioner shall prorate each  
2341 district's allocation. This provision shall be implemented to  
2342 the extent specifically funded.

2343 Section 18. Effective July 1, 2016, and upon the expiration  
2344 of the amendment to section 1011.71, Florida Statutes, made by  
2345 chapter 2015-222, Laws of Florida, subsection (1) of that  
2346 section is amended to read:

2347 1011.71 District school tax.—

2348 (1) If the district school tax is not provided in the  
2349 General Appropriations Act or the substantive bill implementing  
2350 the General Appropriations Act, each district school board  
2351 desiring to participate in the state allocation of funds for  
2352 current operation as prescribed by s. 1011.62(15) ~~s. 1011.62(14)~~  
2353 shall levy on the taxable value for school purposes of the  
2354 district, exclusive of millage voted under ~~the provisions of s.~~  
2355 9(b) or s. 12, Art. VII of the State Constitution, a millage  
2356 rate not to exceed the amount certified by the commissioner as  
2357 the minimum millage rate necessary to provide the district  
2358 required local effort for the current year, pursuant to s.  
2359 1011.62(4)(a)1. In addition to the required local effort millage  
2360 levy, each district school board may levy a nonvoted current



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2361 operating discretionary millage. The Legislature shall prescribe  
2362 annually in the appropriations act the maximum amount of millage  
2363 a district may levy.

2364 Section 19. Subsection (2) of section 1012.42, Florida  
2365 Statutes, is amended to read:

2366 1012.42 Teacher teaching out-of-field.—

2367 (2) NOTIFICATION REQUIREMENTS.—When a teacher in a district  
2368 school system is assigned teaching duties in a class dealing  
2369 with subject matter that is outside the field in which the  
2370 teacher is certified, outside the field that was the applicant's  
2371 minor field of study, or outside the field in which the  
2372 applicant has demonstrated sufficient subject area expertise, as  
2373 determined by district school board policy in the subject area  
2374 to be taught, the parents of all students in the class shall be  
2375 notified in writing of such assignment, and each school district  
2376 shall report out-of-field teachers on the district's website  
2377 within 30 days before the beginning of each semester. A parent  
2378 whose student is assigned an out-of-field teacher may request  
2379 that his or her child be transferred to an in-field classroom  
2380 teacher within the school and grade in which the student is  
2381 currently enrolled. The school district must approve or deny the  
2382 parent's request and transfer the student to a different  
2383 classroom teacher within a reasonable period of time, not to  
2384 exceed 2 weeks, if an in-field teacher for that course or grade  
2385 level is employed by the school and the transfer does not  
2386 violate maximum class size pursuant to s. 1003.03 and s. 1, Art.  
2387 IX of the State Constitution. If a request for transfer is  
2388 denied, the school must notify the parent and specify the  
2389 reasons for the denial. An explanation of the transfer process



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2390 must be made available in the student handbook or a similar  
2391 publication. This subsection does not provide a parent the right  
2392 to choose a specific teacher.

2393 Section 20. Paragraph (b) of subsection (8) of section  
2394 1012.56, Florida Statutes, is amended to read:

2395 1012.56 Educator certification requirements.—

2396 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION  
2397 COMPETENCY PROGRAM.—

2398 (b)1. Each school district must and a private school or  
2399 state-supported ~~state-supported~~ public school, including a  
2400 charter school, ~~or a private school~~ may develop and maintain a  
2401 system by which members of the instructional staff may  
2402 demonstrate mastery of professional preparation and education  
2403 competence as required by law. Each program must be based on  
2404 classroom application of the Florida Educator Accomplished  
2405 Practices and instructional performance and, for public schools,  
2406 must be aligned with the district's or state-supported public  
2407 school's evaluation system established ~~approved~~ under s.  
2408 1012.34, as applicable.

2409 2. The Commissioner of Education shall determine the  
2410 continued approval of programs implemented under this paragraph,  
2411 based upon the department's review of performance data. The  
2412 department shall review the performance data as a part of the  
2413 periodic review of each school district's professional  
2414 development system required under s. 1012.98.

2415 Section 21. Section 1012.583, Florida Statutes, is created  
2416 to read:

2417 1012.583 Continuing education and inservice training for  
2418 youth suicide awareness and prevention.—



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2419 (1) Beginning with the 2016-2017 school year, the  
2420 Department of Education shall incorporate 2 hours of training in  
2421 youth suicide awareness and prevention into existing  
2422 requirements for continuing education or inservice training for  
2423 instructional personnel in elementary school, middle school, and  
2424 high school.

2425 (2) The department, in consultation with the Statewide  
2426 Office for Suicide Prevention and suicide prevention experts,  
2427 shall develop a list of approved youth suicide awareness and  
2428 prevention training materials. The materials:

2429 (a) Must include training on how to identify appropriate  
2430 mental health services and how to refer youth and their families  
2431 to those services.

2432 (b) May include materials currently being used by a school  
2433 district if such materials meet any criteria established by the  
2434 department.

2435 (c) May include programs that instructional personnel can  
2436 complete through a self-review of approved youth suicide  
2437 awareness and prevention materials.

2438 (3) The training required by this section must be included  
2439 in the existing continuing education or inservice training  
2440 requirements for instructional personnel and may not add to the  
2441 total hours currently required by the department.

2442 (4) A person has no cause of action for any loss or damage  
2443 caused by an act or omission resulting from the implementation  
2444 of this section or resulting from any training required by this  
2445 section unless the loss or damage was caused by willful or  
2446 wanton misconduct. This section does not create any new duty of  
2447 care or basis of liability.



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2448           (5) The State Board of Education may adopt rules to  
2449 implement this section.

2450           Section 22. Paragraph (o) is added to subsection (1) of  
2451 section 1012.795, Florida Statutes, and subsection (5) of that  
2452 section is amended, to read:

2453           1012.795 Education Practices Commission; authority to  
2454 discipline.-

2455           (1) The Education Practices Commission may suspend the  
2456 educator certificate of any person as defined in s. 1012.01(2)  
2457 or (3) for up to 5 years, thereby denying that person the right  
2458 to teach or otherwise be employed by a district school board or  
2459 public school in any capacity requiring direct contact with  
2460 students for that period of time, after which the holder may  
2461 return to teaching as provided in subsection (4); may revoke the  
2462 educator certificate of any person, thereby denying that person  
2463 the right to teach or otherwise be employed by a district school  
2464 board or public school in any capacity requiring direct contact  
2465 with students for up to 10 years, with reinstatement subject to  
2466 the provisions of subsection (4); may revoke permanently the  
2467 educator certificate of any person thereby denying that person  
2468 the right to teach or otherwise be employed by a district school  
2469 board or public school in any capacity requiring direct contact  
2470 with students; may suspend the educator certificate, upon an  
2471 order of the court or notice by the Department of Revenue  
2472 relating to the payment of child support; or may impose any  
2473 other penalty provided by law, if the person:

2474           (o) Has committed a third recruiting offense as determined  
2475 by the Florida High School Athletic Association (FHSAA) pursuant  
2476 to s. 1006.20(2)(b).



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2477 (5) Each district school superintendent and the governing  
2478 authority of each university lab school, state-supported school,  
2479 ~~or~~ private school, and the FHSAA shall report to the department  
2480 the name of any person certified pursuant to this chapter or  
2481 employed and qualified pursuant to s. 1012.39:

2482 (a) Who has been convicted of, or who has pled nolo  
2483 contendere to, a misdemeanor, felony, or any other criminal  
2484 charge, other than a minor traffic infraction;

2485 (b) Who that official has reason to believe has committed  
2486 or is found to have committed any act which would be a ground  
2487 for revocation or suspension under subsection (1); or

2488 (c) Who has been dismissed or severed from employment  
2489 because of conduct involving any immoral, unnatural, or  
2490 lascivious act.

2491 Section 23. Subsections (3) and (7) of section 1012.796,  
2492 Florida Statutes, are amended to read:

2493 1012.796 Complaints against teachers and administrators;  
2494 procedure; penalties.-

2495 (3) The department staff shall advise the commissioner  
2496 concerning the findings of the investigation and of all  
2497 referrals by the Florida High School Athletic Association  
2498 (FHSAA) pursuant to ss. 1006.20(2)(b) and 1012.795. The  
2499 department general counsel or members of that staff shall review  
2500 the investigation or the referral and advise the commissioner  
2501 concerning probable cause or lack thereof. The determination of  
2502 probable cause shall be made by the commissioner. The  
2503 commissioner shall provide an opportunity for a conference, if  
2504 requested, prior to determining probable cause. The commissioner  
2505 may enter into deferred prosecution agreements in lieu of



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2506 finding probable cause if, in his or her judgment, such  
2507 agreements are in the best interests of the department, the  
2508 certificateholder, and the public. Such deferred prosecution  
2509 agreements shall become effective when filed with the clerk of  
2510 the Education Practices Commission. However, a deferred  
2511 prosecution agreement shall not be entered into if there is  
2512 probable cause to believe that a felony or an act of moral  
2513 turpitude, as defined by rule of the State Board of Education,  
2514 has occurred, or for referrals by the FHSAA. Upon finding no  
2515 probable cause, the commissioner shall dismiss the complaint.

2516 (7) A panel of the commission shall enter a final order  
2517 either dismissing the complaint or imposing one or more of the  
2518 following penalties:

2519 (a) Denial of an application for a teaching certificate or  
2520 for an administrative or supervisory endorsement on a teaching  
2521 certificate. The denial may provide that the applicant may not  
2522 reapply for certification, and that the department may refuse to  
2523 consider that applicant's application, for a specified period of  
2524 time or permanently.

2525 (b) Revocation or suspension of a certificate.

2526 (c) Imposition of an administrative fine not to exceed  
2527 \$2,000 for each count or separate offense.

2528 (d) Placement of the teacher, administrator, or supervisor  
2529 on probation for a period of time and subject to such conditions  
2530 as the commission may specify, including requiring the certified  
2531 teacher, administrator, or supervisor to complete additional  
2532 appropriate college courses or work with another certified  
2533 educator, with the administrative costs of monitoring the  
2534 probation assessed to the educator placed on probation. An





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2535 educator who has been placed on probation shall, at a minimum:

2536       1. Immediately notify the investigative office in the  
2537 Department of Education upon employment or termination of  
2538 employment in the state in any public or private position  
2539 requiring a Florida educator's certificate.

2540       2. Have his or her immediate supervisor submit annual  
2541 performance reports to the investigative office in the  
2542 Department of Education.

2543       3. Pay to the commission within the first 6 months of each  
2544 probation year the administrative costs of monitoring probation  
2545 assessed to the educator.

2546       4. Violate no law and shall fully comply with all district  
2547 school board policies, school rules, and State Board of  
2548 Education rules.

2549       5. Satisfactorily perform his or her assigned duties in a  
2550 competent, professional manner.

2551       6. Bear all costs of complying with the terms of a final  
2552 order entered by the commission.

2553       (e) Restriction of the authorized scope of practice of the  
2554 teacher, administrator, or supervisor.

2555       (f) Reprimand of the teacher, administrator, or supervisor  
2556 in writing, with a copy to be placed in the certification file  
2557 of such person.

2558       (g) Imposition of an administrative sanction, upon a person  
2559 whose teaching certificate has expired, for an act or acts  
2560 committed while that person possessed a teaching certificate or  
2561 an expired certificate subject to late renewal, which sanction  
2562 bars that person from applying for a new certificate for a  
2563 period of 10 years or less, or permanently.



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2564 (h) Refer the teacher, administrator, or supervisor to the  
2565 recovery network program provided in s. 1012.798 under such  
2566 terms and conditions as the commission may specify.

2567  
2568 The penalties imposed under this subsection are in addition to,  
2569 and not in lieu of, the penalties required for a third  
2570 recruiting offense pursuant to s. 1006.20(2)(b).

2571 Section 24. Except as otherwise expressly provided in this  
2572 act and except for this section, which shall take effect June  
2573 29, 2016, this act shall take effect July 1, 2016.

2574  
2575 ===== T I T L E A M E N D M E N T =====

2576 And the title is amended as follows:

2577 Delete everything before the enacting clause  
2578 and insert:

2579 A bill to be entitled  
2580 An act relating to education; amending s. 1001.42,  
2581 F.S.; revising the duties of a district school board;  
2582 creating s. 1001.67, F.S.; establishing a  
2583 collaboration between the state board and the  
2584 Legislature to designate certain Florida College  
2585 System institutions as distinguished colleges;  
2586 specifying standards for the designation; requiring  
2587 the state board to award the designation to certain  
2588 Florida College System institutions; providing that  
2589 the designated institutions are eligible for funding  
2590 as specified in the General Appropriations Act;  
2591 amending s. 1002.20, F.S.; revising public school  
2592 choice options available to students to include CAPE



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2593 digital tools, CAPE industry certifications, and  
2594 collegiate high school programs; authorizing parents  
2595 of public school students to seek private educational  
2596 choice options through the Florida Personal Learning  
2597 Scholarship Accounts Program under certain  
2598 circumstances; revising student eligibility  
2599 requirements for participating in high school athletic  
2600 competitions; authorizing public schools to provide  
2601 transportation to students participating in open  
2602 enrollment; amending s. 1002.31, F.S.; requiring each  
2603 district school board and charter school governing  
2604 board to authorize a parent to have his or her child  
2605 participate in controlled open enrollment; requiring  
2606 the school district to report the student for purposes  
2607 of the school district's funding; authorizing a school  
2608 district to provide transportation to such students;  
2609 requiring that each district school board adopt and  
2610 publish on its website a controlled open enrollment  
2611 process; specifying criteria for the process;  
2612 prohibiting a school district from delaying or  
2613 preventing a student who participates in controlled  
2614 open enrollment from being immediately eligible to  
2615 participate in certain activities; amending s.  
2616 1002.33, F.S.; making technical changes relating to  
2617 requirements for the creation of a virtual charter  
2618 school; conforming cross-references; specifying that a  
2619 sponsor may not require a charter school to adopt the  
2620 sponsor's reading plan and that charter schools are  
2621 eligible for the research-based reading allocation if



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2622 certain criteria are met; revising required contents  
2623 of charter school applications; conforming provisions  
2624 regarding the appeal process for denial of a high-  
2625 performing charter school application; requiring an  
2626 applicant to provide the sponsor with a copy of an  
2627 appeal to an application denial; authorizing a charter  
2628 school to defer the opening of its operations for up  
2629 to a specified time; requiring the charter school to  
2630 provide written notice to certain entities by a  
2631 specified date; revising provisions relating to long-  
2632 term charters and charter terminations; specifying  
2633 notice requirements for voluntary closure of a charter  
2634 school; deleting a requirement that students in a  
2635 blended learning course receive certain instruction in  
2636 a classroom setting; providing that a student may not  
2637 be dismissed from a charter school based on his or her  
2638 academic performance; requiring a charter school  
2639 applicant to provide monthly financial statements  
2640 before opening; requiring a sponsor to review each  
2641 financial statement of a charter school to identify  
2642 the existence of certain conditions; providing for the  
2643 automatic termination of a charter contract if certain  
2644 conditions are met; requiring a sponsor to notify  
2645 certain parties when a charter contract is terminated  
2646 for specific reasons; authorizing governing board  
2647 members to hold a certain number of public meetings  
2648 and participate in such meetings in person or through  
2649 communications media technology; revising charter  
2650 school student eligibility requirements; revising



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2651 requirements for payments to charter schools; allowing  
2652 for the use of certain surpluses and assets by  
2653 specific entities for certain educational purposes;  
2654 providing for an injunction under certain  
2655 circumstances; establishing the administrative fee  
2656 that a sponsor may withhold for charter schools  
2657 operating in a critical need area; providing an  
2658 exemption from certain administrative fees; amending  
2659 s. 1002.37, F.S.; revising the calculation of "full-  
2660 time equivalent student"; conforming a cross-  
2661 reference; amending s. 1002.391, F.S.; requiring a  
2662 school district to add a specified number of points to  
2663 the calculation of a matrix of services for a student  
2664 who is deaf and enrolled in an auditory-oral education  
2665 program; amending s. 1002.45, F.S.; conforming cross-  
2666 references; deleting a provision related to  
2667 educational funding for students enrolled in certain  
2668 virtual education courses; revising conditions for  
2669 termination of a virtual instruction provider's  
2670 contract; creating s. 1003.3101, F.S.; requiring each  
2671 school district board to establish a classroom teacher  
2672 transfer process for parents, to approve or deny a  
2673 transfer request within a certain timeframe, to notify  
2674 a parent of a denial, and to post an explanation of  
2675 the transfer process in the student handbook or a  
2676 similar publication; amending s. 1003.4295, F.S.;  
2677 revising the purpose of the Credit Acceleration  
2678 Program; requiring students to earn passing scores on  
2679 specified assessments and examinations to earn course



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2680 credit; amending s. 1004.935, F.S.; deleting the  
2681 scheduled termination of the Adults with Disabilities  
2682 Workforce Education Pilot Program; changing the name  
2683 of the program to the "Adults with Disabilities  
2684 Workforce Education Program"; amending s. 1006.15,  
2685 F.S.; defining the term "eligible to participate";  
2686 conforming provisions to changes made by the act;  
2687 prohibiting a school district from delaying or  
2688 preventing a student who participates in open  
2689 controlled enrollment from being immediately eligible  
2690 to participate in certain activities; authorizing a  
2691 transfer student to immediately participate in  
2692 interscholastic or intrascholastic activities under  
2693 certain circumstances; prohibiting a school district  
2694 or the Florida High School Athletic Association  
2695 (FHSAA) from declaring a transfer student ineligible  
2696 under certain circumstances; creating s. 1006.195,  
2697 F.S.; requiring district school boards to establish in  
2698 codes of student conduct eligibility standards and  
2699 disciplinary actions relating to students  
2700 participating in interscholastic and intrascholastic  
2701 extracurricular activities; providing guidelines and  
2702 applicability; requiring the FHSAA to comply with  
2703 certain requirements by a specified date; amending s.  
2704 1006.20, F.S.; requiring the FHSAA to allow a private  
2705 school to maintain full membership in the association  
2706 or to join by sport; prohibiting the FHSAA from  
2707 discouraging a private school from maintaining  
2708 membership in the FHSAA and another athletic



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2709 association; authorizing the FHSAA to allow a public  
2710 school to apply for consideration to join another  
2711 athletic association; specifying penalties for  
2712 recruiting violations; requiring a school to forfeit a  
2713 competition, including resulting honors, in which a  
2714 student who was recruited in a prohibitive manner;  
2715 revising circumstances under which a student may be  
2716 declared ineligible; requiring student ineligibility  
2717 to be established by a preponderance of the evidence;  
2718 amending s. 1009.893, F.S.; changing the name of the  
2719 "Florida National Merit Scholar Incentive Program" to  
2720 the "Benacquisto Scholarship Program"; providing that  
2721 a student who receives a scholarship award under the  
2722 program will be referred to as a Benacquisto Scholar;  
2723 encouraging all eligible Florida public or independent  
2724 postsecondary educational institutions, and requiring  
2725 all eligible state universities, to become college  
2726 sponsors of the National Merit Scholarship Program;  
2727 amending s. 1011.61, F.S.; revising the definition of  
2728 "full-time equivalent student"; amending s. 1011.62,  
2729 F.S.; conforming a cross-reference; revising the  
2730 calculation for certain supplemental funds for  
2731 exceptional student education programs; requiring the  
2732 funds to be prorated under certain circumstances;  
2733 revising the funding of full-time equivalent values  
2734 for students who earn CAPE industry certifications  
2735 through dual enrollment; deleting a provision  
2736 prohibiting a teacher's bonus from exceeding a  
2737 specified amount; creating a federally connected



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2738 student supplement for school districts; specifying  
2739 eligibility requirements and calculations for  
2740 allocations of the supplement; amending s. 1011.71,  
2741 F.S.; conforming a cross-reference; amending s.  
2742 1012.42, F.S.; authorizing a parent of a child whose  
2743 teacher is teaching outside the teacher's field to  
2744 request that the child be transferred to another  
2745 classroom teacher within the school and grade in which  
2746 the child is currently enrolled within a specified  
2747 timeframe; specifying that a transfer does not provide  
2748 a parent the right to choose a specific teacher;  
2749 amending s. 1012.56, F.S.; authorizing a charter  
2750 school to develop and operate a professional  
2751 development certification and education competency  
2752 program; creating s. 1012.583, F.S.; requiring the  
2753 Department of Education to incorporate training in  
2754 youth suicide awareness and prevention into certain  
2755 instructional personnel continuing education or  
2756 inservice training requirements; requiring the  
2757 department, in consultation with the Statewide Office  
2758 for Suicide Prevention and suicide prevention experts,  
2759 to develop a list of approved materials for the  
2760 training; specifying requirements for training  
2761 materials; requiring the training to be included in  
2762 the existing continuing education or inservice  
2763 training requirements; providing that no cause of  
2764 action results from the implementation of this act;  
2765 providing for rulemaking; amending ss. 1012.795 and  
2766 1012.796, F.S.; conforming provisions to changes made





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by the act; providing effective dates.