



LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
Floor: 1/AE/3R	.	Floor: SENAT/CA
03/09/2016 03:11 PM	.	03/10/2016 06:14 PM
	.	

Senator Gaetz moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 617.221, Florida Statutes, is created to
read:

617.221 Membership associations; reporting requirements;
restrictions on use of funds.—

(1) As used in this section, the term "membership
association" means a not-for-profit corporation, including a
department or division of such corporation, the majority of



550680

12 whose board members are constitutional officers who, pursuant to
13 s. 1001.32(2), operate, control, and supervise public entities
14 that receive annual state appropriations through a statutorily
15 defined formulaic allocation that is funded and prescribed
16 annually in the General Appropriations Act or the substantive
17 bill implementing the annual appropriations act. The term does
18 not include a labor organization as defined in s. 447.02 or an
19 entity funded through the Justice Administrative Commission.

20 (2) Dues paid to a membership association which are paid
21 with public funds shall be assessed for each elected or
22 appointed public officer and may be paid to a membership
23 association. If a public officer elects not to join the
24 membership association, the dues assessed to that public officer
25 may not be paid to the membership association.

26 Section 2. Present subsection (27) of section 1001.42,
27 Florida Statutes, is redesignated as subsection (28), and a new
28 subsection (27) is added to that section, to read:

29 1001.42 Powers and duties of district school board.—The
30 district school board, acting as a board, shall exercise all
31 powers and perform all duties listed below:

32 (27) VISITATION OF SCHOOLS.—Visit the schools, observe the
33 management and instruction, give suggestions for improvement,
34 and advise citizens with the view of promoting interest in
35 education and improving the school.

36 Section 3. Section 1001.67, Florida Statutes, is created to
37 read:

38 1001.67 Distinguished Florida College System Program.—A
39 collaborative partnership is established between the State Board
40 of Education and the Legislature to recognize the excellence of



550680

41 Florida's highest-performing Florida College system
42 institutions.

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

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

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

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

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

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

61 (f) A job placement or continuing education rate of 88
62 percent or higher for workforce programs, as reported by FETPIP.

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

67 (2) DISTINGUISHED COLLEGE DESIGNATION.—The State Board of
68 Education shall designate each Florida College System
69 institution that meets five of the seven standards identified in



550680

70 subsection (1) as a distinguished college.

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

75 Section 4. Paragraphs (a) and (b) of subsection (6),
76 subsection (16), paragraph (a) of subsection (17), and paragraph
77 (a) of subsection (22) of section 1002.20, Florida Statutes, are
78 amended, to read:

79 1002.20 K-12 student and parent rights.—Parents of public
80 school students must receive accurate and timely information
81 regarding their child's academic progress and must be informed
82 of ways they can help their child to succeed in school. K-12
83 students and their parents are afforded numerous statutory
84 rights including, but not limited to, the following:

85 (6) EDUCATIONAL CHOICE.—

86 (a) Public educational school choices.—Parents of public
87 school students may seek any ~~whatever~~ public educational school
88 choice options that are applicable and available to students
89 throughout the state ~~in their school districts~~. These options
90 may include controlled open enrollment, single-gender programs,
91 lab schools, virtual instruction programs, charter schools,
92 charter technical career centers, magnet schools, alternative
93 schools, special programs, auditory-oral education programs,
94 advanced placement, dual enrollment, International
95 Baccalaureate, International General Certificate of Secondary
96 Education (pre-AICE), CAPE digital tools, CAPE industry
97 certifications, collegiate high school programs, Advanced
98 International Certificate of Education, early admissions, credit



550680

99 by examination or demonstration of competency, the New World
100 School of the Arts, the Florida School for the Deaf and the
101 Blind, and the Florida Virtual School. These options may also
102 include the public educational school choice options of the
103 Opportunity Scholarship Program and the McKay Scholarships for
104 Students with Disabilities Program.

105 (b) *Private educational school choices.*—Parents of public
106 school students may seek private educational school choice
107 options under certain programs.

108 1. Under the McKay Scholarships for Students with
109 Disabilities Program, the parent of a public school student with
110 a disability may request and receive a McKay Scholarship for the
111 student to attend a private school in accordance with s.
112 1002.39.

113 2. Under the Florida Tax Credit Scholarship Program, the
114 parent of a student who qualifies for free or reduced-price
115 school lunch or who is currently placed, or during the previous
116 state fiscal year was placed, in foster care as defined in s.
117 39.01 may seek a scholarship from an eligible nonprofit
118 scholarship-funding organization in accordance with s. 1002.395.

119 3. Under the Florida Personal Learning Scholarship Accounts
120 Program, the parent of a student with a qualifying disability
121 may apply for a personal learning scholarship to be used for
122 individual educational needs in accordance with s. 1002.385.

123 (16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT RATING
124 REPORTS; FISCAL TRANSPARENCY.—Parents of public school students
125 have the right are entitled to an easy-to-read report card about
126 the school's grade designation or, if applicable under s.
127 1008.341, the school's improvement rating, and the school's



550680

128 accountability report, including the school financial report as
129 required under s. 1010.215. The school financial report must be
130 provided to the parents and indicate the average amount of money
131 expended per student in the school, which must also be included
132 in the student handbook or a similar publication.

133 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

134 (a) *Eligibility.*—Eligibility requirements for all students
135 participating in high school athletic competition must allow a
136 student to be immediately eligible in the school in which he or
137 she first enrolls each school year, the school in which the
138 student makes himself or herself a candidate for an athletic
139 team by engaging in practice before enrolling, or the school to
140 which the student has transferred ~~with approval of the district~~
141 ~~school board~~, in accordance with ~~the provisions of~~ s.
142 1006.20(2)(a).

143 (22) TRANSPORTATION.—

144 (a) *Transportation to school.*—Public school students shall
145 be provided transportation to school, in accordance with ~~the~~
146 ~~provisions of~~ s. 1006.21(3)(a). Public school students may be
147 provided transportation to school in accordance with the
148 controlled open enrollment provisions of s. 1002.31(2).

149 Section 5. Section 1002.31, Florida Statutes, is amended to
150 read:

151 1002.31 Controlled open enrollment; Public school parental
152 choice.—

153 (1) As used in this section, "controlled open enrollment"
154 means a public education delivery system that allows school
155 districts to make student school assignments using parents'
156 indicated preferential educational ~~school~~ choice as a



550680

157 significant factor.

158 (2) (a) Beginning by the 2017-2018 school year, as part of a
159 school district's or charter school's controlled open enrollment
160 process, and in addition to the existing public school choice
161 programs provided in s. 1002.20(6) (a), each district school
162 board or charter school shall allow a parent from any school
163 district in the state whose child is not subject to a current
164 expulsion or suspension to enroll his or her child in and
165 transport his or her child to any public school, including
166 charter schools, that has not reached capacity in the district,
167 subject to the maximum class size pursuant to s. 1003.03 and s.
168 1, Art. IX of the State Constitution. The school district or
169 charter school shall accept the student, pursuant to that school
170 district's or charter school's controlled open enrollment
171 process, and report the student for purposes of the school
172 district's or charter school's funding pursuant to the Florida
173 Education Finance Program. A school district or charter school
174 may provide transportation to students described under this
175 section.

176 (b) Each school district and charter school capacity
177 determinations for its schools must be current and must be
178 identified on the school district and charter school's websites.
179 In determining the capacity of each district school, the
180 district school board shall incorporate the specifications,
181 plans, elements, and commitments contained in the school
182 district educational facilities plan and the long-term work
183 programs required under s. 1013.35. Each charter school
184 governing board shall determine capacity based upon its charter
185 school contract.



550680

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

189 1. Dependent children of active duty military personnel
190 whose move resulted from military orders.

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

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

196 4. Students residing in the school district.

197 (d) As part of its controlled open enrollment process, a
198 charter school must provide preferential treatment in its
199 controlled open enrollment participation process to the
200 enrollment limitations pursuant to s. 1002.33(10)(e)1., 2., 5.,
201 6., and 7, and may provide preferential treatment for the
202 enrollment preferences pursuant to s. 1002.33(10)(d)4.b., if
203 such special purposes are identified in the charter agreement.
204 Each charter school shall annually post on its website the
205 application process required to participate in controlled open
206 enrollment, consistent with this section and s. 1002.33.

207 (e) Students residing in the district, including charter
208 school students, may not be displaced by a student from another
209 district seeking enrollment under the controlled open enrollment
210 process.

211 (f) For purposes of continuity of educational choice, a
212 student who transfers pursuant to this section may remain at the
213 school chosen by the parent until the student completes the
214 highest grade level at the school ~~may offer controlled open~~



550680

215 ~~enrollment within the public schools which is in addition to the~~
216 ~~existing choice programs such as virtual instruction programs,~~
217 ~~magnet schools, alternative schools, special programs, advanced~~
218 ~~placement, and dual enrollment.~~

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

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

223 (a) Adhere to federal desegregation requirements.

224 (b) Allow ~~Include an application process required to~~
225 ~~participate in controlled open enrollment that allows~~ parents to
226 declare school preferences, including placement of siblings
227 within the same school.

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

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

232 (e) Maintain socioeconomic, demographic, and racial
233 balance.

234 (f) Address the availability of transportation.

235 (g) Maintain existing academic eligibility criteria for
236 public school choice programs pursuant to s. 1002.20(6)(a).

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

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

241 (4) In accordance with the reporting requirements of s.
242 1011.62, each district school board shall annually report the
243 number of students exercising public school choice, by type



244 ~~attending the various types of public schools of choice in the~~
245 ~~district, in accordance with including schools such as virtual~~
246 ~~instruction programs, magnet schools, and public charter~~
247 ~~schools, according to~~ rules adopted by the State Board of
248 Education.

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

253 (6) (a) A school district or charter school may not delay
254 eligibility or otherwise prevent a student participating in
255 controlled open enrollment or a choice program from being
256 immediately eligible to participate in interscholastic and
257 intrascholastic extracurricular activities.

258 (b) A student may not participate in a sport if the student
259 participated in that same sport at another school during that
260 school year, unless the student meets one of the following
261 criteria:

262 1. Dependent children of active duty military personnel
263 whose move resulted from military orders.

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

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

269 4. Authorized for good cause in district or charter school
270 policy.

271 Section 6. Subsection (1), paragraph (a) of subsection (2),
272 paragraphs (a) and (b) of subsection (6), paragraphs (a) and (d)



273 of subsection (7), paragraphs (g), (n), and (p) of subsection
274 (9), paragraph (d) of subsection (10), paragraphs (b) and (e) of
275 subsection (17), paragraph (a) of subsection (18), and paragraph
276 (a) of subsection (20) of section 1002.33, Florida Statutes, are
277 amended, and a new paragraph (g) is added to subsection (17) of
278 that section, to read:

279 1002.33 Charter schools.—

280 (1) AUTHORIZATION.—Charter schools shall be part of the
281 state's program of public education. All charter schools in
282 Florida are public schools. A charter school may be formed by
283 creating a new school or converting an existing public school to
284 charter status. A charter school may operate a virtual charter
285 school pursuant to s. 1002.45(1)(d) to provide full-time online
286 instruction to eligible students, pursuant to s. 1002.455, in
287 kindergarten through grade 12. An existing A charter school that
288 is seeking to become a virtual charter school must amend its
289 charter or submit a new application pursuant to subsection (6)
290 to become a virtual charter school. A virtual charter school is
291 subject to the requirements of this section; however, a virtual
292 charter school is exempt from subsections (18) and (19),
293 subparagraphs (20)(a)2., 4., 5., and 7., paragraph (20)(c), and
294 s. 1003.03. A public school may not use the term charter in its
295 name unless it has been approved under this section.

296 (2) GUIDING PRINCIPLES; PURPOSE.—

297 (a) Charter schools in Florida shall be guided by the
298 following principles:

299 1. Meet high standards of student achievement while
300 providing parents flexibility to choose among diverse
301 educational opportunities within the state's public school



302 system.

303 2. Promote enhanced academic success and financial
304 efficiency by aligning responsibility with accountability.

305 3. Provide parents with sufficient information on whether
306 their child is reading at grade level and whether the child
307 gains at least a year's worth of learning for every year spent
308 in the charter school. For a student who exhibits a substantial
309 deficiency in reading, as determined by the charter school, the
310 school shall notify the parent of the deficiency, the intensive
311 interventions and supports used, and the student's progress in
312 accordance with s. 1008.25(5).

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

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

318 1. Demonstrates how the school will use the guiding
319 principles and meet the statutorily defined purpose of a charter
320 school.

321 2. Provides a detailed curriculum plan that illustrates how
322 students will be provided services to attain the Sunshine State
323 Standards.

324 3. Contains goals and objectives for improving student
325 learning and measuring that improvement. These goals and
326 objectives must indicate how much academic improvement students
327 are expected to show each year, how success will be evaluated,
328 and the specific results to be attained through instruction.

329 4. Describes the reading curriculum and differentiated
330 strategies that will be used for students reading at grade level



550680

331 or higher and a separate curriculum and strategies for students
332 who are reading below grade level. A sponsor shall deny an
333 application ~~a charter~~ if the school does not propose a reading
334 curriculum that is evidence-based and includes explicit,
335 systematic, and multisensory reading instructional strategies;
336 however, a sponsor may not require the charter school to
337 implement the reading plan adopted by the school district
338 pursuant to s. 1011.62(9) ~~consistent with effective teaching~~
339 ~~strategies that are grounded in scientifically based reading~~
340 ~~research.~~

341 5. Contains an annual financial plan for each year
342 requested by the charter for operation of the school for up to 5
343 years. This plan must contain anticipated fund balances based on
344 revenue projections, a spending plan based on projected revenues
345 and expenses, and a description of controls that will safeguard
346 finances and projected enrollment trends.

347 6. Discloses the name of each applicant, governing board
348 member, and all proposed education services providers; the name
349 and sponsor of any charter school operated by each applicant,
350 each governing board member, and each proposed education
351 services provider that has closed and the reasons for the
352 closure; and the academic and financial history of such charter
353 schools, which the sponsor shall consider in deciding whether to
354 approve or deny the application.

355 ~~7.6.~~ Contains additional information a sponsor may require,
356 which shall be attached as an addendum to the charter school
357 application described in this paragraph.

358 ~~8.7.~~ For the establishment of a virtual charter school,
359 documents that the applicant has contracted with a provider of



550680

360 virtual instruction services pursuant to s. 1002.45(1)(d).
361 (b) A sponsor shall receive and review all applications for
362 a charter school using the ~~an~~ evaluation instrument developed by
363 the Department of Education. A sponsor shall receive and
364 consider charter school applications received on or before
365 August 1 of each calendar year for charter schools to be opened
366 at the beginning of the school district's next school year, or
367 to be opened at a time agreed to by the applicant and the
368 sponsor. A sponsor may not refuse to receive a charter school
369 application submitted before August 1 and may receive an
370 application submitted later than August 1 if it chooses. In
371 order to facilitate greater collaboration in the application
372 process, an applicant may submit a draft charter school
373 application on or before May 1 with an application fee of \$500.
374 If a draft application is timely submitted, the sponsor shall
375 review and provide feedback as to material deficiencies in the
376 application by July 1. The applicant shall then have until
377 August 1 to resubmit a revised and final application. The
378 sponsor may approve the draft application. Except as provided
379 for a draft application, a sponsor may not charge an applicant
380 for a charter any fee for the processing or consideration of an
381 application, and a sponsor may not base its consideration or
382 approval of a final application upon the promise of future
383 payment of any kind. Before approving or denying any final
384 application, the sponsor shall allow the applicant, upon receipt
385 of written notification, at least 7 calendar days to make
386 technical or nonsubstantive corrections and clarifications,
387 including, but not limited to, corrections of grammatical,
388 typographical, and like errors or missing signatures, if such



389 errors are identified by the sponsor as cause to deny the final
390 application.

391 1. In order to facilitate an accurate budget projection
392 process, a sponsor shall be held harmless for FTE students who
393 are not included in the FTE projection due to approval of
394 charter school applications after the FTE projection deadline.
395 In a further effort to facilitate an accurate budget projection,
396 within 15 calendar days after receipt of a charter school
397 application, a sponsor shall report to the Department of
398 Education the name of the applicant entity, the proposed charter
399 school location, and its projected FTE.

400 2. In order to ensure fiscal responsibility, an application
401 for a charter school shall include a full accounting of expected
402 assets, a projection of expected sources and amounts of income,
403 including income derived from projected student enrollments and
404 from community support, and an expense projection that includes
405 full accounting of the costs of operation, including start-up
406 costs.

407 3.a. A sponsor shall by a majority vote approve or deny an
408 application no later than 60 calendar days after the application
409 is received, unless the sponsor and the applicant mutually agree
410 in writing to temporarily postpone the vote to a specific date,
411 at which time the sponsor shall by a majority vote approve or
412 deny the application. If the sponsor fails to act on the
413 application, an applicant may appeal to the State Board of
414 Education as provided in paragraph (c). If an application is
415 denied, the sponsor shall, within 10 calendar days after such
416 denial, articulate in writing the specific reasons, based upon
417 good cause, supporting its denial of the ~~charter~~ application and



550680

418 shall provide the letter of denial and supporting documentation
419 to the applicant and to the Department of Education.

420 b. An application submitted by a high-performing charter
421 school identified pursuant to s. 1002.331 may be denied by the
422 sponsor only if the sponsor demonstrates by clear and convincing
423 evidence that:

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

426 (II) The charter school proposed in the application does
427 not materially comply with the requirements in paragraphs
428 (9) (a)-(f);

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

432 (IV) The applicant has made a material misrepresentation or
433 false statement or concealed an essential or material fact
434 during the application process; or

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

438
439 Material noncompliance is a failure to follow requirements or a
440 violation of prohibitions applicable to charter school
441 applications, which failure is quantitatively or qualitatively
442 significant either individually or when aggregated with other
443 noncompliance. An applicant is considered to be replicating a
444 high-performing charter school if the proposed school is
445 substantially similar to at least one of the applicant's high-
446 performing charter schools and the organization or individuals



550680

447 involved in the establishment and operation of the proposed
448 school are significantly involved in the operation of replicated
449 schools.

450 c. If the sponsor denies an application submitted by a
451 high-performing charter school, the sponsor must, within 10
452 calendar days after such denial, state in writing the specific
453 reasons, based upon the criteria in sub-subparagraph b.,
454 supporting its denial of the application and must provide the
455 letter of denial and supporting documentation to the applicant
456 and to the Department of Education. The applicant may appeal the
457 sponsor's denial of the application directly to the State Board
458 of Education and, if an appeal is filed, must provide a copy of
459 the appeal to the sponsor pursuant to paragraph (c) ~~sub-~~
460 subparagraph (c)3.b.

461 4. For budget projection purposes, the sponsor shall report
462 to the Department of Education the approval or denial of an a
463 ~~charter~~ application within 10 calendar days after such approval
464 or denial. In the event of approval, the report to the
465 Department of Education shall include the final projected FTE
466 for the approved charter school.

467 5. Upon approval of an a ~~charter~~ application, the initial
468 startup shall commence with the beginning of the public school
469 calendar for the district in which the charter is granted unless
470 the sponsor allows a waiver of this subparagraph for good cause.

471 (7) CHARTER.—The major issues involving the operation of a
472 charter school shall be considered in advance and written into
473 the charter. The charter shall be signed by the governing board
474 of the charter school and the sponsor, following a public
475 hearing to ensure community input.



550680

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

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

480 2. The focus of the curriculum, the instructional methods
481 to be used, any distinctive instructional techniques to be
482 employed, and identification and acquisition of appropriate
483 technologies needed to improve educational and administrative
484 performance which include a means for promoting safe, ethical,
485 and appropriate uses of technology which comply with legal and
486 professional standards.

487 a. The charter shall ensure that reading is a primary focus
488 of the curriculum and that resources are provided to identify
489 and provide specialized instruction for students who are reading
490 below grade level. The curriculum and instructional strategies
491 for reading must be consistent with the Next Generation Sunshine
492 State Standards and evidence-based ~~grounded in scientifically~~
493 ~~based reading research~~.

494 b. In order to provide students with access to diverse
495 instructional delivery models, to facilitate the integration of
496 technology within traditional classroom instruction, and to
497 provide students with the skills they need to compete in the
498 21st century economy, the Legislature encourages instructional
499 methods for blended learning courses consisting of both
500 traditional classroom and online instructional techniques.
501 Charter schools may implement blended learning courses which
502 combine traditional classroom instruction and virtual
503 instruction. Students in a blended learning course must be full-
504 time students of the charter school and receive the online



550680

505 instruction in a classroom setting at the charter school.
506 Instructional personnel certified pursuant to s. 1012.55 who
507 provide virtual instruction for blended learning courses may be
508 employees of the charter school or may be under contract to
509 provide instructional services to charter school students. At a
510 minimum, such instructional personnel must hold an active state
511 or school district adjunct certification under s. 1012.57 for
512 the subject area of the blended learning course. The funding and
513 performance accountability requirements for blended learning
514 courses are the same as those for traditional courses.

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

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

521 b. How these baseline rates will be compared to rates of
522 academic progress achieved by these same students while
523 attending the charter school.

524 c. To the extent possible, how these rates of progress will
525 be evaluated and compared with rates of progress of other
526 closely comparable student populations.

527
528 The district school board is required to provide academic
529 student performance data to charter schools for each of their
530 students coming from the district school system, as well as
531 rates of academic progress of comparable student populations in
532 the district school system.

533 4. The methods used to identify the educational strengths



550680

534 and needs of students and how well educational goals and
535 performance standards are met by students attending the charter
536 school. The methods shall provide a means for the charter school
537 to ensure accountability to its constituents by analyzing
538 student performance data and by evaluating the effectiveness and
539 efficiency of its major educational programs. Students in
540 charter schools shall, at a minimum, participate in the
541 statewide assessment program created under s. 1008.22.

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

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

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

550 8. The ways by which the school will achieve a
551 racial/ethnic balance reflective of the community it serves or
552 within the racial/ethnic range of other public schools in the
553 same school district.

554 9. The financial and administrative management of the
555 school, including a reasonable demonstration of the professional
556 experience or competence of those individuals or organizations
557 applying to operate the charter school or those hired or
558 retained to perform such professional services and the
559 description of clearly delineated responsibilities and the
560 policies and practices needed to effectively manage the charter
561 school. A description of internal audit procedures and
562 establishment of controls to ensure that financial resources are



550680

563 properly managed must be included. Both public sector and
564 private sector professional experience shall be equally valid in
565 such a consideration.

566 10. The asset and liability projections required in the
567 application which are incorporated into the charter and shall be
568 compared with information provided in the annual report of the
569 charter school.

570 11. A description of procedures that identify various risks
571 and provide for a comprehensive approach to reduce the impact of
572 losses; plans to ensure the safety and security of students and
573 staff; plans to identify, minimize, and protect others from
574 violent or disruptive student behavior; and the manner in which
575 the school will be insured, including whether or not the school
576 will be required to have liability insurance, and, if so, the
577 terms and conditions thereof and the amounts of coverage.

578 12. The term of the charter which shall provide for
579 cancellation of the charter if insufficient progress has been
580 made in attaining the student achievement objectives of the
581 charter and if it is not likely that such objectives can be
582 achieved before expiration of the charter. The initial term of a
583 charter shall be for 4 or 5 years. In order to facilitate access
584 to long-term financial resources for charter school
585 construction, charter schools that are operated by a
586 municipality or other public entity as provided by law are
587 eligible for up to a 15-year charter, subject to approval by the
588 district school board. A charter lab school is eligible for a
589 charter for a term of up to 15 years. In addition, to facilitate
590 access to long-term financial resources for charter school
591 construction, charter schools that are operated by a private,



592 not-for-profit, s. 501(c)(3) status corporation are eligible for
593 up to a 15-year charter, subject to approval by the district
594 school board. Such long-term charters remain subject to annual
595 review and may be terminated during the term of the charter, but
596 only according to the provisions set forth in subsection (8).

597 13. The facilities to be used and their location. The
598 sponsor may not require a charter school to have a certificate
599 of occupancy or a temporary certificate of occupancy for such a
600 facility earlier than 15 calendar days before the first day of
601 school.

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

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

608 16. A timetable for implementing the charter which
609 addresses the implementation of each element thereof and the
610 date by which the charter shall be awarded in order to meet this
611 timetable.

612 17. In the case of an existing public school that is being
613 converted to charter status, alternative arrangements for
614 current students who choose not to attend the charter school and
615 for current teachers who choose not to teach in the charter
616 school after conversion in accordance with the existing
617 collective bargaining agreement or district school board rule in
618 the absence of a collective bargaining agreement. However,
619 alternative arrangements shall not be required for current
620 teachers who choose not to teach in a charter lab school, except



621 as authorized by the employment policies of the state university
622 which grants the charter to the lab school.

623 18. Full disclosure of the identity of all relatives
624 employed by the charter school who are related to the charter
625 school owner, president, chairperson of the governing board of
626 directors, superintendent, governing board member, principal,
627 assistant principal, or any other person employed by the charter
628 school who has equivalent decisionmaking authority. For the
629 purpose of this subparagraph, the term "relative" means father,
630 mother, son, daughter, brother, sister, uncle, aunt, first
631 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
632 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
633 stepfather, stepmother, stepson, stepdaughter, stepbrother,
634 stepsister, half brother, or half sister.

635 19. Implementation of the activities authorized under s.
636 1002.331 by the charter school when it satisfies the eligibility
637 requirements for a high-performing charter school. A high-
638 performing charter school shall notify its sponsor in writing by
639 March 1 if it intends to increase enrollment or expand grade
640 levels the following school year. The written notice shall
641 specify the amount of the enrollment increase and the grade
642 levels that will be added, as applicable.

643 (d) ~~1~~. A charter may be terminated by a charter school's
644 governing board through voluntary closure. The decision to cease
645 operations must be determined at a public meeting. The governing
646 board shall notify the parents and sponsor of the public meeting
647 in writing before the public meeting. The governing board must
648 notify the sponsor, parents of enrolled students, and the
649 department in writing within 24 hours after the public meeting



550680

650 of its determination. The notice shall state the charter
651 school's intent to continue operations or the reason for the
652 closure and acknowledge that the governing board agrees to
653 follow the procedures for dissolution and reversion of public
654 funds pursuant to paragraphs (8) (e)-(g) and (9) (o) ~~Each charter~~
655 school's governing board must appoint a representative to
656 facilitate parental involvement, provide access to information,
657 assist parents and others with questions and concerns, and
658 resolve disputes. The representative must reside in the school
659 district in which the charter school is located and may be a
660 governing board member, charter school employee, or individual
661 contracted to represent the governing board. If the governing
662 board oversees multiple charter schools in the same school
663 district, the governing board must appoint a separate individual
664 representative for each charter school in the district. The
665 representative's contact information must be provided annually
666 in writing to parents and posted prominently on the charter
667 school's website if a website is maintained by the school. The
668 sponsor may not require that governing board members reside in
669 the school district in which the charter school is located if
670 the charter school complies with this paragraph.

671 2. Each charter school's governing board must hold at least
672 two public meetings per school year in the school district. The
673 meetings must be noticed, open, and accessible to the public,
674 and attendees must be provided an opportunity to receive
675 information and provide input regarding the charter school's
676 operations. The appointed representative and charter school
677 principal or director, or his or her equivalent, must be
678 physically present at each meeting.



550680

679 (9) CHARTER SCHOOL REQUIREMENTS.—

680 (g)1. In order to provide financial information that is
681 comparable to that reported for other public schools, charter
682 schools are to maintain all financial records that constitute
683 their accounting system:

684 a. In accordance with the accounts and codes prescribed in
685 the most recent issuance of the publication titled "Financial
686 and Program Cost Accounting and Reporting for Florida Schools";
687 or

688 b. At the discretion of the charter school's governing
689 board, a charter school may elect to follow generally accepted
690 accounting standards for not-for-profit organizations, but must
691 reformat this information for reporting according to this
692 paragraph.

693 2. Charter schools shall provide annual financial report
694 and program cost report information in the state-required
695 formats for inclusion in district reporting in compliance with
696 s. 1011.60(1). Charter schools that are operated by a
697 municipality or are a component unit of a parent nonprofit
698 organization may use the accounting system of the municipality
699 or the parent but must reformat this information for reporting
700 according to this paragraph.

701 3. A charter school shall, upon approval of the charter
702 contract, provide the sponsor with a concise, uniform, monthly
703 financial statement summary sheet that contains a balance sheet
704 and a statement of revenue, expenditures, and changes in fund
705 balance. The balance sheet and the statement of revenue,
706 expenditures, and changes in fund balance shall be in the
707 governmental funds format prescribed by the Governmental



550680

708 Accounting Standards Board. A high-performing charter school
709 pursuant to s. 1002.331 may provide a quarterly financial
710 statement in the same format and requirements as the uniform
711 monthly financial statement summary sheet. The sponsor shall
712 review each monthly or quarterly financial statement to identify
713 the existence of any conditions identified in s. 1002.345(1)(a).

714 4. A charter school shall maintain and provide financial
715 information as required in this paragraph. The financial
716 statement required in subparagraph 3. must be in a form
717 prescribed by the Department of Education.

718 (n)1. The director and a representative of the governing
719 board of a charter school that has earned a grade of "D" or "F"
720 pursuant to s. 1008.34 shall appear before the sponsor to
721 present information concerning each contract component having
722 noted deficiencies. The director and a representative of the
723 governing board shall submit to the sponsor for approval a
724 school improvement plan to raise student performance. Upon
725 approval by the sponsor, the charter school shall begin
726 implementation of the school improvement plan. The department
727 shall offer technical assistance and training to the charter
728 school and its governing board and establish guidelines for
729 developing, submitting, and approving such plans.

730 2.a. If a charter school earns three consecutive grades of
731 "D," two consecutive grades of "D" followed by a grade of "F,"
732 or two nonconsecutive grades of "F" within a 3-year period, the
733 charter school governing board shall choose one of the following
734 corrective actions:

735 (I) Contract for educational services to be provided
736 directly to students, instructional personnel, and school



550680

737 administrators, as prescribed in state board rule;

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

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

742 (IV) Voluntarily close the charter school.

743 b. The charter school must implement the corrective action
744 in the school year following receipt of a third consecutive
745 grade of "D," a grade of "F" following two consecutive grades of
746 "D," or a second nonconsecutive grade of "F" within a 3-year
747 period.

748 c. The sponsor may annually waive a corrective action if it
749 determines that the charter school is likely to improve a letter
750 grade if additional time is provided to implement the
751 intervention and support strategies prescribed by the school
752 improvement plan. Notwithstanding this sub-subparagraph, a
753 charter school that earns a second consecutive grade of "F" is
754 subject to subparagraph 4.

755 d. A charter school is no longer required to implement a
756 corrective action if it improves by at least one letter grade.
757 However, the charter school must continue to implement
758 strategies identified in the school improvement plan. The
759 sponsor must annually review implementation of the school
760 improvement plan to monitor the school's continued improvement
761 pursuant to subparagraph 5.

762 e. A charter school implementing a corrective action that
763 does not improve by at least one letter grade after 2 full
764 school years of implementing the corrective action must select a
765 different corrective action. Implementation of the new



766 corrective action must begin in the school year following the
767 implementation period of the existing corrective action, unless
768 the sponsor determines that the charter school is likely to
769 improve a letter grade if additional time is provided to
770 implement the existing corrective action. Notwithstanding this
771 sub-subparagraph, a charter school that earns a second
772 consecutive grade of "F" while implementing a corrective action
773 is subject to subparagraph 4.

774 3. A charter school with a grade of "D" or "F" that
775 improves by at least one letter grade must continue to implement
776 the strategies identified in the school improvement plan. The
777 sponsor must annually review implementation of the school
778 improvement plan to monitor the school's continued improvement
779 pursuant to subparagraph 5.

780 4. A charter school's charter contract is automatically
781 terminated if the school earns two consecutive grades of "F"
782 after all school grade appeals are final ~~The sponsor shall~~
783 ~~terminate a charter if the charter school earns two consecutive~~
784 ~~grades of "F" unless:~~

785 a. The charter school is established to turn around the
786 performance of a district public school pursuant to s.
787 1008.33(4)(b)3. Such charter schools shall be governed by s.
788 1008.33;

789 b. The charter school serves a student population the
790 majority of which resides in a school zone served by a district
791 public school that earned a grade of "F" in the year before the
792 charter school opened and the charter school earns at least a
793 grade of "D" in its third year of operation. The exception
794 provided under this sub-subparagraph does not apply to a charter



795 school in its fourth year of operation and thereafter; or
796 c. The state board grants the charter school a waiver of
797 termination. The charter school must request the waiver within
798 15 days after the department's official release of school
799 grades. The state board may waive termination if the charter
800 school demonstrates that the Learning Gains of its students on
801 statewide assessments are comparable to or better than the
802 Learning Gains of similarly situated students enrolled in nearby
803 district public schools. The waiver is valid for 1 year and may
804 only be granted once. Charter schools that have been in
805 operation for more than 5 years are not eligible for a waiver
806 under this sub-subparagraph.

807
808 The sponsor shall notify the charter school's governing board,
809 the charter school principal, and the department in writing when
810 a charter contract is terminated under this subparagraph. The
811 letter of termination must meet the requirements of paragraph
812 (8) (c). A charter terminated under this subparagraph must follow
813 the procedures for dissolution and reversion of public funds
814 pursuant to paragraphs (8) (e)-(g) and (9) (o).

815 5. The director and a representative of the governing board
816 of a graded charter school that has implemented a school
817 improvement plan under this paragraph shall appear before the
818 sponsor at least once a year to present information regarding
819 the progress of intervention and support strategies implemented
820 by the school pursuant to the school improvement plan and
821 corrective actions, if applicable. The sponsor shall communicate
822 at the meeting, and in writing to the director, the services
823 provided to the school to help the school address its



550680

824 deficiencies.

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

828 (p)1. Each charter school shall maintain a website that
829 enables the public to obtain information regarding the school;
830 the school's academic performance; the names of the governing
831 board members; the programs at the school; any management
832 companies, service providers, or education management
833 corporations associated with the school; the school's annual
834 budget and its annual independent fiscal audit; the school's
835 grade pursuant to s. 1008.34; and, on a quarterly basis, the
836 minutes of governing board meetings.

837 2. Each charter school's governing board must appoint a
838 representative to facilitate parental involvement, provide
839 access to information, assist parents and others with questions
840 and concerns, and resolve disputes. The representative must
841 reside in the school district in which the charter school is
842 located and may be a governing board member, a charter school
843 employee, or an individual contracted to represent the governing
844 board. If the governing board oversees multiple charter schools
845 in the same school district, the governing board must appoint a
846 separate representative for each charter school in the district.
847 The representative's contact information must be provided
848 annually in writing to parents and posted prominently on the
849 charter school's website. The sponsor may not require governing
850 board members to reside in the school district in which the
851 charter school is located if the charter school complies with
852 this subparagraph.



550680

853 3. Each charter school's governing board must hold at least
854 two public meetings per school year in the school district where
855 the charter school is located. The meetings must be noticed,
856 open, and accessible to the public, and attendees must be
857 provided an opportunity to receive information and provide input
858 regarding the charter school's operations. The appointed
859 representative and charter school principal or director, or his
860 or her designee, must be physically present at each meeting.
861 Members of the governing board may attend in person or by means
862 of communications media technology used in accordance with rules
863 adopted by the Administration Commission under s. 120.54(5).

864 (10) ELIGIBLE STUDENTS.—

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

867 1. Students who are siblings of a student enrolled in the
868 charter school.

869 2. Students who are the children of a member of the
870 governing board of the charter school.

871 3. Students who are the children of an employee of the
872 charter school.

873 4. Students who are the children of:

874 a. An employee of the business partner of a charter school-
875 in-the-workplace established under paragraph (15) (b) or a
876 resident of the municipality in which such charter school is
877 located; or

878 b. A resident or employee of a municipality that operates a
879 charter school-in-a-municipality pursuant to paragraph (15) (c)
880 or allows a charter school to use a school facility or portion
881 of land provided by the municipality for the operation of the



882 charter school.

883 5. Students who have successfully completed a voluntary
884 prekindergarten education program under ss. 1002.51-1002.79
885 provided by the charter school or the charter school's governing
886 board during the previous year.

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

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

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

896 (b) The basis for the agreement for funding students
897 enrolled in a charter school shall be the sum of the school
898 district's operating funds from the Florida Education Finance
899 Program as provided in s. 1011.62 and the General Appropriations
900 Act, including gross state and local funds, discretionary
901 lottery funds, and funds from the school district's current
902 operating discretionary millage levy; divided by total funded
903 weighted full-time equivalent students in the school district;
904 multiplied by the weighted full-time equivalent students for the
905 charter school. Charter schools whose students or programs meet
906 the eligibility criteria in law are entitled to their
907 proportionate share of categorical program funds included in the
908 total funds available in the Florida Education Finance Program
909 by the Legislature, including transportation, the research-based
910 reading allocation, and the Florida digital classrooms



911 allocation. Total funding for each charter school shall be
912 recalculated during the year to reflect the revised calculations
913 under the Florida Education Finance Program by the state and the
914 actual weighted full-time equivalent students reported by the
915 charter school during the full-time equivalent student survey
916 periods designated by the Commissioner of Education.

917 (e) District school boards shall make timely and efficient
918 payment and reimbursement to charter schools, including
919 processing paperwork required to access special state and
920 federal funding for which they may be eligible. Payments of
921 funds under paragraph (b) shall be made monthly or twice a
922 month, beginning with the start of the district school board's
923 fiscal year. Each payment shall be one-twelfth, or one twenty-
924 fourth, as applicable, of the total state and local funds
925 described in paragraph (b) and adjusted as set forth therein.
926 For the first 2 years of a charter school's operation, if a
927 minimum of 75 percent of the projected enrollment is entered
928 into the sponsor's student information system by the first day
929 of the current month, the district school board shall ~~may~~
930 distribute funds to the a ~~charter~~ school for the ~~up to 3~~ months
931 of July through October based on the projected full-time
932 equivalent student membership of the charter school as submitted
933 in the approved application. If less than 75 percent of the
934 projected enrollment is entered into the sponsor's student
935 information system by the first day of the current month, the
936 sponsor shall base payments on the actual number of student
937 enrollment entered into the sponsor's student information
938 system. Thereafter, the results of full-time equivalent student
939 membership surveys shall be used in adjusting the amount of



550680

940 funds distributed monthly to the charter school for the
941 remainder of the fiscal year. The payments ~~payment~~ shall be
942 issued no later than 10 working days after the district school
943 board receives a distribution of state or federal funds or the
944 date the payment is due pursuant to this subsection. If a
945 warrant for payment is not issued within 10 working days after
946 receipt of funding by the district school board, the school
947 district shall pay to the charter school, in addition to the
948 amount of the scheduled disbursement, interest at a rate of 1
949 percent per month calculated on a daily basis on the unpaid
950 balance from the expiration of the 10 working days until such
951 time as the warrant is issued. The district school board may not
952 delay payment to a charter school of any portion of the funds
953 provided in paragraph (b) based on the timing of receipt of
954 local funds by the district school board.

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

958 (18) FACILITIES.—

959 (a) A startup charter school shall utilize facilities which
960 comply with the Florida Building Code pursuant to chapter 553
961 except for the State Requirements for Educational Facilities.
962 Conversion charter schools shall utilize facilities that comply
963 with the State Requirements for Educational Facilities provided
964 that the school district and the charter school have entered
965 into a mutual management plan for the reasonable maintenance of
966 such facilities. The mutual management plan shall contain a
967 provision by which the district school board agrees to maintain
968 charter school facilities in the same manner as its other public



550680

969 schools within the district. Charter schools, with the exception
970 of conversion charter schools, are not required to comply, but
971 may choose to comply, with the State Requirements for
972 Educational Facilities of the Florida Building Code adopted
973 pursuant to s. 1013.37. The local governing authority shall not
974 adopt or impose any local building requirements or site-
975 development restrictions, such as parking and site-size
976 criteria, that are addressed by and more stringent than those
977 found in the State Requirements for Educational Facilities of
978 the Florida Building Code. ~~Beginning July 1, 2011,~~ A local
979 governing authority must treat charter schools equitably in
980 comparison to similar requirements, restrictions, and site
981 planning processes imposed upon public schools that are not
982 charter schools. The agency having jurisdiction for inspection
983 of a facility and issuance of a certificate of occupancy or use
984 shall be the local municipality or, if in an unincorporated
985 area, the county governing authority. If an official or employee
986 of the local governing authority refuses to comply with this
987 paragraph, the aggrieved school or entity has an immediate right
988 to bring an action in circuit court to enforce its rights by
989 injunction. An aggrieved party that receives injunctive relief
990 may be awarded attorney fees and court costs.

991 (20) SERVICES.—

992 (a)1. A sponsor shall provide certain administrative and
993 educational services to charter schools. These services shall
994 include contract management services; full-time equivalent and
995 data reporting services; exceptional student education
996 administration services; services related to eligibility and
997 reporting duties required to ensure that school lunch services



998 under the federal lunch program, consistent with the needs of
999 the charter school, are provided by the school district at the
1000 request of the charter school, that any funds due to the charter
1001 school under the federal lunch program be paid to the charter
1002 school as soon as the charter school begins serving food under
1003 the federal lunch program, and that the charter school is paid
1004 at the same time and in the same manner under the federal lunch
1005 program as other public schools serviced by the sponsor or the
1006 school district; test administration services, including payment
1007 of the costs of state-required or district-required student
1008 assessments; processing of teacher certificate data services;
1009 and information services, including equal access to student
1010 information systems that are used by public schools in the
1011 district in which the charter school is located. Student
1012 performance data for each student in a charter school,
1013 including, but not limited to, FCAT scores, standardized test
1014 scores, previous public school student report cards, and student
1015 performance measures, shall be provided by the sponsor to a
1016 charter school in the same manner provided to other public
1017 schools in the district.

1018 2. A total administrative fee for the provision of such
1019 services shall be calculated based upon up to 5 percent of the
1020 available funds defined in paragraph (17)(b) for all students,
1021 except that when 75 percent or more of the students enrolled in
1022 the charter school are exceptional students as defined in s.
1023 1003.01(3), the 5 percent of those available funds shall be
1024 calculated based on unweighted full-time equivalent students.
1025 However, a sponsor may only withhold up to a 5-percent
1026 administrative fee for enrollment for up to and including 250



550680

1027 students. For charter schools with a population of 251 or more
1028 students, the difference between the total administrative fee
1029 calculation and the amount of the administrative fee withheld
1030 may only be used for capital outlay purposes specified in s.
1031 1013.62(3) ~~s. 1013.62(2)~~.

1032 3. For high-performing charter schools, as defined in s.
1033 1002.331 ~~ch. 2011-232~~, a sponsor may withhold a total
1034 administrative fee of up to 2 percent for enrollment up to and
1035 including 250 students per school.

1036 4. In addition, a sponsor may withhold only up to a 5-
1037 percent administrative fee for enrollment for up to and
1038 including 500 students within a system of charter schools which
1039 meets all of the following:

1040 a. Includes both conversion charter schools and
1041 nonconversion charter schools;

1042 b. Has all schools located in the same county;

1043 c. Has a total enrollment exceeding the total enrollment of
1044 at least one school district in the state;

1045 d. Has the same governing board; and

1046 e. Does not contract with a for-profit service provider for
1047 management of school operations.

1048 5. The difference between the total administrative fee
1049 calculation and the amount of the administrative fee withheld
1050 pursuant to subparagraph 4. may be used for instructional and
1051 administrative purposes as well as for capital outlay purposes
1052 specified in s. 1013.62(3) ~~s. 1013.62(2)~~.

1053 6. For a high-performing charter school system that also
1054 meets the requirements in subparagraph 4., a sponsor may
1055 withhold a 2-percent administrative fee for enrollments up to



550680

1056 and including 500 students per system.

1057 7. Sponsors shall not charge charter schools any additional
1058 fees or surcharges for administrative and educational services
1059 in addition to the maximum 5-percent administrative fee withheld
1060 pursuant to this paragraph.

1061 8. The sponsor of a virtual charter school may withhold a
1062 fee of up to 5 percent. The funds shall be used to cover the
1063 cost of services provided under subparagraph 1. and
1064 implementation of the school district's digital classrooms plan
1065 pursuant to s. 1011.62.

1066 Section 7. Section 1001.66, Florida Statutes, is created to
1067 read:

1068 1001.66 Florida College System Performance-Based
1069 Incentive.-

1070 (1) A Florida College System Performance-Based Incentive
1071 shall be awarded to Florida College System institutions using
1072 performance-based metrics adopted by the State Board of
1073 Education. The performance-based metrics must include retention
1074 rates; program completion and graduation rates; postgraduation
1075 employment, salaries, and continuing education for workforce
1076 education and baccalaureate programs, with wage thresholds that
1077 reflect the added value of the certificate or degree; and
1078 outcome measures appropriate for associate of arts degree
1079 recipients. The state board shall adopt benchmarks to evaluate
1080 each institution's performance on the metrics to measure the
1081 institution's achievement of institutional excellence or need
1082 for improvement and minimum requirements for eligibility to
1083 receive performance funding.

1084 (2) Each fiscal year, the amount of funds available for



550680

1085 allocation to the Florida College System institutions based on
1086 the performance-based funding model shall consist of the state's
1087 investment in performance funding plus institutional investments
1088 consisting of funds to be redistributed from the base funding of
1089 the Florida College System Program Fund as determined in the
1090 General Appropriations Act. The State Board of Education shall
1091 establish minimum performance funding eligibility thresholds for
1092 the state's investment and the institutional investments. An
1093 institution that fails to meet the minimum state investment
1094 performance funding eligibility threshold is ineligible for a
1095 share of the state's investment in performance funding. The
1096 institutional investment shall be restored for all institutions
1097 eligible for the state's investment under the performance-based
1098 funding model.

1099 (3) (a) Each Florida College System institution's share of
1100 the performance funding shall be calculated based on its
1101 relative performance on the established metrics in conjunction
1102 with the institutional size and scope.

1103 (b) A Florida College System institution that fails to meet
1104 the State Board of Education's minimum institutional investment
1105 performance funding eligibility threshold shall have a portion
1106 of its institutional investment withheld by the state board and
1107 must submit an improvement plan to the state board which
1108 specifies the activities and strategies for improving the
1109 institution's performance. The state board must review and
1110 approve the improvement plan and, if the plan is approved, must
1111 monitor the institution's progress in implementing the
1112 activities and strategies specified in the improvement plan. The
1113 institution shall submit monitoring reports to the state board



550680

1114 by December 31 and May 31 of each year in which an improvement
1115 plan is in place. Beginning in the 2017-2018 fiscal year, the
1116 ability of an institution to submit an improvement plan to the
1117 state board is limited to 1 fiscal year.

1118 (c) The Commissioner of Education shall withhold
1119 disbursement of the institutional investment until the
1120 monitoring report is approved by the State Board of Education. A
1121 Florida College System institution determined by the state board
1122 to be making satisfactory progress on implementing the
1123 improvement plan shall receive no more than one-half of the
1124 withheld institutional investment in January and the balance of
1125 the withheld institutional investment in June. An institution
1126 that fails to make satisfactory progress may not have its full
1127 institutional investment restored. Any institutional investment
1128 funds that are not restored shall be redistributed in accordance
1129 with the state board's performance-based metrics.

1130 (4) Distributions of performance funding, as provided in
1131 this section, shall be made to each of the Florida College
1132 System institutions listed in the Florida Colleges category in
1133 the General Appropriations Act.

1134 (5) By October 1 of each year, the State Board of Education
1135 shall submit to the Governor, the President of the Senate, and
1136 the Speaker of the House of Representatives a report on the
1137 previous fiscal year's performance funding allocation, which
1138 must reflect the rankings and award distributions.

1139 (6) The State Board of Education shall adopt rules to
1140 administer this section.

1141 Section 8. Subsection (1) of section 1001.7065, Florida
1142 Statutes, is reenacted, and subsections (2), (3), and (5)



1143 through (9) of that section are amended, to read:
1144 1001.7065 Preeminent state research universities program.—
1145 (1) STATE UNIVERSITY SYSTEM SHARED GOVERNANCE
1146 COLLABORATION.—A collaborative partnership is established
1147 between the Board of Governors and the Legislature to elevate
1148 the academic and research preeminence of Florida’s highest-
1149 performing state research universities in accordance with this
1150 section. The partnership stems from the State University System
1151 Governance Agreement executed on March 24, 2010, wherein the
1152 Board of Governors and leaders of the Legislature agreed to a
1153 framework for the collaborative exercise of their joint
1154 authority and shared responsibility for the State University
1155 System. The governance agreement confirmed the commitment of the
1156 Board of Governors and the Legislature to continue collaboration
1157 on accountability measures, the use of data, and recommendations
1158 derived from such data.
1159 (2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—~~Effective~~
1160 ~~July 1, 2013,~~ The following academic and research excellence
1161 standards are established for the preeminent state research
1162 universities program:
1163 (a) An average weighted grade point average of 4.0 or
1164 higher on a 4.0 scale and an average SAT score of 1800 or higher
1165 on a 2400-point scale or 1200 or higher on a 1600-point scale
1166 for fall semester incoming freshmen, as reported annually.
1167 (b) A top-50 ranking on at least two well-known and highly
1168 respected national public university rankings, including, but
1169 not limited to, the U.S. News and World Report rankings,
1170 reflecting national preeminence, using most recent rankings.
1171 (c) A freshman retention rate of 90 percent or higher for



550680

1172 full-time, first-time-in-college students, as reported annually
1173 to the Integrated Postsecondary Education Data System (IPEDS).

1174 (d) A 6-year graduation rate of 70 percent or higher for
1175 full-time, first-time-in-college students, as reported annually
1176 to the IPEDS.

1177 (e) Six or more faculty members at the state university who
1178 are members of a national academy, as reported by the Center for
1179 Measuring University Performance in the Top American Research
1180 Universities (TARU) annual report or the official membership
1181 directories maintained by each national academy.

1182 (f) Total annual research expenditures, including federal
1183 research expenditures, of \$200 million or more, as reported
1184 annually by the National Science Foundation (NSF).

1185 (g) Total annual research expenditures in diversified
1186 nonmedical sciences of \$150 million or more, based on data
1187 reported annually by the NSF.

1188 (h) A top-100 university national ranking for research
1189 expenditures in five or more science, technology, engineering,
1190 or mathematics fields of study, as reported annually by the NSF.

1191 (i) One hundred or more total patents awarded by the United
1192 States Patent and Trademark Office for the most recent 3-year
1193 period.

1194 (j) Four hundred or more doctoral degrees awarded annually,
1195 including professional doctoral degrees awarded in medical and
1196 health care disciplines, as reported in the Board of Governors
1197 Annual Accountability Report.

1198 (k) Two hundred or more postdoctoral appointees annually,
1199 as reported in the TARU annual report.

1200 (l) An endowment of \$500 million or more, as reported in



1201 the Board of Governors Annual Accountability Report.

1202 (3) PREEMINENT STATE RESEARCH UNIVERSITY DESIGNATION.—

1203 (a) The Board of Governors shall designate each state
1204 ~~research~~ university that annually meets at least 11 of the 12
1205 academic and research excellence standards identified in
1206 subsection (2) as a "preeminent state research university."
1207 ~~preeminent state research university.~~

1208 (b) The Board of Governors shall designate each state
1209 university that annually meets at least 6 of the 12 academic and
1210 research excellence standards identified in subsection (2) as an
1211 "emerging preeminent state research university."

1212 (5) PREEMINENT STATE RESEARCH UNIVERSITIES PROGRAM
1213 UNIVERSITY SUPPORT.—

1214 (a) A state ~~research~~ university that is designated as a
1215 preeminent state research university, as of July 1, 2013, meets
1216 all 12 of the academic and research excellence standards
1217 identified in subsection (2), as verified by the Board of
1218 Governors, shall submit to the Board of Governors a 5-year
1219 benchmark plan with target rankings on key performance metrics
1220 for national excellence. Upon approval by the Board of
1221 Governors, and upon the university's meeting the benchmark plan
1222 goals annually, the Board of Governors shall award the
1223 university its proportionate share of any funds provided
1224 annually to support the program created under this section an
1225 amount specified in the General Appropriations Act to be
1226 provided annually throughout the 5-year period. Funding for this
1227 purpose is contingent upon specific appropriation in the General
1228 Appropriations Act.

1229 (b) A state university designated as an emerging preeminent



550680

1230 state research university shall submit to the Board of Governors
1231 a 5-year benchmark plan with target rankings on key performance
1232 metrics for national excellence. Upon approval by the Board of
1233 Governors, and upon the university's meeting the benchmark plan
1234 goals annually, the Board of Governors shall award the
1235 university its proportionate share of any funds provided
1236 annually to support the program created under this section.

1237 (c) The award of funds under this subsection is contingent
1238 upon funding provided in the General Appropriations Act to
1239 support the preeminent state research universities program
1240 created under this section. Funding increases appropriated
1241 beyond the amounts funded in the previous fiscal year shall be
1242 distributed as follows:

1243 1. Each designated preeminent state research university
1244 that meets the criteria in paragraph (a) shall receive an equal
1245 amount of funding.

1246 2. Each designated emerging preeminent state research
1247 university that meets the criteria in paragraph (b) shall
1248 receive an amount of funding that is equal to one-half of the
1249 total increased amount awarded to each designated preeminent
1250 state research university.

1251 ~~(6) PREEMINENT STATE RESEARCH UNIVERSITY ENHANCEMENT~~
1252 ~~INITIATIVE. A state research university that, as of July 1,~~
1253 ~~2013, meets 11 of the 12 academic and research excellence~~
1254 ~~standards identified in subsection (2), as verified by the Board~~
1255 ~~of Governors, shall submit to the Board of Governors a 5-year~~
1256 ~~benchmark plan with target rankings on key performance metrics~~
1257 ~~for national excellence. Upon the university's meeting the~~
1258 ~~benchmark plan goals annually, the Board of Governors shall~~



550680

1259 ~~award the university an amount specified in the General~~
1260 ~~Appropriations Act to be provided annually throughout the 5-year~~
1261 ~~period for the purpose of recruiting National Academy Members,~~
1262 ~~expediting the provision of a master's degree in cloud~~
1263 ~~virtualization, and instituting an entrepreneurs-in-residence~~
1264 ~~program throughout its campus. Funding for this purpose is~~
1265 ~~contingent upon specific appropriation in the General~~
1266 ~~Appropriations Act.~~

1267 ~~(7) PREEMINENT STATE RESEARCH UNIVERSITY SPECIAL COURSE~~
1268 ~~REQUIREMENT AUTHORITY. In order to provide a jointly shared~~
1269 ~~educational experience, a university that is designated a~~
1270 ~~preeminent state research university may require its incoming~~
1271 ~~first-time-in-college students to take a 9-to-12-credit set of~~
1272 ~~unique courses specifically determined by the university and~~
1273 ~~published on the university's website. The university may~~
1274 ~~stipulate that credit for such courses may not be earned through~~
1275 ~~any acceleration mechanism pursuant to s. 1007.27 or s. 1007.271~~
1276 ~~or any other transfer credit. All accelerated credits earned up~~
1277 ~~to the limits specified in ss. 1007.27 and 1007.271 shall be~~
1278 ~~applied toward graduation at the student's request.~~

1279 ~~(6)(8) PREEMINENT STATE RESEARCH UNIVERSITY FLEXIBILITY~~
1280 ~~AUTHORITY.—The Board of Governors is encouraged to identify and~~
1281 ~~grant all reasonable, feasible authority and flexibility to~~
1282 ~~ensure that a designated preeminent state research university is~~
1283 ~~free from unnecessary restrictions.~~

1284 ~~(7)(9) PROGRAMS OF EXCELLENCE THROUGHOUT THE STATE~~
1285 ~~UNIVERSITY SYSTEM.—The Board of Governors is encouraged to~~
1286 ~~establish standards and measures whereby individual programs in~~
1287 ~~state universities that objectively reflect national excellence~~



550680

1288 can be identified and make recommendations to the Legislature as
1289 to how any such programs could be enhanced and promoted.

1290 Section 9. Section 1001.92, Florida Statutes, is amended to
1291 read:

1292 1001.92 State University System Performance-Based
1293 Incentive.—

1294 (1) A State University System Performance-Based Incentive
1295 shall be awarded to state universities using performance-based
1296 metrics adopted by the Board of Governors of the State
1297 University System. The performance-based metrics must include
1298 graduation rates;; retention rates;; postgraduation education
1299 rates;; degree production;; affordability;; postgraduation
1300 employment and salaries, including wage thresholds that reflect
1301 the added value of a baccalaureate degree; access;; and other
1302 metrics approved by the board in a formally noticed meeting. The
1303 board shall adopt benchmarks to evaluate each state university's
1304 performance on the metrics to measure the state university's
1305 achievement of institutional excellence or need for improvement
1306 and minimum requirements for eligibility to receive performance
1307 funding.

1308 (2) Each fiscal year, the amount of funds available for
1309 allocation to the state universities based on the performance-
1310 based funding model ~~metrics~~ shall consist of the state's
1311 investment in appropriation for performance funding, ~~including~~
1312 ~~increases in base funding~~ plus institutional investments
1313 consisting of funds deducted from the base funding of each state
1314 university in the State University System, ~~in an amount provided~~
1315 in the General Appropriations Act. The Board of Governors shall
1316 establish minimum performance funding eligibility thresholds for



550680

1317 the state's investment and the institutional investments. A
1318 state university that fails to meet the minimum state investment
1319 performance funding eligibility threshold is ineligible for a
1320 share of the state's investment in performance funding. The
1321 institutional investment shall be restored for each institution
1322 eligible for the state's investment under the performance-based
1323 funding model metrics.

1324 (3) (a) A state university that fails to meet the Board of
1325 Governors' minimum institutional investment performance funding
1326 eligibility threshold shall have ~~a portion of~~ its institutional
1327 investment withheld by the board and must submit an improvement
1328 plan to the board that specifies the activities and strategies
1329 for improving the state university's performance. The board must
1330 review and approve the improvement plan and, if the plan is
1331 approved, must monitor the state university's progress in
1332 implementing the activities and strategies specified in the
1333 improvement plan. The state university shall submit monitoring
1334 reports to the board by December 31 and May 31 of each year in
1335 which an improvement plan is in place. The ability of a state
1336 university to submit an improvement plan to the board is limited
1337 to 1 fiscal year.

1338 (b) The Chancellor of the State University System shall
1339 withhold disbursement of the institutional investment until the
1340 monitoring report is approved by the Board of Governors. A state
1341 university ~~that is~~ determined by the board to be making
1342 satisfactory progress on implementing the improvement plan shall
1343 receive no more than one-half of the withheld institutional
1344 investment in January and the balance of the withheld
1345 institutional investment in June. A state university that fails



550680

1346 to make satisfactory progress may not have its full
1347 institutional investment restored. Any institutional investment
1348 funds that are not restored shall be redistributed in accordance
1349 with the board's performance-based metrics.

1350 (4) Distributions of performance funding, as provided in
1351 this section, shall be made to each of the state universities
1352 listed in the Education and General Activities category in the
1353 General Appropriations Act.

1354 (5) By October 1 of each year, the Board of Governors shall
1355 submit to the Governor, the President of the Senate, and the
1356 Speaker of the House of Representatives a report on the previous
1357 fiscal year's performance funding allocation which must reflect
1358 the rankings and award distributions.

1359 (6) The Board of Governors shall adopt regulations to
1360 administer this section ~~expires July 1, 2016.~~

1361 Section 10. Subsection (4) of section 1003.4282, Florida
1362 Statutes, is amended to read:

1363 1003.4282 Requirements for a standard high school diploma.-

1364 (4) ONLINE COURSE REQUIREMENT.-At least one course within
1365 the 24 credits required under this section must be completed
1366 through online learning. ~~A school district may not require a~~
1367 ~~student to take the online course outside the school day or in~~
1368 ~~addition to a student's courses for a given semester.~~

1369 (a) An online course taken in grade 6, grade 7, or grade 8
1370 fulfills the this requirement in this subsection. ~~The This~~
1371 requirement is met through an online course offered by the
1372 Florida Virtual School, a virtual education provider approved by
1373 the State Board of Education, a high school, or an online dual
1374 enrollment course. A student who is enrolled in a full-time or



550680

1375 part-time virtual instruction program under s. 1002.45 meets the
1376 ~~this~~ requirement.

1377 (b) A district school board or a charter school governing
1378 board, as applicable, may offer students the following options
1379 to satisfy the online course requirement in this subsection:

1380 1. Completion of a course in which a student earns a
1381 nationally recognized industry certification in information
1382 technology that is identified on the CAPE Industry Certification
1383 Funding List pursuant to s. 1008.44 or passage of the
1384 information technology certification examination without
1385 enrollment in or completion of the corresponding course or
1386 courses, as applicable.

1387 2. Passage of an online content assessment, without
1388 enrollment in or completion of the corresponding course or
1389 courses, as applicable, by which the student demonstrates skills
1390 and competency in locating information and applying technology
1391 for instructional purposes.

1392
1393 For purposes of this subsection, a school district may not
1394 require a student to take the online course outside the school
1395 day or in addition to a student's courses for a given semester.
1396 This subsection ~~requirement~~ does not apply to a student who has
1397 an individual education plan under s. 1003.57 which indicates
1398 that an online course would be inappropriate or to an out-of-
1399 state transfer student who is enrolled in a Florida high school
1400 and has 1 academic year or less remaining in high school.

1401 Section 11. Section 1013.62, Florida Statutes, is amended
1402 to read:

1403 1013.62 Charter schools capital outlay funding.-



1404 (1) In each year in which funds are appropriated for
1405 charter school capital outlay purposes, the Commissioner of
1406 Education shall allocate the funds among eligible charter
1407 schools as specified in this section.

1408 (a) To be eligible for a funding allocation, a charter
1409 school must:

1410 1.a. Have been in operation for 3 or more years;

1411 b. Be governed by a governing board established in the
1412 state for 3 or more years which operates both charter schools
1413 and conversion charter schools within the state;

1414 c. Be an expanded feeder chain of a charter school within
1415 the same school district that is currently receiving charter
1416 school capital outlay funds;

1417 d. Have been accredited by the Commission on Schools of the
1418 Southern Association of Colleges and Schools; or

1419 e. Serve students in facilities that are provided by a
1420 business partner for a charter school-in-the-workplace pursuant
1421 to s. 1002.33(15)(b).

1422 2. Have an annual audit that does not reveal any of the
1423 financial emergency conditions provided in s. 218.503(1) for the
1424 most recent fiscal year for which such audit results are
1425 available ~~stability for future operation as a charter school.~~

1426 3. Have satisfactory student achievement based on state
1427 accountability standards applicable to the charter school.

1428 4. Have received final approval from its sponsor pursuant
1429 to s. 1002.33 for operation during that fiscal year.

1430 5. Serve students in facilities that are not provided by
1431 the charter school's sponsor.

1432 ~~(b) The first priority for charter school capital outlay~~



550680

1433 ~~funding is to allocate to charter schools that received funding~~
1434 ~~in the 2005-2006 fiscal year an allocation of the same amount~~
1435 ~~per capital outlay full-time equivalent student, up to the~~
1436 ~~lesser of the actual number of capital outlay full-time~~
1437 ~~equivalent students in the current year, or the capital outlay~~
1438 ~~full-time equivalent students in the 2005-2006 fiscal year.~~
1439 ~~After calculating the first priority, the second priority is to~~
1440 ~~allocate excess funds remaining in the appropriation in an~~
1441 ~~amount equal to the per capital outlay full-time equivalent~~
1442 ~~student amount in the first priority calculation to eligible~~
1443 ~~charter schools not included in the first priority calculation~~
1444 ~~and to schools in the first priority calculation with growth~~
1445 ~~greater than the 2005-2006 capital outlay full-time equivalent~~
1446 ~~students. After calculating the first and second priorities,~~
1447 ~~excess funds remaining in the appropriation must be allocated to~~
1448 ~~all eligible charter schools.~~

1449 ~~(c) A charter school's allocation may not exceed one-~~
1450 ~~fifteenth of the cost per student station specified in s.~~
1451 ~~1013.64(6)(b). Before releasing capital outlay funds to a school~~
1452 ~~district on behalf of the charter school, the Department of~~
1453 ~~Education must ensure that the district school board and the~~
1454 ~~charter school governing board enter into a written agreement~~
1455 ~~that provides for the reversion of any unencumbered funds and~~
1456 ~~all equipment and property purchased with public education funds~~
1457 ~~to the ownership of the district school board, as provided for~~
1458 ~~in subsection (3) if the school terminates operations. Any funds~~
1459 ~~recovered by the state shall be deposited in the General Revenue~~
1460 ~~Fund.~~

1461 ~~(b)(d)~~ A charter school is not eligible for a funding



550680

1462 allocation if it was created by the conversion of a public
1463 school and operates in facilities provided by the charter
1464 school's sponsor for a nominal fee, or at no charge, or if it is
1465 directly or indirectly operated by the school district.

1466 (c) It is the intent of the Legislature that the public
1467 interest be protected by prohibiting personal financial
1468 enrichment by owners, operators, managers, and other affiliated
1469 parties of charter schools. A charter school is not eligible for
1470 a funding allocation unless the chair of the governing board and
1471 the chief administrative officer of the charter school annually
1472 certify under oath that the funds will be used solely and
1473 exclusively for constructing, renovating, or improving charter
1474 school facilities that are:

1475 1. Owned by a school district, political subdivision of the
1476 state, municipality, Florida College System institution, or
1477 state university;

1478 2. Owned by an organization, qualified as an exempt
1479 organization under s. 501(c)(3) of the Internal Revenue Code,
1480 whose articles of incorporation specify that upon the
1481 organization's dissolution, the subject property will be
1482 transferred to a school district, political subdivision of the
1483 state, municipality, Florida College System institution, or
1484 state university; or

1485 3. Owned by and leased, at a fair market value in the
1486 school district in which the charter school is located, from a
1487 person or entity that is not an affiliated party of the charter
1488 school. For purposes of this paragraph, the term "affiliated
1489 party of the charter school" means the applicant for the charter
1490 school pursuant to s. 1002.33; the governing board of the



550680

1491 charter school or a member of the governing board; the charter
1492 school owner; the charter school principal; an employee of the
1493 charter school; an independent contractor of the charter school
1494 or the governing board of the charter school; a relative, as
1495 defined in s. 1002.33(24)(a)2., of a charter school governing
1496 board member, a charter school owner, a charter school
1497 principal, a charter school employee, or an independent
1498 contractor of a charter school or charter school governing
1499 board; a subsidiary corporation, a service corporation, an
1500 affiliated corporation, a parent corporation, a limited
1501 liability company, a limited partnership, a trust, a
1502 partnership, or a related party that individually or through one
1503 or more entities that share common ownership or control that
1504 directly or indirectly manages, administers, controls, or
1505 oversees the operation of the charter school; or any person or
1506 entity, individually or through one or more entities that share
1507 common ownership, that directly or indirectly manages,
1508 administers, controls, or oversees the operation of any of the
1509 foregoing.

1510 (d) The funding allocation for eligible charter schools
1511 shall be calculated as follows:

1512 1. Eligible charter schools shall be grouped into
1513 categories based on their student populations according to the
1514 following criteria:

1515 a. Seventy-five percent or greater who are eligible for
1516 free or reduced-price school lunch.

1517 b. Twenty-five percent or greater with disabilities as
1518 defined in state board rule and consistent with the requirements
1519 of the Individuals with Disabilities Education Act.



1520 2. If an eligible charter school does not meet the criteria
1521 for either category under subparagraph 1., its FTE shall be
1522 provided as the base amount of funding and shall be assigned a
1523 weight of 1.0. An eligible charter school that meets the
1524 criteria under sub-subparagraph 1.a. or sub-subparagraph 1.b.
1525 shall be provided an additional 25 percent above the base
1526 funding amount, and the total FTE shall be multiplied by a
1527 weight of 1.25. An eligible charter school that meets the
1528 criteria under both sub-subparagraphs 1.a. and 1.b. shall be
1529 provided an additional 50 percent above the base funding amount,
1530 and the FTE for that school shall be multiplied by a weight of
1531 1.5.

1532 3. The state appropriation for charter school capital
1533 outlay shall be divided by the total weighted FTE for all
1534 eligible charter schools to determine the base charter school
1535 per weighted FTE allocation amount. The per weighted FTE
1536 allocation amount shall be multiplied by the weighted FTE to
1537 determine each charter school's capital outlay allocation.

1538 ~~(c) Unless otherwise provided in the General Appropriations~~
1539 ~~Act, the funding allocation for each eligible charter school is~~
1540 ~~determined by multiplying the school's projected student~~
1541 ~~enrollment by one-fifteenth of the cost per student station~~
1542 ~~specified in s. 1013.64(6)(b) for an elementary, middle, or high~~
1543 ~~school, as appropriate. If the funds appropriated are not~~
1544 ~~sufficient, the commissioner shall prorate the available funds~~
1545 ~~among eligible charter schools. However, a charter school or~~
1546 ~~charter lab school may not receive state charter school capital~~
1547 ~~outlay funds greater than the one-fifteenth cost per student~~
1548 ~~station formula if the charter school's combination of state~~



550680

1549 ~~charter school capital outlay funds, capital outlay funds~~
1550 ~~calculated through the reduction in the administrative fee~~
1551 ~~provided in s. 1002.33(20), and capital outlay funds allowed in~~
1552 ~~s. 1002.32(9)(e) and (h) exceeds the one-fifteenth cost per~~
1553 ~~student station formula.~~

1554 (2) (a) ~~(f)~~ The department shall calculate the eligible
1555 charter school funding allocations. Funds shall be allocated
1556 using distributed on the basis of the capital outlay full-time
1557 equivalent membership from by grade level, which is calculated
1558 by averaging the results of the second and third enrollment
1559 surveys and free and reduced-price school lunch data. The
1560 department shall recalculate the allocations periodically based
1561 on the receipt of revised information, on a schedule established
1562 by the Commissioner of Education.

1563 (b) The department of Education shall distribute capital
1564 outlay funds monthly, beginning in the first quarter of the
1565 fiscal year, based on one-twelfth of the amount the department
1566 reasonably expects the charter school to receive during that
1567 fiscal year. The commissioner shall adjust subsequent
1568 distributions as necessary to reflect each charter school's
1569 recalculated allocation actual student enrollment as reflected
1570 in the second and third enrollment surveys. The commissioner
1571 shall establish the intervals and procedures for determining the
1572 projected and actual student enrollment of eligible charter
1573 schools.

1574 (3) ~~(2)~~ A charter school's governing body may use charter
1575 school capital outlay funds for the following purposes:

- 1576 (a) Purchase of real property.
1577 (b) Construction of school facilities.



1578 (c) Purchase, lease-purchase, or lease of permanent or
1579 relocatable school facilities.

1580 (d) Purchase of vehicles to transport students to and from
1581 the charter school.

1582 (e) Renovation, repair, and maintenance of school
1583 facilities that the charter school owns or is purchasing through
1584 a lease-purchase or long-term lease of 5 years or longer.

1585 (f) Effective July 1, 2008, purchase, lease-purchase, or
1586 lease of new and replacement equipment, and enterprise resource
1587 software applications that are classified as capital assets in
1588 accordance with definitions of the Governmental Accounting
1589 Standards Board, have a useful life of at least 5 years, and are
1590 used to support schoolwide administration or state-mandated
1591 reporting requirements.

1592 (g) Payment of the cost of premiums for property and
1593 casualty insurance necessary to insure the school facilities.

1594 (h) Purchase, lease-purchase, or lease of driver's
1595 education vehicles; motor vehicles used for the maintenance or
1596 operation of plants and equipment; security vehicles; or
1597 vehicles used in storing or distributing materials and
1598 equipment.

1599

1600 Conversion charter schools may use capital outlay funds received
1601 through the reduction in the administrative fee provided in s.
1602 1002.33(20) for renovation, repair, and maintenance of school
1603 facilities that are owned by the sponsor.

1604 ~~(4)~~ ~~(3)~~ If ~~When~~ a charter school is nonrenewed or
1605 terminated, any unencumbered funds and all equipment and
1606 property purchased with district public funds shall revert to



550680

1607 the ownership of the district school board, as provided for in
1608 s. 1002.33(8)(e) and (f). In the case of a charter lab school,
1609 any unencumbered funds and all equipment and property purchased
1610 with university public funds shall revert to the ownership of
1611 the state university that issued the charter. The reversion of
1612 such equipment, property, and furnishings shall focus on
1613 recoverable assets, but not on intangible or irrecoverable costs
1614 such as rental or leasing fees, normal maintenance, and limited
1615 renovations. The reversion of all property secured with public
1616 funds is subject to the complete satisfaction of all lawful
1617 liens or encumbrances. If there are additional local issues such
1618 as the shared use of facilities or partial ownership of
1619 facilities or property, these issues shall be agreed to in the
1620 charter contract prior to the expenditure of funds.

1621 ~~(5)~~(4) The Commissioner of Education shall specify
1622 procedures for submitting and approving requests for funding
1623 under this section and procedures for documenting expenditures.

1624 ~~(6)~~(5) The annual legislative budget request of the
1625 Department of Education shall include a request for capital
1626 outlay funding for charter schools. The request shall be based
1627 on the projected number of students to be served in charter
1628 schools who meet the eligibility requirements of this section. ~~A~~
1629 ~~dedicated funding source, if identified in writing by the~~
1630 ~~Commissioner of Education and submitted along with the annual~~
1631 ~~charter school legislative budget request, may be considered an~~
1632 ~~additional source of funding.~~

1633 ~~(6) Unless authorized otherwise by the Legislature,~~
1634 ~~allocation and proration of charter school capital outlay funds~~
1635 ~~shall be made to eligible charter schools by the Commissioner of~~



1636 ~~Education in an amount and in a manner authorized by subsection~~
1637 ~~(1).~~

1638 Section 12. Paragraphs (a) and (b) of subsection (2) and
1639 paragraphs (b) through (e) of subsection (6) of section 1013.64,
1640 Florida Statutes, are amended to read:

1641 1013.64 Funds for comprehensive educational plant needs;
1642 construction cost maximums for school district capital
1643 projects.—Allocations from the Public Education Capital Outlay
1644 and Debt Service Trust Fund to the various boards for capital
1645 outlay projects shall be determined as follows:

1646 (2) (a) The department shall establish, as a part of the
1647 Public Education Capital Outlay and Debt Service Trust Fund, a
1648 separate account, in an amount determined by the Legislature, to
1649 be known as the "Special Facility Construction Account." The
1650 Special Facility Construction Account shall be used to provide
1651 necessary construction funds to school districts which have
1652 urgent construction needs but which lack sufficient resources at
1653 present, and cannot reasonably anticipate sufficient resources
1654 within the period of the next 3 years, for these purposes from
1655 currently authorized sources of capital outlay revenue. A school
1656 district requesting funding from the Special Facility
1657 Construction Account shall submit one specific construction
1658 project, not to exceed one complete educational plant, to the
1659 Special Facility Construction Committee. A ~~No~~ district may not
1660 shall receive funding for more than one approved project in any
1661 3-year period or while any portion of the district's
1662 participation requirement is outstanding. The first year of the
1663 3-year period shall be the first year a district receives an
1664 appropriation. The department shall encourage a construction



550680

1665 program that reduces the average size of schools in the
1666 district. The request must meet the following criteria to be
1667 considered by the committee:

1668 1. The project must be deemed a critical need and must be
1669 recommended for funding by the Special Facility Construction
1670 Committee. Before ~~Prior to~~ developing construction plans for the
1671 proposed facility, the district school board must request a
1672 preapplication review by the Special Facility Construction
1673 Committee or a project review subcommittee convened by the chair
1674 of the committee to include two representatives of the
1675 department and two staff members from school districts not
1676 eligible to participate in the program. A school district may
1677 request a preapplication review at any time; however, if the
1678 district school board seeks inclusion in the department's next
1679 annual capital outlay legislative budget request, the
1680 preapplication review request must be made before February 1.
1681 Within 90 ~~60~~ days after receiving the preapplication review
1682 request, the committee or subcommittee must meet in the school
1683 district to review the project proposal and existing facilities.
1684 To determine whether the proposed project is a critical need,
1685 the committee or subcommittee shall consider, at a minimum, the
1686 capacity of all existing facilities within the district as
1687 determined by the Florida Inventory of School Houses; the
1688 district's pattern of student growth; the district's existing
1689 and projected capital outlay full-time equivalent student
1690 enrollment as determined by the demographic, revenue, and
1691 education estimating conferences established in s. 216.136
1692 department; the district's existing satisfactory student
1693 stations; the use of all existing district property and



550680

1694 facilities; grade level configurations; and any other
1695 information that may affect the need for the proposed project.

1696 2. The construction project must be recommended in the most
1697 recent survey or survey amendment cooperatively prepared surveys
1698 by the district and the department, and approved by the
1699 department under the rules of the State Board of Education. If a
1700 district employs a consultant in the preparation of a survey or
1701 survey amendment, the consultant may not be employed by or
1702 receive compensation from a third party that designs or
1703 constructs a project recommended by the survey.

1704 3. The construction project must appear on the district's
1705 approved project priority list under the rules of the State
1706 Board of Education.

1707 4. The district must have selected and had approved a site
1708 for the construction project in compliance with s. 1013.36 and
1709 the rules of the State Board of Education.

1710 5. The district shall have developed a district school
1711 board adopted list of facilities that do not exceed the norm for
1712 net square feet occupancy requirements under the State
1713 Requirements for Educational Facilities, using all possible
1714 programmatic combinations for multiple use of space to obtain
1715 maximum daily use of all spaces within the facility under
1716 consideration.

1717 6. Upon construction, the total cost per student station,
1718 including change orders, must not exceed the cost per student
1719 station as provided in subsection (6) except for cost overruns
1720 created by a disaster as defined in s. 252.34 or an
1721 unforeseeable circumstance beyond the district's control as
1722 determined by the Special Facility Construction Committee.



1723 7. There shall be an agreement signed by the district
1724 school board stating that it will advertise for bids within 30
1725 days of receipt of its encumbrance authorization from the
1726 department.

1727 8. For construction projects for which Special Facilities
1728 Construction Account funding is sought before the 2019-2020
1729 fiscal year, the district shall, at the time of the request and
1730 for a continuing period necessary to meet the district's
1731 participation requirement of 3 years, levy the maximum millage
1732 against its ~~their~~ nonexempt assessed property value as allowed
1733 in s. 1011.71(2) or shall raise an equivalent amount of revenue
1734 from the school capital outlay surtax authorized under s.
1735 212.055(6). Beginning with construction projects for which
1736 Special Facilities Construction Account funding is sought in the
1737 2019-2020 fiscal year, the district shall, for a minimum of 3
1738 years before submitting the request and for a continuing period
1739 necessary to meet its participation requirement, levy the
1740 maximum millage against the district's nonexempt assessed
1741 property value as authorized under s. 1011.71(2) or shall raise
1742 an equivalent amount of revenue from the school capital outlay
1743 surtax authorized under s. 212.055(6). Any district with a new
1744 or active project, funded under the provisions of this
1745 subsection, shall be required to budget no more than the value
1746 of 1 mill ~~1.5 mills~~ per year to the project until the district's
1747 to satisfy the annual participation requirement relating to the
1748 local discretionary capital improvement millage or the
1749 equivalent amount of revenue from the school capital outlay
1750 surtax is satisfied in the ~~Special Facility Construction~~
1751 Account.



1752 9. If a contract has not been signed 90 days after the
1753 advertising of bids, the funding for the specific project shall
1754 revert to the Special Facility New Construction Account to be
1755 reallocated to other projects on the list. However, an
1756 additional 90 days may be granted by the commissioner.

1757 10. The department shall certify the inability of the
1758 district to fund the survey-recommended project over a
1759 continuous 3-year period using projected capital outlay revenue
1760 derived from s. 9(d), Art. XII of the State Constitution, as
1761 amended, paragraph (3)(a) of this section, and s. 1011.71(2).

1762 11. The district shall have on file with the department an
1763 adopted resolution acknowledging its ~~3-year~~ commitment to
1764 satisfy its participation requirement, which is equivalent to ~~of~~
1765 all unencumbered and future revenue acquired from s. 9(d), Art.
1766 XII of the State Constitution, as amended, paragraph (3)(a) of
1767 this section, and s. 1011.71(2), in the year of the initial
1768 appropriation and for the 2 years immediately following the
1769 initial appropriation.

1770 12. Final phase III plans must be certified by the district
1771 school board as complete and in compliance with the building and
1772 life safety codes before June 1 of the year the application is
1773 made ~~prior to August 1.~~

1774 (b) The Special Facility Construction Committee shall be
1775 composed of the following: two representatives of the Department
1776 of Education, a representative from the Governor's office, a
1777 representative selected annually by the district school boards,
1778 and a representative selected annually by the superintendents. A
1779 representative of the department shall chair the committee.

1780 (6)



550680

1781 (b)1. A district school board may ~~must~~ not use funds from
1782 the following sources: Public Education Capital Outlay and Debt
1783 Service Trust Fund; School District and Community College
1784 District Capital Outlay and Debt Service Trust Fund; Classrooms
1785 First Program funds provided in s. 1013.68; nonvoted 1.5-mill
1786 levy of ad valorem property taxes provided in s. 1011.71(2);
1787 Classrooms for Kids Program funds provided in s. 1013.735;
1788 District Effort Recognition Program funds provided in s.
1789 1013.736; or High Growth District Capital Outlay Assistance
1790 Grant Program funds provided in s. 1013.738 for any new
1791 construction of educational plant space with a total cost per
1792 student station, including change orders, that equals more than:
1793 a. \$17,952 for an elementary school,
1794 b. \$19,386 for a middle school, or
1795 c. \$25,181 for a high school,

1796
1797 (January 2006) as adjusted annually to reflect increases or
1798 decreases in the Consumer Price Index.

1799 2. School districts shall maintain accurate documentation
1800 related to the costs of all new construction of educational
1801 plant space reported to the Department of Education pursuant to
1802 paragraph (d). The Auditor General shall review the
1803 documentation maintained by the school districts and verify
1804 compliance with the limits under this paragraph during its
1805 scheduled operational audits of the school district. The
1806 department shall make the final determination on district
1807 compliance based on the recommendation of the Auditor General.

1808 3. The Office of Program Policy Analysis and Government
1809 Accountability (OPPAGA), in consultation with the department,



550680

1810 shall:

1811 a. Conduct a study of the cost per student station amounts
1812 using the most recent available information on construction
1813 costs. In this study, the costs per student station should
1814 represent the costs of classroom construction and administrative
1815 offices as well as the supplemental costs of core facilities,
1816 including required media centers, gymnasiums, music rooms,
1817 cafeterias and their associated kitchens and food service areas,
1818 vocational areas, and other defined specialty areas, including
1819 exceptional student education areas. The study must take into
1820 account appropriate cost-effectiveness factors in school
1821 construction and should include input from industry experts.
1822 OPPAGA must provide the results of the study and recommendations
1823 on the cost per student station to the Governor, the President
1824 of the Senate, and the Speaker of the House of Representatives
1825 no later than January 31, 2017.

1826 b. Conduct a study of the State Requirements for Education
1827 Facilities (SREF) to identify current requirements that can be
1828 eliminated or modified in order to decrease the cost of
1829 construction of educational facilities while ensuring student
1830 safety. OPPAGA must provide the results of the study, and an
1831 overall recommendation as to whether SREF should be retained, to
1832 the Governor, the President of the Senate, and the Speaker of
1833 the House of Representatives no later than January 31, 2017.

1834 4. Effective July 1, 2017, in addition to the funding
1835 sources listed in subparagraph 1., a district school board may
1836 not use funds from any sources for new construction of
1837 educational plant space with a total cost per student station,
1838 including change orders, which equals more than the current



550680

1839 adjusted amounts provided in sub-subparagraphs 1.a.-c. which
1840 shall subsequently be adjusted annually to reflect increases or
1841 decreases in the Consumer Price Index.

1842 5.2. A district school board must not use funds from the
1843 Public Education Capital Outlay and Debt Service Trust Fund or
1844 the School District and Community College District Capital
1845 Outlay and Debt Service Trust Fund for any new construction of
1846 an ancillary plant that exceeds 70 percent of the average cost
1847 per square foot of new construction for all schools.

1848 (c) Except as otherwise provided, new construction
1849 initiated by a district school board on or after July 1, 2017,
1850 may after June 30, 1997, must not exceed the cost per student
1851 station as provided in paragraph (b). A school district that
1852 exceeds the cost per student station provided in paragraph (b),
1853 as determined by the Auditor General, shall be subject to
1854 sanctions. If the Auditor General determines that the cost per
1855 student station overage is de minimus or due to extraordinary
1856 circumstances outside the control of the district, the sanctions
1857 shall not apply. The sanctions are as follows:

1858 1. The school district shall be ineligible for allocations
1859 from the Public Education Capital Outlay and Debt Service Trust
1860 Fund for the next 3 years in which the school district would
1861 have received allocations had the violation not occurred.

1862 2. The school district shall be subject to the supervision
1863 of a district capital outlay oversight committee. The oversight
1864 committee is authorized to approve all capital outlay
1865 expenditures of the school district, including new construction,
1866 renovations, and remodeling, for 3 fiscal years following the
1867 violation.



550680

1868 a. Each oversight committee shall be composed of the
1869 following:

1870 (I) One appointee of the Commissioner of Education who has
1871 significant financial management, school facilities
1872 construction, or related experience.

1873 (II) One appointee of the office of the state attorney with
1874 jurisdiction over the district.

1875 (III) One appointee of the Chief Financial Officer who is a
1876 licensed certified public accountant.

1877 b. An appointee to the oversight committee may not be
1878 employed by the school district; be a relative, as defined in s.
1879 1002.33(24)(a)2., of any school district employee; or be an
1880 elected official. Each appointee must sign an affidavit
1881 attesting to these conditions and affirming that no conflict of
1882 interest exists in his or her oversight role.

1883 (d) The department shall:

1884 1. Compute for each calendar year the statewide average
1885 construction costs for facilities serving each instructional
1886 level, for relocatable educational facilities, for
1887 administrative facilities, and for other ancillary and auxiliary
1888 facilities. The department shall compute the statewide average
1889 costs per student station for each instructional level.

1890 2. Annually review the actual completed construction costs
1891 of educational facilities in each school district. For any
1892 school district in which the total actual cost per student
1893 station, including change orders, exceeds the statewide limits
1894 established in paragraph (b), the school district shall report
1895 to the department the actual cost per student station and the
1896 reason for the school district's inability to adhere to the



550680

1897 limits established in paragraph (b). The department shall
1898 collect all such reports and shall provide these reports to the
1899 Auditor General for verification purposes ~~report to the~~
1900 ~~Governor, the President of the Senate, and the Speaker of the~~
1901 ~~House of Representatives by December 31 of each year a summary~~
1902 ~~of each school district's spending in excess of the cost per~~
1903 ~~student station provided in paragraph (b) as reported by the~~
1904 ~~school districts.~~

1905
1906 Cost per student station includes contract costs, legal and
1907 administrative costs, fees of architects and engineers,
1908 furniture and equipment, and site improvement costs. Cost per
1909 student station does not include the cost of purchasing or
1910 leasing the site for the construction or the cost of related
1911 offsite improvements.

1912 ~~(c) The restrictions of this subsection on the cost per~~
1913 ~~student station of new construction do not apply to a project~~
1914 ~~funded entirely from proceeds received by districts through~~
1915 ~~provisions of ss. 212.055 and 1011.73 and s. 9, Art. VII of the~~
1916 ~~State Constitution, if the school board approves the project by~~
1917 ~~majority vote.~~

1918 Section 13. Paragraph (a) of subsection (3) of section
1919 1002.37, Florida Statutes, is amended to read:

1920 1002.37 The Florida Virtual School.—

1921 (3) Funding for the Florida Virtual School shall be
1922 provided as follows:

1923 (a)1. The calculation of "full-time equivalent student"
1924 shall be as prescribed in s. 1011.61(1)(c)1.b.(V) and is subject
1925 to s. 1011.61(4) ~~For a student in grades 9 through 12, a "full-~~



550680

1926 ~~time equivalent student" is one student who has successfully~~
1927 ~~completed six full-credit courses that count toward the minimum~~
1928 ~~number of credits required for high school graduation. A student~~
1929 ~~who completes fewer than six full-credit courses is a fraction~~
1930 ~~of a full-time equivalent student. Half-credit course~~
1931 ~~completions shall be included in determining a full-time~~
1932 ~~equivalent student.~~

1933 ~~2. For a student in kindergarten through grade 8, a "full-~~
1934 ~~time equivalent student" is one student who has successfully~~
1935 ~~completed six courses or the prescribed level of content that~~
1936 ~~counts toward promotion to the next grade. A student who~~
1937 ~~completes fewer than six courses or the prescribed level of~~
1938 ~~content shall be a fraction of a full-time equivalent student.~~

1939 ~~2.3. For a student in a home education program, funding~~
1940 ~~shall be provided in accordance with this subsection upon course~~
1941 ~~completion if the parent verifies, upon enrollment for each~~
1942 ~~course, that the student is registered with the school district~~
1943 ~~as a home education student pursuant to s. 1002.41(1)(a).~~
1944 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~
1945 ~~equivalent students and associated funding of students enrolled~~
1946 ~~in courses requiring passage of an end-of-course assessment~~
1947 ~~under s. 1003.4282 to earn a standard high school diploma shall~~
1948 ~~be adjusted if the student does not pass the end-of-course~~
1949 ~~assessment. However, no adjustment shall be made for home~~
1950 ~~education program students who choose not to take an end-of-~~
1951 ~~course assessment or for a student who enrolls in a segmented~~
1952 ~~remedial course delivered online.~~

1953
1954 ~~For purposes of this paragraph, the calculation of "full-time~~



1955 ~~equivalent student" shall be as prescribed in s.~~
1956 ~~1011.61(1)(c)1.b.(V) and is subject to the requirements in s.~~
1957 ~~1011.61(4).~~

1958 Section 14. Subsection (4) is added to section 1002.391,
1959 Florida Statutes, to read:

1960 1002.391 Auditory-oral education programs.—

1961 (4) Beginning with the 2017-2018 school year, a school
1962 district shall add four special consideration points to the
1963 calculation of a matrix of services for a student who is deaf
1964 and enrolled in an auditory-oral education program.

1965 Section 15. Paragraphs (c) and (d) of subsection (1),
1966 paragraph (e) of subsection (7), and paragraphs (c) and (d) of
1967 subsection (8) of section 1002.45, Florida Statutes, are amended
1968 to read:

1969 1002.45 Virtual instruction programs.—

1970 (1) PROGRAM.—

1971 (c) To provide students with the option of participating in
1972 virtual instruction programs as required by paragraph (b), a
1973 school district may:

1974 1. Contract with the Florida Virtual School or establish a
1975 franchise of the Florida Virtual School for the provision of a
1976 program under paragraph (b). Using this option is subject to the
1977 requirements of this section and s. 1011.61(1)(c)1.b.(III) and
1978 (IV) and (4). A district may report full-time equivalent student
1979 membership for credit earned by a student who is enrolled in a
1980 virtual education course provided by the district which was
1981 completed after the end of the regular school year if the FTE is
1982 reported no later than the deadline for amending the final
1983 student membership report for that year.



550680

1984 2. Contract with an approved provider under subsection (2)
1985 for the provision of a full-time or part-time program under
1986 paragraph (b).

1987 3. Enter into an agreement with other school districts to
1988 allow the participation of its students in an approved virtual
1989 instruction program provided by the other school district. The
1990 agreement must indicate a process for the transfer of funds
1991 required by paragraph (7) (e) ~~(7) (f)~~.

1992 4. Establish school district operated part-time or full-
1993 time kindergarten through grade 12 virtual instruction programs
1994 under paragraph (b) for students enrolled in the school
1995 district. A full-time program shall operate under its own Master
1996 School Identification Number.

1997 5. Enter into an agreement with a virtual charter school
1998 authorized by the school district under s. 1002.33.

1999
2000 Contracts under subparagraph 1. or subparagraph 2. may include
2001 multidistrict contractual arrangements that may be executed by a
2002 regional consortium for its member districts. A multidistrict
2003 contractual arrangement or an agreement under subparagraph 3. is
2004 not subject to s. 1001.42(4) (d) and does not require the
2005 participating school districts to be contiguous. These
2006 arrangements may be used to fulfill the requirements of
2007 paragraph (b).

2008 (d) A virtual charter school may provide full-time virtual
2009 instruction for students in kindergarten through grade 12 if the
2010 virtual charter school has a charter approved pursuant to s.
2011 1002.33 authorizing full-time virtual instruction. A virtual
2012 charter school may:



550680

- 2013 1. Contract with the Florida Virtual School.
2014 2. Contract with an approved provider under subsection (2).
2015 3. Enter into an agreement with a school district to allow
2016 the participation of the virtual charter school's students in
2017 the school district's virtual instruction program. The agreement
2018 must indicate a process for reporting of student enrollment and
2019 the transfer of funds required by paragraph (7) (e) ~~(7) (f)~~.

2020 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
2021 FUNDING.—

2022 ~~(e) Beginning in the 2016-2017 fiscal year, the reported~~
2023 ~~full-time equivalent students and associated funding of students~~
2024 ~~enrolled in courses requiring passage of an end-of-course~~
2025 ~~assessment under s. 1003.4282 to earn a standard high school~~
2026 ~~diploma shall be adjusted if the student does not pass the end-~~
2027 ~~of-course assessment. However, no adjustment shall be made for a~~
2028 ~~student who enrolls in a segmented remedial course delivered~~
2029 ~~online.~~

2030 (8) ASSESSMENT AND ACCOUNTABILITY.—

2031 (c) An approved provider that receives a school grade of
2032 "D" or "F" under s. 1008.34 or a school improvement rating of
2033 "Unsatisfactory" ~~"Declining"~~ under s. 1008.341 must file a
2034 school improvement plan with the department for consultation to
2035 determine the causes for low performance and to develop a plan
2036 for correction and improvement.

2037 (d) An approved provider's contract must be terminated if
2038 the provider receives a school grade of "D" or "F" under s.
2039 1008.34 or a school improvement rating of "Unsatisfactory"
2040 ~~"Declining"~~ under s. 1008.341 for 2 years during any consecutive
2041 4-year period or has violated any qualification requirement



550680

2042 pursuant to subsection (2). A provider that has a contract
2043 terminated under this paragraph may not be an approved provider
2044 for a period of at least 1 year after the date upon which the
2045 contract was terminated and until the department determines that
2046 the provider is in compliance with subsection (2) and has
2047 corrected each cause of the provider's low performance.

2048 Section 16. Section 1003.3101, Florida Statutes, is created
2049 to read:

2050 1003.3101 Additional educational choice options.—Each
2051 school district board shall establish a transfer process for a
2052 parent to request his or her child be transferred to another
2053 classroom teacher. This section does not give a parent the right
2054 to choose a specific classroom teacher. A school must approve or
2055 deny the transfer within 2 weeks after receiving a request. If a
2056 request for transfer is denied, the school must notify the
2057 parent and specify the reasons for the denial. An explanation of
2058 the transfer process must be made available in the student
2059 handbook or a similar publication.

2060 Section 17. Subsection (3) of section 1003.4295, Florida
2061 Statutes, is amended to read:

2062 1003.4295 Acceleration options.—

2063 (3) The Credit Acceleration Program (CAP) is created for
2064 the purpose of allowing a student to earn high school credit in
2065 courses required for high school graduation through passage of
2066 an end-of-course assessment ~~Algebra I, Algebra II, geometry,~~
2067 ~~United States history, or biology if the student passes the~~
2068 ~~statewide, standardized assessment~~ administered under s.
2069 1008.22, an Advanced Placement Examination, or a College Level
2070 Examination Program (CLEP). Notwithstanding s. 1003.436, a



550680

2071 school district shall award course credit to a student who is
2072 not enrolled in the course, or who has not completed the course,
2073 if the student attains a passing score on the corresponding end-
2074 of-course assessment, Advanced Placement Examination, or CLEP
2075 statewide, standardized assessment. The school district shall
2076 permit a public school or home education student who is not
2077 enrolled in the course, or who has not completed the course, to
2078 take the assessment or examination during the regular
2079 administration of the assessment or examination.

2080 Section 18. Effective June 29, 2016, section 1004.935,
2081 Florida Statutes, is amended to read:

2082 1004.935 Adults with Disabilities Workforce Education ~~Pilot~~
2083 Program.—

2084 (1) The Adults with Disabilities Workforce Education ~~Pilot~~
2085 Program is established in the Department of Education ~~through~~
2086 ~~June 30, 2016,~~ in Hardee, DeSoto, Manatee, and Sarasota Counties
2087 to provide the option of receiving a scholarship for instruction
2088 at private schools for up to 30 students who:

2089 (a) Have a disability;

2090 (b) Are 22 years of age;

2091 (c) Are receiving instruction from an instructor in a
2092 private school to meet the high school graduation requirements
2093 in s. 1002.3105(5) or s. 1003.4282;

2094 (d) Do not have a standard high school diploma or a special
2095 high school diploma; and

2096 (e) Receive "supported employment services," which means
2097 employment that is located or provided in an integrated work
2098 setting with earnings paid on a commensurate wage basis and for
2099 which continued support is needed for job maintenance.



2100
2101 As used in this section, the term "student with a disability"
2102 includes a student who is documented as having an intellectual
2103 disability; a speech impairment; a language impairment; a
2104 hearing impairment, including deafness; a visual impairment,
2105 including blindness; a dual sensory impairment; an orthopedic
2106 impairment; another health impairment; an emotional or
2107 behavioral disability; a specific learning disability,
2108 including, but not limited to, dyslexia, dyscalculia, or
2109 developmental aphasia; a traumatic brain injury; a developmental
2110 delay; or autism spectrum disorder.

2111 (2) A student participating in the ~~pilot~~ program may
2112 continue to participate in the program until the student
2113 graduates from high school or reaches the age of 40 years,
2114 whichever occurs first.

2115 (3) Supported employment services may be provided at more
2116 than one site.

2117 (4) The provider of supported employment services must be a
2118 nonprofit corporation under s. 501(c)(3) of the Internal Revenue
2119 Code which serves Hardee County, DeSoto County, Manatee County,
2120 or Sarasota County and must contract with a private school in
2121 this state which meets the requirements in subsection (5).

2122 (5) A private school that participates in the ~~pilot~~ program
2123 may be sectarian or nonsectarian and must:

2124 (a) Be academically accountable for meeting the educational
2125 needs of the student by annually providing to the provider of
2126 supported employment services a written explanation of the
2127 student's progress.

2128 (b) Comply with the antidiscrimination provisions of 42



550680

2129 U.S.C. s. 2000d.

2130 (c) Meet state and local health and safety laws and codes.

2131 (d) Provide to the provider of supported employment
2132 services all documentation required for a student's
2133 participation, including the private school's and student's fee
2134 schedules, at least 30 days before any quarterly scholarship
2135 payment is made for the student. A student is not eligible to
2136 receive a quarterly scholarship payment if the private school
2137 fails to meet this deadline.

2138

2139 The inability of a private school to meet the requirements of
2140 this subsection constitutes a basis for the ineligibility of the
2141 private school to participate in the ~~pilot~~ program.

2142 (6) (a) If the student chooses to participate in the ~~pilot~~
2143 program and is accepted by the provider of supported employment
2144 services, the student must notify the Department of Education of
2145 his or her acceptance into the program 60 days before the first
2146 scholarship payment and before participating in the ~~pilot~~
2147 program in order to be eligible for the scholarship.

2148 (b) Upon receipt of a scholarship warrant, the student or
2149 parent to whom the warrant is made must restrictively endorse
2150 the warrant to the provider of supported employment services for
2151 deposit into the account of the provider. The student or parent
2152 may not designate any entity or individual associated with the
2153 participating provider of supported employment services as the
2154 student's or parent's attorney in fact to endorse a scholarship
2155 warrant. A participant who fails to comply with this paragraph
2156 forfeits the scholarship.

2157 (7) Funds for the scholarship shall be provided from the



550680

2158 appropriation from the school district's Workforce Development
2159 Fund in the General Appropriations Act for students who reside
2160 in the Hardee County School District, the DeSoto County School
2161 District, the Manatee County School District, or the Sarasota
2162 County School District. ~~During the pilot program,~~ The
2163 scholarship amount granted for an eligible student with a
2164 disability shall be equal to the cost per unit of a full-time
2165 equivalent adult general education student, multiplied by the
2166 adult general education funding factor, and multiplied by the
2167 district cost differential pursuant to the formula required by
2168 s. 1011.80(6)(a) for the district in which the student resides.

2169 (8) Upon notification by the Department of Education that
2170 it has received the required documentation, the Chief Financial
2171 Officer shall make scholarship payments in four equal amounts no
2172 later than September 1, November 1, February 1, and April 1 of
2173 each academic year in which the scholarship is in force. The
2174 initial payment shall be made after the Department of Education
2175 verifies that the student was accepted into the ~~pilot~~ program,
2176 and subsequent payments shall be made upon verification of
2177 continued participation in the ~~pilot~~ program. Payment must be by
2178 individual warrant made payable to the student or parent and
2179 mailed by the Department of Education to the provider of
2180 supported employment services, and the student or parent shall
2181 restrictively endorse the warrant to the provider of supported
2182 employment services for deposit into the account of that
2183 provider.

2184 (9) Subsequent to each scholarship payment, the Department
2185 of Education shall request from the Department of Financial
2186 Services a sample of endorsed warrants to review and confirm



2187 compliance with endorsement requirements.

2188 Section 19. Subsection (3) and paragraph (a) of subsection
2189 (8) of section 1006.15, Florida Statutes, are amended, and
2190 subsection (9) is added to that section, to read:

2191 1006.15 Student standards for participation in
2192 interscholastic and intrascholastic extracurricular student
2193 activities; regulation.—

2194 (3) (a) As used in this section and s. 1006.20, the term
2195 "eligible to participate" includes, but is not limited to, a
2196 student participating in tryouts, off-season conditioning,
2197 summer workouts, preseason conditioning, in-season practice, or
2198 contests. The term does not mean that a student must be placed
2199 on any specific team for interscholastic or intrascholastic
2200 extracurricular activities. To be eligible to participate in
2201 interscholastic extracurricular student activities, a student
2202 must:

2203 1. Maintain a grade point average of 2.0 or above on a 4.0
2204 scale, or its equivalent, in the previous semester or a
2205 cumulative grade point average of 2.0 or above on a 4.0 scale,
2206 or its equivalent, in the courses required by s. 1002.3105(5) or
2207 s. 1003.4282.

2208 2. Execute and fulfill the requirements of an academic
2209 performance contract between the student, the district school
2210 board, the appropriate governing association, and the student's
2211 parents, if the student's cumulative grade point average falls
2212 below 2.0, or its equivalent, on a 4.0 scale in the courses
2213 required by s. 1002.3105(5) or s. 1003.4282. At a minimum, the
2214 contract must require that the student attend summer school, or
2215 its graded equivalent, between grades 9 and 10 or grades 10 and



550680

2216 11, as necessary.

2217 3. Have a cumulative grade point average of 2.0 or above on
2218 a 4.0 scale, or its equivalent, in the courses required by s.
2219 1002.3105(5) or s. 1003.4282 during his or her junior or senior
2220 year.

2221 4. Maintain satisfactory conduct, including adherence to
2222 appropriate dress and other codes of student conduct policies
2223 described in s. 1006.07(2). If a student is convicted of, or is
2224 found to have committed, a felony or a delinquent act that would
2225 have been a felony if committed by an adult, regardless of
2226 whether adjudication is withheld, the student's participation in
2227 interscholastic extracurricular activities is contingent upon
2228 established and published district school board policy.

2229 (b) Any student who is exempt from attending a full school
2230 day based on rules adopted by the district school board for
2231 double session schools or programs, experimental schools, or
2232 schools operating under emergency conditions must maintain the
2233 grade point average required by this section and pass each class
2234 for which he or she is enrolled.

2235 (c) An individual home education student is eligible to
2236 participate at the public school to which the student would be
2237 assigned according to district school board attendance area
2238 policies or which the student could ~~choose to attend pursuant to~~
2239 ~~district or interdistrict controlled open enrollment provisions,~~
2240 or may develop an agreement to participate at a private school,
2241 in the interscholastic extracurricular activities of that
2242 school, provided the following conditions are met:

2243 1. The home education student must meet the requirements of
2244 the home education program pursuant to s. 1002.41.



2245 2. During the period of participation at a school, the home
2246 education student must demonstrate educational progress as
2247 required in paragraph (b) in all subjects taken in the home
2248 education program by a method of evaluation agreed upon by the
2249 parent and the school principal which may include: review of the
2250 student's work by a certified teacher chosen by the parent;
2251 grades earned through correspondence; grades earned in courses
2252 taken at a Florida College System institution, university, or
2253 trade school; standardized test scores above the 35th
2254 percentile; or any other method designated in s. 1002.41.

2255 3. The home education student must meet the same residency
2256 requirements as other students in the school at which he or she
2257 participates.

2258 4. The home education student must meet the same standards
2259 of acceptance, behavior, and performance as required of other
2260 students in extracurricular activities.

2261 5. The student must register with the school his or her
2262 intent to participate in interscholastic extracurricular
2263 activities as a representative of the school before the
2264 beginning date of the season for the activity in which he or she
2265 wishes to participate. A home education student must be able to
2266 participate in curricular activities if that is a requirement
2267 for an extracurricular activity.

2268 6. A student who transfers from a home education program to
2269 a public school before or during the first grading period of the
2270 school year is academically eligible to participate in
2271 interscholastic extracurricular activities during the first
2272 grading period provided the student has a successful evaluation
2273 from the previous school year, pursuant to subparagraph 2.



550680

2274 7. Any public school or private school student who has been
2275 unable to maintain academic eligibility for participation in
2276 interscholastic extracurricular activities is ineligible to
2277 participate in such activities as a home education student until
2278 the student has successfully completed one grading period in
2279 home education pursuant to subparagraph 2. to become eligible to
2280 participate as a home education student.

2281 (d) An individual charter school student pursuant to s.
2282 1002.33 is eligible to participate at the public school to which
2283 the student would be assigned according to district school board
2284 attendance area policies or which the student could ~~choose to~~
2285 ~~attend, pursuant to district or interdistrict controlled open~~
2286 ~~enrollment provisions,~~ in any interscholastic extracurricular
2287 activity of that school, unless such activity is provided by the
2288 student's charter school, if the following conditions are met:

2289 1. The charter school student must meet the requirements of
2290 the charter school education program as determined by the
2291 charter school governing board.

2292 2. During the period of participation at a school, the
2293 charter school student must demonstrate educational progress as
2294 required in paragraph (b).

2295 3. The charter school student must meet the same residency
2296 requirements as other students in the school at which he or she
2297 participates.

2298 4. The charter school student must meet the same standards
2299 of acceptance, behavior, and performance that are required of
2300 other students in extracurricular activities.

2301 5. The charter school student must register with the school
2302 his or her intent to participate in interscholastic



550680

2303 extracurricular activities as a representative of the school
2304 before the beginning date of the season for the activity in
2305 which he or she wishes to participate. A charter school student
2306 must be able to participate in curricular activities if that is
2307 a requirement for an extracurricular activity.

2308 6. A student who transfers from a charter school program to
2309 a traditional public school before or during the first grading
2310 period of the school year is academically eligible to
2311 participate in interscholastic extracurricular activities during
2312 the first grading period if the student has a successful
2313 evaluation from the previous school year, pursuant to
2314 subparagraph 2.

2315 7. Any public school or private school student who has been
2316 unable to maintain academic eligibility for participation in
2317 interscholastic extracurricular activities is ineligible to
2318 participate in such activities as a charter school student until
2319 the student has successfully completed one grading period in a
2320 charter school pursuant to subparagraph 2. to become eligible to
2321 participate as a charter school student.

2322 (e) A student of the Florida Virtual School full-time
2323 program may participate in any interscholastic extracurricular
2324 activity at the public school to which the student would be
2325 assigned according to district school board attendance area
2326 policies or which the student could ~~choose to attend, pursuant~~
2327 ~~to district or interdistrict controlled open enrollment~~
2328 ~~policies,~~ if the student:

2329 1. During the period of participation in the
2330 interscholastic extracurricular activity, meets the requirements
2331 in paragraph (a).



550680

2332 2. Meets any additional requirements as determined by the
2333 board of trustees of the Florida Virtual School.

2334 3. Meets the same residency requirements as other students
2335 in the school at which he or she participates.

2336 4. Meets the same standards of acceptance, behavior, and
2337 performance that are required of other students in
2338 extracurricular activities.

2339 5. Registers his or her intent to participate in
2340 interscholastic extracurricular activities with the school
2341 before the beginning date of the season for the activity in
2342 which he or she wishes to participate. A Florida Virtual School
2343 student must be able to participate in curricular activities if
2344 that is a requirement for an extracurricular activity.

2345 (f) A student who transfers from the Florida Virtual School
2346 full-time program to a traditional public school before or
2347 during the first grading period of the school year is
2348 academically eligible to participate in interscholastic
2349 extracurricular activities during the first grading period if
2350 the student has a successful evaluation from the previous school
2351 year pursuant to paragraph (a).

2352 (g) A public school or private school student who has been
2353 unable to maintain academic eligibility for participation in
2354 interscholastic extracurricular activities is ineligible to
2355 participate in such activities as a Florida Virtual School
2356 student until the student successfully completes one grading
2357 period in the Florida Virtual School pursuant to paragraph (a).

2358 (h)1. A school district or charter school may not delay
2359 eligibility or otherwise prevent a student participating in
2360 controlled open enrollment, or a choice program, from being



550680

2361 immediately eligible to participate in interscholastic and
2362 intrascholastic extracurricular activities.

2363 2. A student may not participate in a sport if the student
2364 participated in that same sport at another school during that
2365 school year, unless the student meets one of the following
2366 criteria:

2367 a. Dependent children of active duty military personnel
2368 whose move resulted from military orders.

2369 b. Children who have been relocated due to a foster care
2370 placement in a different school zone.

2371 c. Children who move due to a court ordered change in
2372 custody due to separation or divorce, or the serious illness or
2373 death of a custodial parent.

2374 d. Authorized for good cause in district or charter school
2375 policy.

2376 (8) (a) The Florida High School Athletic Association
2377 (FHSAA), in cooperation with each district school board, shall
2378 facilitate a program in which a middle school or high school
2379 student who attends a private school shall be eligible to
2380 participate in an interscholastic or intrascholastic sport at a
2381 public high school, a public middle school, or a 6-12 public
2382 school that is zoned for the physical address at which the
2383 student resides if:

2384 1. The private school in which the student is enrolled is
2385 not a member of the FHSAA ~~and does not offer an interscholastic~~
2386 ~~or intrascholastic athletic program.~~

2387 2. The private school student meets the guidelines for the
2388 conduct of the program established by the FHSAA's board of
2389 directors and the district school board. At a minimum, such



2390 guidelines shall provide:

2391 a. A deadline for each sport by which the private school
2392 student's parents must register with the public school in
2393 writing their intent for their child to participate at that
2394 school in the sport.

2395 b. Requirements for a private school student to
2396 participate, including, but not limited to, meeting the same
2397 standards of eligibility, acceptance, behavior, educational
2398 progress, and performance which apply to other students
2399 participating in interscholastic or intrascholastic sports at a
2400 public school or FHSAA member private school.

2401 (9) (a) A student who transfers to a school during the
2402 school year may seek to immediately join an existing team if the
2403 roster for the specific interscholastic or intrascholastic
2404 extracurricular activity has not reached the activity's
2405 identified maximum size and if the coach for the activity
2406 determines that the student has the requisite skill and ability
2407 to participate. The FHSAA and school district or charter school
2408 may not declare such a student ineligible because the student
2409 did not have the opportunity to comply with qualifying
2410 requirements.

2411 (b) A student may not participate in a sport if the student
2412 participated in that same sport at another school during that
2413 school year, unless the student meets one of the following
2414 criteria:

2415 1. Dependent children of active duty military personnel
2416 whose move resulted from military orders.

2417 2. Children who have been relocated due to a foster care
2418 placement in a different school zone.



550680

2419 3. Children who move due to a court ordered change in
2420 custody due to separation or divorce, or the serious illness or
2421 death of a custodial parent.

2422 4. Authorized for good cause in district or charter school
2423 policy.

2424 Section 20. Section 1006.195, Florida Statutes, is created
2425 to read:

2426 1006.195 District school board, charter school authority
2427 and responsibility to establish student eligibility regarding
2428 participation in interscholastic and intrascholastic
2429 extracurricular activities.—Notwithstanding any provision to the
2430 contrary in ss. 1006.15, 1006.18, and 1006.20, regarding student
2431 eligibility to participate in interscholastic and
2432 intrascholastic extracurricular activities:

2433 (1) (a) A district school board must establish, through its
2434 code of student conduct, student eligibility standards and
2435 related student disciplinary actions regarding student
2436 participation in interscholastic and intrascholastic
2437 extracurricular activities. The code of student conduct must
2438 provide that:

2439 1. A student not currently suspended from interscholastic
2440 or intrascholastic extracurricular activities, or suspended or
2441 expelled from school, pursuant to a district school board's
2442 suspension or expulsion powers provided in law, including ss.
2443 1006.07, 1006.08, and 1006.09, is eligible to participate in
2444 interscholastic and intrascholastic extracurricular activities.

2445 2. A student may not participate in a sport if the student
2446 participated in that same sport at another school during that
2447 school year, unless the student meets the criteria in s.



2448 1006.15(3)(h).

2449 3. A student's eligibility to participate in any
2450 interscholastic or intrascholastic extracurricular activity may
2451 not be affected by any alleged recruiting violation until final
2452 disposition of the allegation pursuant to s. 1006.20(2)(b).

2453 (b) Students who participate in interscholastic and
2454 intrascholastic extracurricular activities for, but are not
2455 enrolled in, a public school pursuant to s. 1006.15(3)(c)-(e)
2456 and (8), are subject to the district school board's code of
2457 student conduct for the limited purpose of establishing and
2458 maintaining the student's eligibility to participate at the
2459 school.

2460 (c) The provisions of this subsection apply to
2461 interscholastic and intrascholastic extracurricular activities
2462 conducted by charter schools and private schools, as applicable,
2463 except that the charter school governing board, or equivalent
2464 private school authority, is responsible for the authority and
2465 responsibility otherwise provided to district school boards.

2466 (2)(a) The Florida High School Athletic Association (FHSAA)
2467 continues to retain jurisdiction over the following provisions
2468 in s. 1006.20, which may not be implemented in a manner contrary
2469 to this section: membership in the FHSAA; recruiting
2470 prohibitions and violations; student medical evaluations;
2471 investigations; and sanctions for coaches; school eligibility
2472 and forfeiture of contests; student concussions or head
2473 injuries; the sports medical advisory committee; and the general
2474 operational provisions of the FHSAA.

2475 (b) The FHSAA must adopt, and prominently publish, the text
2476 of this section on its website and in its bylaws, rules,



550680

2477 procedures, training and education materials, and all other
2478 governing authority documents by August 1, 2016.

2479 Section 21. Subsection (1) and paragraphs (a), (b), (c),
2480 and (g) of subsection (2) of section 1006.20, Florida Statutes,
2481 are amended to read:

2482 1006.20 Athletics in public K-12 schools.-

2483 (1) GOVERNING NONPROFIT ORGANIZATION.-The Florida High
2484 School Athletic Association (FHSAA) is designated as the
2485 governing nonprofit organization of athletics in Florida public
2486 schools. If the FHSAA fails to meet the provisions of this
2487 section, the commissioner shall designate a nonprofit
2488 organization to govern athletics with the approval of the State
2489 Board of Education. The FHSAA is not a state agency as defined
2490 in s. 120.52. The FHSAA shall be subject to the provisions of s.
2491 1006.19. A private school that wishes to engage in high school
2492 athletic competition with a public high school may become a
2493 member of the FHSAA. Any high school in the state, including
2494 charter schools, virtual schools, and home education
2495 cooperatives, may become a member of the FHSAA and participate
2496 in the activities of the FHSAA. However, membership in the FHSAA
2497 is not mandatory for any school. The FHSAA must allow a private
2498 school the option of maintaining full membership in the
2499 association or joining by sport and may not discourage a private
2500 school from simultaneously maintaining membership in another
2501 athletic association. The FHSAA may allow a public school the
2502 option to apply for consideration to join another athletic
2503 association. The FHSAA may not deny or discourage
2504 interscholastic competition between its member schools and non-
2505 FHSAA member Florida schools, including members of another



550680

2506 athletic governing organization, and may not take any
2507 retributory or discriminatory action against any of its member
2508 schools that participate in interscholastic competition with
2509 non-FHSAA member Florida schools. The FHSAA may not unreasonably
2510 withhold its approval of an application to become an affiliate
2511 member of the National Federation of State High School
2512 Associations submitted by any other organization that governs
2513 interscholastic athletic competition in this state. The bylaws
2514 of the FHSAA are the rules by which high school athletic
2515 programs in its member schools, and the students who participate
2516 in them, are governed, unless otherwise specifically provided by
2517 statute. For the purposes of this section, "high school"
2518 includes grades 6 through 12.

2519 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

2520 (a) The FHSAA shall adopt bylaws that, unless specifically
2521 provided by statute, establish eligibility requirements for all
2522 students who participate in high school athletic competition in
2523 its member schools. The bylaws governing residence and transfer
2524 shall allow the student to be immediately eligible in the school
2525 in which he or she first enrolls each school year or the school
2526 in which the student makes himself or herself a candidate for an
2527 athletic team by engaging in a practice prior to enrolling in
2528 the school. The bylaws shall also allow the student to be
2529 immediately eligible in the school to which the student has
2530 transferred ~~during the school year if the transfer is made by a~~
2531 ~~deadline established by the FHSAA, which may not be prior to the~~
2532 ~~date authorized for the beginning of practice for the sport.~~
2533 ~~These transfers shall be allowed pursuant to the district school~~
2534 ~~board policies in the case of transfer to a public school or~~



550680

2535 ~~pursuant to the private school policies in the case of transfer~~
2536 ~~to a private school.~~ The student shall be eligible in that
2537 school so long as he or she remains enrolled in that school.
2538 Subsequent eligibility shall be determined and enforced through
2539 the FHSAA's bylaws. Requirements governing eligibility and
2540 transfer between member schools shall be applied similarly to
2541 public school students and private school students.

2542 (b) The FHSAA shall adopt bylaws that specifically prohibit
2543 the recruiting of students for athletic purposes. The bylaws
2544 shall prescribe penalties and an appeals process for athletic
2545 recruiting violations.

2546 1. If it is determined that a school has recruited a
2547 student in violation of FHSAA bylaws, the FHSAA may require the
2548 school to participate in a higher classification for the sport
2549 in which the recruited student competes for a minimum of one
2550 classification cycle, in addition to the penalties in
2551 subparagraphs 2. and 3., and any other appropriate fine or ~~and~~
2552 sanction imposed on the school, its coaches, or adult
2553 representatives who violate recruiting rules.

2554 2. Any recruitment by a school district employee or
2555 contractor in violation of FHSAA bylaws results in escalating
2556 punishments as follows:

2557 a. For a first offense, a \$5,000 forfeiture of pay for the
2558 school district employee or contractor who committed the
2559 violation.

2560 b. For a second offense, suspension without pay for 12
2561 months from coaching, directing, or advertising an
2562 extracurricular activity and a \$5,000 forfeiture of pay for the
2563 school district employee or contractor who committed the



550680

2564 violation.

2565 c. For a third offense, a \$5,000 forfeiture of pay for the
2566 school district employee or contractor who committed the
2567 violation. If the individual who committed the violation holds
2568 an educator certificate, the FHSAA shall also refer the
2569 violation to the department for review pursuant to s. 1012.796
2570 to determine whether probable cause exists, and, if there is a
2571 finding of probable cause, the commissioner shall file a formal
2572 complaint against the individual. If the complaint is upheld,
2573 the individual's educator certificate shall be revoked for 3
2574 years, in addition to any penalties available under s. 1012.796.
2575 Additionally, the department shall revoke any adjunct teaching
2576 certificates issued pursuant to s. 1012.57 and all permissions
2577 under ss. 1012.39 and 1012.43, and the educator is ineligible
2578 for such certificates or permissions for a period of time equal
2579 to the period of revocation of his or her state-issued
2580 certificate.

2581 3. Notwithstanding any other provision of law, a school,
2582 team, or activity shall forfeit all competitions, including
2583 honors resulting from such competitions, in which a student who
2584 participated in any fashion was recruited in a manner prohibited
2585 pursuant to state law or the FHSAA bylaws.

2586 4. A student may not be declared ineligible based on
2587 violation of recruiting rules unless the student or parent has
2588 falsified any enrollment or eligibility document or accepted any
2589 benefit ~~or any promise of benefit~~ if such benefit is not
2590 generally available to the school's students or family members
2591 or is based in any way on athletic interest, potential, or
2592 performance.



550680

2593 5. A student's eligibility to participate in any
2594 interscholastic or intrascholastic extracurricular activity, as
2595 determined by a district school board pursuant to s.
2596 1006.195(1)(a)3., may not be affected by any alleged recruiting
2597 violation until final disposition of the allegation.

2598 (c) The FHSAA shall adopt bylaws that require all students
2599 participating in interscholastic athletic competition or who are
2600 candidates for an interscholastic athletic team to
2601 satisfactorily pass a medical evaluation each year prior to
2602 participating in interscholastic athletic competition or
2603 engaging in any practice, tryout, workout, or other physical
2604 activity associated with the student's candidacy for an
2605 interscholastic athletic team. Such medical evaluation may be
2606 administered only by a practitioner licensed under chapter 458,
2607 chapter 459, chapter 460, or s. 464.012, and in good standing
2608 with the practitioner's regulatory board. The bylaws shall
2609 establish requirements for eliciting a student's medical history
2610 and performing the medical evaluation required under this
2611 paragraph, which shall include a physical assessment of the
2612 student's physical capabilities to participate in
2613 interscholastic athletic competition as contained in a uniform
2614 preparticipation physical evaluation and history form. The
2615 evaluation form shall incorporate the recommendations of the
2616 American Heart Association for participation cardiovascular
2617 screening and shall provide a place for the signature of the
2618 practitioner performing the evaluation with an attestation that
2619 each examination procedure listed on the form was performed by
2620 the practitioner or by someone under the direct supervision of
2621 the practitioner. The form shall also contain a place for the



550680

2622 practitioner to indicate if a referral to another practitioner
2623 was made in lieu of completion of a certain examination
2624 procedure. The form shall provide a place for the practitioner
2625 to whom the student was referred to complete the remaining
2626 sections and attest to that portion of the examination. The
2627 preparticipation physical evaluation form shall advise students
2628 to complete a cardiovascular assessment and shall include
2629 information concerning alternative cardiovascular evaluation and
2630 diagnostic tests. Results of such medical evaluation must be
2631 provided to the school. A student is not ~~No student shall be~~
2632 eligible to participate, as provided in s. 1006.15(3), in any
2633 interscholastic athletic competition or engage in any practice,
2634 tryout, workout, or other physical activity associated with the
2635 student's candidacy for an interscholastic athletic team until
2636 the results of the medical evaluation have been received and
2637 approved by the school.

2638 (g) The FHSAA shall adopt bylaws establishing the process
2639 and standards by which FHSAA determinations of eligibility are
2640 made. Such bylaws shall provide that:

2641 1. Ineligibility must be established by a preponderance of
2642 the clear and convincing evidence;

2643 2. Student athletes, parents, and schools must have notice
2644 of the initiation of any investigation or other inquiry into
2645 eligibility and may present, to the investigator and to the
2646 individual making the eligibility determination, any information
2647 or evidence that is credible, persuasive, and of a kind
2648 reasonably prudent persons rely upon in the conduct of serious
2649 affairs;

2650 3. An investigator may not determine matters of eligibility



550680

2651 but must submit information and evidence to the executive
2652 director or a person designated by the executive director or by
2653 the board of directors for an unbiased and objective
2654 determination of eligibility; and

2655 4. A determination of ineligibility must be made in
2656 writing, setting forth the findings of fact and specific
2657 violation upon which the decision is based.

2658 Section 22. Subsection (5), paragraph (j) of subsection
2659 (6), and paragraph (a) of subsection (8) of section 1007.35,
2660 Florida Statutes, are amended to read:

2661 1007.35 Florida Partnership for Minority and
2662 Underrepresented Student Achievement.—

2663 (5) Each public high school, including, but not limited to,
2664 schools and alternative sites and centers of the Department of
2665 Juvenile Justice, shall provide for the administration of the
2666 Preliminary SAT/National Merit Scholarship Qualifying Test
2667 (PSAT/NMSQT), or ACT Aspire ~~Preliminary ACT (PLAN)~~ to all
2668 enrolled 10th grade students. However, a written notice shall be
2669 provided to each parent that shall include the opportunity to
2670 exempt his or her child from taking the PSAT/NMSQT or ACT Aspire
2671 ~~PLAN~~.

2672 (a) Test results will provide each high school with a
2673 database of student assessment data which certified school
2674 counselors will use to identify students who are prepared or who
2675 need additional work to be prepared to enroll and be successful
2676 in AP courses or other advanced high school courses.

2677 (b) Funding for the PSAT/NMSQT or ACT Aspire ~~PLAN~~ for all
2678 10th grade students shall be contingent upon annual funding in
2679 the General Appropriations Act.



2680 (c) Public school districts must choose either the
2681 PSAT/NMSQT or ACT Aspire ~~PLAN~~ for districtwide administration.

2682 (6) The partnership shall:

2683 (j) Provide information to students, parents, teachers,
2684 counselors, administrators, districts, Florida College System
2685 institutions, and state universities regarding PSAT/NMSQT or ACT
2686 Aspire ~~PLAN~~ administration, including, but not limited to:

2687 1. Test administration dates and times.

2688 2. That participation in the PSAT/NMSQT or ACT Aspire ~~PLAN~~
2689 is open to all 10th grade ~~10~~ students.

2690 3. The value of such tests in providing diagnostic feedback
2691 on student skills.

2692 4. The value of student scores in predicting the
2693 probability of success on AP or other advanced course
2694 examinations.

2695 (8) (a) By September 30 of each year, the partnership shall
2696 submit to the department a report that contains an evaluation of
2697 the effectiveness of the delivered services and activities.
2698 Activities and services must be evaluated on their effectiveness
2699 at raising student achievement and increasing the number of AP
2700 or other advanced course examinations in low-performing middle
2701 and high schools. Other indicators that must be addressed in the
2702 evaluation report include the number of middle and high school
2703 teachers trained; the effectiveness of the training; measures of
2704 postsecondary readiness of the students affected by the program;
2705 levels of participation in 10th grade PSAT/NMSQT or ACT Aspire
2706 ~~PLAN~~ testing; and measures of student, parent, and teacher
2707 awareness of and satisfaction with the services of the
2708 partnership.



2709 Section 23. Section 1009.893, Florida Statutes, is amended
2710 to read:

2711 1009.893 Benacquisto Scholarship ~~Florida National Merit~~
2712 ~~Scholar Incentive~~ Program.—

2713 (1) As used in this section, the term:

2714 (a) "Department" means the Department of Education.

2715 (b) "Scholarship Incentive program" means the Benacquisto
2716 Scholarship ~~Florida National Merit Scholar Incentive~~ Program.

2717 (2) The Benacquisto Scholarship ~~Florida National Merit~~
2718 ~~Scholar Incentive~~ Program is created to reward any Florida high
2719 school graduate who receives recognition as a National Merit
2720 Scholar or National Achievement Scholar and who initially
2721 enrolls in the 2014-2015 academic year or, later, in a
2722 baccalaureate degree program at an eligible Florida public or
2723 independent postsecondary educational institution.

2724 (3) The department shall administer the scholarship
2725 ~~incentive~~ program according to rules and procedures established
2726 by the State Board of Education. The department shall advertise
2727 the availability of the scholarship ~~incentive~~ program and notify
2728 students, teachers, parents, certified school counselors, and
2729 principals or other relevant school administrators of the
2730 criteria.

2731 (4) In order to be eligible for an award under the
2732 scholarship ~~incentive~~ program, a student must:

2733 (a) Be a state resident as determined in s. 1009.40 and
2734 rules of the State Board of Education;

2735 (b) Earn a standard Florida high school diploma or its
2736 equivalent pursuant to s. 1002.3105, s. 1003.4281, s. 1003.4282,
2737 or s. 1003.435 unless:



2738 1. The student completes a home education program according
2739 to s. 1002.41; or

2740 2. The student earns a high school diploma from a non-
2741 Florida school while living with a parent who is on military or
2742 public service assignment out of this state;

2743 (c) Be accepted by and enroll in a Florida public or
2744 independent postsecondary educational institution that is
2745 regionally accredited; and

2746 (d) Be enrolled full-time in a baccalaureate degree program
2747 at an eligible regionally accredited Florida public or
2748 independent postsecondary educational institution during the
2749 fall academic term following high school graduation.

2750 (5) (a) An eligible student who is a National Merit Scholar
2751 or National Achievement Scholar and who attends a Florida public
2752 postsecondary educational institution shall receive a
2753 scholarship ~~an incentive~~ award equal to the institutional cost
2754 of attendance minus the sum of the student's Florida Bright
2755 Futures Scholarship and National Merit Scholarship or National
2756 Achievement Scholarship.

2757 (b) An eligible student who is a National Merit Scholar or
2758 National Achievement Scholar and who attends a Florida
2759 independent postsecondary educational institution shall receive
2760 a scholarship ~~an incentive~~ award equal to the highest cost of
2761 attendance at a Florida public university, as reported by the
2762 Board of Governors of the State University System, minus the sum
2763 of the student's Florida Bright Futures Scholarship and National
2764 Merit Scholarship or National Achievement Scholarship.

2765 (6) (a) To be eligible for a renewal award, a student must
2766 earn all credits for which he or she was enrolled and maintain a



550680

2767 3.0 or higher grade point average.

2768 (b) A student may receive the scholarship ~~incentive~~ award
2769 for a maximum of 100 percent of the number of credit hours
2770 required to complete a baccalaureate degree program, or until
2771 completion of a baccalaureate degree program, whichever comes
2772 first.

2773 (7) The department shall annually issue awards from the
2774 scholarship ~~incentive~~ program. Before the registration period
2775 each semester, the department shall transmit payment for each
2776 award to the president or director of the postsecondary
2777 educational institution, or his or her representative, except
2778 that the department may withhold payment if the receiving
2779 institution fails to report or to make refunds to the department
2780 as required in this section.

2781 (a) Each institution shall certify to the department the
2782 eligibility status of each student to receive a disbursement
2783 within 30 days before the end of its regular registration
2784 period, inclusive of a drop and add period. An institution is
2785 not required to reevaluate the student eligibility after the end
2786 of the drop and add period.

2787 (b) An institution that receives funds from the scholarship
2788 ~~incentive~~ program must certify to the department the amount of
2789 funds disbursed to each student and remit to the department any
2790 undisbursed advances within 60 days after the end of regular
2791 registration.

2792 (c) If funds appropriated are not adequate to provide the
2793 maximum allowable award to each eligible student, awards must be
2794 prorated using the same percentage reduction.

2795 (8) Funds from any award within the scholarship ~~incentive~~



550680

2796 program may not be used to pay for remedial coursework or
2797 developmental education.

2798 (9) A student may use an award for a summer term if funds
2799 are available and appropriated by the Legislature.

2800 (10) The department shall allocate funds to the appropriate
2801 institutions and collect and maintain data regarding the
2802 scholarship incentive program within the student financial
2803 assistance database as specified in s. 1009.94.

2804 (11) Section 1009.40(4) does not apply to awards issued
2805 under this section.

2806 (12) A student who receives an award under the scholarship
2807 program shall be known as a Benacquisto Scholar.

2808 (13) All eligible Florida public or independent
2809 postsecondary educational institutions are encouraged to become,
2810 and all eligible state universities shall become, college
2811 sponsors of the National Merit Scholarship Program.

2812 (14)-(12) The State Board of Education shall adopt rules
2813 necessary to administer this section.

2814 Section 24. Subsection (1) of section 1011.61, Florida
2815 Statutes, is amended to read:

2816 1011.61 Definitions.—Notwithstanding the provisions of s.
2817 1000.21, the following terms are defined as follows for the
2818 purposes of the Florida Education Finance Program:

2819 (1) A "full-time equivalent student" in each program of the
2820 district is defined in terms of full-time students and part-time
2821 students as follows:

2822 (a) A "full-time student" is one student on the membership
2823 roll of one school program or a combination of school programs
2824 listed in s. 1011.62(1)(c) for the school year or the equivalent



550680

2825 for:

2826 1. Instruction in a standard school, comprising not less
2827 than 900 net hours for a student in or at the grade level of 4
2828 through 12, or not less than 720 net hours for a student in or
2829 at the grade level of kindergarten through grade 3 or in an
2830 authorized prekindergarten exceptional program; or

2831 ~~2. Instruction in a double-session school or a school~~
2832 ~~utilizing an experimental school calendar approved by the~~
2833 ~~Department of Education, comprising not less than the equivalent~~
2834 ~~of 810 net hours in grades 4 through 12 or not less than 630 net~~
2835 ~~hours in kindergarten through grade 3; or~~

2836 2.3. Instruction comprising the appropriate number of net
2837 hours set forth in subparagraph 1. ~~or subparagraph 2.~~ for
2838 students who, within the past year, have moved with their
2839 parents for the purpose of engaging in the farm labor or fish
2840 industries, if a plan furnishing such an extended school day or
2841 week, or a combination thereof, has been approved by the
2842 commissioner. Such plan may be approved to accommodate the needs
2843 of migrant students only or may serve all students in schools
2844 having a high percentage of migrant students. The plan described
2845 in this subparagraph is optional for any school district and is
2846 not mandated by the state.

2847 (b) A "part-time student" is a student on the active
2848 membership roll of a school program or combination of school
2849 programs listed in s. 1011.62(1)(c) who is less than a full-time
2850 student. A student who receives instruction in a school that
2851 operates for less than the minimum term shall generate full-time
2852 equivalent student membership proportional to the amount of
2853 instructional hours provided by the school divided by the



550680

2854 minimum term requirement as provided in s. 1011.60(2).

2855 (c)1. A "full-time equivalent student" is:

2856 a. A full-time student in any one of the programs listed in
2857 s. 1011.62(1)(c); or

2858 b. A combination of full-time or part-time students in any
2859 one of the programs listed in s. 1011.62(1)(c) which is the
2860 equivalent of one full-time student based on the following
2861 calculations:

2862 (I) A full-time student in a combination of programs listed
2863 in s. 1011.62(1)(c) shall be a fraction of a full-time
2864 equivalent membership in each special program equal to the
2865 number of net hours per school year for which he or she is a
2866 member, divided by the appropriate number of hours set forth in
2867 subparagraph (a)1. ~~or subparagraph (a)2.~~ The difference between
2868 that fraction or sum of fractions and the maximum value as set
2869 forth in subsection (4) for each full-time student is presumed
2870 to be the balance of the student's time not spent in a special
2871 program and shall be recorded as time in the appropriate basic
2872 program.

2873 (II) A prekindergarten student with a disability shall meet
2874 the requirements specified for kindergarten students.

2875 (III) A full-time equivalent student for students in
2876 kindergarten through grade 12 in a full-time virtual instruction
2877 program under s. 1002.45 or a virtual charter school under s.
2878 1002.33 shall consist of six full-credit completions or the
2879 prescribed level of content that counts toward promotion to the
2880 next grade in programs listed in s. 1011.62(1)(c). Credit
2881 completions may be a combination of full-credit courses or half-
2882 credit courses. ~~Beginning in the 2016-2017 fiscal year, the~~



550680

2883 ~~reported full-time equivalent students and associated funding of~~
2884 ~~students enrolled in courses requiring passage of an end-of-~~
2885 ~~course assessment under s. 1003.4282 to earn a standard high~~
2886 ~~school diploma shall be adjusted if the student does not pass~~
2887 ~~the end-of-course assessment. However, no adjustment shall be~~
2888 ~~made for a student who enrolls in a segmented remedial course~~
2889 ~~delivered online.~~

2890 (IV) A full-time equivalent student for students in
2891 kindergarten through grade 12 in a part-time virtual instruction
2892 program under s. 1002.45 shall consist of six full-credit
2893 completions in programs listed in s. 1011.62(1)(c)1. and 3.
2894 Credit completions may be a combination of full-credit courses
2895 or half-credit courses. ~~Beginning in the 2016-2017 fiscal year,~~
2896 ~~the reported full-time equivalent students and associated~~
2897 ~~funding of students enrolled in courses requiring passage of an~~
2898 ~~end-of-course assessment under s. 1003.4282 to earn a standard~~
2899 ~~high school diploma shall be adjusted if the student does not~~
2900 ~~pass the end-of-course assessment. However, no adjustment shall~~
2901 ~~be made for a student who enrolls in a segmented remedial course~~
2902 ~~delivered online.~~

2903 (V) A Florida Virtual School full-time equivalent student
2904 shall consist of six full-credit completions or the prescribed
2905 level of content that counts toward promotion to the next grade
2906 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
2907 participating in kindergarten through grade 12 part-time virtual
2908 instruction and the programs listed in s. 1011.62(1)(c) for
2909 students participating in kindergarten through grade 12 full-
2910 time virtual instruction. Credit completions may be a
2911 combination of full-credit courses or half-credit courses.



550680

2912 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~
2913 ~~equivalent students and associated funding of students enrolled~~
2914 ~~in courses requiring passage of an end-of-course assessment~~
2915 ~~under s. 1003.4282 to earn a standard high school diploma shall~~
2916 ~~be adjusted if the student does not pass the end-of-course~~
2917 ~~assessment. However, no adjustment shall be made for a student~~
2918 ~~who enrolls in a segmented remedial course delivered online.~~

2919 (VI) Each successfully completed full-credit course earned
2920 through an online course delivered by a district other than the
2921 one in which the student resides shall be calculated as 1/6 FTE.

2922 (VII) A full-time equivalent student for courses requiring
2923 passage of a statewide, standardized end-of-course assessment
2924 under s. 1003.4282 to earn a standard high school diploma shall
2925 be defined and reported based on the number of instructional
2926 hours as provided in this subsection ~~until the 2016-2017 fiscal~~
2927 ~~year. Beginning in the 2016-2017 fiscal year, the FTE for the~~
2928 ~~course shall be assessment-based and shall be equal to 1/6 FTE.~~
2929 ~~The reported FTE shall be adjusted if the student does not pass~~
2930 ~~the end-of-course assessment. However, no adjustment shall be~~
2931 ~~made for a student who enrolls in a segmented remedial course~~
2932 ~~delivered online.~~

2933 (VIII) For students enrolled in a school district as a
2934 full-time student, the district may report 1/6 FTE for each
2935 student who passes a statewide, standardized end-of-course
2936 assessment without being enrolled in the corresponding course.

2937 2. A student in membership in a program scheduled for more
2938 or less than 180 school days or the equivalent on an hourly
2939 basis as specified by rules of the State Board of Education is a
2940 fraction of a full-time equivalent membership equal to the



550680

2941 number of instructional hours in membership divided by the
2942 appropriate number of hours set forth in subparagraph (a)1.;
2943 however, for the purposes of this subparagraph, membership in
2944 programs scheduled for more than 180 days is limited to students
2945 enrolled in:

- 2946 a. Juvenile justice education programs.
- 2947 b. The Florida Virtual School.
- 2948 c. Virtual instruction programs and virtual charter schools
2949 for the purpose of course completion and credit recovery
2950 pursuant to ss. 1002.45 and 1003.498. Course completion applies
2951 only to a student who is reported during the second or third
2952 membership surveys and who does not complete a virtual education
2953 course by the end of the regular school year. The course must be
2954 completed no later than the deadline for amending the final
2955 student enrollment survey for that year. Credit recovery applies
2956 only to a student who has unsuccessfully completed a traditional
2957 or virtual education course during the regular school year and
2958 must re-take the course in order to be eligible to graduate with
2959 the student's class.

2960
2961 The full-time equivalent student enrollment calculated under
2962 this subsection is subject to the requirements in subsection
2963 (4).

2964
2965 The department shall determine and implement an equitable method
2966 of equivalent funding for ~~experimental schools and for~~ schools
2967 operating under emergency conditions, which schools have been
2968 approved by the department to operate for less than the minimum
2969 term as provided in s. 1011.60(2) ~~school day~~.



550680

2970 Section 25. Effective July 1, 2016, and upon the expiration
2971 of the amendment to section 1011.62, Florida Statutes, made by
2972 chapter 2015-222, Laws of Florida, paragraphs (e) and (o) of
2973 subsection (1), paragraph (a) of subsection (4), and present
2974 subsection (13) of that section are amended, present subsections
2975 (13), (14), and (15) of that section are redesignated as
2976 subsections (14), (15), and (16), respectively, and a new
2977 subsection (13) is added to that section, to read:

2978 1011.62 Funds for operation of schools.—If the annual
2979 allocation from the Florida Education Finance Program to each
2980 district for operation of schools is not determined in the
2981 annual appropriations act or the substantive bill implementing
2982 the annual appropriations act, it shall be determined as
2983 follows:

2984 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
2985 OPERATION.—The following procedure shall be followed in
2986 determining the annual allocation to each district for
2987 operation:

2988 (e) *Funding model for exceptional student education*
2989 *programs.*—

2990 1.a. The funding model uses basic, at-risk, support levels
2991 IV and V for exceptional students and career Florida Education
2992 Finance Program cost factors, and a guaranteed allocation for
2993 exceptional student education programs. Exceptional education
2994 cost factors are determined by using a matrix of services to
2995 document the services that each exceptional student will
2996 receive. The nature and intensity of the services indicated on
2997 the matrix shall be consistent with the services described in
2998 each exceptional student's individual educational plan. The



550680

2999 Department of Education shall review and revise the descriptions
3000 of the services and supports included in the matrix of services
3001 for exceptional students and shall implement those revisions
3002 before the beginning of the 2012-2013 school year.

3003 b. In order to generate funds using one of the two weighted
3004 cost factors, a matrix of services must be completed at the time
3005 of the student's initial placement into an exceptional student
3006 education program and at least once every 3 years by personnel
3007 who have received approved training. Nothing listed in the
3008 matrix shall be construed as limiting the services a school
3009 district must provide in order to ensure that exceptional
3010 students are provided a free, appropriate public education.

3011 c. Students identified as exceptional, in accordance with
3012 chapter 6A-6, Florida Administrative Code, who do not have a
3013 matrix of services as specified in sub-subparagraph b. shall
3014 generate funds on the basis of full-time-equivalent student
3015 membership in the Florida Education Finance Program at the same
3016 funding level per student as provided for basic students.

3017 Additional funds for these exceptional students will be provided
3018 through the guaranteed allocation designated in subparagraph 2.

3019 2. For students identified as exceptional who do not have a
3020 matrix of services and students who are gifted in grades K
3021 through 8, there is created a guaranteed allocation to provide
3022 these students with a free appropriate public education, in
3023 accordance with s. 1001.42(4)(1) and rules of the State Board of
3024 Education, which shall be allocated initially ~~annually~~ to each
3025 school district in the amount provided in the General
3026 Appropriations Act. These funds shall be supplemental ~~in~~
3027 ~~addition~~ to the funds appropriated for the basic funding level



550680

3028 ~~on the basis of FTE student membership in the Florida Education~~
3029 ~~Finance Program,~~ and the amount allocated for each school
3030 district shall ~~not~~ be recalculated once during the year, based
3031 on actual student membership from the October FTE survey. Upon
3032 recalculation, if the generated allocation is greater than the
3033 amount provided in the General Appropriations Act, the total
3034 shall be prorated to the level of the appropriation based on
3035 each district's share of the total recalculated amount. These
3036 funds shall be used to provide special education and related
3037 services for exceptional students and students who are gifted in
3038 grades K through 8. ~~Beginning with the 2007-2008 fiscal year,~~ A
3039 district's expenditure of funds from the guaranteed allocation
3040 for students in grades 9 through 12 who are gifted may not be
3041 greater than the amount expended during the 2006-2007 fiscal
3042 year for gifted students in grades 9 through 12.

3043 (o) *Calculation of additional full-time equivalent*
3044 *membership based on successful completion of a career-themed*
3045 *course pursuant to ss. 1003.491, 1003.492, and 1003.493, or*
3046 *courses with embedded CAPE industry certifications or CAPE*
3047 *Digital Tool certificates, and issuance of industry*
3048 *certification identified on the CAPE Industry Certification*
3049 *Funding List pursuant to rules adopted by the State Board of*
3050 *Education or CAPE Digital Tool certificates pursuant to s.*
3051 *1003.4203.-*

3052 1.a. A value of 0.025 full-time equivalent student
3053 membership shall be calculated for CAPE Digital Tool
3054 certificates earned by students in elementary and middle school
3055 grades.

3056 b. A value of 0.1 or 0.2 full-time equivalent student



550680

3057 membership shall be calculated for each student who completes a
3058 course as defined in s. 1003.493(1)(b) or courses with embedded
3059 CAPE industry certifications and who is issued an industry
3060 certification identified annually on the CAPE Industry
3061 Certification Funding List approved under rules adopted by the
3062 State Board of Education. A value of 0.2 full-time equivalent
3063 membership shall be calculated for each student who is issued a
3064 CAPE industry certification that has a statewide articulation
3065 agreement for college credit approved by the State Board of
3066 Education. For CAPE industry certifications that do not
3067 articulate for college credit, the Department of Education shall
3068 assign a full-time equivalent value of 0.1 for each
3069 certification. Middle grades students who earn additional FTE
3070 membership for a CAPE Digital Tool certificate pursuant to sub-
3071 subparagraph a. may not use the previously funded examination to
3072 satisfy the requirements for earning an industry certification
3073 under this sub-subparagraph. Additional FTE membership for an
3074 elementary or middle grades student may ~~shall~~ not exceed 0.1 for
3075 certificates or certifications earned within the same fiscal
3076 year. The State Board of Education shall include the assigned
3077 values on the CAPE Industry Certification Funding List under
3078 rules adopted by the state board. Such value shall be added to
3079 the total full-time equivalent student membership for grades 6
3080 through 12 in the subsequent year ~~for courses that were not~~
3081 ~~provided through dual enrollment~~. CAPE industry certifications
3082 earned through dual enrollment must be reported and funded
3083 pursuant to s. 1011.80. However, if a student earns a
3084 certification through a dual enrollment course and the
3085 certification is not a fundable certification on the



550680

3086 postsecondary certification funding list, or the dual enrollment
3087 certification is earned as a result of an agreement between a
3088 school district and a nonpublic postsecondary institution, the
3089 bonus value shall be funded in the same manner as other nondual
3090 enrollment course industry certifications. In such cases, the
3091 school district may provide for an agreement between the high
3092 school and the technical center, or the school district and the
3093 postsecondary institution may enter into an agreement for
3094 equitable distribution of the bonus funds.

3095 c. A value of 0.3 full-time equivalent student membership
3096 shall be calculated for student completion of the courses and
3097 the embedded certifications identified on the CAPE Industry
3098 Certification Funding List and approved by the commissioner
3099 pursuant to ss. 1003.4203(5) (a) and 1008.44.

3100 d. A value of 0.5 full-time equivalent student membership
3101 shall be calculated for CAPE Acceleration Industry
3102 Certifications that articulate for 15 to 29 college credit
3103 hours, and 1.0 full-time equivalent student membership shall be
3104 calculated for CAPE Acceleration Industry Certifications that
3105 articulate for 30 or more college credit hours pursuant to CAPE
3106 Acceleration Industry Certifications approved by the
3107 commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

3108 2. Each district must allocate at least 80 percent of the
3109 funds provided for CAPE industry certification, in accordance
3110 with this paragraph, to the program that generated the funds.
3111 This allocation may not be used to supplant funds provided for
3112 basic operation of the program.

3113 3. For CAPE industry certifications earned in the 2013-2014
3114 school year and in subsequent years, the school district shall



550680

3115 distribute to each classroom teacher who provided direct
3116 instruction toward the attainment of a CAPE industry
3117 certification that qualified for additional full-time equivalent
3118 membership under subparagraph 1.:

3119 a. A bonus ~~in the amount~~ of \$25 for each student taught by
3120 a teacher who provided instruction in a course that led to the
3121 attainment of a CAPE industry certification on the CAPE Industry
3122 Certification Funding List with a weight of 0.1.

3123 b. A bonus ~~in the amount~~ of \$50 for each student taught by
3124 a teacher who provided instruction in a course that led to the
3125 attainment of a CAPE industry certification on the CAPE Industry
3126 Certification Funding List with a weight of 0.2, ~~0.3, 0.5, and~~
3127 ~~1.0~~.

3128 c. A bonus of \$75 for each student taught by a teacher who
3129 provided instruction in a course that led to the attainment of a
3130 CAPE industry certification on the CAPE Industry Certification
3131 Funding List with a weight of 0.3.

3132 d. A bonus of \$100 for each student taught by a teacher who
3133 provided instruction in a course that led to the attainment of a
3134 CAPE industry certification on the CAPE Industry Certification
3135 Funding List with a weight of 0.5 or 1.0.

3136
3137 Bonuses awarded pursuant to this paragraph shall be provided to
3138 teachers who are employed by the district in the year in which
3139 the additional FTE membership calculation is included in the
3140 calculation. Bonuses shall be calculated based upon the
3141 associated weight of a CAPE industry certification on the CAPE
3142 Industry Certification Funding List for the year in which the
3143 certification is earned by the student. Any bonus awarded to a



550680

3144 teacher under this paragraph ~~may not exceed \$2,000 in any given~~
3145 ~~school year and~~ is in addition to any regular wage or other
3146 bonus the teacher received or is scheduled to receive.

3147 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The
3148 Legislature shall prescribe the aggregate required local effort
3149 for all school districts collectively as an item in the General
3150 Appropriations Act for each fiscal year. The amount that each
3151 district shall provide annually toward the cost of the Florida
3152 Education Finance Program for kindergarten through grade 12
3153 programs shall be calculated as follows:

3154 (a) *Estimated taxable value calculations.*—

3155 1.a. Not later than 2 working days before ~~prior to~~ July 19,
3156 the Department of Revenue shall certify to the Commissioner of
3157 Education its most recent estimate of the taxable value for
3158 school purposes in each school district and the total for all
3159 school districts in the state for the current calendar year
3160 based on the latest available data obtained from the local
3161 property appraisers. The value certified shall be the taxable
3162 value for school purposes for that year, and no further
3163 adjustments shall be made, except those made pursuant to
3164 paragraphs (c) and (d), or an assessment roll change required by
3165 final judicial decisions as specified in paragraph (15) (b)
3166 ~~(14) (b)~~. Not later than July 19, the Commissioner of Education
3167 shall compute a millage rate, rounded to the next highest one
3168 one-thousandth of a mill, which, when applied to 96 percent of
3169 the estimated state total taxable value for school purposes,
3170 would generate the prescribed aggregate required local effort
3171 for that year for all districts. The Commissioner of Education
3172 shall certify to each district school board the millage rate,



550680

3173 computed as prescribed in this subparagraph, as the minimum
3174 millage rate necessary to provide the district required local
3175 effort for that year.

3176 b. The General Appropriations Act shall direct the
3177 computation of the statewide adjusted aggregate amount for
3178 required local effort for all school districts collectively from
3179 ad valorem taxes to ensure that no school district's revenue
3180 from required local effort millage will produce more than 90
3181 percent of the district's total Florida Education Finance
3182 Program calculation as calculated and adopted by the
3183 Legislature, and the adjustment of the required local effort
3184 millage rate of each district that produces more than 90 percent
3185 of its total Florida Education Finance Program entitlement to a
3186 level that will produce only 90 percent of its total Florida
3187 Education Finance Program entitlement in the July calculation.

3188 2. On the same date as the certification in sub-
3189 subparagraph 1.a., the Department of Revenue shall certify to
3190 the Commissioner of Education for each district:

3191 a. Each year for which the property appraiser has certified
3192 the taxable value pursuant to s. 193.122(2) or (3), if
3193 applicable, since the prior certification under sub-subparagraph
3194 1.a.

3195 b. For each year identified in sub-subparagraph a., the
3196 taxable value certified by the appraiser pursuant to s.
3197 193.122(2) or (3), if applicable, since the prior certification
3198 under sub-subparagraph 1.a. This is the certification that
3199 reflects all final administrative actions of the value
3200 adjustment board.

3201 (13) FEDERALLY CONNECTED STUDENT SUPPLEMENT.—The federally



550680

3202 connected student supplement is created to provide supplemental
3203 funding for school districts to support the education of
3204 students connected with federally owned military installations,
3205 National Aeronautics and Space Administration (NASA) real
3206 property, and Indian lands. To be eligible for this supplement,
3207 the district must be eligible for federal Impact Aid Program
3208 funds under s. 8003 of Title VIII of the Elementary and
3209 Secondary Education Act of 1965. The supplement shall be
3210 allocated annually to each eligible school district in the
3211 amount provided in the General Appropriations Act. The
3212 supplement shall be the sum of the student allocation and an
3213 exempt property allocation.

3214 (a) The student allocation shall be calculated based on the
3215 number of students reported for federal Impact Aid Program
3216 funds, including students with disabilities, who meet one of the
3217 following criteria:

3218 1. The student has a parent who is on active duty in the
3219 uniformed services or is an accredited foreign government
3220 official and military officer. Students with disabilities shall
3221 also be reported separately for this category.

3222 2. The student resides on eligible federally owned Indian
3223 land. Students with disabilities shall also be reported
3224 separately for this category.

3225 3. The student resides with a civilian parent who lives or
3226 works on eligible federal property connected with a military
3227 installation or NASA. The number of these students shall be
3228 multiplied by a factor of 0.5.

3229 (b) The total number of federally connected students
3230 calculated under paragraph (a) shall be multiplied by a



550680

3231 percentage of the base student allocation as provided in the
3232 General Appropriations Act. The total of the number of students
3233 with disabilities as reported separately under subparagraphs
3234 (a)1. and (a)2. shall be multiplied by an additional percentage
3235 of the base student allocation as provided in the General
3236 Appropriations Act. The base amount and the amount for students
3237 with disabilities shall be summed to provide the student
3238 allocation.

3239 (c) The exempt property allocation shall be equal to the
3240 tax-exempt value of federal impact aid lands reserved as
3241 military installations, real property owned by NASA, or eligible
3242 federally owned Indian lands located in the district, as of
3243 January 1 of the previous year, multiplied by the millage
3244 authorized and levied under s. 1011.71(2).

3245 (14) ~~(13)~~ QUALITY ASSURANCE GUARANTEE.—The Legislature may
3246 annually in the General Appropriations Act determine a
3247 percentage increase in funds per K-12 unweighted FTE as a
3248 minimum guarantee to each school district. The guarantee shall
3249 be calculated from prior year base funding per unweighted FTE
3250 student which shall include the adjusted FTE dollars as provided
3251 in subsection (15) ~~(14)~~, quality guarantee funds, and actual
3252 nonvoted discretionary local effort from taxes. From the base
3253 funding per unweighted FTE, the increase shall be calculated for
3254 the current year. The current year funds from which the
3255 guarantee shall be determined shall include the adjusted FTE
3256 dollars as provided in subsection (15) ~~(14)~~ and potential
3257 nonvoted discretionary local effort from taxes. A comparison of
3258 current year funds per unweighted FTE to prior year funds per
3259 unweighted FTE shall be computed. For those school districts



550680

3260 which have less than the legislatively assigned percentage
3261 increase, funds shall be provided to guarantee the assigned
3262 percentage increase in funds per unweighted FTE student. Should
3263 appropriated funds be less than the sum of this calculated
3264 amount for all districts, the commissioner shall prorate each
3265 district's allocation. This provision shall be implemented to
3266 the extent specifically funded.

3267 Section 26. Effective July 1, 2016, and upon the expiration
3268 of the amendment to section 1011.71, Florida Statutes, made by
3269 chapter 2015-222, Laws of Florida, subsection (1) of that
3270 section is amended to read:

3271 1011.71 District school tax.—

3272 (1) If the district school tax is not provided in the
3273 General Appropriations Act or the substantive bill implementing
3274 the General Appropriations Act, each district school board
3275 desiring to participate in the state allocation of funds for
3276 current operation as prescribed by s. 1011.62(15) ~~s. 1011.62(14)~~
3277 shall levy on the taxable value for school purposes of the
3278 district, exclusive of millage voted under ~~the provisions of s.~~
3279 9(b) or s. 12, Art. VII of the State Constitution, a millage
3280 rate not to exceed the amount certified by the commissioner as
3281 the minimum millage rate necessary to provide the district
3282 required local effort for the current year, pursuant to s.
3283 1011.62(4)(a)1. In addition to the required local effort millage
3284 levy, each district school board may levy a nonvoted current
3285 operating discretionary millage. The Legislature shall prescribe
3286 annually in the appropriations act the maximum amount of millage
3287 a district may levy.

3288 Section 27. Subsection (2) of section 1012.42, Florida



550680

3289 Statutes, is amended to read:

3290 1012.42 Teacher teaching out-of-field.—

3291 (2) NOTIFICATION REQUIREMENTS.—When a teacher in a district
3292 school system is assigned teaching duties in a class dealing
3293 with subject matter that is outside the field in which the
3294 teacher is certified, outside the field that was the applicant's
3295 minor field of study, or outside the field in which the
3296 applicant has demonstrated sufficient subject area expertise, as
3297 determined by district school board policy in the subject area
3298 to be taught, the parents of all students in the class shall be
3299 notified in writing of such assignment, and each school district
3300 shall report out-of-field teachers on the district's website
3301 within 30 days before the beginning of each semester. A parent
3302 whose student is assigned an out-of-field teacher may request
3303 that his or her child be transferred to an in-field classroom
3304 teacher within the school and grade in which the student is
3305 currently enrolled. The school district must approve or deny the
3306 parent's request and transfer the student to a different
3307 classroom teacher within a reasonable period of time, not to
3308 exceed 2 weeks, if an in-field teacher for that course or grade
3309 level is employed by the school and the transfer does not
3310 violate maximum class size pursuant to s. 1003.03 and s. 1, Art.
3311 IX of the State Constitution. If a request for transfer is
3312 denied, the school must notify the parent and specify the
3313 reasons for the denial. An explanation of the transfer process
3314 must be made available in the student handbook or a similar
3315 publication. This subsection does not provide a parent the right
3316 to choose a specific teacher.

3317 Section 28. Paragraph (b) of subsection (8) of section



550680

3318 1012.56, Florida Statutes, is amended to read:

3319 1012.56 Educator certification requirements.—

3320 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION
3321 COMPETENCY PROGRAM.—

3322 (b)1. Each school district must and a private school or
3323 state-supported ~~state-supported~~ public school, including a
3324 charter school, or a private school may develop and maintain a
3325 system by which members of the instructional staff may
3326 demonstrate mastery of professional preparation and education
3327 competence as required by law. Each program must be based on
3328 classroom application of the Florida Educator Accomplished
3329 Practices and instructional performance and, for public schools,
3330 must be aligned with the district's or state-supported public
3331 school's evaluation system established ~~approved~~ under s.
3332 1012.34, as applicable.

3333 2. The Commissioner of Education shall determine the
3334 continued approval of programs implemented under this paragraph,
3335 based upon the department's review of performance data. The
3336 department shall review the performance data as a part of the
3337 periodic review of each school district's professional
3338 development system required under s. 1012.98.

3339 Section 29. Section 1012.583, Florida Statutes, is created
3340 to read:

3341 1012.583 Continuing education and inservice training for
3342 youth suicide awareness and prevention.—

3343 (1) Beginning with the 2016-2017 school year, the
3344 Department of Education shall incorporate 2 hours of training in
3345 youth suicide awareness and prevention into existing
3346 requirements for continuing education or inservice training for



3347 instructional personnel in elementary school, middle school, and
3348 high school.

3349 (2) The department, in consultation with the Statewide
3350 Office for Suicide Prevention and suicide prevention experts,
3351 shall develop a list of approved youth suicide awareness and
3352 prevention training materials. The materials:

3353 (a) Must include training on how to identify appropriate
3354 mental health services and how to refer youth and their families
3355 to those services.

3356 (b) May include materials currently being used by a school
3357 district if such materials meet any criteria established by the
3358 department.

3359 (c) May include programs that instructional personnel can
3360 complete through a self-review of approved youth suicide
3361 awareness and prevention materials.

3362 (3) The training required by this section must be included
3363 in the existing continuing education or inservice training
3364 requirements for instructional personnel and may not add to the
3365 total hours currently required by the department.

3366 (4) A person has no cause of action for any loss or damage
3367 caused by an act or omission resulting from the implementation
3368 of this section or resulting from any training required by this
3369 section unless the loss or damage was caused by willful or
3370 wanton misconduct. This section does not create any new duty of
3371 care or basis of liability.

3372 (5) The State Board of Education may adopt rules to
3373 implement this section.

3374 Section 30. Paragraph (o) is added to subsection (1) of
3375 section 1012.795, Florida Statutes, and subsection (5) of that



550680

3376 section is amended, to read:

3377 1012.795 Education Practices Commission; authority to
3378 discipline.—

3379 (1) The Education Practices Commission may suspend the
3380 educator certificate of any person as defined in s. 1012.01(2)
3381 or (3) for up to 5 years, thereby denying that person the right
3382 to teach or otherwise be employed by a district school board or
3383 public school in any capacity requiring direct contact with
3384 students for that period of time, after which the holder may
3385 return to teaching as provided in subsection (4); may revoke the
3386 educator certificate of any person, thereby denying that person
3387 the right to teach or otherwise be employed by a district school
3388 board or public school in any capacity requiring direct contact
3389 with students for up to 10 years, with reinstatement subject to
3390 the provisions of subsection (4); may revoke permanently the
3391 educator certificate of any person thereby denying that person
3392 the right to teach or otherwise be employed by a district school
3393 board or public school in any capacity requiring direct contact
3394 with students; may suspend the educator certificate, upon an
3395 order of the court or notice by the Department of Revenue
3396 relating to the payment of child support; or may impose any
3397 other penalty provided by law, if the person:

3398 (o) Has committed a third recruiting offense as determined
3399 by the Florida High School Athletic Association (FHSAA) pursuant
3400 to s. 1006.20(2)(b).

3401 (5) Each district school superintendent and the governing
3402 authority of each university lab school, state-supported school,
3403 ~~or~~ private school, and the FHSAA shall report to the department
3404 the name of any person certified pursuant to this chapter or



550680

3405 employed and qualified pursuant to s. 1012.39:

3406 (a) Who has been convicted of, or who has pled nolo
3407 contendere to, a misdemeanor, felony, or any other criminal
3408 charge, other than a minor traffic infraction;

3409 (b) Who that official has reason to believe has committed
3410 or is found to have committed any act which would be a ground
3411 for revocation or suspension under subsection (1); or

3412 (c) Who has been dismissed or severed from employment
3413 because of conduct involving any immoral, unnatural, or
3414 lascivious act.

3415 Section 31. Subsections (3) and (7) of section 1012.796,
3416 Florida Statutes, are amended to read:

3417 1012.796 Complaints against teachers and administrators;
3418 procedure; penalties.-

3419 (3) The department staff shall advise the commissioner
3420 concerning the findings of the investigation and of all
3421 referrals by the Florida High School Athletic Association
3422 (FHSA) pursuant to ss. 1006.20(2)(b) and 1012.795. The
3423 department general counsel or members of that staff shall review
3424 the investigation or the referral and advise the commissioner
3425 concerning probable cause or lack thereof. The determination of
3426 probable cause shall be made by the commissioner. The
3427 commissioner shall provide an opportunity for a conference, if
3428 requested, prior to determining probable cause. The commissioner
3429 may enter into deferred prosecution agreements in lieu of
3430 finding probable cause if, in his or her judgment, such
3431 agreements are in the best interests of the department, the
3432 certificateholder, and the public. Such deferred prosecution
3433 agreements shall become effective when filed with the clerk of



550680

3434 the Education Practices Commission. However, a deferred
3435 prosecution agreement shall not be entered into if there is
3436 probable cause to believe that a felony or an act of moral
3437 turpitude, as defined by rule of the State Board of Education,
3438 has occurred, or for referrals by the FHSAA. Upon finding no
3439 probable cause, the commissioner shall dismiss the complaint.

3440 (7) A panel of the commission shall enter a final order
3441 either dismissing the complaint or imposing one or more of the
3442 following penalties:

3443 (a) Denial of an application for a teaching certificate or
3444 for an administrative or supervisory endorsement on a teaching
3445 certificate. The denial may provide that the applicant may not
3446 reapply for certification, and that the department may refuse to
3447 consider that applicant's application, for a specified period of
3448 time or permanently.

3449 (b) Revocation or suspension of a certificate.

3450 (c) Imposition of an administrative fine not to exceed
3451 \$2,000 for each count or separate offense.

3452 (d) Placement of the teacher, administrator, or supervisor
3453 on probation for a period of time and subject to such conditions
3454 as the commission may specify, including requiring the certified
3455 teacher, administrator, or supervisor to complete additional
3456 appropriate college courses or work with another certified
3457 educator, with the administrative costs of monitoring the
3458 probation assessed to the educator placed on probation. An
3459 educator who has been placed on probation shall, at a minimum:

3460 1. Immediately notify the investigative office in the
3461 Department of Education upon employment or termination of
3462 employment in the state in any public or private position



550680

3463 requiring a Florida educator's certificate.

3464 2. Have his or her immediate supervisor submit annual
3465 performance reports to the investigative office in the
3466 Department of Education.

3467 3. Pay to the commission within the first 6 months of each
3468 probation year the administrative costs of monitoring probation
3469 assessed to the educator.

3470 4. Violate no law and shall fully comply with all district
3471 school board policies, school rules, and State Board of
3472 Education rules.

3473 5. Satisfactorily perform his or her assigned duties in a
3474 competent, professional manner.

3475 6. Bear all costs of complying with the terms of a final
3476 order entered by the commission.

3477 (e) Restriction of the authorized scope of practice of the
3478 teacher, administrator, or supervisor.

3479 (f) Reprimand of the teacher, administrator, or supervisor
3480 in writing, with a copy to be placed in the certification file
3481 of such person.

3482 (g) Imposition of an administrative sanction, upon a person
3483 whose teaching certificate has expired, for an act or acts
3484 committed while that person possessed a teaching certificate or
3485 an expired certificate subject to late renewal, which sanction
3486 bars that person from applying for a new certificate for a
3487 period of 10 years or less, or permanently.

3488 (h) Refer the teacher, administrator, or supervisor to the
3489 recovery network program provided in s. 1012.798 under such
3490 terms and conditions as the commission may specify.

3491



550680

3492 The penalties imposed under this subsection are in addition to,
3493 and not in lieu of, the penalties required for a third
3494 recruiting offense pursuant to s. 1006.20(2)(b).

3495 Section 32. Section 1013.385, Florida Statutes, is created
3496 to read:

3497 1013.385 School district construction flexibility.-

3498 (1) A district school board may, with a supermajority vote
3499 at a public meeting that begins no earlier than 5 p.m., adopt a
3500 resolution to implement one or more of the exceptions to the
3501 educational facilities construction requirements provided in
3502 this section. Before voting on the resolution, a district school
3503 board must conduct a cost-benefit analysis prepared according to
3504 a professionally accepted methodology that describes how each
3505 exception selected by the district school board achieves cost
3506 savings, improves the efficient use of school district
3507 resources, and impacts the life-cycle costs and life span for
3508 each educational facility to be constructed, as applicable, and
3509 demonstrates that implementation of the exception will not
3510 compromise student safety or the quality of student instruction.

3511 The district school board must conduct at least one public
3512 workshop to discuss and receive public comment on the proposed
3513 resolution and cost-benefit analysis, which must begin no
3514 earlier than 5 p.m. and may occur at the same meeting at which
3515 the resolution will be voted upon.

3516 (2) A resolution adopted under this section may propose
3517 implementation of exceptions to requirements of the uniform
3518 statewide building code for the planning and construction of
3519 public educational and ancillary plants adopted pursuant to ss.
3520 553.73 and 1013.37 relating to:



550680

3521 (a) Interior non-load-bearing walls, by approving the use
3522 of fire-rated wood stud walls in new construction or remodeling
3523 for interior non-load-bearing wall assemblies that will not be
3524 exposed to water or located in wet areas.

3525 (b) Walkways, roadways, driveways, and parking areas, by
3526 approving the use of designated, stabilized, and well-drained
3527 gravel or grassed student parking areas.

3528 (c) Standards for relocatables used as classroom space, as
3529 specified in s. 1013.20, by approving construction
3530 specifications for installation of relocatable buildings that do
3531 not have covered walkways leading to the permanent buildings
3532 onsite.

3533 (d) Site lighting, by approving construction specifications
3534 regarding site lighting that:

3535 1. Do not provide for lighting of gravel or grassed
3536 auxiliary or student parking areas.

3537 2. Provide lighting for walkways, roadways, driveways,
3538 paved parking lots, exterior stairs, ramps, and walkways from
3539 the exterior of the building to a public walkway through
3540 installation of a timer that is set to provide lighting only
3541 during periods when the site is occupied.

3542 3. Allow lighting for building entrances and exits to be
3543 installed with a timer that is set to provide lighting only
3544 during periods in which the building is occupied. The minimum
3545 illumination level at single-door exits may be reduced to no
3546 less than 1 foot-candle.

3547 Section 33. Notwithstanding s. 1002.69(5), Florida
3548 Statutes, for the 2014-2015 and 2015-2016 Voluntary
3549 Prekindergarten Education program years, the office shall not



550680

3550 adopt a kindergarten readiness rate. Any private prekindergarten
3551 provider or public school that was on probation pursuant to s.
3552 1002.67(4)(c), Florida Statutes, for the 2013-2014 program year,
3553 shall remain on probation until the provider or school meets the
3554 minimum rate adopted by the office. This section expires July 1,
3555 2017.

3556 Section 34. Upon becoming a law, subsection (8) of section
3557 1012.33, Florida Statutes, is amended to read:

3558 1012.33 Contracts with instructional staff, supervisors,
3559 and school principals.—

3560 (8) Notwithstanding any other provision of law, a retired
3561 member may interrupt retirement and be reemployed in any public
3562 school as instructional personnel under a 1-year probationary
3563 contract as defined in s. 1012.335(1). If the retiree
3564 successfully completes the probationary contract, the district
3565 school board may reemploy the retiree under an annual contract
3566 as defined in s. 1012.335(1). The retiree is not eligible for a
3567 professional service contract ~~A member reemployed by the same~~
3568 ~~district from which he or she retired may be employed on a~~
3569 ~~probationary contractual basis as provided in subsection (1).~~

3570 Section 35. Subsection (1) of section 1003.44, Florida
3571 Statutes, is amended to read:

3572 1003.44 Patriotic programs; rules.—

3573 (1) Each district school board may adopt rules to require,
3574 in all of the schools of the district, programs of a patriotic
3575 nature to encourage greater respect for the government of the
3576 United States and its national anthem and flag, subject always
3577 to other existing pertinent laws of the United States or of the
3578 state. When the national anthem is played, students and all



3579 civilians shall stand at attention, men removing the headdress,
3580 except when such headdress is worn for religious purposes. The
3581 pledge of allegiance to the flag, "I pledge allegiance to the
3582 flag of the United States of America and to the republic for
3583 which it stands, one nation under God, indivisible, with liberty
3584 and justice for all," shall be rendered by students standing
3585 with the right hand over the heart. The pledge of allegiance to
3586 the flag shall be recited at the beginning of the day in each
3587 public elementary, middle, and high school in the state. Each
3588 student shall be informed by a written notice published in the
3589 student handbook or a similar publication pursuant to s.
3590 1006.07(2) ~~posting a notice in a conspicuous place~~ that the
3591 student has the right not to participate in reciting the pledge.
3592 Upon written request by his or her parent, the student must be
3593 excused from reciting the pledge. When the pledge is given,
3594 civilians must show full respect to the flag by standing at
3595 attention, men removing the headdress, except when such
3596 headdress is worn for religious purposes, as provided by Pub. L.
3597 ch. 77-435, s. 7, approved June 22, 1942, 56 Stat. 377, as
3598 amended by Pub. L. ch. 77-806, 56 Stat. 1074, approved December
3599 22, 1942.

3600 Section 36. Except as otherwise expressly provided in this
3601 act and except for this section, which shall take effect upon
3602 this act becoming law, this act shall take effect July 1, 2016.
3603

3604 ===== T I T L E A M E N D M E N T =====

3605 And the title is amended as follows:

3606 Delete everything before the enacting clause
3607 and insert:



550680

3608 A bill to be entitled
3609 An act relating to education; creating s. 617.221,
3610 F.S.; defining the term "membership association";
3611 requiring the assessment of dues paid to a membership
3612 association by certain elected and appointed officials
3613 with public funds; amending s. 1001.42, F.S.; revising
3614 the duties of a district school board; creating s.
3615 1001.67, F.S.; establishing a collaboration between
3616 the state board and the Legislature to designate
3617 certain Florida College System institutions as
3618 distinguished colleges; specifying standards for the
3619 designation; requiring the state board to award the
3620 designation to certain Florida College System
3621 institutions; providing that the designated
3622 institutions are eligible for funding as specified in
3623 the General Appropriations Act; amending s. 1002.20,
3624 F.S.; revising public school choice options available
3625 to students to include CAPE digital tools, CAPE
3626 industry certifications, and collegiate high school
3627 programs; authorizing parents of public school
3628 students to seek private educational choice options
3629 through the Florida Personal Learning Scholarship
3630 Accounts Program under certain circumstances; revising
3631 student eligibility requirements for participating in
3632 high school athletic competitions; authorizing public
3633 schools to provide transportation to students
3634 participating in open enrollment; amending s. 1002.31,
3635 F.S.; requiring each district school board and charter
3636 school governing board to authorize a parent to have



3637 his or her child participate in controlled open
3638 enrollment; requiring the school district to report
3639 the student for purposes of the school district's
3640 funding; authorizing a school district to provide
3641 transportation to such students; requiring that each
3642 district school board adopt and publish on its website
3643 a controlled open enrollment process; specifying
3644 criteria for the process; prohibiting a school
3645 district from delaying or preventing a student who
3646 participates in controlled open enrollment from being
3647 immediately eligible to participate in certain
3648 activities; amending s. 1002.33, F.S.; making
3649 technical changes relating to requirements for the
3650 creation of a virtual charter school; conforming
3651 cross-references; specifying that a sponsor may not
3652 require a charter school to adopt the sponsor's
3653 reading plan and that charter schools are eligible for
3654 the research-based reading allocation if certain
3655 criteria are met; revising required contents of
3656 charter school applications; conforming provisions
3657 regarding the appeal process for denial of a high-
3658 performing charter school application; requiring an
3659 applicant to provide the sponsor with a copy of an
3660 appeal to an application denial; authorizing a charter
3661 school to defer the opening of its operations for up
3662 to a specified time; requiring the charter school to
3663 provide written notice to certain entities by a
3664 specified date; revising provisions relating to long-
3665 term charters and charter terminations; specifying



3666 notice requirements for voluntary closure of a charter
3667 school; deleting a requirement that students in a
3668 blended learning course receive certain instruction in
3669 a classroom setting; providing that a student may not
3670 be dismissed from a charter school based on his or her
3671 academic performance; requiring a charter school
3672 applicant to provide monthly financial statements
3673 before opening; requiring a sponsor to review each
3674 financial statement of a charter school to identify
3675 the existence of certain conditions; providing for the
3676 automatic termination of a charter contract if certain
3677 conditions are met; requiring a sponsor to notify
3678 certain parties when a charter contract is terminated
3679 for specific reasons; authorizing governing board
3680 members to hold a certain number of public meetings
3681 and participate in such meetings in person or through
3682 communications media technology; revising charter
3683 school student eligibility requirements; revising
3684 requirements for payments to charter schools; allowing
3685 for the use of certain surpluses and assets by
3686 specific entities for certain educational purposes;
3687 providing for an injunction under certain
3688 circumstances; establishing the administrative fee
3689 that a sponsor may withhold for charter schools
3690 operating in a critical need area; providing an
3691 exemption from certain administrative fees; conforming
3692 cross-references; creating s. 1001.66, F.S.; creating
3693 a Florida College System Performance-Based Incentive
3694 for Florida College System institutions; requiring the



3695 State Board of Education to adopt certain metrics and
3696 benchmarks; providing for funding and allocation of
3697 the incentives; authorizing the state board to
3698 withhold an institution's incentive under certain
3699 circumstances; requiring the Commissioner of Education
3700 to withhold certain disbursements under certain
3701 circumstances; providing for reporting and rulemaking;
3702 amending s. 1001.7065, F.S.; deleting obsolete
3703 provisions; revising the academic and research
3704 excellence standards for the preeminent state research
3705 universities program; requiring the Board of Governors
3706 to designate a state university that meets specified
3707 requirements as an "emerging preeminent state research
3708 university"; requiring an emerging preeminent state
3709 research university to submit a certain plan to the
3710 board and meet specified expectations to receive
3711 certain funds; providing for the distribution of
3712 certain funding increases; deleting provisions
3713 relating to the preeminent state research university
3714 enhancement initiative and special course requirement
3715 authorization; amending s. 1001.92, F.S.; requiring
3716 performance-based metrics to include specified wage
3717 thresholds; requiring the board to establish minimum
3718 performance funding eligibility thresholds;
3719 prohibiting a state university that fails to meet the
3720 state's threshold from eligibility for a share of the
3721 state's investment performance funding; requiring the
3722 board to adopt regulations; deleting an expiration;
3723 amending s. 1003.4282, F.S.; revising the online



3724 course requirement; authorizing a district school
3725 board or a charter school governing board to offer
3726 certain additional options to meet the requirement;
3727 amending s. 1013.62, F.S.; revising requirements for a
3728 charter school to be eligible for funding appropriated
3729 for charter school capital outlay purposes; deleting
3730 provisions relating to priorities for charter school
3731 capital outlay funding; deleting provisions relating
3732 to a charter school's allocation; providing that a
3733 charter school is not eligible for funding unless it
3734 meets certain requirements; defining the term
3735 "affiliated party of the charter school"; revising the
3736 funding allocation calculation; requiring the
3737 Department of Education to calculate and periodically
3738 recalculate, as necessary, the eligible charter school
3739 funding allocations; deleting provisions relating to
3740 certain duties of the Commissioner of Education;
3741 amending s. 1013.64, F.S.; providing that a school
3742 district may not receive funds from the Special
3743 Facility Construction Account under certain
3744 circumstances; revising the criteria for a request for
3745 funding; authorizing the request for a preapplication
3746 review to take place at any time; providing
3747 exceptions; revising the timeframe for completion of
3748 the review; providing that certain capital outlay
3749 full-time equivalent student enrollment estimates be
3750 determined by specified estimating conferences;
3751 requiring surveys to be cooperatively prepared by
3752 certain entities and approved by the Department of



3753 Education; prohibiting certain consultants from
3754 specified employment and compensation; providing an
3755 exception to prohibiting the cost per student station
3756 from exceeding a certain amount; requiring a school
3757 district to levy the maximum millage against certain
3758 property value under certain circumstances; reducing
3759 the required millage to be budgeted for a project;
3760 requiring certain plans to be finalized by a specified
3761 date; requiring a representative of the department to
3762 chair the Special Facility Construction Committee;
3763 requiring school districts to maintain accurate
3764 documentation related to specified costs; requiring
3765 the Auditor General to review such documentation;
3766 providing that the department makes final
3767 determinations on compliance; requiring the Office of
3768 Program Policy Analysis and Government Accountability
3769 to conduct a study, in consultation with the
3770 department, on cost per student station amounts and on
3771 the State Requirements for Education Facilities;
3772 requiring reports to the Governor and the Legislature
3773 by a specified date; prohibiting a district school
3774 board from using funds for specified purposes for
3775 certain projects; providing sanctions for school
3776 districts that exceed certain costs; providing for the
3777 creation of a district capital outlay oversight
3778 committee; providing for membership of the oversight
3779 committee; requiring the department to provide certain
3780 reports to the Auditor General; deleting a provision
3781 relating to applicability of certain restrictions on



3782 the cost per student station of new construction;
3783 amending s. 1002.37, F.S.; revising the calculation of
3784 "full-time equivalent student"; conforming a cross-
3785 reference; amending s. 1002.391, F.S.; requiring a
3786 school district to add a specified number of points to
3787 the calculation of a matrix of services for a student
3788 who is deaf and enrolled in an auditory-oral education
3789 program; amending s. 1002.45, F.S.; conforming cross-
3790 references; deleting a provision related to
3791 educational funding for students enrolled in certain
3792 virtual education courses; revising conditions for
3793 termination of a virtual instruction provider's
3794 contract; creating s. 1003.3101, F.S.; requiring each
3795 school district board to establish a classroom teacher
3796 transfer process for parents, to approve or deny a
3797 transfer request within a certain timeframe, to notify
3798 a parent of a denial, and to post an explanation of
3799 the transfer process in the student handbook or a
3800 similar publication; amending s. 1003.4295, F.S.;
3801 revising the purpose of the Credit Acceleration
3802 Program; requiring students to earn passing scores on
3803 specified assessments and examinations to earn course
3804 credit; amending s. 1004.935, F.S.; deleting the
3805 scheduled termination of the Adults with Disabilities
3806 Workforce Education Pilot Program; changing the name
3807 of the program to the "Adults with Disabilities
3808 Workforce Education Program"; amending s. 1006.15,
3809 F.S.; defining the term "eligible to participate";
3810 conforming provisions to changes made by the act;



550680

3811 prohibiting a school district from delaying or
3812 preventing a student who participates in open
3813 controlled enrollment from being immediately eligible
3814 to participate in certain activities; authorizing a
3815 transfer student to immediately participate in
3816 interscholastic or intrascholastic activities under
3817 certain circumstances; prohibiting a school district
3818 or the Florida High School Athletic Association
3819 (FHSAA) from declaring a transfer student ineligible
3820 under certain circumstances; creating s. 1006.195,
3821 F.S.; requiring district school boards to establish in
3822 codes of student conduct eligibility standards and
3823 disciplinary actions relating to students
3824 participating in interscholastic and intrascholastic
3825 extracurricular activities; providing guidelines and
3826 applicability; requiring the FHSAA to comply with
3827 certain requirements by a specified date; amending s.
3828 1006.20, F.S.; requiring the FHSAA to allow a private
3829 school to maintain full membership in the association
3830 or to join by sport; prohibiting the FHSAA from
3831 discouraging a private school from maintaining
3832 membership in the FHSAA and another athletic
3833 association; authorizing the FHSAA to allow a public
3834 school to apply for consideration to join another
3835 athletic association; specifying penalties for
3836 recruiting violations; requiring a school to forfeit a
3837 competition, including resulting honors, in which a
3838 student who was recruited in a prohibitive manner;
3839 revising circumstances under which a student may be



3840 declared ineligible; requiring student ineligibility
3841 to be established by a preponderance of the evidence;
3842 amending s. 1007.35, F.S.; revising the exams each
3843 public high school is required to administer to all
3844 enrolled 10th grade students to include ACT Aspire;
3845 amending s. 1009.893, F.S.; changing the name of the
3846 "Florida National Merit Scholar Incentive Program" to
3847 the "Benacquisto Scholarship Program"; providing that
3848 a student who receives a scholarship award under the
3849 program will be referred to as a Benacquisto Scholar;
3850 encouraging all eligible Florida public or independent
3851 postsecondary educational institutions, and requiring
3852 all eligible state universities, to become college
3853 sponsors of the National Merit Scholarship Program;
3854 amending s. 1011.61, F.S.; revising the definition of
3855 "full-time equivalent student"; amending s. 1011.62,
3856 F.S.; conforming a cross-reference; revising the
3857 calculation for certain supplemental funds for
3858 exceptional student education programs; requiring the
3859 funds to be prorated under certain circumstances;
3860 revising the funding of full-time equivalent values
3861 for students who earn CAPE industry certifications
3862 through dual enrollment; deleting a provision
3863 prohibiting a teacher's bonus from exceeding a
3864 specified amount; creating a federally connected
3865 student supplement for school districts; specifying
3866 eligibility requirements and calculations for
3867 allocations of the supplement; amending s. 1011.71,
3868 F.S.; conforming a cross-reference; amending s.



3869 1012.42, F.S.; authorizing a parent of a child whose
3870 teacher is teaching outside the teacher's field to
3871 request that the child be transferred to another
3872 classroom teacher within the school and grade in which
3873 the child is currently enrolled within a specified
3874 timeframe; specifying that a transfer does not provide
3875 a parent the right to choose a specific teacher;
3876 amending s. 1012.56, F.S.; authorizing a charter
3877 school to develop and operate a professional
3878 development certification and education competency
3879 program; creating s. 1012.583, F.S.; requiring the
3880 Department of Education to incorporate training in
3881 youth suicide awareness and prevention into certain
3882 instructional personnel continuing education or
3883 inservice training requirements; requiring the
3884 department, in consultation with the Statewide Office
3885 for Suicide Prevention and suicide prevention experts,
3886 to develop a list of approved materials for the
3887 training; specifying requirements for training
3888 materials; requiring the training to be included in
3889 the existing continuing education or inservice
3890 training requirements; providing that no cause of
3891 action results from the implementation of this act;
3892 providing for rulemaking; amending ss. 1012.795 and
3893 1012.796, F.S.; conforming provisions to changes made
3894 by the act; creating s. 1013.385, F.S.; providing for
3895 school district construction flexibility; authorizing
3896 exceptions to educational facilities construction
3897 requirements under certain circumstances;



3898 prohibiting the office from adopting a kindergarten
3899 readiness rate for the 2014-2015 and 2015-2016
3900 Voluntary Prekindergarten Education program years;
3901 providing that any private prekindergarten provider or
3902 public school that was on probation for the 2013-2014
3903 program year remains on probation until meeting the
3904 minimum kindergarten readiness rate adopted by the
3905 office; providing for future expiration; amending s.
3906 1012.33, F.S.; revising provisions relating to
3907 reemployment of retirees as instructional personnel on
3908 a contract basis; providing that retirees are not
3909 eligible for a professional service contract; amending
3910 s. 1003.44, F.S.; requiring a written notice of a
3911 student's right not to participate in the pledge of
3912 allegiance to be included in a specific publication;
3913 providing effective dates.