



927886

LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/RM	.	Floor: SENAT/C
03/11/2016 02:16 PM	.	03/11/2016 04:05 PM
	.	

Senator Gaetz moved the following:

1 **Senate Amendment to House Amendment (635159) to Senate**
2 **Amendment (with title amendment)**

3
4 Delete lines 125 - 3828

5 and insert:

6 in the charter school.

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

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



927886

12 1. Demonstrates how the school will use the guiding
13 principles and meet the statutorily defined purpose of a charter
14 school.

15 2. Provides a detailed curriculum plan that illustrates how
16 students will be provided services to attain the Sunshine State
17 Standards.

18 3. Contains goals and objectives for improving student
19 learning and measuring that improvement. These goals and
20 objectives must indicate how much academic improvement students
21 are expected to show each year, how success will be evaluated,
22 and the specific results to be attained through instruction.

23 4. Describes the reading curriculum and differentiated
24 strategies that will be used for students reading at grade level
25 or higher and a separate curriculum and strategies for students
26 who are reading below grade level. A sponsor shall deny an
27 application ~~a charter~~ if the school does not propose a reading
28 curriculum that is consistent with effective teaching strategies
29 that are grounded in scientifically based reading research.

30 5. Contains an annual financial plan for each year
31 requested by the charter for operation of the school for up to 5
32 years. This plan must contain anticipated fund balances based on
33 revenue projections, a spending plan based on projected revenues
34 and expenses, and a description of controls that will safeguard
35 finances and projected enrollment trends.

36 6. Discloses the name of each applicant, governing board
37 member, and all proposed education services providers; the name
38 and sponsor of any charter school operated by each applicant,
39 each governing board member, and each proposed education
40 services provider that has closed and the reasons for the



927886

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

44 ~~7.6.~~ Contains additional information a sponsor may require,
45 which shall be attached as an addendum to the charter school
46 application described in this paragraph.

47 ~~8.7.~~ For the establishment of a virtual charter school,
48 documents that the applicant has contracted with a provider of
49 virtual instruction services pursuant to s. 1002.45(1)(d).

50 (b) A sponsor shall receive and review all applications for
51 a charter school using the ~~an~~ evaluation instrument developed by
52 the Department of Education. A sponsor shall receive and
53 consider charter school applications received on or before
54 August 1 of each calendar year for charter schools to be opened
55 at the beginning of the school district's next school year, or
56 to be opened at a time agreed to by the applicant and the
57 sponsor. A sponsor may not refuse to receive a charter school
58 application submitted before August 1 and may receive an
59 application submitted later than August 1 if it chooses. In
60 order to facilitate greater collaboration in the application
61 process, an applicant may submit a draft charter school
62 application on or before May 1 with an application fee of \$500.
63 If a draft application is timely submitted, the sponsor shall
64 review and provide feedback as to material deficiencies in the
65 application by July 1. The applicant shall then have until
66 August 1 to resubmit a revised and final application. The
67 sponsor may approve the draft application. Except as provided
68 for a draft application, a sponsor may not charge an applicant
69 for a charter any fee for the processing or consideration of an



927886

70 application, and a sponsor may not base its consideration or
71 approval of a final application upon the promise of future
72 payment of any kind. Before approving or denying any final
73 application, the sponsor shall allow the applicant, upon receipt
74 of written notification, at least 7 calendar days to make
75 technical or nonsubstantive corrections and clarifications,
76 including, but not limited to, corrections of grammatical,
77 typographical, and like errors or missing signatures, if such
78 errors are identified by the sponsor as cause to deny the final
79 application.

80 1. In order to facilitate an accurate budget projection
81 process, a sponsor shall be held harmless for FTE students who
82 are not included in the FTE projection due to approval of
83 charter school applications after the FTE projection deadline.
84 In a further effort to facilitate an accurate budget projection,
85 within 15 calendar days after receipt of a charter school
86 application, a sponsor shall report to the Department of
87 Education the name of the applicant entity, the proposed charter
88 school location, and its projected FTE.

89 2. In order to ensure fiscal responsibility, an application
90 for a charter school shall include a full accounting of expected
91 assets, a projection of expected sources and amounts of income,
92 including income derived from projected student enrollments and
93 from community support, and an expense projection that includes
94 full accounting of the costs of operation, including start-up
95 costs.

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



927886

99 in writing to temporarily postpone the vote to a specific date,
100 at which time the sponsor shall by a majority vote approve or
101 deny the application. If the sponsor fails to act on the
102 application, an applicant may appeal to the State Board of
103 Education as provided in paragraph (c). If an application is
104 denied, the sponsor shall, within 10 calendar days after such
105 denial, articulate in writing the specific reasons, based upon
106 good cause, supporting its denial of the ~~charter~~ application and
107 shall provide the letter of denial and supporting documentation
108 to the applicant and to the Department of Education.

109 b. An application submitted by a high-performing charter
110 school identified pursuant to s. 1002.331 may be denied by the
111 sponsor only if the sponsor demonstrates by clear and convincing
112 evidence that:

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

115 (II) The charter school proposed in the application does
116 not materially comply with the requirements in paragraphs
117 (9) (a) - (f);

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

121 (IV) The applicant has made a material misrepresentation or
122 false statement or concealed an essential or material fact
123 during the application process; or

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

127



927886

128 Material noncompliance is a failure to follow requirements or a
129 violation of prohibitions applicable to charter school
130 applications, which failure is quantitatively or qualitatively
131 significant either individually or when aggregated with other
132 noncompliance. An applicant is considered to be replicating a
133 high-performing charter school if the proposed school is
134 substantially similar to at least one of the applicant's high-
135 performing charter schools and the organization or individuals
136 involved in the establishment and operation of the proposed
137 school are significantly involved in the operation of replicated
138 schools.

139 c. If the sponsor denies an application submitted by a
140 high-performing charter school, the sponsor must, within 10
141 calendar days after such denial, state in writing the specific
142 reasons, based upon the criteria in sub-subparagraph b.,
143 supporting its denial of the application and must provide the
144 letter of denial and supporting documentation to the applicant
145 and to the Department of Education. The applicant may appeal the
146 sponsor's denial of the application directly to the State Board
147 of Education and, if an appeal is filed, must provide a copy of
148 the appeal to the sponsor pursuant to paragraph (c) ~~sub-~~
149 subparagraph ~~(c)3.b.~~

150 4. For budget projection purposes, the sponsor shall report
151 to the Department of Education the approval or denial of an a
152 ~~charter~~ application within 10 calendar days after such approval
153 or denial. In the event of approval, the report to the
154 Department of Education shall include the final projected FTE
155 for the approved charter school.

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



157 startup shall commence with the beginning of the public school
158 calendar for the district in which the charter is granted. A
159 charter school may defer the opening of the school's operations
160 for up to 2 years to provide time for adequate facility
161 planning. The charter school must provide written notice of such
162 intent to the sponsor and the parents of enrolled students at
163 least 30 calendar days before the first day of school ~~unless the~~
164 ~~sponsor allows a waiver of this subparagraph for good cause.~~

165 (7) CHARTER.—The major issues involving the operation of a
166 charter school shall be considered in advance and written into
167 the charter. The charter shall be signed by the governing board
168 of the charter school and the sponsor, following a public
169 hearing to ensure community input.

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

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

174 2. The focus of the curriculum, the instructional methods
175 to be used, any distinctive instructional techniques to be
176 employed, and identification and acquisition of appropriate
177 technologies needed to improve educational and administrative
178 performance which include a means for promoting safe, ethical,
179 and appropriate uses of technology which comply with legal and
180 professional standards.

181 a. The charter shall ensure that reading is a primary focus
182 of the curriculum and that resources are provided to identify
183 and provide specialized instruction for students who are reading
184 below grade level. The curriculum and instructional strategies
185 for reading must be consistent with the Next Generation Sunshine



927886

186 State Standards and grounded in scientifically based reading
187 research.

188 b. In order to provide students with access to diverse
189 instructional delivery models, to facilitate the integration of
190 technology within traditional classroom instruction, and to
191 provide students with the skills they need to compete in the
192 21st century economy, the Legislature encourages instructional
193 methods for blended learning courses consisting of both
194 traditional classroom and online instructional techniques.
195 Charter schools may implement blended learning courses which
196 combine traditional classroom instruction and virtual
197 instruction. Students in a blended learning course must be full-
198 time students of the charter school and receive the online
199 instruction in a classroom setting at the charter school.
200 Instructional personnel certified pursuant to s. 1012.55 who
201 provide virtual instruction for blended learning courses may be
202 employees of the charter school or may be under contract to
203 provide instructional services to charter school students. At a
204 minimum, such instructional personnel must hold an active state
205 or school district adjunct certification under s. 1012.57 for
206 the subject area of the blended learning course. The funding and
207 performance accountability requirements for blended learning
208 courses are the same as those for traditional courses.

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

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



927886

215 b. How these baseline rates will be compared to rates of
216 academic progress achieved by these same students while
217 attending the charter school.

218 c. To the extent possible, how these rates of progress will
219 be evaluated and compared with rates of progress of other
220 closely comparable student populations.

221
222 The district school board is required to provide academic
223 student performance data to charter schools for each of their
224 students coming from the district school system, as well as
225 rates of academic progress of comparable student populations in
226 the district school system.

227 4. The methods used to identify the educational strengths
228 and needs of students and how well educational goals and
229 performance standards are met by students attending the charter
230 school. The methods shall provide a means for the charter school
231 to ensure accountability to its constituents by analyzing
232 student performance data and by evaluating the effectiveness and
233 efficiency of its major educational programs. Students in
234 charter schools shall, at a minimum, participate in the
235 statewide assessment program created under s. 1008.22.

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

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

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



927886

244 8. The ways by which the school will achieve a
245 racial/ethnic balance reflective of the community it serves or
246 within the racial/ethnic range of other public schools in the
247 same school district.

248 9. The financial and administrative management of the
249 school, including a reasonable demonstration of the professional
250 experience or competence of those individuals or organizations
251 applying to operate the charter school or those hired or
252 retained to perform such professional services and the
253 description of clearly delineated responsibilities and the
254 policies and practices needed to effectively manage the charter
255 school. A description of internal audit procedures and
256 establishment of controls to ensure that financial resources are
257 properly managed must be included. Both public sector and
258 private sector professional experience shall be equally valid in
259 such a consideration.

260 10. The asset and liability projections required in the
261 application which are incorporated into the charter and shall be
262 compared with information provided in the annual report of the
263 charter school.

264 11. A description of procedures that identify various risks
265 and provide for a comprehensive approach to reduce the impact of
266 losses; plans to ensure the safety and security of students and
267 staff; plans to identify, minimize, and protect others from
268 violent or disruptive student behavior; and the manner in which
269 the school will be insured, including whether or not the school
270 will be required to have liability insurance, and, if so, the
271 terms and conditions thereof and the amounts of coverage.

272 12. The term of the charter which shall provide for



927886

273 cancellation of the charter if insufficient progress has been
274 made in attaining the student achievement objectives of the
275 charter and if it is not likely that such objectives can be
276 achieved before expiration of the charter. The initial term of a
277 charter shall be for 4 or 5 years. In order to facilitate access
278 to long-term financial resources for charter school
279 construction, charter schools that are operated by a
280 municipality or other public entity as provided by law are
281 eligible for up to a 15-year charter, subject to approval by the
282 district school board. A charter lab school is eligible for a
283 charter for a term of up to 15 years. In addition, to facilitate
284 access to long-term financial resources for charter school
285 construction, charter schools that are operated by a private,
286 not-for-profit, s. 501(c)(3) status corporation are eligible for
287 up to a 15-year charter, subject to approval by the district
288 school board. Such long-term charters remain subject to annual
289 review and may be terminated during the term of the charter, but
290 only according to the provisions set forth in subsection (8).

291 13. The facilities to be used and their location. The
292 sponsor may not require a charter school to have a certificate
293 of occupancy or a temporary certificate of occupancy for such a
294 facility earlier than 15 calendar days before the first day of
295 school.

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

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



927886

302 16. A timetable for implementing the charter which
303 addresses the implementation of each element thereof and the
304 date by which the charter shall be awarded in order to meet this
305 timetable.

306 17. In the case of an existing public school that is being
307 converted to charter status, alternative arrangements for
308 current students who choose not to attend the charter school and
309 for current teachers who choose not to teach in the charter
310 school after conversion in accordance with the existing
311 collective bargaining agreement or district school board rule in
312 the absence of a collective bargaining agreement. However,
313 alternative arrangements shall not be required for current
314 teachers who choose not to teach in a charter lab school, except
315 as authorized by the employment policies of the state university
316 which grants the charter to the lab school.

317 18. Full disclosure of the identity of all relatives
318 employed by the charter school who are related to the charter
319 school owner, president, chairperson of the governing board of
320 directors, superintendent, governing board member, principal,
321 assistant principal, or any other person employed by the charter
322 school who has equivalent decisionmaking authority. For the
323 purpose of this subparagraph, the term "relative" means father,
324 mother, son, daughter, brother, sister, uncle, aunt, first
325 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
326 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
327 stepfather, stepmother, stepson, stepdaughter, stepbrother,
328 stepsister, half brother, or half sister.

329 19. Implementation of the activities authorized under s.
330 1002.331 by the charter school when it satisfies the eligibility



927886

331 requirements for a high-performing charter school. A high-
332 performing charter school shall notify its sponsor in writing by
333 March 1 if it intends to increase enrollment or expand grade
334 levels the following school year. The written notice shall
335 specify the amount of the enrollment increase and the grade
336 levels that will be added, as applicable.

337 (d)1. A charter may be terminated by a charter school's
338 governing board through voluntary closure. The decision to cease
339 operations must be determined at a public meeting. The governing
340 board shall notify the parents and sponsor of the public meeting
341 in writing before the public meeting. The governing board must
342 notify the sponsor, parents of enrolled students, and the
343 department in writing within 24 hours after the public meeting
344 of its determination. The notice shall state the charter
345 school's intent to continue operations or the reason for the
346 closure and acknowledge that the governing board agrees to
347 follow the procedures for dissolution and reversion of public
348 funds pursuant to paragraphs (8) (e)-(g) and (9) (o) ~~Each charter~~
349 ~~school's governing board must appoint a representative to~~
350 ~~facilitate parental involvement, provide access to information,~~
351 ~~assist parents and others with questions and concerns, and~~
352 ~~resolve disputes. The representative must reside in the school~~
353 ~~district in which the charter school is located and may be a~~
354 ~~governing board member, charter school employee, or individual~~
355 ~~contracted to represent the governing board. If the governing~~
356 ~~board oversees multiple charter schools in the same school~~
357 ~~district, the governing board must appoint a separate individual~~
358 ~~representative for each charter school in the district. The~~
359 ~~representative's contact information must be provided annually~~



927886

360 ~~in writing to parents and posted prominently on the charter~~
361 ~~school's website if a website is maintained by the school. The~~
362 ~~sponsor may not require that governing board members reside in~~
363 ~~the school district in which the charter school is located if~~
364 ~~the charter school complies with this paragraph.~~

365 ~~2. Each charter school's governing board must hold at least~~
366 ~~two public meetings per school year in the school district. The~~
367 ~~meetings must be noticed, open, and accessible to the public,~~
368 ~~and attendees must be provided an opportunity to receive~~
369 ~~information and provide input regarding the charter school's~~
370 ~~operations. The appointed representative and charter school~~
371 ~~principal or director, or his or her equivalent, must be~~
372 ~~physically present at each meeting.~~

373 (9) CHARTER SCHOOL REQUIREMENTS.-

374 (g)1. In order to provide financial information that is
375 comparable to that reported for other public schools, charter
376 schools are to maintain all financial records that constitute
377 their accounting system:

378 a. In accordance with the accounts and codes prescribed in
379 the most recent issuance of the publication titled "Financial
380 and Program Cost Accounting and Reporting for Florida Schools";
381 or

382 b. At the discretion of the charter school's governing
383 board, a charter school may elect to follow generally accepted
384 accounting standards for not-for-profit organizations, but must
385 reformat this information for reporting according to this
386 paragraph.

387 2. Charter schools shall provide annual financial report
388 and program cost report information in the state-required



927886

389 formats for inclusion in district reporting in compliance with
390 s. 1011.60(1). Charter schools that are operated by a
391 municipality or are a component unit of a parent nonprofit
392 organization may use the accounting system of the municipality
393 or the parent but must reformat this information for reporting
394 according to this paragraph.

395 3. A charter school shall, upon approval of the charter
396 contract, provide the sponsor with a concise, uniform, monthly
397 financial statement summary sheet that contains a balance sheet
398 and a statement of revenue, expenditures, and changes in fund
399 balance. The balance sheet and the statement of revenue,
400 expenditures, and changes in fund balance shall be in the
401 governmental funds format prescribed by the Governmental
402 Accounting Standards Board. A high-performing charter school
403 pursuant to s. 1002.331 may provide a quarterly financial
404 statement in the same format and requirements as the uniform
405 monthly financial statement summary sheet. The sponsor shall
406 review each monthly or quarterly financial statement to identify
407 the existence of any conditions identified in s. 1002.345(1)(a).

408 4. A charter school shall maintain and provide financial
409 information as required in this paragraph. The financial
410 statement required in subparagraph 3. must be in a form
411 prescribed by the Department of Education.

412 (n)1. The director and a representative of the governing
413 board of a charter school that has earned a grade of "D" or "F"
414 pursuant to s. 1008.34 shall appear before the sponsor to
415 present information concerning each contract component having
416 noted deficiencies. The director and a representative of the
417 governing board shall submit to the sponsor for approval a



927886

418 school improvement plan to raise student performance. Upon
419 approval by the sponsor, the charter school shall begin
420 implementation of the school improvement plan. The department
421 shall offer technical assistance and training to the charter
422 school and its governing board and establish guidelines for
423 developing, submitting, and approving such plans.

424 2.a. If a charter school earns three consecutive grades of
425 "D," two consecutive grades of "D" followed by a grade of "F,"
426 or two nonconsecutive grades of "F" within a 3-year period, the
427 charter school governing board shall choose one of the following
428 corrective actions:

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

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

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

436 (IV) Voluntarily close the charter school.

437 b. The charter school must implement the corrective action
438 in the school year following receipt of a third consecutive
439 grade of "D," a grade of "F" following two consecutive grades of
440 "D," or a second nonconsecutive grade of "F" within a 3-year
441 period.

442 c. The sponsor may annually waive a corrective action if it
443 determines that the charter school is likely to improve a letter
444 grade if additional time is provided to implement the
445 intervention and support strategies prescribed by the school
446 improvement plan. Notwithstanding this sub-subparagraph, a



927886

447 charter school that earns a second consecutive grade of "F" is
448 subject to subparagraph 4.

449 d. A charter school is no longer required to implement a
450 corrective action if it improves by at least one letter grade.
451 However, the charter school must continue to implement
452 strategies identified in the school improvement plan. The
453 sponsor must annually review implementation of the school
454 improvement plan to monitor the school's continued improvement
455 pursuant to subparagraph 5.

456 e. A charter school implementing a corrective action that
457 does not improve by at least one letter grade after 2 full
458 school years of implementing the corrective action must select a
459 different corrective action. Implementation of the new
460 corrective action must begin in the school year following the
461 implementation period of the existing corrective action, unless
462 the sponsor determines that the charter school is likely to
463 improve a letter grade if additional time is provided to
464 implement the existing corrective action. Notwithstanding this
465 sub-subparagraph, a charter school that earns a second
466 consecutive grade of "F" while implementing a corrective action
467 is subject to subparagraph 4.

468 3. A charter school with a grade of "D" or "F" that
469 improves by at least one letter grade must continue to implement
470 the strategies identified in the school improvement plan. The
471 sponsor must annually review implementation of the school
472 improvement plan to monitor the school's continued improvement
473 pursuant to subparagraph 5.

474 4. A charter school's charter contract is automatically
475 terminated if the school earns two consecutive grades of "F"



927886

476 after all school grade appeals are final ~~The sponsor shall~~
477 ~~terminate a charter if the charter school earns two consecutive~~
478 ~~grades of "F" unless:~~

479 a. The charter school is established to turn around the
480 performance of a district public school pursuant to s.
481 1008.33(4)(b)3. Such charter schools shall be governed by s.
482 1008.33;

483 b. The charter school serves a student population the
484 majority of which resides in a school zone served by a district
485 public school that earned a grade of "F" in the year before the
486 charter school opened and the charter school earns at least a
487 grade of "D" in its third year of operation. The exception
488 provided under this sub-subparagraph does not apply to a charter
489 school in its fourth year of operation and thereafter; or

490 c. The state board grants the charter school a waiver of
491 termination. The charter school must request the waiver within
492 15 days after the department's official release of school
493 grades. The state board may waive termination if the charter
494 school demonstrates that the Learning Gains of its students on
495 statewide assessments are comparable to or better than the
496 Learning Gains of similarly situated students enrolled in nearby
497 district public schools. The waiver is valid for 1 year and may
498 only be granted once. Charter schools that have been in
499 operation for more than 5 years are not eligible for a waiver
500 under this sub-subparagraph.

501
502 The sponsor shall notify the charter school's governing board,
503 the charter school principal, and the department in writing when
504 a charter contract is terminated under this subparagraph. The



927886

505 letter of termination must meet the requirements of paragraph
506 (8) (c). A charter terminated under this subparagraph must follow
507 the procedures for dissolution and reversion of public funds
508 pursuant to paragraphs (8) (e)-(g) and (9) (o).

509 5. The director and a representative of the governing board
510 of a graded charter school that has implemented a school
511 improvement plan under this paragraph shall appear before the
512 sponsor at least once a year to present information regarding
513 the progress of intervention and support strategies implemented
514 by the school pursuant to the school improvement plan and
515 corrective actions, if applicable. The sponsor shall communicate
516 at the meeting, and in writing to the director, the services
517 provided to the school to help the school address its
518 deficiencies.

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

522 (p)1. Each charter school shall maintain a website that
523 enables the public to obtain information regarding the school;
524 the school's academic performance; the names of the governing
525 board members; the programs at the school; any management
526 companies, service providers, or education management
527 corporations associated with the school; the school's annual
528 budget and its annual independent fiscal audit; the school's
529 grade pursuant to s. 1008.34; and, on a quarterly basis, the
530 minutes of governing board meetings.

531 2. Each charter school's governing board must appoint a
532 representative to facilitate parental involvement, provide
533 access to information, assist parents and others with questions



927886

534 and concerns, and resolve disputes. The representative must
535 reside in the school district in which the charter school is
536 located and may be a governing board member, a charter school
537 employee, or an individual contracted to represent the governing
538 board. If the governing board oversees multiple charter schools
539 in the same school district, the governing board must appoint a
540 separate representative for each charter school in the district.
541 The representative's contact information must be provided
542 annually in writing to parents and posted prominently on the
543 charter school's website. The sponsor may not require governing
544 board members to reside in the school district in which the
545 charter school is located if the charter school complies with
546 this subparagraph.

547 3. Each charter school's governing board must hold at least
548 two public meetings per school year in the school district where
549 the charter school is located. The meetings must be noticed,
550 open, and accessible to the public, and attendees must be
551 provided an opportunity to receive information and provide input
552 regarding the charter school's operations. The appointed
553 representative and charter school principal or director, or his
554 or her designee, must be physically present at each meeting.
555 Members of the governing board may attend in person or by means
556 of communications media technology used in accordance with rules
557 adopted by the Administration Commission under s. 120.54(5).

558 (10) ELIGIBLE STUDENTS.—

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

561 1. Students who are siblings of a student enrolled in the
562 charter school.



927886

- 563 2. Students who are the children of a member of the
564 governing board of the charter school.
- 565 3. Students who are the children of an employee of the
566 charter school.
- 567 4. Students who are the children of:
- 568 a. An employee of the business partner of a charter school-
569 in-the-workplace established under paragraph (15)(b) or a
570 resident of the municipality in which such charter school is
571 located; or
- 572 b. A resident or employee of a municipality that operates a
573 charter school-in-a-municipality pursuant to paragraph (15)(c)
574 or allows a charter school to use a school facility or portion
575 of land provided by the municipality for the operation of the
576 charter school.
- 577 5. Students who have successfully completed a voluntary
578 prekindergarten education program under ss. 1002.51-1002.79
579 provided by the charter school or the charter school's governing
580 board during the previous year.
- 581 6. Students who are the children of an active duty member
582 of any branch of the United States Armed Forces.
- 583 7. Students who attended or are assigned to failing schools
584 pursuant to s. 1002.38(2).
- 585 (17) FUNDING.—Students enrolled in a charter school,
586 regardless of the sponsorship, shall be funded as if they are in
587 a basic program or a special program, the same as students
588 enrolled in other public schools in the school district. Funding
589 for a charter lab school shall be as provided in s. 1002.32.
- 590 (b) The basis for the agreement for funding students
591 enrolled in a charter school shall be the sum of the school



927886

592 district's operating funds from the Florida Education Finance
593 Program as provided in s. 1011.62 and the General Appropriations
594 Act, including gross state and local funds, discretionary
595 lottery funds, and funds from the school district's current
596 operating discretionary millage levy; divided by total funded
597 weighted full-time equivalent students in the school district;
598 multiplied by the weighted full-time equivalent students for the
599 charter school. Charter schools whose students or programs meet
600 the eligibility criteria in law are entitled to their
601 proportionate share of categorical program funds included in the
602 total funds available in the Florida Education Finance Program
603 by the Legislature, including transportation, the research-based
604 reading allocation, and the Florida digital classrooms
605 allocation. Total funding for each charter school shall be
606 recalculated during the year to reflect the revised calculations
607 under the Florida Education Finance Program by the state and the
608 actual weighted full-time equivalent students reported by the
609 charter school during the full-time equivalent student survey
610 periods designated by the Commissioner of Education.

611 (e) District school boards shall make timely and efficient
612 payment and reimbursement to charter schools, including
613 processing paperwork required to access special state and
614 federal funding for which they may be eligible. Payments of
615 funds under paragraph (b) shall be made monthly or twice a
616 month, beginning with the start of the district school board's
617 fiscal year. Each payment shall be one-twelfth, or one twenty-
618 fourth, as applicable, of the total state and local funds
619 described in paragraph (b) and adjusted as set forth therein.
620 For the first 2 years of a charter school's operation, if a



927886

621 minimum of 75 percent of the projected enrollment is entered
622 into the sponsor's student information system by the first day
623 of the current month, the district school board shall ~~may~~
624 distribute funds to ~~the a charter~~ school for ~~the up to 3~~ months
625 of July through October based on the projected full-time
626 equivalent student membership of the charter school as submitted
627 in the approved application. If less than 75 percent of the
628 projected enrollment is entered into the sponsor's student
629 information system by the first day of the current month, the
630 sponsor shall base payments on the actual number of student
631 enrollment entered into the sponsor's student information
632 system. Thereafter, the results of full-time equivalent student
633 membership surveys shall be used in adjusting the amount of
634 funds distributed monthly to the charter school for the
635 remainder of the fiscal year. The ~~payments~~ ~~payment~~ shall be
636 issued no later than 10 working days after the district school
637 board receives a distribution of state or federal funds ~~or the~~
638 date the payment is due pursuant to this subsection. If a
639 warrant for payment is not issued within 10 working days after
640 receipt of funding by the district school board, the school
641 district shall pay to the charter school, in addition to the
642 amount of the scheduled disbursement, interest at a rate of 1
643 percent per month calculated on a daily basis on the unpaid
644 balance from the expiration of the 10 working days until such
645 time as the warrant is issued. ~~The district school board may not~~
646 delay payment to a charter school of any portion of the funds
647 provided in paragraph (b) based on the timing of receipt of
648 local funds by the district school board.

649 (g) To be eligible for public education capital outlay



927886

650 (PECO) funds, a charter school must be located in the State of
651 Florida.

652 (18) FACILITIES.—

653 (a) A startup charter school shall utilize facilities which
654 comply with the Florida Building Code pursuant to chapter 553
655 except for the State Requirements for Educational Facilities.
656 Conversion charter schools shall utilize facilities that comply
657 with the State Requirements for Educational Facilities provided
658 that the school district and the charter school have entered
659 into a mutual management plan for the reasonable maintenance of
660 such facilities. The mutual management plan shall contain a
661 provision by which the district school board agrees to maintain
662 charter school facilities in the same manner as its other public
663 schools within the district. Charter schools, with the exception
664 of conversion charter schools, are not required to comply, but
665 may choose to comply, with the State Requirements for
666 Educational Facilities of the Florida Building Code adopted
667 pursuant to s. 1013.37. The local governing authority shall not
668 adopt or impose any local building requirements or site-
669 development restrictions, such as parking and site-size
670 criteria, that are addressed by and more stringent than those
671 found in the State Requirements for Educational Facilities of
672 the Florida Building Code. ~~Beginning July 1, 2011,~~ A local
673 governing authority must treat charter schools equitably in
674 comparison to similar requirements, restrictions, and site
675 planning processes imposed upon public schools that are not
676 charter schools. The agency having jurisdiction for inspection
677 of a facility and issuance of a certificate of occupancy or use
678 shall be the local municipality or, if in an unincorporated



927886

679 area, the county governing authority. If an official or employee
680 of the local governing authority refuses to comply with this
681 paragraph, the aggrieved school or entity has an immediate right
682 to bring an action in circuit court to enforce its rights by
683 injunction. An aggrieved party that receives injunctive relief
684 may be awarded attorney fees and court costs.

685 (20) SERVICES.—

686 (a)1. A sponsor shall provide certain administrative and
687 educational services to charter schools. These services shall
688 include contract management services; full-time equivalent and
689 data reporting services; exceptional student education
690 administration services; services related to eligibility and
691 reporting duties required to ensure that school lunch services
692 under the federal lunch program, consistent with the needs of
693 the charter school, are provided by the school district at the
694 request of the charter school, that any funds due to the charter
695 school under the federal lunch program be paid to the charter
696 school as soon as the charter school begins serving food under
697 the federal lunch program, and that the charter school is paid
698 at the same time and in the same manner under the federal lunch
699 program as other public schools serviced by the sponsor or the
700 school district; test administration services, including payment
701 of the costs of state-required or district-required student
702 assessments; processing of teacher certificate data services;
703 and information services, including equal access to student
704 information systems that are used by public schools in the
705 district in which the charter school is located. Student
706 performance data for each student in a charter school,
707 including, but not limited to, FCAT scores, standardized test



927886

708 scores, previous public school student report cards, and student
709 performance measures, shall be provided by the sponsor to a
710 charter school in the same manner provided to other public
711 schools in the district.

712 2. A total administrative fee for the provision of such
713 services shall be calculated based upon up to 5 percent of the
714 available funds defined in paragraph (17)(b) for all students,
715 except that when 75 percent or more of the students enrolled in
716 the charter school are exceptional students as defined in s.
717 1003.01(3), the 5 percent of those available funds shall be
718 calculated based on unweighted full-time equivalent students.
719 However, a sponsor may only withhold up to a 5-percent
720 administrative fee for enrollment for up to and including 250
721 students. For charter schools with a population of 251 or more
722 students, the difference between the total administrative fee
723 calculation and the amount of the administrative fee withheld
724 may only be used for capital outlay purposes specified in s.
725 1013.62(3) ~~s. 1013.62(2)~~.

726 3. For high-performing charter schools, as defined in s.
727 1002.331 ~~ch. 2011-232~~, a sponsor may withhold a total
728 administrative fee of up to 2 percent for enrollment up to and
729 including 250 students per school.

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

734 a. Includes both conversion charter schools and
735 nonconversion charter schools;

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



927886

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

739 d. Has the same governing board; and

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

742 5. The difference between the total administrative fee
743 calculation and the amount of the administrative fee withheld
744 pursuant to subparagraph 4. may be used for instructional and
745 administrative purposes as well as for capital outlay purposes
746 specified in s. 1013.62(3) ~~s. 1013.62(2)~~.

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

751 7. Sponsors shall not charge charter schools any additional
752 fees or surcharges for administrative and educational services
753 in addition to the maximum 5-percent administrative fee withheld
754 pursuant to this paragraph.

755 8. The sponsor of a virtual charter school may withhold a
756 fee of up to 5 percent. The funds shall be used to cover the
757 cost of services provided under subparagraph 1. and
758 implementation of the school district's digital classrooms plan
759 pursuant to s. 1011.62.

760 Section 7. Paragraph (a) of subsection (3) and subsection
761 (4) of section 1002.331, Florida Statutes, are amended to read:
762 1002.331 High-performing charter schools.—

763 (3) (a) A high-performing charter school may submit an
764 application pursuant to s. 1002.33(6) in any school district in
765 the state to establish and operate a new charter school that



927886

766 will substantially replicate its educational program. An
767 application submitted by a high-performing charter school must
768 state that the application is being submitted pursuant to this
769 paragraph and must include the verification letter provided by
770 the Commissioner of Education pursuant to subsection (4) ~~(5)~~. If
771 the sponsor fails to act on the application within 60 days after
772 receipt, the application is deemed approved and the procedure in
773 s. 1002.33(6) (h) applies. If the sponsor denies the application,
774 the high-performing charter school may appeal pursuant to s.
775 1002.33(6) .

776 ~~(4) A high-performing charter school may not increase~~
777 ~~enrollment or expand grade levels following any school year in~~
778 ~~which it receives a school grade of "C" or below. If the charter~~
779 ~~school receives a school grade of "C" or below in any 2 years~~
780 ~~during the term of the charter awarded under subsection (2), the~~
781 ~~term of the charter may be modified by the sponsor and the~~
782 ~~charter school loses its high-performing charter school status~~
783 ~~until it regains that status under subsection (1).~~

784 Section 8. Section 1001.66, Florida Statutes, is created to
785 read:

786 1001.66 Florida College System Performance-Based
787 Incentive.-

788 (1) A Florida College System Performance-Based Incentive
789 shall be awarded to Florida College System institutions using
790 performance-based metrics adopted by the State Board of
791 Education. The performance-based metrics must include retention
792 rates; program completion and graduation rates; postgraduation
793 employment, salaries, and continuing education for workforce
794 education and baccalaureate programs, with wage thresholds that



927886

795 reflect the added value of the certificate or degree; and
796 outcome measures appropriate for associate of arts degree
797 recipients. The state board shall adopt benchmarks to evaluate
798 each institution's performance on the metrics to measure the
799 institution's achievement of institutional excellence or need
800 for improvement and minimum requirements for eligibility to
801 receive performance funding.

802 (2) Each fiscal year, the amount of funds available for
803 allocation to the Florida College System institutions based on
804 the performance-based funding model shall consist of the state's
805 investment in performance funding plus institutional investments
806 consisting of funds to be redistributed from the base funding of
807 the Florida College System Program Fund as determined in the
808 General Appropriations Act. The State Board of Education shall
809 establish minimum performance funding eligibility thresholds for
810 the state's investment and the institutional investments. An
811 institution that meets the minimum institutional investment
812 eligibility threshold, but fails to meet the minimum state
813 investment eligibility threshold, shall have its institutional
814 investment restored but is ineligible for a share of the state's
815 investment in performance funding. The institutional investment
816 shall be restored for all institutions eligible for the state's
817 investment under the performance-based funding model.

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

822 (b) A Florida College System institution that fails to meet
823 the State Board of Education's minimum institutional investment



927886

824 performance funding eligibility threshold shall have a portion
825 of its institutional investment withheld by the state board and
826 must submit an improvement plan to the state board which
827 specifies the activities and strategies for improving the
828 institution's performance. The state board must review and
829 approve the improvement plan and, if the plan is approved, must
830 monitor the institution's progress in implementing the
831 activities and strategies specified in the improvement plan. The
832 institution shall submit monitoring reports to the state board
833 by December 31 and May 31 of each year in which an improvement
834 plan is in place. Beginning in the 2017-2018 fiscal year, the
835 ability of an institution to submit an improvement plan to the
836 state board is limited to 1 fiscal year.

837 (c) The Commissioner of Education shall withhold
838 disbursement of the institutional investment until the
839 monitoring report is approved by the State Board of Education. A
840 Florida College System institution determined by the state board
841 to be making satisfactory progress on implementing the
842 improvement plan shall receive no more than one-half of the
843 withheld institutional investment in January and the balance of
844 the withheld institutional investment in June. An institution
845 that fails to make satisfactory progress may not have its full
846 institutional investment restored. Any institutional investment
847 funds that are not restored shall be redistributed in accordance
848 with the state board's performance-based metrics.

849 (4) Distributions of performance funding, as provided in
850 this section, shall be made to each of the Florida College
851 System institutions listed in the Florida Colleges category in
852 the General Appropriations Act.



927886

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

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

860 Section 9. Subsection (1) of section 1001.7065, Florida
861 Statutes, is reenacted, and subsections (2), (3), and (5)
862 through (8) of that section are amended, to read:

863 1001.7065 Preeminent state research universities program.—

864 (1) STATE UNIVERSITY SYSTEM SHARED GOVERNANCE
865 COLLABORATION.—A collaborative partnership is established
866 between the Board of Governors and the Legislature to elevate
867 the academic and research preeminence of Florida's highest-
868 performing state research universities in accordance with this
869 section. The partnership stems from the State University System
870 Governance Agreement executed on March 24, 2010, wherein the
871 Board of Governors and leaders of the Legislature agreed to a
872 framework for the collaborative exercise of their joint
873 authority and shared responsibility for the State University
874 System. The governance agreement confirmed the commitment of the
875 Board of Governors and the Legislature to continue collaboration
876 on accountability measures, the use of data, and recommendations
877 derived from such data.

878 (2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—~~Effective~~
879 ~~July 1, 2013,~~ The following academic and research excellence
880 standards are established for the preeminent state research
881 universities program:



927886

882 (a) An average weighted grade point average of 4.0 or
883 higher on a 4.0 scale and an average SAT score of 1800 or higher
884 on a 2400-point scale or 1200 or higher on a 1600-point scale
885 for fall semester incoming freshmen, as reported annually.

886 (b) A top-50 ranking on at least two well-known and highly
887 respected national public university rankings, including, but
888 not limited to, the U.S. News and World Report rankings,
889 reflecting national preeminence, using most recent rankings.

890 (c) A freshman retention rate of 90 percent or higher for
891 full-time, first-time-in-college students, as reported annually
892 to the Integrated Postsecondary Education Data System (IPEDS).

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

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

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

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

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

910 (i) One hundred or more total patents awarded by the United



927886

911 States Patent and Trademark Office for the most recent 3-year
912 period.

913 (j) Four hundred or more doctoral degrees awarded annually,
914 including professional doctoral degrees awarded in medical and
915 health care disciplines, as reported in the Board of Governors
916 Annual Accountability Report.

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

919 (l) An endowment of \$500 million or more, as reported in
920 the Board of Governors Annual Accountability Report.

921 (3) PREEMINENT STATE RESEARCH UNIVERSITY DESIGNATION.—

922 (a) The Board of Governors shall designate each state
923 ~~research~~ university that annually meets at least 11 of the 12
924 academic and research excellence standards identified in
925 subsection (2) as a "preeminent state research university"
926 ~~preeminent state research university.~~

927 (b) The Board of Governors shall designate each state
928 university that annually meets at least six of the 12 academic
929 and research excellence standards identified in subsection (2)
930 as an "emerging preeminent state research university."

931 (5) PREEMINENT STATE RESEARCH UNIVERSITIES PROGRAM
932 UNIVERSITY SUPPORT.—

933 (a) A state ~~research~~ university that is designated as a
934 preeminent state research university, ~~as of July 1, 2013,~~ ~~meets~~
935 ~~all 12 of the academic and research excellence standards~~
936 ~~identified in subsection (2), as verified by the Board of~~
937 ~~Governors,~~ shall submit to the Board of Governors a 5-year
938 benchmark plan with target rankings on key performance metrics
939 for national excellence. Upon approval by the Board of



927886

940 Governors, and upon the university's meeting the benchmark plan
941 goals annually, the Board of Governors shall award the
942 university its proportionate share of any funds provided
943 annually to support the program created under this section an
944 amount specified in the General Appropriations Act to be
945 provided annually throughout the 5-year period. Funding for this
946 purpose is contingent upon specific appropriation in the General
947 Appropriations Act.

948 (b) A state university designated as an emerging preeminent
949 state research university shall submit to the Board of Governors
950 a 5-year benchmark plan with target rankings on key performance
951 metrics for national excellence. Upon approval by the Board of
952 Governors, and upon the university's meeting the benchmark plan
953 goals annually, the Board of Governors shall award the
954 university its proportionate share of any funds provided
955 annually to support the program created under this section.

956 (c) The award of funds under this subsection is contingent
957 upon funding provided in the General Appropriations Act to
958 support the preeminent state research universities program
959 created under this section. Funding increases appropriated
960 beyond the amounts funded in the previous fiscal year shall be
961 distributed as follows:

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

965 2. Each designated emerging preeminent state research
966 university that meets the criteria in paragraph (b) shall
967 receive an amount of funding that is equal to one-half of the
968 total increased amount awarded to each designated preeminent



927886

969 state research university.

970 ~~(6) PREEMINENT STATE RESEARCH UNIVERSITY ENHANCEMENT~~
971 ~~INITIATIVE. A state research university that, as of July 1,~~
972 ~~2013, meets 11 of the 12 academic and research excellence~~
973 ~~standards identified in subsection (2), as verified by the Board~~
974 ~~of Governors, shall submit to the Board of Governors a 5-year~~
975 ~~benchmark plan with target rankings on key performance metrics~~
976 ~~for national excellence. Upon the university's meeting the~~
977 ~~benchmark plan goals annually, the Board of Governors shall~~
978 ~~award the university an amount specified in the General~~
979 ~~Appropriations Act to be provided annually throughout the 5-year~~
980 ~~period for the purpose of recruiting National Academy Members,~~
981 ~~expediting the provision of a master's degree in cloud~~
982 ~~virtualization, and instituting an entrepreneurs-in-residence~~
983 ~~program throughout its campus. Funding for this purpose is~~
984 ~~contingent upon specific appropriation in the General~~
985 ~~Appropriations Act.~~

986 (6) ~~(7)~~ PREEMINENT STATE RESEARCH UNIVERSITY SPECIAL COURSE
987 REQUIREMENT AUTHORITY.-In order to provide a jointly shared
988 educational experience, a university that is designated a
989 preeminent state research university may require its incoming
990 first-time-in-college students to take a six-credit ~~9-to-12-~~
991 ~~credit~~ set of unique courses specifically determined by the
992 university and published on the university's website. The
993 university may stipulate that credit for such courses may not be
994 earned through any acceleration mechanism pursuant to s. 1007.27
995 or s. 1007.271 or any other transfer credit. All accelerated
996 credits earned up to the limits specified in ss. 1007.27 and
997 1007.271 shall be applied toward graduation at the student's



927886

998 request.

999 (7)~~(8)~~ PREEMINENT STATE RESEARCH UNIVERSITY FLEXIBILITY
1000 AUTHORITY.—The Board of Governors is encouraged to identify and
1001 grant all reasonable, feasible authority and flexibility to
1002 ensure that each a designated preeminent state research
1003 university and each designated emerging preeminent state
1004 research university is free from unnecessary restrictions.

1005 Section 10. Subsections (4) and (5) are added to section
1006 1001.71, Florida Statutes, to read:

1007 1001.71 University boards of trustees; membership.—

1008 (4) Each university board of trustees shall select its
1009 chair and vice chair from the appointed members. Each chair
1010 shall serve for 2 years and may be reselected for one additional
1011 consecutive 2-year term, except that, for each additional
1012 consecutive term beyond two terms, by a two-thirds vote, the
1013 board of trustees may reselect the chair for additional
1014 consecutive 2-year terms. The chair shall preside at all
1015 meetings of the board of trustees and may call special meetings
1016 of the board. The chair shall also attest to actions of the
1017 board of trustees. The chair shall notify the Governor or the
1018 Board of Governors, as applicable, in writing whenever a board
1019 member has three consecutive unexcused absences from regular
1020 board meetings in any fiscal year, which may be grounds for
1021 removal by the Governor or the Board of Governors, as
1022 applicable.

1023 (5) Each university board of trustees shall keep and,
1024 within 2 weeks after a board meeting, post prominently on the
1025 university's website detailed meeting minutes for all meetings,
1026 including the vote history and attendance of each trustee. The



927886

1027 Board of Governors shall adopt regulations to implement this
1028 subsection.

1029 Section 11. Section 1001.92, Florida Statutes, is amended
1030 to read:

1031 1001.92 State University System Performance-Based
1032 Incentive.—

1033 (1) A State University System Performance-Based Incentive
1034 shall be awarded to state universities using performance-based
1035 metrics adopted by the Board of Governors of the State
1036 University System. The performance-based metrics must include
1037 graduation rates;; retention rates;; postgraduation education
1038 rates;; degree production;; affordability;; postgraduation
1039 employment and salaries, including wage thresholds that reflect
1040 the added value of a baccalaureate degree; access;; and other
1041 metrics approved by the board in a formally noticed meeting. The
1042 board shall adopt benchmarks to evaluate each state university's
1043 performance on the metrics to measure the state university's
1044 achievement of institutional excellence or need for improvement
1045 and minimum requirements for eligibility to receive performance
1046 funding.

1047 (2) Each fiscal year, the amount of funds available for
1048 allocation to the state universities based on the performance-
1049 based funding model ~~metrics~~ shall consist of the state's
1050 investment in appropriation for performance funding, ~~including~~
1051 ~~increases in base funding~~ plus institutional investments
1052 consisting of funds deducted from the base funding of each state
1053 university in the State University System, ~~in an amount provided~~
1054 in the General Appropriations Act. The Board of Governors shall
1055 establish minimum performance funding eligibility thresholds for



927886

1056 the state's investment and the institutional investments. A
1057 state university that meets the minimum institutional investment
1058 eligibility threshold, but fails to meet the minimum state
1059 investment eligibility threshold, shall have its institutional
1060 investment restored but is ineligible for a share of the state's
1061 investment in performance funding. The institutional investment
1062 shall be restored for each institution eligible for the state's
1063 investment under the performance-based funding model metrics.

1064 (3) (a) A state university that fails to meet the Board of
1065 Governors' minimum institutional investment performance funding
1066 eligibility threshold shall have ~~a portion of~~ its institutional
1067 investment withheld by the board and must submit an improvement
1068 plan to the board that specifies the activities and strategies
1069 for improving the state university's performance. The board must
1070 review and approve the improvement plan and, if the plan is
1071 approved, must monitor the state university's progress in
1072 implementing the activities and strategies specified in the
1073 improvement plan. The state university shall submit monitoring
1074 reports to the board by December 31 and May 31 of each year in
1075 which an improvement plan is in place. The ability of a state
1076 university to submit an improvement plan to the board is limited
1077 to 1 fiscal year.

1078 (b) The Chancellor of the State University System shall
1079 withhold disbursement of the institutional investment until the
1080 monitoring report is approved by the Board of Governors. A state
1081 university ~~that is~~ determined by the board to be making
1082 satisfactory progress on implementing the improvement plan shall
1083 receive no more than one-half of the withheld institutional
1084 investment in January and the balance of the withheld



927886

1085 institutional investment in June. A state university that fails
1086 to make satisfactory progress may not have its full
1087 institutional investment restored. Any institutional investment
1088 funds that are not restored shall be redistributed in accordance
1089 with the board's performance-based metrics.

1090 (4) Distributions of performance funding, as provided in
1091 this section, shall be made to each of the state universities
1092 listed in the Education and General Activities category in the
1093 General Appropriations Act.

1094 (5) By October 1 of each year, the Board of Governors shall
1095 submit to the Governor, the President of the Senate, and the
1096 Speaker of the House of Representatives a report on the previous
1097 fiscal year's performance funding allocation which must reflect
1098 the rankings and award distributions.

1099 (6) The Board of Governors shall adopt regulations to
1100 administer this section ~~expires July 1, 2016.~~

1101 Section 12. Subsection (4) of section 1003.4282, Florida
1102 Statutes, is amended to read:

1103 1003.4282 Requirements for a standard high school diploma.—

1104 (4) ONLINE COURSE REQUIREMENT.—At least one course within
1105 the 24 credits required under this section must be completed
1106 through online learning. ~~A school district may not require a~~
1107 ~~student to take the online course outside the school day or in~~
1108 ~~addition to a student's courses for a given semester.~~

1109 (a) An online course taken in grade 6, grade 7, or grade 8
1110 fulfills the requirements of this subsection ~~requirement~~. The
1111 ~~This~~ requirement is met through an online course offered by the
1112 Florida Virtual School, a virtual education provider approved by
1113 the State Board of Education, a high school, or an online dual



927886

1114 enrollment course. A student who is enrolled in a full-time or
1115 part-time virtual instruction program under s. 1002.45 meets the
1116 ~~this~~ requirement.

1117 (b) A district school board or a charter school governing
1118 board, as applicable, may offer students the following options
1119 to satisfy the online course requirements of this subsection:

1120 1. Completion of a course in which a student earns a
1121 nationally recognized industry certification in information
1122 technology that is identified on the CAPE Industry Certification
1123 Funding List pursuant to s. 1008.44 or passage of the
1124 information technology certification examination without
1125 enrollment in or completion of the corresponding course or
1126 courses, as applicable.

1127 2. Passage of an online content assessment, without
1128 enrollment in or completion of the corresponding course or
1129 courses, as applicable, by which the student demonstrates skills
1130 and competency in locating information and applying technology
1131 for instructional purposes.

1132
1133 For purposes of this subsection, a school district may not
1134 require a student to take the online course outside the school
1135 day or in addition to a student's courses for a given semester.

1136 This subsection ~~requirement~~ does not apply to a student who has
1137 an individual education plan under s. 1003.57 which indicates
1138 that an online course would be inappropriate or to an out-of-
1139 state transfer student who is enrolled in a Florida high school
1140 and has 1 academic year or less remaining in high school.

1141 Section 13. Section 1013.62, Florida Statutes, is amended
1142 to read:



927886

1143 1013.62 Charter schools capital outlay funding.-

1144 (1) In each year in which funds are appropriated for
1145 charter school capital outlay purposes, the Commissioner of
1146 Education shall allocate the funds among eligible charter
1147 schools as specified in this section.

1148 (a) To be eligible for a funding allocation, a charter
1149 school must:

1150 1.a. Have been in operation for 2 ~~3~~ or more years;

1151 b. Be governed by a governing board established in the
1152 state for 3 or more years which operates both charter schools
1153 and conversion charter schools within the state;

1154 c. Be an expanded feeder chain of a charter school within
1155 the same school district that is currently receiving charter
1156 school capital outlay funds;

1157 d. Have been accredited by the Commission on Schools of the
1158 Southern Association of Colleges and Schools; or

1159 e. Serve students in facilities that are provided by a
1160 business partner for a charter school-in-the-workplace pursuant
1161 to s. 1002.33(15) (b).

1162 2. Have an annual audit that does not reveal any of the
1163 financial emergency conditions provided in s. 218.503(1) for the
1164 most recent fiscal year for which such audit results are
1165 available ~~stability for future operation as a charter school.~~

1166 3. Have satisfactory student achievement based on state
1167 accountability standards applicable to the charter school.

1168 4. Have received final approval from its sponsor pursuant
1169 to s. 1002.33 for operation during that fiscal year.

1170 5. Serve students in facilities that are not provided by
1171 the charter school's sponsor.



927886

1172 ~~(b) The first priority for charter school capital outlay~~
1173 ~~funding is to allocate to charter schools that received funding~~
1174 ~~in the 2005-2006 fiscal year an allocation of the same amount~~
1175 ~~per capital outlay full-time equivalent student, up to the~~
1176 ~~lesser of the actual number of capital outlay full-time~~
1177 ~~equivalent students in the current year, or the capital outlay~~
1178 ~~full-time equivalent students in the 2005-2006 fiscal year.~~
1179 ~~After calculating the first priority, the second priority is to~~
1180 ~~allocate excess funds remaining in the appropriation in an~~
1181 ~~amount equal to the per capital outlay full-time equivalent~~
1182 ~~student amount in the first priority calculation to eligible~~
1183 ~~charter schools not included in the first priority calculation~~
1184 ~~and to schools in the first priority calculation with growth~~
1185 ~~greater than the 2005-2006 capital outlay full-time equivalent~~
1186 ~~students. After calculating the first and second priorities,~~
1187 ~~excess funds remaining in the appropriation must be allocated to~~
1188 ~~all eligible charter schools.~~

1189 ~~(c) A charter school's allocation may not exceed one-~~
1190 ~~fifteenth of the cost per student station specified in s.~~
1191 ~~1013.64(6)(b). Before releasing capital outlay funds to a school~~
1192 ~~district on behalf of the charter school, the Department of~~
1193 ~~Education must ensure that the district school board and the~~
1194 ~~charter school governing board enter into a written agreement~~
1195 ~~that provides for the reversion of any unencumbered funds and~~
1196 ~~all equipment and property purchased with public education funds~~
1197 ~~to the ownership of the district school board, as provided for~~
1198 ~~in subsection (3) if the school terminates operations. Any funds~~
1199 ~~recovered by the state shall be deposited in the General Revenue~~
1200 ~~Fund.~~



927886

1201 (b) ~~(d)~~ A charter school is not eligible for a funding
1202 allocation if it was created by the conversion of a public
1203 school and operates in facilities provided by the charter
1204 school's sponsor for a nominal fee, or at no charge, or if it is
1205 directly or indirectly operated by the school district.

1206 (c) The funding allocation for eligible charter schools
1207 shall be calculated as follows:

1208 1. Eligible charter schools shall be grouped into
1209 categories based on their student populations according to the
1210 following criteria:

1211 a. Seventy-five percent or greater who are eligible for
1212 free or reduced-price school lunch.

1213 b. Twenty-five percent or greater with disabilities as
1214 defined in state board rule and consistent with the requirements
1215 of the Individuals with Disabilities Education Act.

1216 2. If an eligible charter school does not meet the criteria
1217 for either category under subparagraph 1., its FTE shall be
1218 provided as the base amount of funding and shall be assigned a
1219 weight of 1.0. An eligible charter school that meets the
1220 criteria under sub-subparagraph 1.a. or sub-subparagraph 1.b.
1221 shall be provided an additional 25 percent above the base
1222 funding amount, and the total FTE shall be multiplied by a
1223 weight of 1.25. An eligible charter school that meets the
1224 criteria under both sub-subparagraphs 1.a. and 1.b. shall be
1225 provided an additional 50 percent above the base funding amount,
1226 and the FTE for that school shall be multiplied by a weight of
1227 1.5.

1228 3. The state appropriation for charter school capital
1229 outlay shall be divided by the total weighted FTE for all



927886

1230 eligible charter schools to determine the base charter school
1231 per weighted FTE allocation amount. The per weighted FTE
1232 allocation amount shall be multiplied by the weighted FTE to
1233 determine each charter school's capital outlay allocation.

1234 ~~(e) Unless otherwise provided in the General Appropriations~~
1235 ~~Act, the funding allocation for each eligible charter school is~~
1236 ~~determined by multiplying the school's projected student~~
1237 ~~enrollment by one-fifteenth of the cost per student station~~
1238 ~~specified in s. 1013.64(6)(b) for an elementary, middle, or high~~
1239 ~~school, as appropriate. If the funds appropriated are not~~
1240 ~~sufficient, the commissioner shall prorate the available funds~~
1241 ~~among eligible charter schools. However, a charter school or~~
1242 ~~charter lab school may not receive state charter school capital~~
1243 ~~outlay funds greater than the one-fifteenth cost per student~~
1244 ~~station formula if the charter school's combination of state~~
1245 ~~charter school capital outlay funds, capital outlay funds~~
1246 ~~calculated through the reduction in the administrative fee~~
1247 ~~provided in s. 1002.33(20), and capital outlay funds allowed in~~
1248 ~~s. 1002.32(9)(e) and (h) exceeds the one-fifteenth cost per~~
1249 ~~student station formula.~~

1250 (2)(a)-(f) The department shall calculate the eligible
1251 charter school funding allocations. Funds shall be allocated
1252 using distributed on the basis of the capital outlay full-time
1253 equivalent membership from by grade level, which is calculated
1254 by averaging the results of the second and third enrollment
1255 surveys and free and reduced-price school lunch data. The
1256 department shall recalculate the allocations periodically based
1257 on the receipt of revised information, on a schedule established
1258 by the Commissioner of Education.



927886

1259 **(b)** The department ~~of Education~~ shall distribute capital
1260 outlay funds monthly, beginning in the first quarter of the
1261 fiscal year, based on one-twelfth of the amount the department
1262 reasonably expects the charter school to receive during that
1263 fiscal year. The commissioner shall adjust subsequent
1264 distributions as necessary to reflect each charter school's
1265 recalculated allocation ~~actual student enrollment as reflected~~
1266 ~~in the second and third enrollment surveys. The commissioner~~
1267 ~~shall establish the intervals and procedures for determining the~~
1268 ~~projected and actual student enrollment of eligible charter~~
1269 ~~schools.~~

1270 **(3)(2)** A charter school's governing body may use charter
1271 school capital outlay funds for the following purposes:

1272 (a) Purchase of real property.

1273 (b) Construction of school facilities.

1274 (c) Purchase, lease-purchase, or lease of permanent or
1275 relocatable school facilities.

1276 (d) Purchase of vehicles to transport students to and from
1277 the charter school.

1278 (e) Renovation, repair, and maintenance of school
1279 facilities that the charter school owns or is purchasing through
1280 a lease-purchase or long-term lease of 5 years or longer.

1281 (f) Effective July 1, 2008, purchase, lease-purchase, or
1282 lease of new and replacement equipment, and enterprise resource
1283 software applications that are classified as capital assets in
1284 accordance with definitions of the Governmental Accounting
1285 Standards Board, have a useful life of at least 5 years, and are
1286 used to support schoolwide administration or state-mandated
1287 reporting requirements.



927886

1288 (g) Payment of the cost of premiums for property and
1289 casualty insurance necessary to insure the school facilities.

1290 (h) Purchase, lease-purchase, or lease of driver's
1291 education vehicles; motor vehicles used for the maintenance or
1292 operation of plants and equipment; security vehicles; or
1293 vehicles used in storing or distributing materials and
1294 equipment.

1295

1296 Conversion charter schools may use capital outlay funds received
1297 through the reduction in the administrative fee provided in s.
1298 1002.33(20) for renovation, repair, and maintenance of school
1299 facilities that are owned by the sponsor.

1300 (4) ~~(3)~~ If ~~When~~ a charter school is nonrenewed or
1301 terminated, any unencumbered funds and all equipment and
1302 property purchased with district public funds shall revert to
1303 the ownership of the district school board, as provided for in
1304 s. 1002.33(8) (e) and (f). In the case of a charter lab school,
1305 any unencumbered funds and all equipment and property purchased
1306 with university public funds shall revert to the ownership of
1307 the state university that issued the charter. The reversion of
1308 such equipment, property, and furnishings shall focus on
1309 recoverable assets, but not on intangible or irrecoverable costs
1310 such as rental or leasing fees, normal maintenance, and limited
1311 renovations. The reversion of all property secured with public
1312 funds is subject to the complete satisfaction of all lawful
1313 liens or encumbrances. If there are additional local issues such
1314 as the shared use of facilities or partial ownership of
1315 facilities or property, these issues shall be agreed to in the
1316 charter contract prior to the expenditure of funds.



927886

1317 (5)~~(4)~~ The Commissioner of Education shall specify
1318 procedures for submitting and approving requests for funding
1319 under this section and procedures for documenting expenditures.

1320 (6)~~(5)~~ The annual legislative budget request of the
1321 Department of Education shall include a request for capital
1322 outlay funding for charter schools. The request shall be based
1323 on the projected number of students to be served in charter
1324 schools who meet the eligibility requirements of this section. ~~A~~
1325 ~~dedicated funding source, if identified in writing by the~~
1326 ~~Commissioner of Education and submitted along with the annual~~
1327 ~~charter school legislative budget request, may be considered an~~
1328 ~~additional source of funding.~~

1329 ~~(6) Unless authorized otherwise by the Legislature,~~
1330 ~~allocation and proration of charter school capital outlay funds~~
1331 ~~shall be made to eligible charter schools by the Commissioner of~~
1332 ~~Education in an amount and in a manner authorized by subsection~~
1333 ~~(1).~~

1334 Section 14. Paragraphs (a) and (b) of subsection (2) and
1335 paragraphs (b) through (e) of subsection (6) of section 1013.64,
1336 Florida Statutes, are amended to read:

1337 1013.64 Funds for comprehensive educational plant needs;
1338 construction cost maximums for school district capital
1339 projects.—Allocations from the Public Education Capital Outlay
1340 and Debt Service Trust Fund to the various boards for capital
1341 outlay projects shall be determined as follows:

1342 (2) (a) The department shall establish, as a part of the
1343 Public Education Capital Outlay and Debt Service Trust Fund, a
1344 separate account, in an amount determined by the Legislature, to
1345 be known as the "Special Facility Construction Account." The



927886

1346 Special Facility Construction Account shall be used to provide
1347 necessary construction funds to school districts which have
1348 urgent construction needs but which lack sufficient resources at
1349 present, and cannot reasonably anticipate sufficient resources
1350 within the period of the next 3 years, for these purposes from
1351 currently authorized sources of capital outlay revenue. A school
1352 district requesting funding from the Special Facility
1353 Construction Account shall submit one specific construction
1354 project, not to exceed one complete educational plant, to the
1355 Special Facility Construction Committee. A ~~Ne~~ district may not
1356 shall receive funding for more than one approved project in any
1357 3-year period or while any portion of the district's
1358 participation requirement is outstanding. The first year of the
1359 3-year period shall be the first year a district receives an
1360 appropriation. The department shall encourage a construction
1361 program that reduces the average size of schools in the
1362 district. The request must meet the following criteria to be
1363 considered by the committee:

1364 1. The project must be deemed a critical need and must be
1365 recommended for funding by the Special Facility Construction
1366 Committee. Before ~~Prior to~~ developing construction plans for the
1367 proposed facility, the district school board must request a
1368 preapplication review by the Special Facility Construction
1369 Committee or a project review subcommittee convened by the chair
1370 of the committee to include two representatives of the
1371 department and two staff members from school districts not
1372 eligible to participate in the program. A school district may
1373 request a preapplication review at any time; however, if the
1374 district school board seeks inclusion in the department's next



927886

1375 annual capital outlay legislative budget request, the
1376 preapplication review request must be made before February 1.
1377 Within 90 ~~60~~ days after receiving the preapplication review
1378 request, the committee or subcommittee must meet in the school
1379 district to review the project proposal and existing facilities.
1380 To determine whether the proposed project is a critical need,
1381 the committee or subcommittee shall consider, at a minimum, the
1382 capacity of all existing facilities within the district as
1383 determined by the Florida Inventory of School Houses; the
1384 district's pattern of student growth; the district's existing
1385 and projected capital outlay full-time equivalent student
1386 enrollment as determined by the demographic, revenue, and
1387 education estimating conferences established in s. 216.136
1388 department; the district's existing satisfactory student
1389 stations; the use of all existing district property and
1390 facilities; grade level configurations; and any other
1391 information that may affect the need for the proposed project.

1392 2. The construction project must be recommended in the most
1393 recent survey or survey amendment cooperatively prepared ~~surveys~~
1394 by the district and the department, and approved by the
1395 department under the rules of the State Board of Education. If a
1396 district employs a consultant in the preparation of a survey or
1397 survey amendment, the consultant may not be employed by or
1398 receive compensation from a third party that designs or
1399 constructs a project recommended by the survey.

1400 3. The construction project must appear on the district's
1401 approved project priority list under the rules of the State
1402 Board of Education.

1403 4. The district must have selected and had approved a site



927886

1404 for the construction project in compliance with s. 1013.36 and
1405 the rules of the State Board of Education.

1406 5. The district shall have developed a district school
1407 board adopted list of facilities that do not exceed the norm for
1408 net square feet occupancy requirements under the State
1409 Requirements for Educational Facilities, using all possible
1410 programmatic combinations for multiple use of space to obtain
1411 maximum daily use of all spaces within the facility under
1412 consideration.

1413 6. Upon construction, the total cost per student station,
1414 including change orders, must not exceed the cost per student
1415 station as provided in subsection (6) except for cost overruns
1416 created by a disaster as defined in s. 252.34 or an
1417 unforeseeable circumstance beyond the district's control as
1418 determined by the Special Facility Construction Committee.

1419 7. There shall be an agreement signed by the district
1420 school board stating that it will advertise for bids within 30
1421 days of receipt of its encumbrance authorization from the
1422 department.

1423 8. For construction projects for which Special Facilities
1424 Construction Account funding is sought before the 2019-2020
1425 fiscal year, the district shall, at the time of the request and
1426 for a continuing period necessary to meet the district's
1427 participation requirement of 3 years, levy the maximum millage
1428 against its ~~their~~ nonexempt assessed property value as allowed
1429 in s. 1011.71(2) or shall raise an equivalent amount of revenue
1430 from the school capital outlay surtax authorized under s.
1431 212.055(6). Beginning with construction projects for which
1432 Special Facilities Construction Account funding is sought in the



927886

1433 2019-2020 fiscal year, the district shall, for a minimum of 3
1434 years before submitting the request and for a continuing period
1435 necessary to meet its participation requirement, levy the
1436 maximum millage against the district's nonexempt assessed
1437 property value as authorized under s. 1011.71(2) or shall raise
1438 an equivalent amount of revenue from the school capital outlay
1439 surtax authorized under s. 212.055(6). Any district with a new
1440 or active project, funded under the provisions of this
1441 subsection, shall be required to budget no more than the value
1442 of 1 mill ~~1.5 mills~~ per year to the project until the district's
1443 ~~to satisfy the annual~~ participation requirement relating to the
1444 local discretionary capital improvement millage or the
1445 equivalent amount of revenue from the school capital outlay
1446 surtax is satisfied in the ~~Special Facility Construction~~
1447 Account.

1448 9. If a contract has not been signed 90 days after the
1449 advertising of bids, the funding for the specific project shall
1450 revert to the Special Facility New Construction Account to be
1451 reallocated to other projects on the list. However, an
1452 additional 90 days may be granted by the commissioner.

1453 10. The department shall certify the inability of the
1454 district to fund the survey-recommended project over a
1455 continuous 3-year period using projected capital outlay revenue
1456 derived from s. 9(d), Art. XII of the State Constitution, as
1457 amended, paragraph (3)(a) of this section, and s. 1011.71(2).

1458 11. The district shall have on file with the department an
1459 adopted resolution acknowledging its 3-year commitment to
1460 satisfy its participation requirement, which is equivalent to ~~of~~
1461 all unencumbered and future revenue acquired from s. 9(d), Art.



927886

1462 XII of the State Constitution, as amended, paragraph (3)(a) of
1463 this section, and s. 1011.71(2), in the year of the initial
1464 appropriation and for the 2 years immediately following the
1465 initial appropriation.

1466 12. Final phase III plans must be certified by the district
1467 school board as complete and in compliance with the building and
1468 life safety codes before June 1 of the year the application is
1469 made ~~prior to August 1.~~

1470 (b) The Special Facility Construction Committee shall be
1471 composed of the following: two representatives of the Department
1472 of Education, a representative from the Governor's office, a
1473 representative selected annually by the district school boards,
1474 and a representative selected annually by the superintendents. A
1475 representative of the department shall chair the committee.

1476 (6)

1477 (b)1. A district school board may ~~must~~ not use funds from
1478 the following sources: Public Education Capital Outlay and Debt
1479 Service Trust Fund; School District and Community College
1480 District Capital Outlay and Debt Service Trust Fund; Classrooms
1481 First Program funds provided in s. 1013.68; nonvoted 1.5-mill
1482 levy of ad valorem property taxes provided in s. 1011.71(2);
1483 Classrooms for Kids Program funds provided in s. 1013.735;
1484 District Effort Recognition Program funds provided in s.
1485 1013.736; or High Growth District Capital Outlay Assistance
1486 Grant Program funds provided in s. 1013.738 for any new
1487 construction of educational plant space with a total cost per
1488 student station, including change orders, that equals more than:

- 1489 a. \$17,952 for an elementary school,
1490 b. \$19,386 for a middle school, or



927886

1491 c. \$25,181 for a high school,
1492
1493 (January 2006) as adjusted annually to reflect increases or
1494 decreases in the Consumer Price Index.

1495 2. School districts shall maintain accurate documentation
1496 related to the costs of all new construction of educational
1497 plant space reported to the Department of Education pursuant to
1498 paragraph (d). The Auditor General shall review the
1499 documentation maintained by the school districts and verify
1500 compliance with the limits under this paragraph during its
1501 scheduled operational audits of the school district. The
1502 department shall make the final determination on district
1503 compliance based on the recommendation of the Auditor General.

1504 3. The Office of Economic and Demographic Research, in
1505 consultation with the department, shall conduct a study of the
1506 cost per student station amounts using the most recent available
1507 information on construction costs. In this study, the costs per
1508 student station should represent the costs of classroom
1509 construction and administrative offices as well as the
1510 supplemental costs of core facilities, including required media
1511 centers, gymnasiums, music rooms, cafeterias and their
1512 associated kitchens and food service areas, vocational areas,
1513 and other defined specialty areas, including exceptional student
1514 education areas. The study must take into account appropriate
1515 cost-effectiveness factors in school construction and should
1516 include input from industry experts. The Office of Economic and
1517 Demographic Research must provide the results of the study and
1518 recommendations on the cost per student station to the Governor,
1519 the President of the Senate, and the Speaker of the House of



927886

1520 Representatives no later than January 31, 2017.

1521 4. The Office of Program Policy Analysis and Government
1522 Accountability (OPPAGA) shall conduct a study of the State
1523 Requirements for Education Facilities (SREF) to identify current
1524 requirements that can be eliminated or modified in order to
1525 decrease the cost of construction of educational facilities
1526 while ensuring student safety. OPPAGA must provide the results
1527 of the study, and an overall recommendation as to whether SREF
1528 should be retained, to the Governor, the President of the
1529 Senate, and the Speaker of the House of Representatives no later
1530 than January 31, 2017.

1531 5. Effective July 1, 2017, in addition to the funding
1532 sources listed in subparagraph 1., a district school board may
1533 not use funds from any sources for new construction of
1534 educational plant space with a total cost per student station,
1535 including change orders, which equals more than the current
1536 adjusted amounts provided in sub-subparagraphs 1.a.-c. which
1537 shall subsequently be adjusted annually to reflect increases or
1538 decreases in the Consumer Price Index.

1539 ~~6.2.~~ A district school board must not use funds from the
1540 Public Education Capital Outlay and Debt Service Trust Fund or
1541 the School District and Community College District Capital
1542 Outlay and Debt Service Trust Fund for any new construction of
1543 an ancillary plant that exceeds 70 percent of the average cost
1544 per square foot of new construction for all schools.

1545 (c) Except as otherwise provided, new construction
1546 initiated by a district school board on or after July 1, 2017,
1547 ~~may after June 30, 1997, must~~ not exceed the cost per student
1548 station as provided in paragraph (b). A school district that



927886

1549 exceeds the cost per student station provided in paragraph (b),
1550 as determined by the Auditor General, shall be subject to
1551 sanctions. If the Auditor General determines that the cost per
1552 student station overage is de minimus or due to extraordinary
1553 circumstances outside the control of the district, the sanctions
1554 shall not apply. The sanctions are as follows:

1555 1. The school district shall be ineligible for allocations
1556 from the Public Education Capital Outlay and Debt Service Trust
1557 Fund for the next 3 years in which the school district would
1558 have received allocations had the violation not occurred.

1559 2. The school district shall be subject to the supervision
1560 of a district capital outlay oversight committee. The oversight
1561 committee is authorized to approve all capital outlay
1562 expenditures of the school district, including new construction,
1563 renovations, and remodeling, for 3 fiscal years following the
1564 violation.

1565 a. Each oversight committee shall be composed of the
1566 following:

1567 (I) One appointee of the Commissioner of Education who has
1568 significant financial management, school facilities
1569 construction, or related experience.

1570 (II) One appointee of the office of the state attorney with
1571 jurisdiction over the district.

1572 (III) One appointee of the Chief Financial Officer who is a
1573 licensed certified public accountant.

1574 b. An appointee to the oversight committee may not be
1575 employed by the school district; be a relative, as defined in s.
1576 1002.33(24)(a)2., of any school district employee; or be an
1577 elected official. Each appointee must sign an affidavit



927886

1578 attesting to these conditions and affirming that no conflict of
1579 interest exists in his or her oversight role.

1580 (d) The department shall:

1581 1. Compute for each calendar year the statewide average
1582 construction costs for facilities serving each instructional
1583 level, for relocatable educational facilities, for
1584 administrative facilities, and for other ancillary and auxiliary
1585 facilities. The department shall compute the statewide average
1586 costs per student station for each instructional level.

1587 2. Annually review the actual completed construction costs
1588 of educational facilities in each school district. For any
1589 school district in which the total actual cost per student
1590 station, including change orders, exceeds the statewide limits
1591 established in paragraph (b), the school district shall report
1592 to the department the actual cost per student station and the
1593 reason for the school district's inability to adhere to the
1594 limits established in paragraph (b). The department shall
1595 collect all such reports and shall provide these reports to the
1596 Auditor General for verification purposes ~~report to the~~
1597 ~~Governor, the President of the Senate, and the Speaker of the~~
1598 ~~House of Representatives by December 31 of each year a summary~~
1599 ~~of each school district's spending in excess of the cost per~~
1600 ~~student station provided in paragraph (b) as reported by the~~
1601 ~~school districts.~~

1602
1603 Cost per student station includes contract costs, legal and
1604 administrative costs, fees of architects and engineers,
1605 furniture and equipment, and site improvement costs. Cost per
1606 student station does not include the cost of purchasing or



927886

1607 leasing the site for the construction or the cost of related
1608 offsite improvements.

1609 ~~(c) The restrictions of this subsection on the cost per~~
1610 ~~student station of new construction do not apply to a project~~
1611 ~~funded entirely from proceeds received by districts through~~
1612 ~~provisions of ss. 212.055 and 1011.73 and s. 9, Art. VII of the~~
1613 ~~State Constitution, if the school board approves the project by~~
1614 ~~majority vote.~~

1615 Section 15. Paragraph (a) of subsection (3) of section
1616 1002.37, Florida Statutes, is amended to read:

1617 1002.37 The Florida Virtual School.—

1618 (3) Funding for the Florida Virtual School shall be
1619 provided as follows:

1620 (a)1. The calculation of "full-time equivalent student"
1621 shall be as prescribed in s. 1011.61(1)(c)1.b.(V) and is subject
1622 to s. 1011.61(4) ~~For a student in grades 9 through 12, a "full-~~
1623 ~~time equivalent student" is one student who has successfully~~
1624 ~~completed six full-credit courses that count toward the minimum~~
1625 ~~number of credits required for high school graduation. A student~~
1626 ~~who completes fewer than six full-credit courses is a fraction~~
1627 ~~of a full-time equivalent student. Half-credit course~~
1628 ~~completions shall be included in determining a full-time~~
1629 ~~equivalent student.~~

1630 2. ~~For a student in kindergarten through grade 8, a "full-~~
1631 ~~time equivalent student" is one student who has successfully~~
1632 ~~completed six courses or the prescribed level of content that~~
1633 ~~counts toward promotion to the next grade. A student who~~
1634 ~~completes fewer than six courses or the prescribed level of~~
1635 ~~content shall be a fraction of a full-time equivalent student.~~



927886

1636 ~~2.3.~~ For a student in a home education program, funding
1637 shall be provided in accordance with this subsection upon course
1638 completion if the parent verifies, upon enrollment for each
1639 course, that the student is registered with the school district
1640 as a home education student pursuant to s. 1002.41(1)(a).

1641 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~
1642 ~~equivalent students and associated funding of students enrolled~~
1643 ~~in courses requiring passage of an end-of-course assessment~~
1644 ~~under s. 1003.4282 to earn a standard high school diploma shall~~
1645 ~~be adjusted if the student does not pass the end-of-course~~
1646 ~~assessment. However, no adjustment shall be made for home~~
1647 ~~education program students who choose not to take an end-of-~~
1648 ~~course assessment or for a student who enrolls in a segmented~~
1649 ~~remedial course delivered online.~~

1650
1651 ~~For purposes of this paragraph, the calculation of "full-time~~
1652 ~~equivalent student" shall be as prescribed in s.~~
1653 ~~1011.61(1)(c)1.b.(V) and is subject to the requirements in s.~~
1654 ~~1011.61(4).~~

1655 Section 16. Subsection (4) is added to section 1002.391,
1656 Florida Statutes, to read:

1657 1002.391 Auditory-oral education programs.-

1658 (4) Beginning with the 2017-2018 school year, a school
1659 district shall add four special consideration points to the
1660 calculation of a matrix of services for a student who is deaf
1661 and enrolled in an auditory-oral education program.

1662 Section 17. Paragraphs (c) and (d) of subsection (1),
1663 paragraph (e) of subsection (7), and paragraphs (c) and (d) of
1664 subsection (8) of section 1002.45, Florida Statutes, are amended



927886

1665 to read:

1666 1002.45 Virtual instruction programs.—

1667 (1) PROGRAM.—

1668 (c) To provide students with the option of participating in
1669 virtual instruction programs as required by paragraph (b), a
1670 school district may:

1671 1. Contract with the Florida Virtual School or establish a
1672 franchise of the Florida Virtual School for the provision of a
1673 program under paragraph (b). Using this option is subject to the
1674 requirements of this section and s. 1011.61(1)(c)1.b.(III) and
1675 (IV) and (4). A district may report full-time equivalent student
1676 membership for credit earned by a student who is enrolled in a
1677 virtual education course provided by the district which was
1678 completed after the end of the regular school year if the FTE is
1679 reported no later than the deadline for amending the final
1680 student membership report for that year.

1681 2. Contract with an approved provider under subsection (2)
1682 for the provision of a full-time or part-time program under
1683 paragraph (b).

1684 3. Enter into an agreement with other school districts to
1685 allow the participation of its students in an approved virtual
1686 instruction program provided by the other school district. The
1687 agreement must indicate a process for the transfer of funds
1688 required by paragraph (7)(e) ~~(7)(f)~~.

1689 4. Establish school district operated part-time or full-
1690 time kindergarten through grade 12 virtual instruction programs
1691 under paragraph (b) for students enrolled in the school
1692 district. A full-time program shall operate under its own Master
1693 School Identification Number.



927886

1694 5. Enter into an agreement with a virtual charter school
1695 authorized by the school district under s. 1002.33.
1696
1697 Contracts under subparagraph 1. or subparagraph 2. may include
1698 multidistrict contractual arrangements that may be executed by a
1699 regional consortium for its member districts. A multidistrict
1700 contractual arrangement or an agreement under subparagraph 3. is
1701 not subject to s. 1001.42(4)(d) and does not require the
1702 participating school districts to be contiguous. These
1703 arrangements may be used to fulfill the requirements of
1704 paragraph (b).

1705 (d) A virtual charter school may provide full-time virtual
1706 instruction for students in kindergarten through grade 12 if the
1707 virtual charter school has a charter approved pursuant to s.
1708 1002.33 authorizing full-time virtual instruction. A virtual
1709 charter school may:

- 1710 1. Contract with the Florida Virtual School.
1711 2. Contract with an approved provider under subsection (2).
1712 3. Enter into an agreement with a school district to allow
1713 the participation of the virtual charter school's students in
1714 the school district's virtual instruction program. The agreement
1715 must indicate a process for reporting of student enrollment and
1716 the transfer of funds required by paragraph (7)(e) ~~(7)(f)~~.

1717 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
1718 FUNDING.—

1719 ~~(e) Beginning in the 2016-2017 fiscal year, the reported~~
1720 ~~full-time equivalent students and associated funding of students~~
1721 ~~enrolled in courses requiring passage of an end-of-course~~
1722 ~~assessment under s. 1003.4282 to earn a standard high school~~



927886

1723 ~~diploma shall be adjusted if the student does not pass the end-~~
1724 ~~of course assessment. However, no adjustment shall be made for a~~
1725 ~~student who enrolls in a segmented remedial course delivered~~
1726 ~~online.~~

1727 (8) ASSESSMENT AND ACCOUNTABILITY.—

1728 (c) An approved provider that receives a school grade of
1729 "D" or "F" under s. 1008.34 or a school improvement rating of
1730 "Unsatisfactory" ~~"Declining"~~ under s. 1008.341 must file a
1731 school improvement plan with the department for consultation to
1732 determine the causes for low performance and to develop a plan
1733 for correction and improvement.

1734 (d) An approved provider's contract must be terminated if
1735 the provider receives a school grade of "D" or "F" under s.
1736 1008.34 or a school improvement rating of "Unsatisfactory"
1737 ~~"Declining"~~ under s. 1008.341 for 2 years during any consecutive
1738 4-year period or has violated any qualification requirement
1739 pursuant to subsection (2). A provider that has a contract
1740 terminated under this paragraph may not be an approved provider
1741 for a period of at least 1 year after the date upon which the
1742 contract was terminated and until the department determines that
1743 the provider is in compliance with subsection (2) and has
1744 corrected each cause of the provider's low performance.

1745 Section 18. Section 1003.3101, Florida Statutes, is created
1746 to read:

1747 1003.3101 Additional educational choice options.—Each
1748 school district board shall establish a transfer process for a
1749 parent to request his or her child be transferred to another
1750 classroom teacher. This section does not give a parent the right
1751 to choose a specific classroom teacher. A school must approve or



927886

1752 deny the transfer within 2 weeks after receiving a request. If a
1753 request for transfer is denied, the school must notify the
1754 parent and specify the reasons for the denial. An explanation of
1755 the transfer process must be made available in the student
1756 handbook or a similar publication.

1757 Section 19. Subsection (3) of section 1003.4295, Florida
1758 Statutes, is amended to read:

1759 1003.4295 Acceleration options.—

1760 (3) The Credit Acceleration Program (CAP) is created for
1761 the purpose of allowing a student to earn high school credit in
1762 courses required for high school graduation through passage of
1763 an end-of-course assessment ~~Algebra I, Algebra II, geometry,~~
1764 ~~United States history, or biology if the student passes the~~
1765 ~~statewide, standardized assessment~~ administered under s.
1766 1008.22, an Advanced Placement Examination, or a College Level
1767 Examination Program (CLEP). Notwithstanding s. 1003.436, a
1768 school district shall award course credit to a student who is
1769 not enrolled in the course, or who has not completed the course,
1770 if the student attains a passing score on the corresponding end-
1771 of-course assessment, Advanced Placement Examination, or CLEP
1772 ~~statewide, standardized assessment~~. The school district shall
1773 permit a public school or home education student who is not
1774 enrolled in the course, or who has not completed the course, to
1775 take the assessment or examination during the regular
1776 administration of the assessment or examination.

1777 Section 20. Effective June 29, 2016, section 1004.935,
1778 Florida Statutes, is amended to read:

1779 1004.935 Adults with Disabilities Workforce Education ~~Pilot~~
1780 Program.—



927886

1781 (1) The Adults with Disabilities Workforce Education ~~Pilot~~
1782 Program is established in the Department of Education ~~through~~
1783 ~~June 30, 2016,~~ in Hardee, DeSoto, Manatee, and Sarasota Counties
1784 to provide the option of receiving a scholarship for instruction
1785 at private schools for up to 30 students who:

1786 (a) Have a disability;

1787 (b) Are 22 years of age;

1788 (c) Are receiving instruction from an instructor in a
1789 private school to meet the high school graduation requirements
1790 in s. 1002.3105(5) or s. 1003.4282;

1791 (d) Do not have a standard high school diploma or a special
1792 high school diploma; and

1793 (e) Receive "supported employment services," which means
1794 employment that is located or provided in an integrated work
1795 setting with earnings paid on a commensurate wage basis and for
1796 which continued support is needed for job maintenance.

1797
1798 As used in this section, the term "student with a disability"
1799 includes a student who is documented as having an intellectual
1800 disability; a speech impairment; a language impairment; a
1801 hearing impairment, including deafness; a visual impairment,
1802 including blindness; a dual sensory impairment; an orthopedic
1803 impairment; another health impairment; an emotional or
1804 behavioral disability; a specific learning disability,
1805 including, but not limited to, dyslexia, dyscalculia, or
1806 developmental aphasia; a traumatic brain injury; a developmental
1807 delay; or autism spectrum disorder.

1808 (2) A student participating in the ~~pilot~~ program may
1809 continue to participate in the program until the student



927886

1810 graduates from high school or reaches the age of 40 years,
1811 whichever occurs first.

1812 (3) Supported employment services may be provided at more
1813 than one site.

1814 (4) The provider of supported employment services must be a
1815 nonprofit corporation under s. 501(c)(3) of the Internal Revenue
1816 Code which serves Hardee County, DeSoto County, Manatee County,
1817 or Sarasota County and must contract with a private school in
1818 this state which meets the requirements in subsection (5).

1819 (5) A private school that participates in the ~~pilot~~ program
1820 may be sectarian or nonsectarian and must:

1821 (a) Be academically accountable for meeting the educational
1822 needs of the student by annually providing to the provider of
1823 supported employment services a written explanation of the
1824 student's progress.

1825 (b) Comply with the antidiscrimination provisions of 42
1826 U.S.C. s. 2000d.

1827 (c) Meet state and local health and safety laws and codes.

1828 (d) Provide to the provider of supported employment
1829 services all documentation required for a student's
1830 participation, including the private school's and student's fee
1831 schedules, at least 30 days before any quarterly scholarship
1832 payment is made for the student. A student is not eligible to
1833 receive a quarterly scholarship payment if the private school
1834 fails to meet this deadline.

1835
1836 The inability of a private school to meet the requirements of
1837 this subsection constitutes a basis for the ineligibility of the
1838 private school to participate in the ~~pilot~~ program.



927886

1839 (6) (a) If the student chooses to participate in the ~~pilot~~
1840 program and is accepted by the provider of supported employment
1841 services, the student must notify the Department of Education of
1842 his or her acceptance into the program 60 days before the first
1843 scholarship payment and before participating in the ~~pilot~~
1844 program in order to be eligible for the scholarship.

1845 (b) Upon receipt of a scholarship warrant, the student or
1846 parent to whom the warrant is made must restrictively endorse
1847 the warrant to the provider of supported employment services for
1848 deposit into the account of the provider. The student or parent
1849 may not designate any entity or individual associated with the
1850 participating provider of supported employment services as the
1851 student's or parent's attorney in fact to endorse a scholarship
1852 warrant. A participant who fails to comply with this paragraph
1853 forfeits the scholarship.

1854 (7) Funds for the scholarship shall be provided from the
1855 appropriation from the school district's Workforce Development
1856 Fund in the General Appropriations Act for students who reside
1857 in the Hardee County School District, the DeSoto County School
1858 District, the Manatee County School District, or the Sarasota
1859 County School District. ~~During the pilot program,~~ The
1860 scholarship amount granted for an eligible student with a
1861 disability shall be equal to the cost per unit of a full-time
1862 equivalent adult general education student, multiplied by the
1863 adult general education funding factor, and multiplied by the
1864 district cost differential pursuant to the formula required by
1865 s. 1011.80(6) (a) for the district in which the student resides.

1866 (8) Upon notification by the Department of Education that
1867 it has received the required documentation, the Chief Financial



927886

1868 Officer shall make scholarship payments in four equal amounts no
1869 later than September 1, November 1, February 1, and April 1 of
1870 each academic year in which the scholarship is in force. The
1871 initial payment shall be made after the Department of Education
1872 verifies that the student was accepted into the ~~pilot~~ program,
1873 and subsequent payments shall be made upon verification of
1874 continued participation in the ~~pilot~~ program. Payment must be by
1875 individual warrant made payable to the student or parent and
1876 mailed by the Department of Education to the provider of
1877 supported employment services, and the student or parent shall
1878 restrictively endorse the warrant to the provider of supported
1879 employment services for deposit into the account of that
1880 provider.

1881 (9) Subsequent to each scholarship payment, the Department
1882 of Education shall request from the Department of Financial
1883 Services a sample of endorsed warrants to review and confirm
1884 compliance with endorsement requirements.

1885 Section 21. Subsection (3) and paragraph (a) of subsection
1886 (8) of section 1006.15, Florida Statutes, are amended, and
1887 subsection (9) is added to that section, to read:

1888 1006.15 Student standards for participation in
1889 interscholastic and intrascholastic extracurricular student
1890 activities; regulation.—

1891 (3) (a) As used in this section and s. 1006.20, the term
1892 “eligible to participate” includes, but is not limited to, a
1893 student participating in tryouts, off-season conditioning,
1894 summer workouts, preseason conditioning, in-season practice, or
1895 contests. The term does not mean that a student must be placed
1896 on any specific team for interscholastic or intrascholastic



927886

1897 extracurricular activities. To be eligible to participate in
1898 interscholastic extracurricular student activities, a student
1899 must:

1900 1. Maintain a grade point average of 2.0 or above on a 4.0
1901 scale, or its equivalent, in the previous semester or a
1902 cumulative grade point average of 2.0 or above on a 4.0 scale,
1903 or its equivalent, in the courses required by s. 1002.3105(5) or
1904 s. 1003.4282.

1905 2. Execute and fulfill the requirements of an academic
1906 performance contract between the student, the district school
1907 board, the appropriate governing association, and the student's
1908 parents, if the student's cumulative grade point average falls
1909 below 2.0, or its equivalent, on a 4.0 scale in the courses
1910 required by s. 1002.3105(5) or s. 1003.4282. At a minimum, the
1911 contract must require that the student attend summer school, or
1912 its graded equivalent, between grades 9 and 10 or grades 10 and
1913 11, as necessary.

1914 3. Have a cumulative grade point average of 2.0 or above on
1915 a 4.0 scale, or its equivalent, in the courses required by s.
1916 1002.3105(5) or s. 1003.4282 during his or her junior or senior
1917 year.

1918 4. Maintain satisfactory conduct, including adherence to
1919 appropriate dress and other codes of student conduct policies
1920 described in s. 1006.07(2). If a student is convicted of, or is
1921 found to have committed, a felony or a delinquent act that would
1922 have been a felony if committed by an adult, regardless of
1923 whether adjudication is withheld, the student's participation in
1924 interscholastic extracurricular activities is contingent upon
1925 established and published district school board policy.



927886

1926 (b) Any student who is exempt from attending a full school
1927 day based on rules adopted by the district school board for
1928 double session schools or programs, experimental schools, or
1929 schools operating under emergency conditions must maintain the
1930 grade point average required by this section and pass each class
1931 for which he or she is enrolled.

1932 (c) An individual home education student is eligible to
1933 participate at the public school to which the student would be
1934 assigned according to district school board attendance area
1935 policies or which the student could choose to attend pursuant to
1936 s. 1002.31 ~~district or interdistrict controlled open enrollment~~
1937 ~~provisions~~, or may develop an agreement to participate at a
1938 private school, in the interscholastic extracurricular
1939 activities of that school, provided the following conditions are
1940 met:

1941 1. The home education student must meet the requirements of
1942 the home education program pursuant to s. 1002.41.

1943 2. During the period of participation at a school, the home
1944 education student must demonstrate educational progress as
1945 required in paragraph (b) in all subjects taken in the home
1946 education program by a method of evaluation agreed upon by the
1947 parent and the school principal which may include: review of the
1948 student's work by a certified teacher chosen by the parent;
1949 grades earned through correspondence; grades earned in courses
1950 taken at a Florida College System institution, university, or
1951 trade school; standardized test scores above the 35th
1952 percentile; or any other method designated in s. 1002.41.

1953 3. The home education student must meet the same residency
1954 requirements as other students in the school at which he or she



927886

1955 participates.

1956 4. The home education student must meet the same standards
1957 of acceptance, behavior, and performance as required of other
1958 students in extracurricular activities.

1959 5. The student must register with the school his or her
1960 intent to participate in interscholastic extracurricular
1961 activities as a representative of the school before the
1962 beginning date of the season for the activity in which he or she
1963 wishes to participate. A home education student must be able to
1964 participate in curricular activities if that is a requirement
1965 for an extracurricular activity.

1966 6. A student who transfers from a home education program to
1967 a public school before or during the first grading period of the
1968 school year is academically eligible to participate in
1969 interscholastic extracurricular activities during the first
1970 grading period provided the student has a successful evaluation
1971 from the previous school year, pursuant to subparagraph 2.

1972 7. Any public school or private school student who has been
1973 unable to maintain academic eligibility for participation in
1974 interscholastic extracurricular activities is ineligible to
1975 participate in such activities as a home education student until
1976 the student has successfully completed one grading period in
1977 home education pursuant to subparagraph 2. to become eligible to
1978 participate as a home education student.

1979 (d) An individual charter school student pursuant to s.
1980 1002.33 is eligible to participate at the public school to which
1981 the student would be assigned according to district school board
1982 attendance area policies or which the student could ~~choose to~~
1983 ~~attend, pursuant to district or interdistrict controlled open-~~



927886

1984 ~~enrollment provisions,~~ in any interscholastic extracurricular
1985 activity of that school, unless such activity is provided by the
1986 student's charter school, if the following conditions are met:

1987 1. The charter school student must meet the requirements of
1988 the charter school education program as determined by the
1989 charter school governing board.

1990 2. During the period of participation at a school, the
1991 charter school student must demonstrate educational progress as
1992 required in paragraph (b).

1993 3. The charter school student must meet the same residency
1994 requirements as other students in the school at which he or she
1995 participates.

1996 4. The charter school student must meet the same standards
1997 of acceptance, behavior, and performance that are required of
1998 other students in extracurricular activities.

1999 5. The charter school student must register with the school
2000 his or her intent to participate in interscholastic
2001 extracurricular activities as a representative of the school
2002 before the beginning date of the season for the activity in
2003 which he or she wishes to participate. A charter school student
2004 must be able to participate in curricular activities if that is
2005 a requirement for an extracurricular activity.

2006 6. A student who transfers from a charter school program to
2007 a traditional public school before or during the first grading
2008 period of the school year is academically eligible to
2009 participate in interscholastic extracurricular activities during
2010 the first grading period if the student has a successful
2011 evaluation from the previous school year, pursuant to
2012 subparagraph 2.



927886

2013 7. Any public school or private school student who has been
2014 unable to maintain academic eligibility for participation in
2015 interscholastic extracurricular activities is ineligible to
2016 participate in such activities as a charter school student until
2017 the student has successfully completed one grading period in a
2018 charter school pursuant to subparagraph 2. to become eligible to
2019 participate as a charter school student.

2020 (e) A student of the Florida Virtual School full-time
2021 program may participate in any interscholastic extracurricular
2022 activity at the public school to which the student would be
2023 assigned according to district school board attendance area
2024 policies or which the student could choose to attend, pursuant
2025 to s. 1002.31 ~~district or interdistrict controlled open~~
2026 ~~enrollment policies,~~ if the student:

2027 1. During the period of participation in the
2028 interscholastic extracurricular activity, meets the requirements
2029 in paragraph (a).

2030 2. Meets any additional requirements as determined by the
2031 board of trustees of the Florida Virtual School.

2032 3. Meets the same residency requirements as other students
2033 in the school at which he or she participates.

2034 4. Meets the same standards of acceptance, behavior, and
2035 performance that are required of other students in
2036 extracurricular activities.

2037 5. Registers his or her intent to participate in
2038 interscholastic extracurricular activities with the school
2039 before the beginning date of the season for the activity in
2040 which he or she wishes to participate. A Florida Virtual School
2041 student must be able to participate in curricular activities if



927886

2042 that is a requirement for an extracurricular activity.

2043 (f) A student who transfers from the Florida Virtual School
2044 full-time program to a traditional public school before or
2045 during the first grading period of the school year is
2046 academically eligible to participate in interscholastic
2047 extracurricular activities during the first grading period if
2048 the student has a successful evaluation from the previous school
2049 year pursuant to paragraph (a).

2050 (g) A public school or private school student who has been
2051 unable to maintain academic eligibility for participation in
2052 interscholastic extracurricular activities is ineligible to
2053 participate in such activities as a Florida Virtual School
2054 student until the student successfully completes one grading
2055 period in the Florida Virtual School pursuant to paragraph (a).

2056 (h)1. A school district or charter school may not delay
2057 eligibility or otherwise prevent a student participating in
2058 controlled open enrollment, or a choice program, from being
2059 immediately eligible to participate in interscholastic and
2060 intrascholastic extracurricular activities.

2061 2. A student may not participate in a sport if the student
2062 participated in that same sport at another school during that
2063 school year, unless the student meets one of the following
2064 criteria:

2065 a. Dependent children of active duty military personnel
2066 whose move resulted from military orders.

2067 b. Children who have been relocated due to a foster care
2068 placement in a different school zone.

2069 c. Children who move due to a court-ordered change in
2070 custody due to separation or divorce, or the serious illness or



927886

2071 death of a custodial parent.

2072 d. Authorized for good cause in district or charter school
2073 policy.

2074 (8) (a) The Florida High School Athletic Association
2075 (FHSAA), in cooperation with each district school board, shall
2076 facilitate a program in which a middle school or high school
2077 student who attends a private school shall be eligible to
2078 participate in an interscholastic or intrascholastic sport at a
2079 public high school, a public middle school, or a 6-12 public
2080 school that is zoned for the physical address at which the
2081 student resides if:

2082 1. The private school in which the student is enrolled is
2083 not a member of the FHSAA ~~and does not offer an interscholastic~~
2084 ~~or intrascholastic athletic program.~~

2085 2. The private school student meets the guidelines for the
2086 conduct of the program established by the FHSAA's board of
2087 directors and the district school board. At a minimum, such
2088 guidelines shall provide:

2089 a. A deadline for each sport by which the private school
2090 student's parents must register with the public school in
2091 writing their intent for their child to participate at that
2092 school in the sport.

2093 b. Requirements for a private school student to
2094 participate, including, but not limited to, meeting the same
2095 standards of eligibility, acceptance, behavior, educational
2096 progress, and performance which apply to other students
2097 participating in interscholastic or intrascholastic sports at a
2098 public school or FHSAA member private school.

2099 (9) (a) A student who transfers to a school during the



927886

2100 school year may seek to immediately join an existing team if the
2101 roster for the specific interscholastic or intrascholastic
2102 extracurricular activity has not reached the activity's
2103 identified maximum size and if the coach for the activity
2104 determines that the student has the requisite skill and ability
2105 to participate. The FHSAA and school district or charter school
2106 may not declare such a student ineligible because the student
2107 did not have the opportunity to comply with qualifying
2108 requirements.

2109 (b) A student may not participate in a sport if the student
2110 participated in that same sport at another school during that
2111 school year, unless the student meets one of the following
2112 criteria:

2113 1. Dependent children of active duty military personnel
2114 whose move resulted from military orders.

2115 2. Children who have been relocated due to a foster care
2116 placement in a different school zone.

2117 3. Children who move due to a court-ordered change in
2118 custody due to separation or divorce, or the serious illness or
2119 death of a custodial parent.

2120 4. Authorized for good cause in district or charter school
2121 policy.

2122 Section 22. Section 1006.195, Florida Statutes, is created
2123 to read:

2124 1006.195 District school board, charter school authority
2125 and responsibility to establish student eligibility regarding
2126 participation in interscholastic and intrascholastic
2127 extracurricular activities.—Notwithstanding any provision to the
2128 contrary in ss. 1006.15, 1006.18, and 1006.20, regarding student



927886

2129 eligibility to participate in interscholastic and
2130 intrascholastic extracurricular activities:

2131 (1) (a) A district school board must establish, through its
2132 code of student conduct, student eligibility standards and
2133 related student disciplinary actions regarding student
2134 participation in interscholastic and intrascholastic
2135 extracurricular activities. The code of student conduct must
2136 provide that:

2137 1. A student not currently suspended from interscholastic
2138 or intrascholastic extracurricular activities, or suspended or
2139 expelled from school, pursuant to a district school board's
2140 suspension or expulsion powers provided in law, including ss.
2141 1006.07, 1006.08, and 1006.09, is eligible to participate in
2142 interscholastic and intrascholastic extracurricular activities.

2143 2. A student may not participate in a sport if the student
2144 participated in that same sport at another school during that
2145 school year, unless the student meets the criteria in s.
2146 1006.15(3)(h).

2147 3. A student's eligibility to participate in any
2148 interscholastic or intrascholastic extracurricular activity may
2149 not be affected by any alleged recruiting violation until final
2150 disposition of the allegation pursuant to s. 1006.20(2)(b).

2151 (b) Students who participate in interscholastic and
2152 intrascholastic extracurricular activities for, but are not
2153 enrolled in, a public school pursuant to s. 1006.15(3)(c)-(e)
2154 and (8), are subject to the district school board's code of
2155 student conduct for the limited purpose of establishing and
2156 maintaining the student's eligibility to participate at the
2157 school.



927886

2158 (c) The provisions of this subsection apply to
2159 interscholastic and intrascholastic extracurricular activities
2160 conducted by charter schools and private schools, as applicable,
2161 except that the charter school governing board, or equivalent
2162 private school authority, is responsible for the authority and
2163 responsibility otherwise provided to district school boards.

2164 (2) (a) The Florida High School Athletic Association (FHSAA)
2165 continues to retain jurisdiction over the following provisions
2166 in s. 1006.20, which may not be implemented in a manner contrary
2167 to this section: membership in the FHSAA; recruiting
2168 prohibitions and violations; student medical evaluations;
2169 investigations; and sanctions for coaches; school eligibility
2170 and forfeiture of contests; student concussions or head
2171 injuries; the sports medical advisory committee; and the general
2172 operational provisions of the FHSAA.

2173 (b) The FHSAA must adopt, and prominently publish, the text
2174 of this section on its website and in its bylaws, rules,
2175 procedures, training and education materials, and all other
2176 governing authority documents by August 1, 2016.

2177 Section 23. Subsection (1) and paragraphs (a), (b), (c),
2178 and (g) of subsection (2) of section 1006.20, Florida Statutes,
2179 are amended to read:

2180 1006.20 Athletics in public K-12 schools.—

2181 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High
2182 School Athletic Association (FHSAA) is designated as the
2183 governing nonprofit organization of athletics in Florida public
2184 schools. If the FHSAA fails to meet the provisions of this
2185 section, the commissioner shall designate a nonprofit
2186 organization to govern athletics with the approval of the State



927886

2187 Board of Education. The FHSAA is not a state agency as defined
2188 in s. 120.52. The FHSAA shall be subject to the provisions of s.
2189 1006.19. A private school that wishes to engage in high school
2190 athletic competition with a public high school may become a
2191 member of the FHSAA. Any high school in the state, including
2192 charter schools, virtual schools, and home education
2193 cooperatives, may become a member of the FHSAA and participate
2194 in the activities of the FHSAA. However, membership in the FHSAA
2195 is not mandatory for any school. The FHSAA must allow a private
2196 school the option of maintaining full membership in the
2197 association or joining by sport and may not discourage a private
2198 school from simultaneously maintaining membership in another
2199 athletic association. The FHSAA may allow a public school the
2200 option to apply for consideration to join another athletic
2201 association. The FHSAA may not deny or discourage
2202 interscholastic competition between its member schools and non-
2203 FHSAA member Florida schools, including members of another
2204 athletic governing organization, and may not take any
2205 retributory or discriminatory action against any of its member
2206 schools that participate in interscholastic competition with
2207 non-FHSAA member Florida schools. The FHSAA may not unreasonably
2208 withhold its approval of an application to become an affiliate
2209 member of the National Federation of State High School
2210 Associations submitted by any other organization that governs
2211 interscholastic athletic competition in this state. The bylaws
2212 of the FHSAA are the rules by which high school athletic
2213 programs in its member schools, and the students who participate
2214 in them, are governed, unless otherwise specifically provided by
2215 statute. For the purposes of this section, "high school"



927886

2216 includes grades 6 through 12.

2217 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

2218 (a) The FHSAA shall adopt bylaws that, unless specifically
2219 provided by statute, establish eligibility requirements for all
2220 students who participate in high school athletic competition in
2221 its member schools. The bylaws governing residence and transfer
2222 shall allow the student to be immediately eligible in the school
2223 in which he or she first enrolls each school year or the school
2224 in which the student makes himself or herself a candidate for an
2225 athletic team by engaging in a practice prior to enrolling in
2226 the school. The bylaws shall also allow the student to be
2227 immediately eligible in the school to which the student has
2228 transferred ~~during the school year if the transfer is made by a~~
2229 ~~deadline established by the FHSAA, which may not be prior to the~~
2230 ~~date authorized for the beginning of practice for the sport.~~
2231 ~~These transfers shall be allowed pursuant to the district school~~
2232 ~~board policies in the case of transfer to a public school or~~
2233 ~~pursuant to the private school policies in the case of transfer~~
2234 ~~to a private school.~~ The student shall be eligible in that
2235 school so long as he or she remains enrolled in that school.
2236 Subsequent eligibility shall be determined and enforced through
2237 the FHSAA's bylaws. Requirements governing eligibility and
2238 transfer between member schools shall be applied similarly to
2239 public school students and private school students.

2240 (b) The FHSAA shall adopt bylaws that specifically prohibit
2241 the recruiting of students for athletic purposes. The bylaws
2242 shall prescribe penalties and an appeals process for athletic
2243 recruiting violations.

2244 1. If it is determined that a school has recruited a



927886

2245 student in violation of FHSAA bylaws, the FHSAA may require the
2246 school to participate in a higher classification for the sport
2247 in which the recruited student competes for a minimum of one
2248 classification cycle, in addition to the penalties in
2249 subparagraphs 2. and 3. and any other appropriate fine or ~~and~~
2250 sanction imposed on the school, its coaches, or adult
2251 representatives who violate recruiting rules.

2252 2. Any recruitment by a school district employee or
2253 contractor in violation of FHSAA bylaws results in escalating
2254 punishments as follows:

2255 a. For a first offense, a \$5,000 forfeiture of pay for the
2256 school district employee or contractor who committed the
2257 violation.

2258 b. For a second offense, suspension without pay for 12
2259 months from coaching, directing, or advertising an
2260 extracurricular activity and a \$5,000 forfeiture of pay for the
2261 school district employee or contractor who committed the
2262 violation.

2263 c. For a third offense, a \$5,000 forfeiture of pay for the
2264 school district employee or contractor who committed the
2265 violation. If the individual who committed the violation holds
2266 an educator certificate, the FHSAA shall also refer the
2267 violation to the department for review pursuant to s. 1012.796
2268 to determine whether probable cause exists, and, if there is a
2269 finding of probable cause, the commissioner shall file a formal
2270 complaint against the individual. If the complaint is upheld,
2271 the individual's educator certificate shall be revoked for 3
2272 years, in addition to any penalties available under s. 1012.796.
2273 Additionally, the department shall revoke any adjunct teaching



927886

2274 certificates issued pursuant to s. 1012.57 and all permissions
2275 under ss. 1012.39 and 1012.43, and the educator is ineligible
2276 for such certificates or permissions for a period of time equal
2277 to the period of revocation of his or her state-issued
2278 certificate.

2279 3. Notwithstanding any other provision of law, a school,
2280 team, or activity shall forfeit all competitions, including
2281 honors resulting from such competitions, in which a student who
2282 participated in any fashion was recruited in a manner prohibited
2283 pursuant to state law or the FHSAA bylaws.

2284 4. A student may not be declared ineligible based on
2285 violation of recruiting rules unless the student or parent has
2286 falsified any enrollment or eligibility document or accepted any
2287 benefit ~~or any promise of benefit~~ if such benefit is not
2288 generally available to the school's students or family members
2289 or is based in any way on athletic interest, potential, or
2290 performance.

2291 5. A student's eligibility to participate in any
2292 interscholastic or intrascholastic extracurricular activity, as
2293 determined by a district school board pursuant to s.
2294 1006.195(1)(a)3., may not be affected by any alleged recruiting
2295 violation until final disposition of the allegation.

2296 (c) The FHSAA shall adopt bylaws that require all students
2297 participating in interscholastic athletic competition or who are
2298 candidates for an interscholastic athletic team to
2299 satisfactorily pass a medical evaluation each year prior to
2300 participating in interscholastic athletic competition or
2301 engaging in any practice, tryout, workout, or other physical
2302 activity associated with the student's candidacy for an



927886

2303 interscholastic athletic team. Such medical evaluation may be
2304 administered only by a practitioner licensed under chapter 458,
2305 chapter 459, chapter 460, or s. 464.012, and in good standing
2306 with the practitioner's regulatory board. The bylaws shall
2307 establish requirements for eliciting a student's medical history
2308 and performing the medical evaluation required under this
2309 paragraph, which shall include a physical assessment of the
2310 student's physical capabilities to participate in
2311 interscholastic athletic competition as contained in a uniform
2312 preparticipation physical evaluation and history form. The
2313 evaluation form shall incorporate the recommendations of the
2314 American Heart Association for participation cardiovascular
2315 screening and shall provide a place for the signature of the
2316 practitioner performing the evaluation with an attestation that
2317 each examination procedure listed on the form was performed by
2318 the practitioner or by someone under the direct supervision of
2319 the practitioner. The form shall also contain a place for the
2320 practitioner to indicate if a referral to another practitioner
2321 was made in lieu of completion of a certain examination
2322 procedure. The form shall provide a place for the practitioner
2323 to whom the student was referred to complete the remaining
2324 sections and attest to that portion of the examination. The
2325 preparticipation physical evaluation form shall advise students
2326 to complete a cardiovascular assessment and shall include
2327 information concerning alternative cardiovascular evaluation and
2328 diagnostic tests. Results of such medical evaluation must be
2329 provided to the school. A student is not ~~No student shall be~~
2330 eligible to participate, as provided in s. 1006.15(3), in any
2331 interscholastic athletic competition or engage in any practice,



927886

2332 tryout, workout, or other physical activity associated with the
2333 student's candidacy for an interscholastic athletic team until
2334 the results of the medical evaluation have been received and
2335 approved by the school.

2336 (g) The FHSAA shall adopt bylaws establishing the process
2337 and standards by which FHSAA determinations of eligibility are
2338 made. Such bylaws shall provide that:

2339 1. Ineligibility must be established by a preponderance of
2340 the clear and convincing evidence;

2341 2. Student athletes, parents, and schools must have notice
2342 of the initiation of any investigation or other inquiry into
2343 eligibility and may present, to the investigator and to the
2344 individual making the eligibility determination, any information
2345 or evidence that is credible, persuasive, and of a kind
2346 reasonably prudent persons rely upon in the conduct of serious
2347 affairs;

2348 3. An investigator may not determine matters of eligibility
2349 but must submit information and evidence to the executive
2350 director or a person designated by the executive director or by
2351 the board of directors for an unbiased and objective
2352 determination of eligibility; and

2353 4. A determination of ineligibility must be made in
2354 writing, setting forth the findings of fact and specific
2355 violation upon which the decision is based.

2356 Section 24. Subsection (5), paragraph (j) of subsection
2357 (6), and paragraph (a) of subsection (8) of section 1007.35,
2358 Florida Statutes, are amended to read:

2359 1007.35 Florida Partnership for Minority and
2360 Underrepresented Student Achievement.-



927886

2361 (5) Each public high school, including, but not limited to,
2362 schools and alternative sites and centers of the Department of
2363 Juvenile Justice, shall provide for the administration of the
2364 Preliminary SAT/National Merit Scholarship Qualifying Test
2365 (PSAT/NMSQT), or ACT Aspire ~~Preliminary ACT (PLAN)~~ to all
2366 enrolled 10th grade students. However, a written notice shall be
2367 provided to each parent that shall include the opportunity to
2368 exempt his or her child from taking the PSAT/NMSQT or ACT Aspire
2369 ~~PLAN~~.

2370 (a) Test results will provide each high school with a
2371 database of student assessment data which certified school
2372 counselors will use to identify students who are prepared or who
2373 need additional work to be prepared to enroll and be successful
2374 in AP courses or other advanced high school courses.

2375 (b) Funding for the PSAT/NMSQT or ACT Aspire ~~PLAN~~ for all
2376 10th grade students shall be contingent upon annual funding in
2377 the General Appropriations Act.

2378 (c) Public school districts must choose either the
2379 PSAT/NMSQT or ACT Aspire ~~PLAN~~ for districtwide administration.

2380 (6) The partnership shall:

2381 (j) Provide information to students, parents, teachers,
2382 counselors, administrators, districts, Florida College System
2383 institutions, and state universities regarding PSAT/NMSQT or ACT
2384 Aspire ~~PLAN~~ administration, including, but not limited to:

2385 1. Test administration dates and times.

2386 2. That participation in the PSAT/NMSQT or ACT Aspire ~~PLAN~~
2387 is open to all 10th grade ~~10~~ students.

2388 3. The value of such tests in providing diagnostic feedback
2389 on student skills.



927886

2390 4. The value of student scores in predicting the
2391 probability of success on AP or other advanced course
2392 examinations.

2393 (8) (a) By September 30 of each year, the partnership shall
2394 submit to the department a report that contains an evaluation of
2395 the effectiveness of the delivered services and activities.
2396 Activities and services must be evaluated on their effectiveness
2397 at raising student achievement and increasing the number of AP
2398 or other advanced course examinations in low-performing middle
2399 and high schools. Other indicators that must be addressed in the
2400 evaluation report include the number of middle and high school
2401 teachers trained; the effectiveness of the training; measures of
2402 postsecondary readiness of the students affected by the program;
2403 levels of participation in 10th grade PSAT/NMSQT or ACT Aspire
2404 ~~PLAN~~ testing; and measures of student, parent, and teacher
2405 awareness of and satisfaction with the services of the
2406 partnership.

2407 Section 25. Section 1009.893, Florida Statutes, is amended
2408 to read:

2409 1009.893 Benacquisto Scholarship ~~Florida National Merit~~
2410 ~~Scholar Incentive~~ Program.—

2411 (1) As used in this section, the term:

2412 (a) "Department" means the Department of Education.

2413 (b) "Scholarship Incentive program" means the Benacquisto
2414 Scholarship ~~Florida National Merit Scholar Incentive~~ Program.

2415 (2) The Benacquisto Scholarship ~~Florida National Merit~~
2416 ~~Scholar Incentive~~ Program is created to reward any Florida high
2417 school graduate who receives recognition as a National Merit
2418 Scholar or National Achievement Scholar and who initially



927886

2419 enrolls in the 2014-2015 academic year or, later, in a
2420 baccalaureate degree program at an eligible Florida public or
2421 independent postsecondary educational institution.

2422 (3) The department shall administer the scholarship
2423 ~~incentive~~ program according to rules and procedures established
2424 by the State Board of Education. The department shall advertise
2425 the availability of the scholarship ~~incentive~~ program and notify
2426 students, teachers, parents, certified school counselors, and
2427 principals or other relevant school administrators of the
2428 criteria.

2429 (4) In order to be eligible for an award under the
2430 scholarship ~~incentive~~ program, a student must:

2431 (a) Be a state resident as determined in s. 1009.40 and
2432 rules of the State Board of Education;

2433 (b) Earn a standard Florida high school diploma or its
2434 equivalent pursuant to s. 1002.3105, s. 1003.4281, s. 1003.4282,
2435 or s. 1003.435 unless:

2436 1. The student completes a home education program according
2437 to s. 1002.41; or

2438 2. The student earns a high school diploma from a non-
2439 Florida school while living with a parent who is on military or
2440 public service assignment out of this state;

2441 (c) Be accepted by and enroll in a Florida public or
2442 independent postsecondary educational institution that is
2443 regionally accredited; and

2444 (d) Be enrolled full-time in a baccalaureate degree program
2445 at an eligible regionally accredited Florida public or
2446 independent postsecondary educational institution during the
2447 fall academic term following high school graduation.



927886

2448 (5) (a) An eligible student who is a National Merit Scholar
2449 or National Achievement Scholar and who attends a Florida public
2450 postsecondary educational institution shall receive a
2451 scholarship ~~an incentive~~ award equal to the institutional cost
2452 of attendance minus the sum of the student's Florida Bright
2453 Futures Scholarship and National Merit Scholarship or National
2454 Achievement Scholarship.

2455 (b) An eligible student who is a National Merit Scholar or
2456 National Achievement Scholar and who attends a Florida
2457 independent postsecondary educational institution shall receive
2458 a scholarship ~~an incentive~~ award equal to the highest cost of
2459 attendance at a Florida public university, as reported by the
2460 Board of Governors of the State University System, minus the sum
2461 of the student's Florida Bright Futures Scholarship and National
2462 Merit Scholarship or National Achievement Scholarship.

2463 (6) (a) To be eligible for a renewal award, a student must
2464 earn all credits for which he or she was enrolled and maintain a
2465 3.0 or higher grade point average.

2466 (b) A student may receive the scholarship ~~incentive~~ award
2467 for a maximum of 100 percent of the number of credit hours
2468 required to complete a baccalaureate degree program, or until
2469 completion of a baccalaureate degree program, whichever comes
2470 first.

2471 (7) The department shall annually issue awards from the
2472 scholarship ~~incentive~~ program. Before the registration period
2473 each semester, the department shall transmit payment for each
2474 award to the president or director of the postsecondary
2475 educational institution, or his or her representative, except
2476 that the department may withhold payment if the receiving



927886

2477 institution fails to report or to make refunds to the department
2478 as required in this section.

2479 (a) Each institution shall certify to the department the
2480 eligibility status of each student to receive a disbursement
2481 within 30 days before the end of its regular registration
2482 period, inclusive of a drop and add period. An institution is
2483 not required to reevaluate the student eligibility after the end
2484 of the drop and add period.

2485 (b) An institution that receives funds from the scholarship
2486 ~~incentive~~ program must certify to the department the amount of
2487 funds disbursed to each student and remit to the department any
2488 undisbursed advances within 60 days after the end of regular
2489 registration.

2490 (c) If funds appropriated are not adequate to provide the
2491 maximum allowable award to each eligible student, awards must be
2492 prorated using the same percentage reduction.

2493 (8) Funds from any award within the scholarship ~~incentive~~
2494 program may not be used to pay for remedial coursework or
2495 developmental education.

2496 (9) A student may use an award for a summer term if funds
2497 are available and appropriated by the Legislature.

2498 (10) The department shall allocate funds to the appropriate
2499 institutions and collect and maintain data regarding the
2500 scholarship ~~incentive~~ program within the student financial
2501 assistance database as specified in s. 1009.94.

2502 (11) Section 1009.40(4) does not apply to awards issued
2503 under this section.

2504 (12) A student who receives an award under the scholarship
2505 program shall be known as a Benacquisto Scholar.



927886

2506 (13) All eligible Florida public or independent
2507 postsecondary educational institutions are encouraged to become,
2508 and all eligible state universities shall become, college
2509 sponsors of the National Merit Scholarship Program.

2510 ~~(14)-(12)~~ The State Board of Education shall adopt rules
2511 necessary to administer this section.

2512 Section 26. Subsection (1) of section 1011.61, Florida
2513 Statutes, is amended to read:

2514 1011.61 Definitions.—Notwithstanding the provisions of s.
2515 1000.21, the following terms are defined as follows for the
2516 purposes of the Florida Education Finance Program:

2517 (1) A “full-time equivalent student” in each program of the
2518 district is defined in terms of full-time students and part-time
2519 students as follows:

2520 (a) A “full-time student” is one student on the membership
2521 roll of one school program or a combination of school programs
2522 listed in s. 1011.62(1)(c) for the school year or the equivalent
2523 for:

2524 1. Instruction in a standard school, comprising not less
2525 than 900 net hours for a student in or at the grade level of 4
2526 through 12, or not less than 720 net hours for a student in or
2527 at the grade level of kindergarten through grade 3 or in an
2528 authorized prekindergarten exceptional program; or

2529 ~~2. Instruction in a double-session school or a school~~
2530 ~~utilizing an experimental school calendar approved by the~~
2531 ~~Department of Education, comprising not less than the equivalent~~
2532 ~~of 810 net hours in grades 4 through 12 or not less than 630 net~~
2533 ~~hours in kindergarten through grade 3; or~~

2534 ~~2.3.~~ Instruction comprising the appropriate number of net



927886

2535 hours set forth in subparagraph 1. ~~or subparagraph 2.~~ for
2536 students who, within the past year, have moved with their
2537 parents for the purpose of engaging in the farm labor or fish
2538 industries, if a plan furnishing such an extended school day or
2539 week, or a combination thereof, has been approved by the
2540 commissioner. Such plan may be approved to accommodate the needs
2541 of migrant students only or may serve all students in schools
2542 having a high percentage of migrant students. The plan described
2543 in this subparagraph is optional for any school district and is
2544 not mandated by the state.

2545 (b) A "part-time student" is a student on the active
2546 membership roll of a school program or combination of school
2547 programs listed in s. 1011.62(1)(c) who is less than a full-time
2548 student. A student who receives instruction in a school that
2549 operates for less than the minimum term shall generate full-time
2550 equivalent student membership proportional to the amount of
2551 instructional hours provided by the school divided by the
2552 minimum term requirement as provided in s. 1011.60(2).

2553 (c)1. A "full-time equivalent student" is:

2554 a. A full-time student in any one of the programs listed in
2555 s. 1011.62(1)(c); or

2556 b. A combination of full-time or part-time students in any
2557 one of the programs listed in s. 1011.62(1)(c) which is the
2558 equivalent of one full-time student based on the following
2559 calculations:

2560 (I) A full-time student in a combination of programs listed
2561 in s. 1011.62(1)(c) shall be a fraction of a full-time
2562 equivalent membership in each special program equal to the
2563 number of net hours per school year for which he or she is a



927886

2564 member, divided by the appropriate number of hours set forth in
2565 subparagraph (a)1. ~~or subparagraph (a)2.~~ The difference between
2566 that fraction or sum of fractions and the maximum value as set
2567 forth in subsection (4) for each full-time student is presumed
2568 to be the balance of the student's time not spent in a special
2569 program and shall be recorded as time in the appropriate basic
2570 program.

2571 (II) A prekindergarten student with a disability shall meet
2572 the requirements specified for kindergarten students.

2573 (III) A full-time equivalent student for students in
2574 kindergarten through grade 12 in a full-time virtual instruction
2575 program under s. 1002.45 or a virtual charter school under s.
2576 1002.33 shall consist of six full-credit completions or the
2577 prescribed level of content that counts toward promotion to the
2578 next grade in programs listed in s. 1011.62(1)(c). Credit
2579 completions may be a combination of full-credit courses or half-
2580 credit courses. ~~Beginning in the 2016-2017 fiscal year, the~~
2581 ~~reported full-time equivalent students and associated funding of~~
2582 ~~students enrolled in courses requiring passage of an end-of-~~
2583 ~~course assessment under s. 1003.4282 to earn a standard high~~
2584 ~~school diploma shall be adjusted if the student does not pass~~
2585 ~~the end-of-course assessment. However, no adjustment shall be~~
2586 ~~made for a student who enrolls in a segmented remedial course~~
2587 ~~delivered online.~~

2588 (IV) A full-time equivalent student for students in
2589 kindergarten through grade 12 in a part-time virtual instruction
2590 program under s. 1002.45 shall consist of six full-credit
2591 completions in programs listed in s. 1011.62(1)(c)1. and 3.
2592 Credit completions may be a combination of full-credit courses



927886

2593 or half-credit courses. ~~Beginning in the 2016-2017 fiscal year,~~
2594 ~~the reported full-time equivalent students and associated~~
2595 ~~funding of students enrolled in courses requiring passage of an~~
2596 ~~end-of-course assessment under s. 1003.4282 to earn a standard~~
2597 ~~high school diploma shall be adjusted if the student does not~~
2598 ~~pass the end-of-course assessment. However, no adjustment shall~~
2599 ~~be made for a student who enrolls in a segmented remedial course~~
2600 ~~delivered online.~~

2601 (V) A Florida Virtual School full-time equivalent student
2602 shall consist of six full-credit completions or the prescribed
2603 level of content that counts toward promotion to the next grade
2604 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
2605 participating in kindergarten through grade 12 part-time virtual
2606 instruction and the programs listed in s. 1011.62(1)(c) for
2607 students participating in kindergarten through grade 12 full-
2608 time virtual instruction. Credit completions may be a
2609 combination of full-credit courses or half-credit courses.

2610 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~
2611 ~~equivalent students and associated funding of students enrolled~~
2612 ~~in courses requiring passage of an end-of-course assessment~~
2613 ~~under s. 1003.4282 to earn a standard high school diploma shall~~
2614 ~~be adjusted if the student does not pass the end-of-course~~
2615 ~~assessment. However, no adjustment shall be made for a student~~
2616 ~~who enrolls in a segmented remedial course delivered online.~~

2617 (VI) Each successfully completed full-credit course earned
2618 through an online course delivered by a district other than the
2619 one in which the student resides shall be calculated as 1/6 FTE.

2620 (VII) A full-time equivalent student for courses requiring
2621 passage of a statewide, standardized end-of-course assessment



927886

2622 under s. 1003.4282 to earn a standard high school diploma shall
2623 be defined and reported based on the number of instructional
2624 hours as provided in this subsection ~~until the 2016-2017 fiscal~~
2625 ~~year. Beginning in the 2016-2017 fiscal year, the FTE for the~~
2626 ~~course shall be assessment-based and shall be equal to 1/6 FTE.~~
2627 ~~The reported FTE shall be adjusted if the student does not pass~~
2628 ~~the end-of-course assessment. However, no adjustment shall be~~
2629 ~~made for a student who enrolls in a segmented remedial course~~
2630 ~~delivered online.~~

2631 (VIII) For students enrolled in a school district as a
2632 full-time student, the district may report 1/6 FTE for each
2633 student who passes a statewide, standardized end-of-course
2634 assessment without being enrolled in the corresponding course.

2635 2. A student in membership in a program scheduled for more
2636 or less than 180 school days or the equivalent on an hourly
2637 basis as specified by rules of the State Board of Education is a
2638 fraction of a full-time equivalent membership equal to the
2639 number of instructional hours in membership divided by the
2640 appropriate number of hours set forth in subparagraph (a)1. ;
2641 however, for the purposes of this subparagraph, membership in
2642 programs scheduled for more than 180 days is limited to students
2643 enrolled in:

- 2644 a. Juvenile justice education programs.
- 2645 b. The Florida Virtual School.
- 2646 c. Virtual instruction programs and virtual charter schools
2647 for the purpose of course completion and credit recovery
2648 pursuant to ss. 1002.45 and 1003.498. Course completion applies
2649 only to a student who is reported during the second or third
2650 membership surveys and who does not complete a virtual education



927886

2651 course by the end of the regular school year. The course must be
2652 completed no later than the deadline for amending the final
2653 student enrollment survey for that year. Credit recovery applies
2654 only to a student who has unsuccessfully completed a traditional
2655 or virtual education course during the regular school year and
2656 must re-take the course in order to be eligible to graduate with
2657 the student's class.

2658
2659 The full-time equivalent student enrollment calculated under
2660 this subsection is subject to the requirements in subsection
2661 (4).

2662
2663 The department shall determine and implement an equitable method
2664 of equivalent funding for ~~experimental schools and for~~ schools
2665 operating under emergency conditions, which schools have been
2666 approved by the department to operate for less than the minimum
2667 term as provided in s. 1011.60(2) ~~school day~~.

2668 Section 27. Effective July 1, 2016, and upon the expiration
2669 of the amendments made to section 1011.62, Florida Statutes, by
2670 chapter 2015-222, Laws of Florida, paragraphs (e) and (o) of
2671 subsection (1), paragraph (a) of subsection (4), and present
2672 subsection (13) of that section are amended, present subsections
2673 (13), (14), and (15) of that section are renumbered as
2674 subsections (14), (15), and (16), respectively, and a new
2675 subsection (13) is added to that section, to read:

2676 1011.62 Funds for operation of schools.—If the annual
2677 allocation from the Florida Education Finance Program to each
2678 district for operation of schools is not determined in the
2679 annual appropriations act or the substantive bill implementing



927886

2680 the annual appropriations act, it shall be determined as
2681 follows:

2682 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
2683 OPERATION.—The following procedure shall be followed in
2684 determining the annual allocation to each district for
2685 operation:

2686 (e) Funding model for exceptional student education
2687 programs.—

2688 1.a. The funding model uses basic, at-risk, support levels
2689 IV and V for exceptional students and career Florida Education
2690 Finance Program cost factors, and a guaranteed allocation for
2691 exceptional student education programs. Exceptional education
2692 cost factors are determined by using a matrix of services to
2693 document the services that each exceptional student will
2694 receive. The nature and intensity of the services indicated on
2695 the matrix shall be consistent with the services described in
2696 each exceptional student's individual educational plan. The
2697 Department of Education shall review and revise the descriptions
2698 of the services and supports included in the matrix of services
2699 for exceptional students and shall implement those revisions
2700 before the beginning of the 2012-2013 school year.

2701 b. In order to generate funds using one of the two weighted
2702 cost factors, a matrix of services must be completed at the time
2703 of the student's initial placement into an exceptional student
2704 education program and at least once every 3 years by personnel
2705 who have received approved training. Nothing listed in the
2706 matrix shall be construed as limiting the services a school
2707 district must provide in order to ensure that exceptional
2708 students are provided a free, appropriate public education.



927886

2709 c. Students identified as exceptional, in accordance with
2710 chapter 6A-6, Florida Administrative Code, who do not have a
2711 matrix of services as specified in sub-subparagraph b. shall
2712 generate funds on the basis of full-time-equivalent student
2713 membership in the Florida Education Finance Program at the same
2714 funding level per student as provided for basic students.
2715 Additional funds for these exceptional students will be provided
2716 through the guaranteed allocation designated in subparagraph 2.

2717 2. For students identified as exceptional who do not have a
2718 matrix of services and students who are gifted in grades K
2719 through 8, there is created a guaranteed allocation to provide
2720 these students with a free appropriate public education, in
2721 accordance with s. 1001.42(4)(1) and rules of the State Board of
2722 Education, which shall be allocated initially ~~annually~~ to each
2723 school district in the amount provided in the General
2724 Appropriations Act. These funds shall be supplemental ~~in~~
2725 ~~addition~~ to the funds appropriated for the basic funding level
2726 ~~on the basis of FTE student membership in the Florida Education~~
2727 ~~Finance Program~~, and the amount allocated for each school
2728 district shall ~~not~~ be recalculated once during the year, based
2729 on actual student membership from the October FTE survey. Upon
2730 recalculation, if the generated allocation is greater than the
2731 amount provided in the General Appropriations Act, the total
2732 shall be prorated to the level of the appropriation based on
2733 each district's share of the total recalculated amount. These
2734 funds shall be used to provide special education and related
2735 services for exceptional students and students who are gifted in
2736 grades K through 8. ~~Beginning with the 2007-2008 fiscal year, A~~
2737 ~~district's expenditure of funds from the guaranteed allocation~~



927886

2738 for students in grades 9 through 12 who are gifted may not be
2739 greater than the amount expended during the 2006-2007 fiscal
2740 year for gifted students in grades 9 through 12.

2741 (o) Calculation of additional full-time equivalent
2742 membership based on successful completion of a career-themed
2743 course pursuant to ss. 1003.491, 1003.492, and 1003.493, or
2744 courses with embedded CAPE industry certifications or CAPE
2745 Digital Tool certificates, and issuance of industry
2746 certification identified on the CAPE Industry Certification
2747 Funding List pursuant to rules adopted by the State Board of
2748 Education or CAPE Digital Tool certificates pursuant to s.
2749 1003.4203.—

2750 1.a. A value of 0.025 full-time equivalent student
2751 membership shall be calculated for CAPE Digital Tool
2752 certificates earned by students in elementary and middle school
2753 grades.

2754 b. A value of 0.1 or 0.2 full-time equivalent student
2755 membership shall be calculated for each student who completes a
2756 course as defined in s. 1003.493(1)(b) or courses with embedded
2757 CAPE industry certifications and who is issued an industry
2758 certification identified annually on the CAPE Industry
2759 Certification Funding List approved under rules adopted by the
2760 State Board of Education. A value of 0.2 full-time equivalent
2761 membership shall be calculated for each student who is issued a
2762 CAPE industry certification that has a statewide articulation
2763 agreement for college credit approved by the State Board of
2764 Education. For CAPE industry certifications that do not
2765 articulate for college credit, the Department of Education shall
2766 assign a full-time equivalent value of 0.1 for each



927886

2767 certification. Middle grades students who earn additional FTE
2768 membership for a CAPE Digital Tool certificate pursuant to sub-
2769 subparagraph a. may not use the previously funded examination to
2770 satisfy the requirements for earning an industry certification
2771 under this sub-subparagraph. Additional FTE membership for an
2772 elementary or middle grades student may ~~shall~~ not exceed 0.1 for
2773 certificates or certifications earned within the same fiscal
2774 year. The State Board of Education shall include the assigned
2775 values on the CAPE Industry Certification Funding List under
2776 rules adopted by the state board. Such value shall be added to
2777 the total full-time equivalent student membership for grades 6
2778 through 12 in the subsequent year ~~for courses that were not~~
2779 ~~provided through dual enrollment~~. CAPE industry certifications
2780 earned through dual enrollment must be reported and funded
2781 pursuant to s. 1011.80. However, if a student earns a
2782 certification through a dual enrollment course and the
2783 certification is not a fundable certification on the
2784 postsecondary certification funding list, or the dual enrollment
2785 certification is earned as a result of an agreement between a
2786 school district and a nonpublic postsecondary institution, the
2787 bonus value shall be funded in the same manner as other nondual
2788 enrollment course industry certifications. In such cases, the
2789 school district may provide for an agreement between the high
2790 school and the technical center, or the school district and the
2791 postsecondary institution may enter into an agreement for
2792 equitable distribution of the bonus funds.

2793 c. A value of 0.3 full-time equivalent student membership
2794 shall be calculated for student completion of the courses and
2795 the embedded certifications identified on the CAPE Industry



927886

2796 Certification Funding List and approved by the commissioner
2797 pursuant to ss. 1003.4203(5) (a) and 1008.44.

2798 d. A value of 0.5 full-time equivalent student membership
2799 shall be calculated for CAPE Acceleration Industry
2800 Certifications that articulate for 15 to 29 college credit
2801 hours, and 1.0 full-time equivalent student membership shall be
2802 calculated for CAPE Acceleration Industry Certifications that
2803 articulate for 30 or more college credit hours pursuant to CAPE
2804 Acceleration Industry Certifications approved by the
2805 commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

2806 2. Each district must allocate at least 80 percent of the
2807 funds provided for CAPE industry certification, in accordance
2808 with this paragraph, to the program that generated the funds.
2809 This allocation may not be used to supplant funds provided for
2810 basic operation of the program.

2811 3. For CAPE industry certifications earned in the 2013-2014
2812 school year and in subsequent years, the school district shall
2813 distribute to each classroom teacher who provided direct
2814 instruction toward the attainment of a CAPE industry
2815 certification that qualified for additional full-time equivalent
2816 membership under subparagraph 1.:

2817 a. A bonus ~~in the amount~~ of \$25 for each student taught by
2818 a teacher who provided instruction in a course that led to the
2819 attainment of a CAPE industry certification on the CAPE Industry
2820 Certification Funding List with a weight of 0.1.

2821 b. A bonus ~~in the amount~~ of \$50 for each student taught by
2822 a teacher who provided instruction in a course that led to the
2823 attainment of a CAPE industry certification on the CAPE Industry
2824 Certification Funding List with a weight of 0.2, ~~0.3, 0.5, and~~



927886

2825 ~~1.0.~~

2826 c. A bonus of \$75 for each student taught by a teacher who
2827 provided instruction in a course that led to the attainment of a
2828 CAPE industry certification on the CAPE Industry Certification
2829 Funding List with a weight of 0.3.

2830 d. A bonus of \$100 for each student taught by a teacher who
2831 provided instruction in a course that led to the attainment of a
2832 CAPE industry certification on the CAPE Industry Certification
2833 Funding List with a weight of 0.5 or 1.0.

2834
2835 Bonuses awarded pursuant to this paragraph shall be provided to
2836 teachers who are employed by the district in the year in which
2837 the additional FTE membership calculation is included in the
2838 calculation. Bonuses shall be calculated based upon the
2839 associated weight of a CAPE industry certification on the CAPE
2840 Industry Certification Funding List for the year in which the
2841 certification is earned by the student. Any bonus awarded to a
2842 teacher under this paragraph may not exceed \$3,000 ~~\$2,000~~ in any
2843 given school year and is in addition to any regular wage or
2844 other bonus the teacher received or is scheduled to receive.

2845 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The
2846 Legislature shall prescribe the aggregate required local effort
2847 for all school districts collectively as an item in the General
2848 Appropriations Act for each fiscal year. The amount that each
2849 district shall provide annually toward the cost of the Florida
2850 Education Finance Program for kindergarten through grade 12
2851 programs shall be calculated as follows:

2852 (a) Estimated taxable value calculations.—

2853 1.a. Not later than 2 working days before ~~prior to~~ July 19,



2854 the Department of Revenue shall certify to the Commissioner of
2855 Education its most recent estimate of the taxable value for
2856 school purposes in each school district and the total for all
2857 school districts in the state for the current calendar year
2858 based on the latest available data obtained from the local
2859 property appraisers. The value certified shall be the taxable
2860 value for school purposes for that year, and no further
2861 adjustments shall be made, except those made pursuant to
2862 paragraphs (c) and (d), or an assessment roll change required by
2863 final judicial decisions as specified in paragraph (15) (b)
2864 ~~(14) (b)~~. Not later than July 19, the Commissioner of Education
2865 shall compute a millage rate, rounded to the next highest one
2866 one-thousandth of a mill, which, when applied to 96 percent of
2867 the estimated state total taxable value for school purposes,
2868 would generate the prescribed aggregate required local effort
2869 for that year for all districts. The Commissioner of Education
2870 shall certify to each district school board the millage rate,
2871 computed as prescribed in this subparagraph, as the minimum
2872 millage rate necessary to provide the district required local
2873 effort for that year.

2874 b. The General Appropriations Act shall direct the
2875 computation of the statewide adjusted aggregate amount for
2876 required local effort for all school districts collectively from
2877 ad valorem taxes to ensure that no school district's revenue
2878 from required local effort millage will produce more than 90
2879 percent of the district's total Florida Education Finance
2880 Program calculation as calculated and adopted by the
2881 Legislature, and the adjustment of the required local effort
2882 millage rate of each district that produces more than 90 percent



927886

2883 of its total Florida Education Finance Program entitlement to a
2884 level that will produce only 90 percent of its total Florida
2885 Education Finance Program entitlement in the July calculation.

2886 2. On the same date as the certification in sub-
2887 subparagraph 1.a., the Department of Revenue shall certify to
2888 the Commissioner of Education for each district:

2889 a. Each year for which the property appraiser has certified
2890 the taxable value pursuant to s. 193.122(2) or (3), if
2891 applicable, since the prior certification under sub-subparagraph
2892 1.a.

2893 b. For each year identified in sub-subparagraph a., the
2894 taxable value certified by the appraiser pursuant to s.
2895 193.122(2) or (3), if applicable, since the prior certification
2896 under sub-subparagraph 1.a. This is the certification that
2897 reflects all final administrative actions of the value
2898 adjustment board.

2899 (13) FEDERALLY CONNECTED STUDENT SUPPLEMENT.—The federally
2900 connected student supplement is created to provide supplemental
2901 funding for school districts to support the education of
2902 students connected with federally owned military installations,
2903 National Aeronautics and Space Administration (NASA) real
2904 property, and Indian lands. To be eligible for this supplement,
2905 the district must be eligible for federal Impact Aid Program
2906 funds under s. 8003 of Title VIII of the Elementary and
2907 Secondary Education Act of 1965. The supplement shall be
2908 allocated annually to each eligible school district in the
2909 amount provided in the General Appropriations Act. The
2910 supplement shall be the sum of the student allocation and an
2911 exempt property allocation.



927886

2912 (a) The student allocation shall be calculated based on the
2913 number of students reported for federal Impact Aid Program
2914 funds, including students with disabilities, who meet one of the
2915 following criteria:

2916 1. The student has a parent who is on active duty in the
2917 uniformed services or is an accredited foreign government
2918 official and military officer. Students with disabilities shall
2919 also be reported separately for this category.

2920 2. The student resides on eligible federally owned Indian
2921 land. Students with disabilities shall also be reported
2922 separately for this category.

2923 3. The student resides with a civilian parent who lives or
2924 works on eligible federal property connected with a military
2925 installation or NASA. The number of these students shall be
2926 multiplied by a factor of 0.5.

2927 (b) The total number of federally connected students
2928 calculated under paragraph (a) shall be multiplied by a
2929 percentage of the base student allocation as provided in the
2930 General Appropriations Act. The total of the number of students
2931 with disabilities as reported separately under subparagraphs
2932 (a)1. and (a)2. shall be multiplied by an additional percentage
2933 of the base student allocation as provided in the General
2934 Appropriations Act. The base amount and the amount for students
2935 with disabilities shall be summed to provide the student
2936 allocation.

2937 (c) The exempt property allocation shall be equal to the
2938 tax-exempt value of federal impact aid lands reserved as
2939 military installations, real property owned by NASA, or eligible
2940 federally owned Indian lands located in the district, as of



927886

2941 January 1 of the previous year, multiplied by the millage
2942 authorized and levied under s. 1011.71(2).

2943 (14)~~(13)~~ QUALITY ASSURANCE GUARANTEE.—The Legislature may
2944 annually in the General Appropriations Act determine a
2945 percentage increase in funds per K-12 unweighted FTE as a
2946 minimum guarantee to each school district. The guarantee shall
2947 be calculated from prior year base funding per unweighted FTE
2948 student which shall include the adjusted FTE dollars as provided
2949 in subsection (15) ~~(14)~~, quality guarantee funds, and actual
2950 nonvoted discretionary local effort from taxes. From the base
2951 funding per unweighted FTE, the increase shall be calculated for
2952 the current year. The current year funds from which the
2953 guarantee shall be determined shall include the adjusted FTE
2954 dollars as provided in subsection (15) ~~(14)~~ and potential
2955 nonvoted discretionary local effort from taxes. A comparison of
2956 current year funds per unweighted FTE to prior year funds per
2957 unweighted FTE shall be computed. For those school districts
2958 which have less than the legislatively assigned percentage
2959 increase, funds shall be provided to guarantee the assigned
2960 percentage increase in funds per unweighted FTE student. Should
2961 appropriated funds be less than the sum of this calculated
2962 amount for all districts, the commissioner shall prorate each
2963 district's allocation. This provision shall be implemented to
2964 the extent specifically funded.

2965 Section 28. Effective July 1, 2016, and upon the expiration
2966 of the amendments made to section 1011.71, Florida Statutes, by
2967 chapter 2015-222, Laws of Florida, subsection (1) of that
2968 section is amended to read:

2969 1011.71 District school tax.—



927886

2970 (1) If the district school tax is not provided in the
2971 General Appropriations Act or the substantive bill implementing
2972 the General Appropriations Act, each district school board
2973 desiring to participate in the state allocation of funds for
2974 current operation as prescribed by s. 1011.62(15) ~~s. 1011.62(14)~~
2975 shall levy on the taxable value for school purposes of the
2976 district, exclusive of millage voted under ~~the provisions of s.~~
2977 9(b) or s. 12, Art. VII of the State Constitution, a millage
2978 rate not to exceed the amount certified by the commissioner as
2979 the minimum millage rate necessary to provide the district
2980 required local effort for the current year, pursuant to s.
2981 1011.62(4)(a)1. In addition to the required local effort millage
2982 levy, each district school board may levy a nonvoted current
2983 operating discretionary millage. The Legislature shall prescribe
2984 annually in the appropriations act the maximum amount of millage
2985 a district may levy.

2986 Section 29. Subsection (2) of section 1012.42, Florida
2987 Statutes, is amended to read:

2988 1012.42 Teacher teaching out-of-field.-

2989 (2) NOTIFICATION REQUIREMENTS.-When a teacher in a district
2990 school system is assigned teaching duties in a class dealing
2991 with subject matter that is outside the field in which the
2992 teacher is certified, outside the field that was the applicant's
2993 minor field of study, or outside the field in which the
2994 applicant has demonstrated sufficient subject area expertise, as
2995 determined by district school board policy in the subject area
2996 to be taught, the parents of all students in the class shall be
2997 notified in writing of such assignment, and each school district
2998 shall report out-of-field teachers on the district's website



927886

2999 within 30 days before the beginning of each semester. A parent
3000 whose student is assigned an out-of-field teacher may request
3001 that his or her child be transferred to an in-field classroom
3002 teacher within the school and grade in which the student is
3003 currently enrolled. The school district must approve or deny the
3004 parent's request and transfer the student to a different
3005 classroom teacher within a reasonable period of time, not to
3006 exceed 2 weeks, if an in-field teacher for that course or grade
3007 level is employed by the school and the transfer does not
3008 violate maximum class size pursuant to s. 1003.03 and s. 1, Art.
3009 IX of the State Constitution. If a request for transfer is
3010 denied, the school must notify the parent and specify the
3011 reasons for the denial. An explanation of the transfer process
3012 must be made available in the student handbook or a similar
3013 publication. This subsection does not provide a parent the right
3014 to choose a specific teacher.

3015 Section 30. Paragraph (b) of subsection (8) of section
3016 1012.56, Florida Statutes, is amended to read:

3017 1012.56 Educator certification requirements.—

3018 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION
3019 COMPETENCY PROGRAM.—

3020 (b)1. Each school district must and a private school or
3021 state-supported ~~state-supported~~ public school, including a
3022 charter school, or a private school may develop and maintain a
3023 system by which members of the instructional staff may
3024 demonstrate mastery of professional preparation and education
3025 competence as required by law. Each program must be based on
3026 classroom application of the Florida Educator Accomplished
3027 Practices and instructional performance and, for public schools,



927886

3028 must be aligned with the district's or state-supported public
3029 school's evaluation system established ~~approved~~ under s.
3030 1012.34, as applicable.

3031 2. The Commissioner of Education shall determine the
3032 continued approval of programs implemented under this paragraph,
3033 based upon the department's review of performance data. The
3034 department shall review the performance data as a part of the
3035 periodic review of each school district's professional
3036 development system required under s. 1012.98.

3037 Section 31. Section 1012.583, Florida Statutes, is created
3038 to read:

3039 1012.583 Continuing education and inservice training for
3040 youth suicide awareness and prevention.—

3041 (1) Beginning with the 2016-2017 school year, the Department of
3042 Education, in consultation with the Statewide Office for Suicide
3043 Prevention and suicide prevention experts, shall develop a list
3044 of approved youth suicide awareness and prevention training
3045 materials that may be used for training in youth suicide
3046 awareness and prevention for instructional personnel in
3047 elementary school, middle school, and high school. The approved
3048 list of materials:

3049 (a) Must include training on how to identify appropriate
3050 mental health services and how to refer youth and their families
3051 to those services.

3052 (b) May include materials currently being used by a school
3053 district if such materials meet any criteria established by the
3054 department.

3055 (c) May include programs that instructional personnel can
3056 complete through a self-review of approved youth suicide



927886

3057 awareness and prevention materials.

3058 (2) A school that chooses to incorporate 2 hours of
3059 training offered pursuant to this section shall be considered a
3060 "Suicide Prevention Certified School." The training must be
3061 included in the existing continuing education or inservice
3062 training requirements for instructional personnel and may not
3063 add to the total hours currently required by the department. A
3064 school that chooses to participate in the training must require
3065 all instructional personnel to participate.

3066 (3) A school that participates in the suicide awareness and
3067 prevention training pursuant to this section must report its
3068 participation to the department. The department shall keep an
3069 updated record of all Suicide Prevention Certified Schools.

3070 (4) A person has no cause of action for any loss or damage
3071 caused by an act or omission resulting from the implementation
3072 of this section or resulting from any training required by this
3073 section unless the loss or damage was caused by willful or
3074 wanton misconduct. This section does not create any new duty of
3075 care or basis of liability.

3076 (5) The State Board of Education may adopt rules to
3077 implement this section.

3078 Section 32. Paragraph (o) is added to subsection (1) of
3079 section 1012.795, Florida Statutes, and subsection (5) of that
3080 section is amended, to read:

3081 1012.795 Education Practices Commission; authority to
3082 discipline.—

3083 (1) The Education Practices Commission may suspend the
3084 educator certificate of any person as defined in s. 1012.01(2)
3085 or (3) for up to 5 years, thereby denying that person the right



927886

3086 to teach or otherwise be employed by a district school board or
3087 public school in any capacity requiring direct contact with
3088 students for that period of time, after which the holder may
3089 return to teaching as provided in subsection (4); may revoke the
3090 educator certificate of any person, thereby denying that person
3091 the right to teach or otherwise be employed by a district school
3092 board or public school in any capacity requiring direct contact
3093 with students for up to 10 years, with reinstatement subject to
3094 the provisions of subsection (4); may revoke permanently the
3095 educator certificate of any person thereby denying that person
3096 the right to teach or otherwise be employed by a district school
3097 board or public school in any capacity requiring direct contact
3098 with students; may suspend the educator certificate, upon an
3099 order of the court or notice by the Department of Revenue
3100 relating to the payment of child support; or may impose any
3101 other penalty provided by law, if the person:

3102 (o) Has committed a third recruiting offense as determined
3103 by the Florida High School Athletic Association (FHSAA) pursuant
3104 to s. 1006.20(2)(b).

3105 (5) Each district school superintendent and the governing
3106 authority of each university lab school, state-supported school,
3107 ~~or~~ private school, and the FHSAA shall report to the department
3108 the name of any person certified pursuant to this chapter or
3109 employed and qualified pursuant to s. 1012.39:

3110 (a) Who has been convicted of, or who has pled nolo
3111 contendere to, a misdemeanor, felony, or any other criminal
3112 charge, other than a minor traffic infraction;

3113 (b) Who that official has reason to believe has committed
3114 or is found to have committed any act which would be a ground



927886

3115 for revocation or suspension under subsection (1); or
3116 (c) Who has been dismissed or severed from employment
3117 because of conduct involving any immoral, unnatural, or
3118 lascivious act.

3119 Section 33. Subsections (3) and (7) of section 1012.796,
3120 Florida Statutes, are amended to read:

3121 1012.796 Complaints against teachers and administrators;
3122 procedure; penalties.—

3123 (3) The department staff shall advise the commissioner
3124 concerning the findings of the investigation and of all
3125 referrals by the Florida High School Athletic Association
3126 (FHSAA) pursuant to ss. 1006.20(2)(b) and 1012.795. The
3127 department general counsel or members of that staff shall review
3128 the investigation or the referral and advise the commissioner
3129 concerning probable cause or lack thereof. The determination of
3130 probable cause shall be made by the commissioner. The
3131 commissioner shall provide an opportunity for a conference, if
3132 requested, prior to determining probable cause. The commissioner
3133 may enter into deferred prosecution agreements in lieu of
3134 finding probable cause if, in his or her judgment, such
3135 agreements are in the best interests of the department, the
3136 certificateholder, and the public. Such deferred prosecution
3137 agreements shall become effective when filed with the clerk of
3138 the Education Practices Commission. However, a deferred
3139 prosecution agreement shall not be entered into if there is
3140 probable cause to believe that a felony or an act of moral
3141 turpitude, as defined by rule of the State Board of Education,
3142 has occurred, or for referrals by the FHSAA. Upon finding no
3143 probable cause, the commissioner shall dismiss the complaint.



927886

3144 (7) A panel of the commission shall enter a final order
3145 either dismissing the complaint or imposing one or more of the
3146 following penalties:

3147 (a) Denial of an application for a teaching certificate or
3148 for an administrative or supervisory endorsement on a teaching
3149 certificate. The denial may provide that the applicant may not
3150 reapply for certification, and that the department may refuse to
3151 consider that applicant's application, for a specified period of
3152 time or permanently.

3153 (b) Revocation or suspension of a certificate.

3154 (c) Imposition of an administrative fine not to exceed
3155 \$2,000 for each count or separate offense.

3156 (d) Placement of the teacher, administrator, or supervisor
3157 on probation for a period of time and subject to such conditions
3158 as the commission may specify, including requiring the certified
3159 teacher, administrator, or supervisor to complete additional
3160 appropriate college courses or work with another certified
3161 educator, with the administrative costs of monitoring the
3162 probation assessed to the educator placed on probation. An
3163 educator who has been placed on probation shall, at a minimum:

3164 1. Immediately notify the investigative office in the
3165 Department of Education upon employment or termination of
3166 employment in the state in any public or private position
3167 requiring a Florida educator's certificate.

3168 2. Have his or her immediate supervisor submit annual
3169 performance reports to the investigative office in the
3170 Department of Education.

3171 3. Pay to the commission within the first 6 months of each
3172 probation year the administrative costs of monitoring probation



927886

3173 assessed to the educator.

3174 4. Violate no law and shall fully comply with all district
3175 school board policies, school rules, and State Board of
3176 Education rules.

3177 5. Satisfactorily perform his or her assigned duties in a
3178 competent, professional manner.

3179 6. Bear all costs of complying with the terms of a final
3180 order entered by the commission.

3181 (e) Restriction of the authorized scope of practice of the
3182 teacher, administrator, or supervisor.

3183 (f) Reprimand of the teacher, administrator, or supervisor
3184 in writing, with a copy to be placed in the certification file
3185 of such person.

3186 (g) Imposition of an administrative sanction, upon a person
3187 whose teaching certificate has expired, for an act or acts
3188 committed while that person possessed a teaching certificate or
3189 an expired certificate subject to late renewal, which sanction
3190 bars that person from applying for a new certificate for a
3191 period of 10 years or less, or permanently.

3192 (h) Refer the teacher, administrator, or supervisor to the
3193 recovery network program provided in s. 1012.798 under such
3194 terms and conditions as the commission may specify.

3195
3196 The penalties imposed under this subsection are in addition to,
3197 and not in lieu of, the penalties required for a third
3198 recruiting offense pursuant to s. 1006.20(2)(b).

3199 Section 34. Section 1013.385, Florida Statutes, is created
3200 to read:

3201 1013.385 School district construction flexibility.-



927886

3202 (1) A district school board may, with a supermajority vote
3203 at a public meeting that begins no earlier than 5 p.m., adopt a
3204 resolution to implement one or more of the exceptions to the
3205 educational facilities construction requirements provided in
3206 this section. Before voting on the resolution, a district school
3207 board must conduct a cost-benefit analysis prepared according to
3208 a professionally accepted methodology that describes how each
3209 exception selected by the district school board achieves cost
3210 savings, improves the efficient use of school district
3211 resources, and impacts the life-cycle costs and life span for
3212 each educational facility to be constructed, as applicable, and
3213 demonstrates that implementation of the exception will not
3214 compromise student safety or the quality of student instruction.
3215 The district school board must conduct at least one public
3216 workshop to discuss and receive public comment on the proposed
3217 resolution and cost-benefit analysis, which must begin no
3218 earlier than 5 p.m. and may occur at the same meeting at which
3219 the resolution will be voted upon.

3220 (2) A resolution adopted under this section may propose
3221 implementation of exceptions to requirements of the uniform
3222 statewide building code for the planning and construction of
3223 public educational and ancillary plants adopted pursuant to ss.
3224 553.73 and 1013.37 relating to:

3225 (a) Interior non-load-bearing walls, by approving the use
3226 of fire-rated wood stud walls in new construction or remodeling
3227 for interior non-load-bearing wall assemblies that will not be
3228 exposed to water or located in wet areas.

3229 (b) Walkways, roadways, driveways, and parking areas, by
3230 approving the use of designated, stabilized, and well-drained



927886

3231 gravel or grassed student parking areas.

3232 (c) Standards for relocatables used as classroom space, as
3233 specified in s. 1013.20, by approving construction
3234 specifications for installation of relocatable buildings that do
3235 not have covered walkways leading to the permanent buildings
3236 onsite.

3237 (d) Site lighting, by approving construction specifications
3238 regarding site lighting that:

3239 1. Do not provide for lighting of gravel or grassed
3240 auxiliary or student parking areas.

3241 2. Provide lighting for walkways, roadways, driveways,
3242 paved parking lots, exterior stairs, ramps, and walkways from
3243 the exterior of the building to a public walkway through
3244 installation of a timer that is set to provide lighting only
3245 during periods when the site is occupied.

3246 3. Allow lighting for building entrances and exits to be
3247 installed with a timer that is set to provide lighting only
3248 during periods in which the building is occupied. The minimum
3249 illumination level at single-door exits may be reduced to no
3250 less than 1 foot-candle.

3251 Section 35. Notwithstanding s. 1002.69(5), Florida
3252 Statutes, for the 2014-2015 and 2015-2016 Voluntary
3253 Prekindergarten Education Program years, the office shall not
3254 adopt a kindergarten readiness rate. Any private prekindergarten
3255 provider or public school that was on probation pursuant to s.
3256 1002.67(4)(c), Florida Statutes, for the 2013-2014 program year
3257 shall remain on probation until the provider or school meets the
3258 minimum rate adopted by the office. This section expires July 1,
3259 2017.



927886

3260 Section 36. Effective upon this act becoming a law,
3261 subsection (8) of section 1012.33, Florida Statutes, is amended
3262 to read:

3263 1012.33 Contracts with instructional staff, supervisors,
3264 and school principals.—

3265 (8) Notwithstanding any other provision of law, a retired
3266 member may interrupt retirement and be reemployed in any public
3267 school as instructional personnel under a 1-year probationary
3268 contract as defined in s. 1012.335(1). If the retiree
3269 successfully completes the probationary contract, the district
3270 school board may reemploy the retiree under an annual contract
3271 as defined in s. 1012.335(1). The retiree is not eligible for a
3272 professional service contract ~~A member reemployed by the same~~
3273 ~~district from which he or she retired may be employed on a~~
3274 ~~probationary contractual basis as provided in subsection (1).~~

3275 Section 37. Section 413.207, Florida Statutes, is amended
3276 to read:

3277 413.207 Division of Vocational Rehabilitation; quality
3278 assurance; performance improvement plan.—

3279 (1) The Division of Vocational Rehabilitation shall
3280 maintain an internal system of quality assurance, have proven
3281 functional systems, perform due diligence, review provider
3282 systems of quality assurance, and be subject to monitoring for
3283 compliance with state and federal laws, rules, and regulations.

3284 (2) No later than October 1, 2016, the division shall
3285 develop and implement a performance improvement plan designed to
3286 achieve the following goals:

3287 (a) Decrease the average wait list time for reportable
3288 individuals.



3289 (b) Increase the percentage of participants who are in
3290 unsubsidized employment during the second quarter after they
3291 exit the program.

3292 (c) Increase the percentage of participants who are in
3293 unsubsidized employment during the fourth quarter after they
3294 exit the program.

3295 (d) Increase the number of persons earning CAPE industry
3296 certifications and CAPE postsecondary industry certifications
3297 approved pursuant to s. 1008.44.

3298 (e) Increase the median earnings of participants who are in
3299 unsubsidized employment during the second quarter after they
3300 exit the program.

3301 (f) Increase the percentage of participants who obtained a
3302 recognized postsecondary credential or a secondary school
3303 diploma or its recognized equivalent during participation in, or
3304 within 1 year after they exit, the program.

3305 (g) Increase the percentage of youth who received
3306 preemployment transition services without applying for
3307 additional vocational rehabilitation services and who obtained a
3308 recognized postsecondary credential or a secondary school
3309 diploma or its recognized equivalent during participation in, or
3310 within 1 year after they exit, the program.

3311 (h) Increase the percentage of participants who, during a
3312 program year, are in an education or training program that leads
3313 to a recognized postsecondary credential or to employment and
3314 who are achieving a measurable gain of skill, including
3315 documented academic, technical, occupational gains or other
3316 forms of progress toward a postsecondary credential or
3317 employment.



927886

3318 (i) Increase the number of students receiving preemployment
3319 transition services.

3320 (j) Increase the division's effectiveness in serving
3321 employers, based on indicators developed as required by section
3322 116(b) (2) (A) (iv) of the federal Workforce Innovation and
3323 Opportunity Act.

3324 (3) The goals established under subsection (2) must be
3325 designed to elevate the state vocational rehabilitation program
3326 to one of the top 10 in the nation.

3327 (4) By December 1 of each year, the division shall submit a
3328 performance report to the Governor, the President of the Senate,
3329 and the Speaker of the House of Representatives which includes
3330 the following information for each of the 5 most recent fiscal
3331 years:

3332 (a) Caseload data, including the number of individuals who
3333 apply for services and who receive services, by service type,
3334 reported statewide and by service area.

3335 (b) Service use data, by service type, including the number
3336 of units of service provided, statewide and by service area.

3337 (c) Financial data, by service type, including expenditures
3338 for administration and the provision of services. Expenditure
3339 data shall be reported on a statewide basis and by service area,
3340 and expenditures for education-related services must be
3341 identified in specific categories such as tuition and fees,
3342 program fees, and support services.

3343 (d) Outcome data, statewide and by service area, including
3344 the number of cases closed without employment and the number of
3345 cases closed with employment. Employment data must be provided
3346 separately for supported employment.



927886

3347 Section 38. Subsection (1) of section 1003.44, Florida
3348 Statutes, is amended to read:
3349 1003.44 Patriotic programs; rules.—
3350 (1) Each district school board may adopt rules to require,
3351 in all of the schools of the district, programs of a patriotic
3352 nature to encourage greater respect for the government of the
3353 United States and its national anthem and flag, subject always
3354 to other existing pertinent laws of the United States or of the
3355 state. When the national anthem is played, students and all
3356 civilians shall stand at attention, men removing the headdress,
3357 except when such headdress is worn for religious purposes. The
3358 pledge of allegiance to the flag, "I pledge allegiance to the
3359 flag of the United States of America and to the republic for
3360 which it stands, one nation under God, indivisible, with liberty
3361 and justice for all," shall be rendered by students standing
3362 with the right hand over the heart. The pledge of allegiance to
3363 the flag shall be recited at the beginning of the day in each
3364 public elementary, middle, and high school in the state. Each
3365 student shall be informed by a written notice published in the
3366 student handbook or a similar publication pursuant to s.
3367 1006.07(2) ~~posting a notice in a conspicuous place~~ that the
3368 student has the right not to participate in reciting the pledge.
3369 Upon written request by his or her parent, the student must be
3370 excused from reciting the pledge, including standing and placing
3371 the right hand over his or her heart. When the pledge is given,
3372 unexcused students ~~civilians~~ must show full respect to the flag
3373 by standing at attention, men removing the headdress, except
3374 when such headdress is worn for religious purposes, as provided
3375 by Pub. L. ch. 77-435, s. 7, approved June 22, 1942, 56 Stat.



3376 377, as amended by Pub. L. ch. 77-806, 56 Stat. 1074, approved
3377 December 22, 1942.

3378
3379 ===== T I T L E A M E N D M E N T =====

3380 And the title is amended as follows:

3381 Delete lines 3943 - 4270

3382 and insert:

3383 cross-references; revising required contents of
3384 charter school applications; requiring a person or
3385 entity seeking to open a charter school to disclose
3386 certain information; conforming provisions regarding
3387 the appeal process for denial of a high-performing
3388 charter school application; requiring an applicant to
3389 provide the sponsor with a copy of an appeal to an
3390 application denial; authorizing a charter school to
3391 defer the opening of its operations for up to a
3392 specified time; requiring the charter school to
3393 provide written notice to certain entities within a
3394 specified timeframe; providing that a student may not
3395 be dismissed from a charter school based on his or her
3396 academic performance; revising provisions relating to
3397 long-term charters and charter terminations;
3398 specifying notice requirements for voluntary closure
3399 of a charter school; requiring a charter school
3400 applicant to provide monthly financial statements upon
3401 approval of the charter contract; requiring a sponsor
3402 to review each financial statement of a charter school
3403 to identify the existence of certain conditions;
3404 providing for the automatic termination of a charter



3405 contract if certain conditions are met; requiring a
3406 sponsor to notify certain parties when a charter
3407 contract is terminated for specific reasons; requiring
3408 governing board members to hold a certain number of
3409 public meetings and participate in such meetings in
3410 person or through communications media technology;
3411 revising charter school student eligibility
3412 requirements; providing that charter schools are
3413 eligible for the research-based reading allocation if
3414 certain criteria are met; revising requirements for
3415 payments to charter schools; requiring a charter
3416 school to be located in the state to be eligible for
3417 public education capital outlay funds; providing for
3418 an injunction under certain circumstances; amending s.
3419 1002.331, F.S.; deleting obsolete provision relating
3420 to high-performing charter schools; conforming a
3421 cross-reference; creating s. 1001.66, F.S.; creating a
3422 Florida College System Performance-Based Incentive for
3423 Florida College System institutions; requiring the
3424 State Board of Education to adopt certain metrics and
3425 benchmarks; providing for funding and allocation of
3426 the incentives; authorizing the state board to
3427 withhold an institution's incentive under certain
3428 circumstances; requiring the Commissioner of Education
3429 to withhold certain disbursements under certain
3430 circumstances; providing for reporting and rulemaking;
3431 amending s. 1001.7065, F.S.; revising the academic and
3432 research excellence standards for the preeminent state
3433 research universities program; creating the "emerging



3434 preeminent state research university" designation;
3435 requiring an emerging preeminent state research
3436 university to submit a certain plan to the board and
3437 meet certain expectations to receive certain funds;
3438 providing for the distribution of certain funding
3439 increases; deleting the preeminent state research
3440 university enhancement initiative; revising the
3441 requirements for the unique course requirement;
3442 amending s. 1001.71, F.S.; providing for selection of
3443 the chair and vice chair of each state university
3444 board of trustees; specifying terms and duties of the
3445 chair; providing grounds for the removal of a board
3446 member; requiring each state university board of
3447 trustees to post certain information on the
3448 university's website; requiring the Board of Governors
3449 to adopt regulations; amending s. 1001.92, F.S.;
3450 requiring performance-based metrics to include
3451 specified wage thresholds; requiring the board to
3452 establish minimum performance funding eligibility
3453 thresholds; prohibiting a state university that fails
3454 to meet the state's threshold from eligibility for a
3455 share of the state's investment performance funding;
3456 requiring the board to adopt regulations; deleting an
3457 expiration date; amending s. 1003.4282, F.S.; revising
3458 the online course requirement; authorizing a district
3459 school board or a charter school governing board to
3460 offer options to meet the requirement; amending s.
3461 1013.62, F.S.; revising requirements for a charter
3462 school to be eligible for funding appropriated for



3463 charter school capital outlay purposes; deleting
3464 provisions relating to the priorities for charter
3465 school capital outlay funding; deleting provisions
3466 relating to a charter school's allocation; revising
3467 the funding allocation calculation; requiring the
3468 Department of Education to calculate and periodically
3469 recalculate, as necessary, the eligible charter school
3470 funding allocations; deleting provisions relating to
3471 certain duties of the Commissioner of Education;
3472 amending s. 1013.64, F.S.; providing that a school
3473 district may not receive funds from the Special
3474 Facility Construction Account under certain
3475 circumstances; revising the criteria for a request for
3476 funding; authorizing the request for a preapplication
3477 review to take place at any time; providing
3478 exceptions; revising the timeframe for completion of
3479 the review; providing that certain capital outlay
3480 full-time equivalent student enrollment estimates be
3481 determined by specified estimating conferences;
3482 requiring surveys to be cooperatively prepared by
3483 certain entities and approved by the Department of
3484 Education; prohibiting certain consultants from
3485 specified employment and compensation; providing an
3486 exception to prohibiting the cost per student station
3487 from exceeding a certain amount; requiring a school
3488 district to levy the maximum millage against certain
3489 property value under certain circumstances; reducing
3490 the required millage to be budgeted for a project;
3491 requiring certain plans to be finalized by a specified



3492 date; requiring a representative of the department to
3493 chair the Special Facility Construction Committee;
3494 requiring school districts to maintain accurate
3495 documentation related to specified costs; requiring
3496 the Auditor General to review such documentation;
3497 providing that the department makes final
3498 determinations on compliance; requiring the Office of
3499 Economic and Demographic Research to conduct a study,
3500 in consultation with the department, on cost per
3501 student station amounts; requiring the Office of
3502 Program Policy Analysis and Government Accountability
3503 to conduct a study on the State Requirements for
3504 Education Facilities; requiring the reports to be
3505 submitted to the Governor and the Legislature by a
3506 specified date; prohibiting a district school board
3507 from using funds for specified purposes for certain
3508 projects; providing sanctions for school districts
3509 that exceed certain costs; providing an exemption to
3510 the sanctions; providing for the creation of a
3511 district capital outlay oversight committee; providing
3512 for membership of the oversight committee; requiring
3513 the department to provide certain reports to the
3514 Auditor General; deleting a provision relating to
3515 applicability of certain restrictions on the cost per
3516 student station of new construction; amending s.
3517 1002.37, F.S.; revising the calculation of "full-time
3518 equivalent student"; amending s. 1002.391, F.S.;
3519 revising the calculation of a matrix of services for
3520 certain students beginning in a specific school year;



927886

3521 amending s. 1002.45, F.S.; conforming cross-
3522 references; deleting a provision related to
3523 educational funding for students enrolled in certain
3524 virtual education courses; revising conditions for
3525 termination of a virtual instruction provider's
3526 contract; creating s. 1003.3101, F.S.; requiring each
3527 school district board to establish a classroom teacher
3528 transfer process for parents, to approve or deny a
3529 transfer request within a certain timeframe, to notify
3530 a parent of a denial, and to post an explanation of
3531 the transfer process in the student handbook or a
3532 similar publication; amending s. 1003.4295, F.S.;
3533 revising the purpose of the Credit Acceleration
3534 Program; requiring students to earn passing scores on
3535 specified assessments and examinations to earn course
3536 credit; amending s. 1004.935, F.S.; deleting the
3537 scheduled termination of the Adults with Disabilities
3538 Workforce Education Pilot Program; changing the name
3539 of the program to the "Adults with Disabilities
3540 Workforce Education Program"; amending s. 1006.15,
3541 F.S.; defining the term "eligible to participate";
3542 conforming provisions to changes made by the act;
3543 prohibiting a school district from delaying or
3544 preventing a student who participates in open
3545 controlled enrollment from being immediately eligible
3546 to participate in certain activities; prohibiting a
3547 student from participating in a sport under certain
3548 circumstances; providing exemptions; authorizing a
3549 transfer student to immediately participate in



927886

3550 interscholastic or intrascholastic activities under
3551 certain circumstances; prohibiting a school district
3552 or the Florida High School Athletic Association
3553 (FHSAA) from declaring a transfer student ineligible
3554 under certain circumstances; creating s. 1006.195,
3555 F.S.; requiring district school boards to establish in
3556 codes of student conduct eligibility standards and
3557 disciplinary actions relating to students
3558 participating in interscholastic and intrascholastic
3559 extracurricular activities; providing guidelines and
3560 applicability; requiring the FHSAA to comply with
3561 certain requirements by a specified date; amending s.
3562 1006.20, F.S.; requiring the FHSAA to allow a private
3563 school to maintain full membership in the association
3564 or to join by sport; prohibiting the FHSAA from
3565 discouraging a private school from maintaining
3566 membership in the FHSAA and another athletic
3567 association; authorizing the FHSAA to allow a public
3568 school to apply for consideration to join another
3569 athletic association; revising student eligibility
3570 requirements; providing penalties for recruiting
3571 violations; requiring a school to forfeit a
3572 competition, including resulting honors, in which a
3573 student who was recruited in a prohibitive manner;
3574 revising circumstances under which a student may be
3575 declared ineligible; amending s. 1007.35, F.S.;;
3576 revising the exams each public high school is required
3577 to administer to all enrolled 10th grade students to
3578 include ACT Aspire; amending s. 1009.893, F.S.;



3579 changing the name of the "Florida National Merit
3580 Scholar Incentive Program" to the "Benacquisto
3581 Scholarship Program"; providing that a student who
3582 receives a scholarship award under the program will be
3583 referred to as a Benacquisto Scholar; encouraging all
3584 eligible Florida public or independent postsecondary
3585 educational institutions, and requiring all eligible
3586 state universities, to become college sponsors of the
3587 National Merit Scholarship Program; amending s.
3588 1011.61, F.S.; revising the definition of "full-time
3589 equivalent student"; amending s. 1011.62, F.S.;
3590 conforming a cross-reference; revising the calculation
3591 for certain supplemental funds for exceptional student
3592 education programs; requiring the funds to be prorated
3593 under certain circumstances; revising the funding of
3594 full-time equivalent values for students who earn CAPE
3595 industry certifications through dual enrollment;
3596 revising a provision prohibiting a teacher's bonus
3597 from exceeding a specified amount; creating a
3598 federally connected student supplement for school
3599 districts; specifying eligibility requirements and
3600 calculations for allocations of the supplement;
3601 amending s. 1011.71, F.S.; conforming a cross-
3602 reference; amending s. 1012.42, F.S.; authorizing a
3603 parent of a child whose teacher is teaching outside
3604 the teacher's field to request that the child be
3605 transferred to another classroom teacher within the
3606 school and grade in which the child is currently
3607 enrolled within a specified timeframe; specifying that



927886

3608 a transfer does not provide a parent the right to
3609 choose a specific teacher; amending s. 1012.56, F.S.;
3610 authorizing a charter school to develop and operate a
3611 professional development certification and education
3612 competency program; creating s. 1012.583, F.S.;
3613 requiring the Department of Education, in consultation
3614 with the Statewide Office for Suicide Prevention and
3615 suicide prevention experts, to develop a list of
3616 approved materials for youth suicide awareness and
3617 prevention training materials for certain purposes;
3618 specifying requirements for training materials;
3619 providing that a school which incorporates the
3620 training materials into the existing continuing
3621 education or inservice training requirements be
3622 considered a "Suicide Prevention Certified School";
3623 requiring participating schools to report certain
3624 information to the department; requiring the
3625 department to maintain an updated record of
3626 participating schools; providing that no cause of
3627 action results from the implementation of this act;
3628 providing for rulemaking; amending s. 1012.795, F.S.;
3629 authorizing the Education Practices Commission to
3630 suspend the educator certificate of a person who has
3631 committed a third recruiting offense as determined by
3632 the FHSAA; requiring the FHSAA to report certain
3633 information to the department; amending s. 1012.796,
3634 F.S.; requiring department staff to advise the
3635 Commissioner of Education of all referrals by the
3636 FHSAA relating to recruiting offenses by certain



927886

3637 individuals; providing that certain penalties are in
3638 addition to penalties required under s. 1006.20, F.S.;
3639 amending s. 1013.385, F.S.; authorizing a district
3640 school board to implement certain exceptions to the
3641 educational facilities construction requirements under
3642 certain circumstances; providing that the Office of
3643 Early Learning may not adopt a kindergarten readiness
3644 rate for specific Voluntary Prekindergarten Education
3645 Program years; providing that providers on probation
3646 for the 2013-2014 program year must remain on
3647 probation until certain criteria are met; providing an
3648 expiration date; amending s. 1012.33, F.S.; providing
3649 for a retiree to be employed as instructional
3650 personnel under a 1-year probationary contract;
3651 authorizing the retiree to be hired under an annual
3652 contract under certain circumstances; providing that
3653 the retiree is ineligible for a professional service
3654 contract; amending s. 413.207, F.S.; requiring the
3655 Division of Vocational Rehabilitation to initiate, by
3656 a specified date, a performance improvement plan
3657 designed to achieve specific goals; requiring the
3658 division to submit a performance report annually, by a
3659 specified date, to the Governor and Legislature which
3660 includes specified information; amending ss. 1012.795
3661 and amending s. 1003.44, F.S.; requiring written
3662 notice of a student's right not to participate in the
3663 pledge of allegiance to be included in a specific
3664 publication; providing that a student may be excused
3665 from certain actions associated with the pledge of



927886

3666 allegiance; requiring unexcused students to show full
3667 respect to the flag during the pledge of allegiance;
3668 creating s. 1003.432, F.S.; defining