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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/26/2017	.	
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The Committee on Appropriations (Galvano) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 61 and 62

insert:

Section 3. Paragraph (a) of subsection (2) of section 1002.31, Florida Statutes, is amended to read:

1002.31 Controlled open enrollment; Public school parental choice.—

(2) (a) Beginning by the 2017-2018 school year, as part of a school district's or charter school's controlled open enrollment



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11 process, and in addition to the existing public school choice  
12 programs provided in s. 1002.20(6)(a), each district school  
13 board or charter school shall allow a parent from any school  
14 district in the state whose child is not subject to a current  
15 expulsion or suspension to enroll his or her child in and  
16 transport his or her child to any public school, including  
17 charter schools, virtual charter schools, and district virtual  
18 programs, that have ~~has~~ not reached capacity in the district,  
19 subject to the maximum class size pursuant to s. 1003.03 and s.  
20 1, Art. IX of the State Constitution, if applicable. The school  
21 district or charter school shall accept the student, pursuant to  
22 that school district's or charter school's controlled open  
23 enrollment process, and report the student for purposes of the  
24 school district's or charter school's funding pursuant to the  
25 Florida Education Finance Program. A school district or charter  
26 school may provide transportation to students described under  
27 this section.

28 Section 4. Subsection (8) of section 1002.37, Florida  
29 Statutes, is amended to read:

30 1002.37 The Florida Virtual School.—

31 (8)(a) The Florida Virtual School may provide full-time and  
32 part-time instruction for students in kindergarten through grade  
33 12. ~~To receive part-time instruction in kindergarten through~~  
34 ~~grade 5, a student must meet at least one of the eligibility~~  
35 ~~criteria in s. 1002.455(2).~~

36 (b) For students receiving part-time instruction ~~in~~  
37 ~~kindergarten through grade 5~~ and students receiving full-time  
38 ~~instruction in kindergarten through grade 12~~ from the Florida  
39 Virtual School, the full-time equivalent student enrollment



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40 calculated under this subsection is subject to the requirements  
41 in s. 1011.61(4).

42 Section 5. Subsection (5) and paragraph (b) of subsection  
43 (6) of section 1002.45, Florida Statutes, are amended to read:  
44 1002.45 Virtual instruction programs.—

45 (5) STUDENT ELIGIBILITY.—A student may enroll in a full-  
46 time or part-time virtual instruction program in kindergarten  
47 through grade 12 which is provided by a ~~the~~ school district or  
48 by a virtual charter school ~~operated in the district in which he~~  
49 ~~or she resides if the student meets eligibility requirements for~~  
50 ~~virtual instruction pursuant to s. 1002.455.~~

51 (6) STUDENT PARTICIPATION REQUIREMENTS.—Each student  
52 enrolled in a virtual instruction program or virtual charter  
53 school must:

54 (b) Take state assessment tests within the school district  
55 in which such student resides or enrolls, as contractually  
56 specified. If requested by the provider, the district of  
57 residence ~~which~~ must provide the student with access to the  
58 district's testing facilities.

59 Section 6. Section 1002.455, Florida Statutes, is repealed.

60 Section 7. Subsection (1) of section 1002.33, Florida  
61 Statutes, is amended to read:

62 1002.33 Charter schools.—

63 (1) AUTHORIZATION.—Charter schools shall be part of the  
64 state's program of public education. All charter schools in  
65 Florida are public schools. A charter school may be formed by  
66 creating a new school or converting an existing public school to  
67 charter status. A charter school may operate a virtual charter  
68 school pursuant to s. 1002.45(1)(d) to provide full-time online



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69 instruction to eligible students, ~~pursuant to s. 1002.455,~~ in  
70 kindergarten through grade 12. An existing charter school that  
71 is seeking to become a virtual charter school must amend its  
72 charter or submit a new application pursuant to subsection (6)  
73 to become a virtual charter school. A virtual charter school is  
74 subject to the requirements of this section; however, a virtual  
75 charter school is exempt from subsections (18) and (19),  
76 subparagraphs (20)(a)2., 4., 5., and 7., paragraph (20)(c), and  
77 s. 1003.03. A public school may not use the term charter in its  
78 name unless it has been approved under this section.

79 Section 8. Subsection (2) of section 1003.498, Florida  
80 Statutes, is amended to read:

81 1003.498 School district virtual course offerings.—

82 (2) School districts may offer virtual courses for students  
83 enrolled in the school district. These courses must be  
84 identified in the course code directory. ~~Students who meet the~~  
85 ~~eligibility requirements of s. 1002.455 may participate in these~~  
86 ~~virtual course offerings.~~

87 (a) Any eligible student who is enrolled in a school  
88 district may register and enroll in an online course offered by  
89 his or her school district.

90 (b)1. Any eligible student who is enrolled in a school  
91 district may register and enroll in an online course offered by  
92 any other school district in the state. The school district in  
93 which the student completes the course shall report the  
94 student's completion of that course for funding pursuant to s.  
95 1011.61(1)(c)1.b.(VI), and the home school district may ~~shall~~  
96 not report the student for funding for that course.

97 2. The full-time equivalent student membership calculated



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98 under this subsection is subject to the requirements in s.  
99 1011.61(4). The Department of Education shall establish  
100 procedures to enable interdistrict coordination for the delivery  
101 and funding of this online option.

102 Section 9. Subsection (11) of section 1011.62, Florida  
103 Statutes, is amended to read:

104 1011.62 Funds for operation of schools.—If the annual  
105 allocation from the Florida Education Finance Program to each  
106 district for operation of schools is not determined in the  
107 annual appropriations act or the substantive bill implementing  
108 the annual appropriations act, it shall be determined as  
109 follows:

110 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may  
111 annually provide in the Florida Education Finance Program a  
112 virtual education contribution. The amount of the virtual  
113 education contribution shall be the difference between the  
114 amount per FTE established in the General Appropriations Act for  
115 virtual education and the amount per FTE for each district and  
116 the Florida Virtual School, which may be calculated by taking  
117 the sum of the base FEFP allocation, the discretionary local  
118 effort, the state-funded discretionary contribution, the  
119 discretionary millage compression supplement, the research-based  
120 reading instruction allocation, and the instructional materials  
121 allocation, and then dividing by the total unweighted FTE. This  
122 difference shall be multiplied by the virtual education  
123 unweighted FTE for school district-operated part-time and full-  
124 time virtual instruction programs, full-time virtual charter  
125 school programs, virtual courses offered, ~~programs and options~~  
126 identified in s. 1002.455(3) and the Florida Virtual School and



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127 its franchises to equal the virtual education contribution and  
128 shall be included as a separate allocation in the funding  
129 formula.

130

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

132 And the title is amended as follows:

133 Delete line 8

134 and insert:

135 in an emergency situation; amending s. 1002.31, F.S.;

136 revising available controlled open enrollment options

137 to include virtual charter schools and district

138 virtual programs; amending ss. 1002.37 and 1002.45,

139 F.S.; revising student eligibility requirements for

140 the Florida Virtual School and virtual instruction

141 programs; repealing s. 1002.455, F.S., relating to

142 student eligibility for K-12 virtual instruction;

143 amending ss. 1002.33, 1003.498, and 1011.62, F.S.;

144 conforming provisions to changes made by the act;

145 creating s. 1003.481, F.S.;