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LEGISLATIVE ACTION

Senate

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House

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05/04/2017 05:06 PM

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Senator Galvano moved the following:

Senate Amendment (with title amendment)

Delete lines 26 - 221

and insert:

Section 1. Upon the expiration and reversion of the amendment to section 11.45, Florida Statutes, pursuant to section 36 of chapter 2016-62, Laws of Florida, paragraph (d) of subsection (2) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(2) DUTIES.—The Auditor General shall:



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12 (d) Annually conduct financial audits of the accounts and
13 records of all district school boards in counties with
14 populations of fewer than 150,000, according to the most recent
15 federal decennial statewide census, and the Florida School for
16 the Deaf and the Blind.

17
18 The Auditor General shall perform his or her duties
19 independently but under the general policies established by the
20 Legislative Auditing Committee. This subsection does not limit
21 the Auditor General's discretionary authority to conduct other
22 audits or engagements of governmental entities as authorized in
23 subsection (3).

24 Section 2. Subsection (2) of section 413.011, Florida
25 Statutes, is amended to read:

26 413.011 Division of Blind Services, legislative policy,
27 intent; internal organizational structure and powers;
28 Rehabilitation Council for the Blind.-

29 (2) PROGRAM OF SERVICES.-

30 (a) It is the intent of the Legislature to establish a
31 coordinated program of services which will be available to
32 individuals throughout this state who are blind. The program
33 must be designed to maximize employment opportunities for such
34 individuals and to increase their independence and self-
35 sufficiency.

36 (b) A client of the division who is participating in on-
37 the-job training shall be deemed an employee of the state for
38 purposes of workers' compensation coverage.

39 Section 3. Section 413.209, Florida Statutes, is created to
40 read:



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41 413.209 Workers' compensation coverage for clients in on-
42 the-job training.-A client of the Division of Vocational
43 Rehabilitation of the Department of Education who is
44 participating in on-the-job training as a vocational
45 rehabilitation service shall be deemed an employee of the state
46 for purposes of workers' compensation coverage.

47 Section 4. Subsection (8) is added to section 1001.10,
48 Florida Statutes, to read:

49 1001.10 Commissioner of Education; general powers and
50 duties.-

51 (8) In the event of an emergency, the commissioner may
52 coordinate through the most appropriate means of communication
53 with local school districts, Florida College System
54 institutions, and satellite offices of the Division of Blind
55 Services and the Division of Vocational Rehabilitation to assess
56 the need for resources and assistance to enable each school,
57 institution, or satellite office the ability to reopen as soon
58 as possible after considering the health, safety, and welfare of
59 students and clients.

60 Section 5. 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
69 instruction to ~~eligible~~ students, pursuant to s. 1002.455, in



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70 kindergarten through grade 12. The school district in which the
71 student enrolls in the virtual charter school shall report the
72 student for funding pursuant to s. 1011.61(1)(c)1.b.(VI), and
73 the home school district shall not report the student for
74 funding. An existing charter school that is seeking to become a
75 virtual charter school must amend its charter or submit a new
76 application pursuant to subsection (6) to become a virtual
77 charter school. A virtual charter school is subject to the
78 requirements of this section; however, a virtual charter school
79 is exempt from subsections (18) and (19), subparagraphs
80 (20)(a)2., 4., 5., and 7., paragraph (20)(c), and s. 1003.03. A
81 public school may not use the term charter in its name unless it
82 has been approved under this section.

83 Section 6. Paragraph (a) of subsection (8) and subsection
84 (11) of section 1002.37, Florida Statutes, are amended to read:

85 1002.37 The Florida Virtual School.—

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

91 ~~(11) The Auditor General shall conduct an operational audit~~
92 ~~of the Florida Virtual School, including Florida Virtual School~~
93 ~~Global. The scope of the audit shall include, but not be limited~~
94 ~~to, the administration of responsibilities relating to~~
95 ~~personnel; procurement and contracting; revenue production;~~
96 ~~school funds, including internal funds; student enrollment~~
97 ~~records; franchise agreements; information technology~~
98 ~~utilization, assets, and security; performance measures and~~



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99 ~~standards; and accountability. The final report on the audit~~
100 ~~shall be submitted to the President of the Senate and the~~
101 ~~Speaker of the House of Representatives no later than January~~
102 ~~31, 2014.~~

103 Section 7. Subsection (5) and paragraph (b) of subsection
104 (6) of section 1002.45, Florida Statutes, are amended to read:
105 1002.45 Virtual instruction programs.-

106 (5) STUDENT ELIGIBILITY.-A student may enroll in a virtual
107 instruction program provided by the school district or by a
108 virtual charter school ~~operated in the district in which he or~~
109 ~~she resides if the student meets eligibility requirements for~~
110 ~~virtual instruction~~ pursuant to s. 1002.455.

111 (6) STUDENT PARTICIPATION REQUIREMENTS.-Each student
112 enrolled in a virtual instruction program or virtual charter
113 school must:

114 (b) Take statewide assessments pursuant to s. 1008.22.
115 Statewide assessments may be administered ~~state assessment tests~~
116 within the school district in which such student resides, or as
117 specified in the contract in accordance with s. 1008.24(3). If
118 requested by the approved provider or virtual charter school,
119 the district of residence ~~which~~ must provide the student with
120 access to the district's testing facilities.

121 Section 8. Section 1002.455, Florida Statutes, is amended
122 to read:

123 1002.455 Student eligibility for K-12 virtual instruction.-

124 ~~(1)~~ All students, including home education and private
125 school students, are eligible to participate in any of the
126 following ~~A student may participate in virtual instruction in~~
127 ~~the school district in which he or she resides if the student~~



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128 ~~meets the eligibility criteria in subsection (2).~~
129 ~~(2) A student is eligible to participate in virtual~~
130 ~~instruction if:~~
131 ~~(a) The student spent the prior school year in attendance~~
132 ~~at a public school in the state and was enrolled and reported by~~
133 ~~the school district for funding during October and February for~~
134 ~~purposes of the Florida Education Finance Program surveys;~~
135 ~~(b) The student is a dependent child of a member of the~~
136 ~~United States Armed Forces who was transferred within the last~~
137 ~~12 months to this state from another state or from a foreign~~
138 ~~country pursuant to a permanent change of station order;~~
139 ~~(c) The student was enrolled during the prior school year~~
140 ~~in a virtual instruction program under s. 1002.45 or a full-time~~
141 ~~Florida Virtual School program under s. 1002.37(8) (a);~~
142 ~~(d) The student has a sibling who is currently enrolled in~~
143 ~~a virtual instruction program and the sibling was enrolled in~~
144 ~~that program at the end of the prior school year;~~
145 ~~(e) The student is eligible to enter kindergarten or first~~
146 ~~grade; or~~
147 ~~(f) The student is eligible to enter grades 2 through 5 and~~
148 ~~is enrolled full-time in a school district virtual instruction~~
149 ~~program, virtual charter school, or the Florida Virtual School.~~
150 ~~(3) The virtual instruction options for which this~~
151 ~~eligibility section applies include:~~
152 ~~(1)(a) School district operated part-time or full-time~~
153 ~~kindergarten through grade 12 virtual instruction programs under~~
154 ~~s. 1002.45(1) (b) for students enrolled in the school district.~~
155 ~~(2)(b) Full-time virtual charter school instruction~~
156 ~~authorized under s. 1002.33 to students within the school~~



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157 district or to students in other school districts throughout the
158 state pursuant to s. 1002.31.

159 (3) ~~(e)~~ Virtual courses offered in the course code directory
160 to students within the school district or to students in other
161 school districts throughout the state pursuant to s. 1003.498.

162 (4) Florida Virtual School instructional services
163 authorized under s. 1002.37.

164 Section 9. Subsection (4) of section 1003.4282, Florida
165 Statutes, is amended to read:

166 1003.4282 Requirements for a standard high school diploma.—

167 (4) ONLINE COURSE REQUIREMENT.—At least one course within
168 the 24 credits required under this section must be completed
169 through online learning.

170 (a) An online course taken in grade 6, grade 7, or grade 8
171 fulfills the requirements of this subsection. The requirement is
172 met through an online course offered by the Florida Virtual
173 School, a virtual education provider approved by the State Board
174 of Education, a high school, or an online dual enrollment
175 course. A student who is enrolled in a full-time or part-time
176 virtual instruction program under s. 1002.45 meets the
177 requirement.

178 (b) A district school board or a charter school governing
179 board, as applicable, may allow a student ~~offer students the~~
180 ~~following options~~ to satisfy the online course requirements of
181 this subsection by completing a blended learning course or

182 ~~1. Completion of a course in which the~~ a student earns a
183 nationally recognized industry certification in information
184 technology that is identified on the CAPE Industry Certification
185 Funding List pursuant to s. 1008.44 or passing ~~passage of the~~



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186 information technology certification examination without
187 enrolling enrollment in or completing completion of the
188 corresponding course or courses, as applicable.

189 ~~2. Passage of an online content assessment, without~~
190 ~~enrollment in or completion of the corresponding course or~~
191 ~~courses, as applicable, by which the student demonstrates skills~~
192 ~~and competency in locating information and applying technology~~
193 ~~for instructional purposes.~~

194
195 For purposes of this subsection, a school district may not
196 require a student to take the online or blended learning course
197 outside the school day or in addition to a student's courses for
198 a given semester. This subsection does not apply to a student
199 who has an individual education plan under s. 1003.57 which
200 indicates that an online or blended learning course would be
201 inappropriate or to an out-of-state transfer student who is
202 enrolled in a Florida high school and has 1 academic year or
203 less remaining in high school.

204 Section 10. Section 1003.481, Florida Statutes, is created
205 to read:

206 1003.481 Early Childhood Music Education Incentive Pilot
207 Program.—

208 (1) Beginning with the 2017-2018 school year, the Early
209 Childhood Music Education Incentive Pilot Program is created
210 within the Department of Education for a period of 3 school
211 years. The purpose of the pilot program is to assist selected
212 school districts in implementing comprehensive music education
213 programs for students in kindergarten through grade 2.

214 (2) In order for a school district to be eligible for



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215 participation in the pilot program, the superintendent must
216 certify to the Commissioner of Education, in a format prescribed
217 by the department, that each elementary school within the
218 district has established a comprehensive music education program
219 that:

220 (a) Includes all students at the school enrolled in
221 kindergarten through grade 2.

222 (b) Is staffed by certified music educators.

223 (c) Provides music instruction for at least 30 consecutive
224 minutes 2 days a week.

225 (d) Complies with class size requirements under s. 1003.03.

226 (e) Complies with the department's standards for early
227 childhood music education programs for students in kindergarten
228 through grade 2.

229 (3) (a) The commissioner shall select school districts for
230 participation in the pilot program, subject to legislative
231 appropriation, based on the school district's proximity to the
232 University of Florida and needs-based criteria established by
233 the State Board of Education. Selected school districts shall
234 annually receive \$150 per full-time equivalent student in
235 kindergarten through grade 2 who is enrolled in a comprehensive
236 music education program.

237 (b) To maintain eligibility for participation in the pilot
238 program, a selected school district must annually certify to the
239 commissioner, in a format prescribed by the department, that
240 each elementary school within the district provides a
241 comprehensive music education program that meets the
242 requirements of subsection (2). If a selected school district
243 fails to provide the annual certification for a fiscal year, the



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244 school district must return all funds received through the pilot
245 program for that fiscal year.

246 (4) The University of Florida's College of Education shall
247 evaluate the effectiveness of the pilot program by measuring
248 student academic performance and the success of the program. The
249 evaluation must include, but is not limited to, a quantitative
250 analysis of student achievement and a qualitative evaluation of
251 students enrolled in the comprehensive music education programs.

252 (5) The State Board of Education may adopt rules to
253 administer this section.

254 (6) This section expires June 30, 2020.

255 Section 11. Subsection (2) of section 1003.498, Florida
256 Statutes, is amended to read:

257 1003.498 School district virtual course offerings.-

258 (2) School districts may offer virtual courses for students
259 enrolled in the school district. These courses must be
260 identified in the course code directory. Students ~~who meet the~~
261 ~~eligibility requirements of s. 1002.455~~ may participate in these
262 virtual course offerings pursuant to s. 1002.455.

263 (a) Any ~~eligible~~ student who is enrolled in a school
264 district may register and enroll in an online course offered by
265 his or her school district.

266 (b)1. Any ~~eligible~~ student who is enrolled in a school
267 district may register and enroll in an online course offered by
268 any other school district in the state. The school district in
269 which the student completes the course shall report the
270 student's completion of that course for funding pursuant to s.
271 1011.61(1)(c)1.b.(VI), and the home school district shall not
272 report the student for funding for that course.



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273 2. The full-time equivalent student membership calculated
274 under this subsection is subject to the requirements in s.
275 1011.61(4). The Department of Education shall establish
276 procedures to enable interdistrict coordination for the delivery
277 and funding of this online option.

278 Section 12. Upon the expiration and reversion of the
279 amendment to section 1004.345, Florida Statutes, pursuant to
280 section 36 of chapter 2016-62, Laws of Florida, subsection (1)
281 of section 1004.345, Florida Statutes, is amended to read:

282 1004.345 The Florida Polytechnic University.—

283 (1) By December 31, 2017 ~~2016~~, the Florida Polytechnic
284 University shall meet the following criteria as established by
285 the Board of Governors:

286 (a) Achieve accreditation from the Commission on Colleges
287 of the Southern Association of Colleges and Schools;

288 (b) Initiate the development of the new programs in the
289 fields of science, technology, engineering, and mathematics;

290 (c) Seek discipline-specific accreditation for programs;

291 (d) Attain a minimum FTE of 1,244, with a minimum 50
292 percent of that FTE in the fields of science, technology,
293 engineering, and mathematics and 20 percent in programs related
294 to those fields;

295 (e) Complete facilities and infrastructure, including the
296 Science and Technology Building, Phase I of the Wellness Center,
297 and a residence hall or halls containing no fewer than 190 beds;
298 and

299 (f) Have the ability to provide, either directly or where
300 feasible through a shared services model, administration of
301 financial aid, admissions, student support, information



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302 technology, and finance and accounting with an internal audit
303 function.

304 Section 13. Subsection (11) of section 1011.62, Florida
305 Statutes, is amended to read:

306 1011.62 Funds for operation of schools.—If the annual
307 allocation from the Florida Education Finance Program to each
308 district for operation of schools is not determined in the
309 annual appropriations act or the substantive bill implementing
310 the annual appropriations act, it shall be determined as
311 follows:

312 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may
313 annually provide in the Florida Education Finance Program a
314 virtual education contribution. The amount of the virtual
315 education contribution shall be the difference between the
316 amount per FTE established in the General Appropriations Act for
317 virtual education and the amount per FTE for each district and
318 the Florida Virtual School, which may be calculated by taking
319 the sum of the base FEFP allocation, the discretionary local
320 effort, the state-funded discretionary contribution, the
321 discretionary millage compression supplement, the research-based
322 reading instruction allocation, and the instructional materials
323 allocation, and then dividing by the total unweighted FTE. This
324 difference shall be multiplied by the virtual education
325 unweighted FTE for programs and options identified in s.
326 1002.455 ~~s. 1002.455(3)~~ and the Florida Virtual School and its
327 franchises to equal the virtual education contribution and shall
328 be included as a separate allocation in the funding formula.

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

332 And the title is amended as follows:

333 Delete lines 2 - 21

334 and insert:

335 An act relating to education; amending s. 11.45, F.S.;
336 requiring the Auditor General to conduct annual audits
337 of the Florida School for the Deaf and the Blind;
338 amending s. 413.011, F.S.; providing that a client of
339 the Division of Blind Services of the Department of
340 Education is considered an employee of the state for
341 purposes of workers' compensation coverage; creating
342 s. 413.209, F.S.; providing that a specified client of
343 the Division of Vocational Rehabilitation of the
344 Department of Education is considered an employee of
345 the state for purposes of workers' compensation
346 coverage; amending s. 1001.10, F.S.; authorizing the
347 Commissioner of Education to coordinate with specified
348 entities to assess needs for resources and assistance
349 in an emergency situation; amending s. 1002.33, F.S.;
350 requiring certain school districts to report virtual
351 charter school students for funding purposes; amending
352 s. 1002.37, F.S.; revising eligibility requirements
353 for specified students to receive part-time
354 instruction at the Florida Virtual School; removing
355 provisions requiring the Auditor General to conduct an
356 operational audit of the Florida Virtual School;
357 amending s. 1002.45, F.S.; revising student
358 eligibility and participation requirements for virtual
359 instruction programs; amending s. 1002.455, F.S.;



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360 authorizing all students, including home education and
361 private school students, to participate in specified
362 virtual instruction options; deleting the eligibility
363 criteria for a student to participate in virtual
364 instruction; amending s. 1003.4282, F.S.; revising the
365 options that a district school board or charter school
366 governing board may offer for a student to satisfy
367 certain online course requirements; creating s.
368 1003.481, F.S.; creating the Early Childhood Music
369 Education Incentive Pilot Program within the
370 Department of Education for a specified period;
371 providing for school district eligibility; providing
372 comprehensive music education program requirements;
373 providing for school district selection, funding, and
374 program payments; requiring selected school districts
375 to annually provide a specified certification to the
376 Commissioner of Education; requiring a selected school
377 district to return funds under certain circumstances;
378 requiring the University of Florida's College of
379 Education to perform an evaluation; authorizing the
380 State Board of Education to adopt rules; providing for
381 expiration of the pilot program; amending s. 1003.498,
382 F.S.; conforming a provision to changes made by the
383 act; amending s. 1004.345, F.S.; extending the
384 timeframe by which the Florida Polytechnic University
385 must meet specified criteria established by the Board
386 of Governors of the State University System; amending
387 s. 1011.62, F.S.; conforming a cross-reference;
388 providing