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LEGISLATIVE ACTION

Senate

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House

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Floor: 3/RE/2R

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03/02/2018 08:28 PM

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Senators Passidomo and Galvano moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 212.099, Florida Statutes, is created to
read:

212.099 Florida Sales Tax Credit Scholarship Program.—

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

(a) "Eligible business" means a tenant or person actually
occupying, using, or entitled to the use of any property from
which the rental or license fee is subject to taxation under s.



734058

12 212.031.

13 (b) "Eligible contribution" or "contribution" means a
14 monetary contribution from an eligible business to an eligible
15 nonprofit scholarship-funding organization to be used pursuant
16 to s. 1002.385 or s. 1002.395. The eligible business making the
17 contribution may not designate a specific student as the
18 beneficiary of the contribution.

19 (c) "Eligible nonprofit scholarship-funding organization"
20 or "organization" has the same meaning as provided in s.
21 1002.395(2)(f).

22 (2) An eligible business shall be granted a credit against
23 the tax imposed under s. 212.031 and collected from the eligible
24 business by a dealer. The credit shall be in an amount equal to
25 100 percent of an eligible contribution made to an organization.

26 (3) A dealer shall take a credit against the tax imposed
27 under s. 212.031 in an amount equal to the credit taken by the
28 eligible business under subsection (2).

29 (4) (a) An eligible business must apply to the department
30 for an allocation of tax credits under this section. The
31 eligible business must specify in the application the state
32 fiscal year during which the contribution will be made, the
33 organization that will receive the contribution, the planned
34 amount of the contribution, the address of the property from
35 which the rental or license fee is subject to taxation under s.
36 212.031, and the federal employer identification number of the
37 dealer who collects the tax imposed under s. 212.031 from the
38 eligible business and who will reduce collection of taxes from
39 the eligible business pursuant to this section. The department
40 shall approve allocations of tax credits on a first-come, first-



734058

41 served basis and shall provide to the eligible business a
42 separate approval or denial letter for each dealer for which the
43 eligible business applied for an allocation of tax credits.
44 Within 10 days after approving or denying an application, the
45 department shall provide a copy of its approval or denial letter
46 to the organization specified by the eligible business in the
47 application. An approval letter must include the name and
48 federal employer identification number of the dealer from whom a
49 credit under this section can be taken and the amount of tax
50 credits approved for use with that dealer.

51 (b) Upon receipt of an eligible contribution, the
52 organization shall provide the eligible business that made the
53 contribution with a separate certificate of contribution for
54 each dealer from whom a credit can be taken as approved under
55 paragraph (a). A certificate of contribution must include the
56 contributor's name and, if available, federal employer
57 identification number, the amount contributed, the date of
58 contribution, the name of the organization, and the name and
59 federal employer identification number of the dealer.

60 (5) Each dealer that receives from an eligible business a
61 copy of the department's approval letter and a certificate of
62 contribution, both of which identify the dealer as the dealer
63 who collects the tax imposed under s. 212.031 from the eligible
64 business and who will reduce collection of taxes from the
65 eligible business pursuant to this section, shall reduce the tax
66 collected from the eligible business under s. 212.031 by the
67 total amount of contributions indicated in the certificate of
68 contribution. The reduction may not exceed the amount of credit
69 allocation approved by the department and may not exceed the



734058

70 amount of tax that would otherwise be collected from the
71 eligible business by a dealer when a payment is made under the
72 rental or license fee arrangement. However, payments by an
73 eligible business to a dealer may not be reduced before October
74 1, 2018.

75 (a) If the total amount of credits an eligible business may
76 take cannot be fully used within any period that a payment is
77 due under the rental or license fee arrangement because of an
78 insufficient amount of tax that the dealer would collect from
79 the eligible business during that period, the unused amount may
80 be carried forward for a period not to exceed 10 years.

81 (b) A tax credit may not be claimed on an amended return or
82 through a refund.

83 (c) A dealer that claims a tax credit must file returns and
84 pay taxes by electronic means under s. 213.755.

85 (d) An eligible business may not convey, assign, or
86 transfer an approved tax credit or a carryforward tax credit to
87 another entity unless all of the assets of the eligible business
88 are conveyed, assigned, or transferred in the same transaction
89 and the successor business continues the same lease with the
90 dealer.

91 (e) Within any state fiscal year, an eligible business may
92 rescind all or part of a tax credit approved under this section.
93 The amount rescinded shall become available for that state
94 fiscal year to another eligible business as approved by the
95 department if the business receives notice from the department
96 that the rescindment has been accepted by the department. Any
97 amount rescinded under this subsection shall become available to
98 an eligible business on a first-come, first-served basis based



734058

99 on tax credit applications received after the date the
100 rescindment is accepted by the department.

101 (f) Within 10 days after the rescindment of a tax credit
102 under paragraph (e) of this subsection is accepted by the
103 department, the department shall notify the eligible nonprofit
104 scholarship-funding organization specified by the eligible
105 business. The department shall also include the eligible
106 nonprofit scholarship-funding organization specified by the
107 eligible business on all letters or correspondence of
108 acknowledgment for tax credits under this section.

109 (6) An organization shall report to the department, on or
110 before the 20th day of each month, the total amount of
111 contributions received pursuant to subsection (4) in the
112 preceding calendar month on a form provided by the department.
113 Such report shall include the amount of contributions received
114 during that reporting period and the federal employer
115 identification number of each dealer associated with the
116 contribution.

117 (7) (a) Eligible contributions may be used to fund the
118 program established under s. 1002.385 if funds appropriated in a
119 state fiscal year for the program are insufficient to fund
120 eligible students.

121 (b) If the conditions in paragraph (a) are met, the
122 organization shall first use eligible contributions received
123 during a state fiscal year to fund scholarships for students in
124 the priority set forth in s. 1002.385(12) (d). Remaining
125 contributions may be used to fund scholarships for students
126 eligible pursuant to s. 1002.395(3) (b)1. or 2.

127 (c) The organization shall separately account for each



734058

128 scholarship funded pursuant to this section.

129 (d) Notwithstanding s. 1002.385(6)(b), any funds remaining
130 from a closed scholarship account funded pursuant to this
131 section shall be used to fund other scholarships pursuant to s.
132 1002.385.

133 (e) The organization may, subject to the limitations of s.
134 1002.395(6)(j)1., use up to 3 percent of eligible contributions
135 received during the state fiscal year in which such
136 contributions are collected for administrative expenses.

137 (8) The sum of tax credits that may be approved by the
138 department in any state fiscal year is \$ 57.5 million.

139 (9) For purposes of the distributions of tax revenue under
140 s. 212.20, the department shall disregard any tax credits
141 allowed under this section to ensure that any reduction in tax
142 revenue received that is attributable to the tax credits results
143 only in a reduction in distributions to the General Revenue
144 Fund.

145 (10) The department may adopt rules to administer this
146 section.

147 Section 2. Section 212.1831, Florida Statutes, is amended
148 to read

149 212.1831 Credit for contributions to eligible nonprofit
150 scholarship-funding organizations.—There is allowed a credit of
151 100 percent of an eligible contribution made to an eligible
152 nonprofit scholarship-funding organization under s. 1002.395
153 against any tax imposed by the state and due under this chapter
154 from a direct pay permit holder as a result of the direct pay
155 permit held pursuant to s. 212.183. For purposes of the dealer's
156 credit granted for keeping prescribed records, filing timely tax



734058

157 returns, and properly accounting and remitting taxes under s.
158 212.12, the amount of tax due used to calculate the credit shall
159 include any eligible contribution made to an eligible nonprofit
160 scholarship-funding organization from a direct pay permit
161 holder. For purposes of the distributions of tax revenue under
162 s. 212.20, the department shall disregard any tax credits
163 allowed under this section to ensure that any reduction in tax
164 revenue received that is attributable to the tax credits results
165 only in a reduction in distributions to the General Revenue
166 Fund. The provisions of s. 1002.395 apply to the credit
167 authorized by this section.

168 Section 3. Effective upon this act becoming a law, section
169 212.1832, Florida Statutes, is created to read:

170 212.1832 Credit for contributions to the Hope Scholarship
171 Program.—

172 (1) The purchaser of a motor vehicle shall be granted a
173 credit of 100 percent of an eligible contribution made to an
174 eligible nonprofit scholarship-funding organization under s.
175 1002.40 against any tax imposed by the state under this chapter
176 and collected from the purchaser by a dealer, designated agent,
177 or private tag agent as a result of the purchase or acquisition
178 of a motor vehicle on or after October 1, 2018, except that a
179 credit may not exceed the tax that would otherwise be collected
180 from the purchaser by a dealer, designated agent, or private tag
181 agent. For purposes of this subsection, the term "purchase" does
182 not include the lease or rental of a motor vehicle.

183 (2) A dealer shall take a credit against any tax imposed by
184 the state under this chapter on the purchase of a motor vehicle



734058

185 in an amount equal to the credit granted to the purchaser under
186 subsection (1).

187 (3) For purposes of the distributions of tax revenue under
188 s. 212.20, the department shall disregard any tax credits
189 allowed under this section to ensure that any reduction in tax
190 revenue received that is attributable to the tax credits results
191 only in a reduction in distributions to the General Revenue
192 Fund. The provisions of s. 1002.40 apply to the credit
193 authorized by this section.

194 Section 4. Effective upon this act becoming a law,
195 subsection (21) is added to section 213.053, Florida Statutes,
196 to read:

197 213.053 Confidentiality and information sharing.—

198 (21) (a) For purposes of this subsection, the term:

199 1. "Eligible nonprofit scholarship-funding organization"
200 means an eligible nonprofit scholarship-funding organization as
201 defined in s. 1002.395(2) that meets the criteria in s.
202 1002.395(6) to use up to 3 percent of eligible contributions for
203 administrative expenses.

204 2. "Taxpayer" has the same meaning as in s. 220.03, unless
205 disclosure of the taxpayer's name and address would violate any
206 term of an information-sharing agreement between the department
207 and an agency of the Federal Government.

208 (b) The department, upon request, shall provide to an
209 eligible nonprofit scholarship-funding organization that
210 provides scholarships under s. 1002.395 a list of the 200
211 taxpayers with the greatest total corporate income or franchise
212 tax due as reported on the taxpayer's return filed pursuant to
213 s. 220.22 during the previous calendar year. The list must be in



734058

214 alphabetical order based on the taxpayer's name and shall
215 contain the taxpayer's address. The list may not disclose the
216 amount of tax owed by any taxpayer.

217 (c) An eligible nonprofit scholarship-funding organization
218 may request the list once each calendar year. The department
219 shall provide the list within 45 days after the request is made.

220 (d) Any taxpayer information contained in the list may be
221 used by the eligible nonprofit scholarship-funding organization
222 only to notify the taxpayer of the opportunity to make an
223 eligible contribution to the Florida Tax Credit Scholarship
224 Program under s. 1002.395. Any information furnished to an
225 eligible nonprofit scholarship-funding organization under this
226 subsection may not be further disclosed by the organization
227 except as provided in this paragraph.

228 (e) An eligible nonprofit scholarship-funding organization,
229 its officers, and employees are subject to the same requirements
230 of confidentiality and the same penalties for violating
231 confidentiality as the department and its employees. Breach of
232 confidentiality is a misdemeanor of the first degree, punishable
233 as provided by s. 775.082 or s. 775.083.

234 Section 5. Subsection (22) is added to section 213.053,
235 Florida Statutes, as amended by this act, to read:

236 213.053 Confidentiality and information sharing.-

237 (22) (a) The department may provide to an eligible nonprofit
238 scholarship-funding organization, as defined in s. 1002.40, a
239 dealer's name, address, federal employer identification number,
240 and information related to differences between credits taken by
241 the dealer pursuant to s. 212.1832(2) and amounts remitted to
242 the eligible nonprofit scholarship-funding organization under s.



734058

243 1002.40(13)(b)3. The eligible nonprofit scholarship-funding
244 organization may use the information for purposes of recovering
245 eligible contributions designated for that organization that
246 were collected by the dealer but never remitted to the
247 organization.

248 (b) Nothing in this subsection authorizes the disclosure of
249 information if such disclosure is prohibited by federal law. An
250 eligible nonprofit scholarship-funding organization is bound by
251 the same requirements of confidentiality and the same penalties
252 for a violation of the requirements as the department.

253 Section 6. Paragraph (a) of subsection (1) of section
254 220.13, Florida Statutes, is amended to read:

255 220.13 "Adjusted federal income" defined.—

256 (1) The term "adjusted federal income" means an amount
257 equal to the taxpayer's taxable income as defined in subsection
258 (2), or such taxable income of more than one taxpayer as
259 provided in s. 220.131, for the taxable year, adjusted as
260 follows:

261 (a) *Additions.*—There shall be added to such taxable income:

262 1.a. The amount of any tax upon or measured by income,
263 excluding taxes based on gross receipts or revenues, paid or
264 accrued as a liability to the District of Columbia or any state
265 of the United States which is deductible from gross income in
266 the computation of taxable income for the taxable year.

267 b. Notwithstanding sub-subparagraph a., if a credit taken
268 under s. 220.1875 is added to taxable income in a previous
269 taxable year under subparagraph 11. and is taken as a deduction
270 for federal tax purposes in the current taxable year, the amount
271 of the deduction allowed shall not be added to taxable income in



734058

272 the current year. The exception in this sub-subparagraph is
273 intended to ensure that the credit under s. 220.1875 is added in
274 the applicable taxable year and does not result in a duplicate
275 addition in a subsequent year.

276 2. The amount of interest which is excluded from taxable
277 income under s. 103(a) of the Internal Revenue Code or any other
278 federal law, less the associated expenses disallowed in the
279 computation of taxable income under s. 265 of the Internal
280 Revenue Code or any other law, excluding 60 percent of any
281 amounts included in alternative minimum taxable income, as
282 defined in s. 55(b)(2) of the Internal Revenue Code, if the
283 taxpayer pays tax under s. 220.11(3).

284 3. In the case of a regulated investment company or real
285 estate investment trust, an amount equal to the excess of the
286 net long-term capital gain for the taxable year over the amount
287 of the capital gain dividends attributable to the taxable year.

288 4. That portion of the wages or salaries paid or incurred
289 for the taxable year which is equal to the amount of the credit
290 allowable for the taxable year under s. 220.181. This
291 subparagraph shall expire on the date specified in s. 290.016
292 for the expiration of the Florida Enterprise Zone Act.

293 5. That portion of the ad valorem school taxes paid or
294 incurred for the taxable year which is equal to the amount of
295 the credit allowable for the taxable year under s. 220.182. This
296 subparagraph shall expire on the date specified in s. 290.016
297 for the expiration of the Florida Enterprise Zone Act.

298 6. The amount taken as a credit under s. 220.195 which is
299 deductible from gross income in the computation of taxable
300 income for the taxable year.



734058

301 7. That portion of assessments to fund a guaranty
302 association incurred for the taxable year which is equal to the
303 amount of the credit allowable for the taxable year.

304 8. In the case of a nonprofit corporation which holds a
305 pari-mutuel permit and which is exempt from federal income tax
306 as a farmers' cooperative, an amount equal to the excess of the
307 gross income attributable to the pari-mutuel operations over the
308 attributable expenses for the taxable year.

309 9. The amount taken as a credit for the taxable year under
310 s. 220.1895.

311 10. Up to nine percent of the eligible basis of any
312 designated project which is equal to the credit allowable for
313 the taxable year under s. 220.185.

314 11. The amount taken as a credit for the taxable year under
315 s. 220.1875. The addition in this subparagraph is intended to
316 ensure that the same amount is not allowed for the tax purposes
317 of this state as both a deduction from income and a credit
318 against the tax. This addition is not intended to result in
319 adding the same expense back to income more than once.

320 12. The amount taken as a credit for the taxable year under
321 s. 220.192.

322 13. The amount taken as a credit for the taxable year under
323 s. 220.193.

324 14. Any portion of a qualified investment, as defined in s.
325 288.9913, which is claimed as a deduction by the taxpayer and
326 taken as a credit against income tax pursuant to s. 288.9916.

327 15. The costs to acquire a tax credit pursuant to s.
328 288.1254(5) that are deducted from or otherwise reduce federal
329 taxable income for the taxable year.



734058

330 16. The amount taken as a credit for the taxable year
331 pursuant to s. 220.194.

332 17. The amount taken as a credit for the taxable year under
333 s. 220.196. The addition in this subparagraph is intended to
334 ensure that the same amount is not allowed for the tax purposes
335 of this state as both a deduction from income and a credit
336 against the tax. The addition is not intended to result in
337 adding the same expense back to income more than once.

338 Section 7. Subsection (1) of section 220.1875, Florida
339 Statutes, is amended, and subsection (4) is added to that
340 section, to read:

341 220.1875 Credit for contributions to eligible nonprofit
342 scholarship-funding organizations.—

343 (1) There is allowed a credit of 100 percent of an eligible
344 contribution made to an eligible nonprofit scholarship-funding
345 organization under s. 1002.395 against any tax due for a taxable
346 year under this chapter after the application of any other
347 allowable credits by the taxpayer. An eligible contribution must
348 be made to an eligible nonprofit scholarship-funding
349 organization on or before the date the taxpayer is required to
350 file a return pursuant to s. 220.222. The credit granted by this
351 section shall be reduced by the difference between the amount of
352 federal corporate income tax taking into account the credit
353 granted by this section and the amount of federal corporate
354 income tax without application of the credit granted by this
355 section.

356 (4) If a taxpayer applies and is approved for a credit
357 under s. 1002.395 after timely requesting an extension to file
358 under s. 220.222(2):



734058

359 (a) The credit does not reduce the amount of tax due for
360 purposes of the department's determination as to whether the
361 taxpayer was in compliance with the requirement to pay tentative
362 taxes under ss. 220.222 and 220.32.

363 (b) The taxpayer's noncompliance with the requirement to
364 pay tentative taxes shall result in the revocation and
365 rescindment of any such credit.

366 (c) The taxpayer shall be assessed for any taxes,
367 penalties, or interest due from the taxpayer's noncompliance
368 with the requirement to pay tentative taxes.

369 Section 8. Subsections (4) and (5) of section 1001.10,
370 Florida Statutes, are amended, and subsection (8) is added to
371 that section, to read:

372 1001.10 Commissioner of Education; general powers and
373 duties.—

374 (4) The Department of Education shall provide technical
375 assistance to school districts, charter schools, the Florida
376 School for the Deaf and the Blind, and private schools that
377 accept scholarship students who participate in a state
378 scholarship program under chapter 1002 under s. 1002.39 or s.
379 1002.395 in the development of policies, procedures, and
380 training related to employment practices and standards of
381 ethical conduct for instructional personnel and school
382 administrators, as defined in s. 1012.01.

383 (5) The Department of Education shall provide authorized
384 staff of school districts, charter schools, the Florida School
385 for the Deaf and the Blind, and private schools that accept
386 scholarship students who participate in a state scholarship
387 program under chapter 1002 under s. 1002.39 or s. 1002.395 with



734058

388 access to electronic verification of information from the
389 following employment screening tools:

390 (a) The Professional Practices' Database of Disciplinary
391 Actions Against Educators; and

392 (b) The Department of Education's Teacher Certification
393 Database.

394

395 This subsection does not require the department to provide these
396 staff with unlimited access to the databases. However, the
397 department shall provide the staff with access to the data
398 necessary for performing employment history checks of the
399 instructional personnel and school administrators included in
400 the databases.

401 (8) In the event of an emergency situation, the
402 commissioner may coordinate through the most appropriate means
403 of communication with local school districts, Florida College
404 System institutions, and satellite offices of the Division of
405 Blind Services and the Division of Vocational Rehabilitation to
406 assess the need for resources and assistance to enable each
407 school, institution, or satellite office the ability to reopen
408 as soon as possible after considering the health, safety, and
409 welfare of students and clients.

410 Section 9. Paragraphs (d) through (g) of subsection (8) of
411 section 1002.33, Florida Statutes, are redesignated as
412 paragraphs (c) through (f), respectively, and paragraph (b) of
413 subsection (6), paragraphs (a), (d), and (e) of subsection (7),
414 present paragraphs (a), (b), and (c) of subsection (8),
415 paragraph (n) of subsection (9), paragraph (e) of subsection
416 (10), and paragraphs (a) and (b) of subsection (20) of that



734058

417 section are amended, to read:

418 1002.33 Charter schools.—

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

421 (b) A sponsor shall receive and review all applications for
422 a charter school using the evaluation instrument developed by
423 the Department of Education. A sponsor shall receive and
424 consider charter school applications received on or before
425 August 1 of each calendar year for charter schools to be opened
426 at the beginning of the school district's next school year, or
427 to be opened at a time agreed to by the applicant and the
428 sponsor. A sponsor may not refuse to receive a charter school
429 application submitted before August 1 and may receive an
430 application submitted later than August 1 if it chooses.
431 Beginning in 2018 and thereafter, a sponsor shall receive and
432 consider charter school applications received on or before
433 February 1 of each calendar year for charter schools to be
434 opened 18 months later at the beginning of the school district's
435 school year, or to be opened at a time agreed to by the
436 applicant and the sponsor. A sponsor may not refuse to receive a
437 charter school application submitted before February 1 and may
438 receive an application submitted later than February 1 if it
439 chooses. A sponsor may not charge an applicant for a charter any
440 fee for the processing or consideration of an application, and a
441 sponsor may not base its consideration or approval of a final
442 application upon the promise of future payment of any kind.
443 Before approving or denying any application, the sponsor shall
444 allow the applicant, upon receipt of written notification, at
445 least 7 calendar days to make technical or nonsubstantive



734058

446 corrections and clarifications, including, but not limited to,
447 corrections of grammatical, typographical, and like errors or
448 missing signatures, if such errors are identified by the sponsor
449 as cause to deny the final application.

450 1. In order to facilitate an accurate budget projection
451 process, a sponsor shall be held harmless for FTE students who
452 are not included in the FTE projection due to approval of
453 charter school applications after the FTE projection deadline.
454 In a further effort to facilitate an accurate budget projection,
455 within 15 calendar days after receipt of a charter school
456 application, a sponsor shall report to the Department of
457 Education the name of the applicant entity, the proposed charter
458 school location, and its projected FTE.

459 2. In order to ensure fiscal responsibility, an application
460 for a charter school shall include a full accounting of expected
461 assets, a projection of expected sources and amounts of income,
462 including income derived from projected student enrollments and
463 from community support, and an expense projection that includes
464 full accounting of the costs of operation, including start-up
465 costs.

466 3.a. A sponsor shall by a majority vote approve or deny an
467 application no later than 90 calendar days after the application
468 is received, unless the sponsor and the applicant mutually agree
469 in writing to temporarily postpone the vote to a specific date,
470 at which time the sponsor shall by a majority vote approve or
471 deny the application. If the sponsor fails to act on the
472 application, an applicant may appeal to the State Board of
473 Education as provided in paragraph (c). If an application is
474 denied, the sponsor shall, within 10 calendar days after such



734058

475 denial, articulate in writing the specific reasons, based upon
476 good cause, supporting its denial of the application and shall
477 provide the letter of denial and supporting documentation to the
478 applicant and to the Department of Education.

479 b. An application submitted by a high-performing charter
480 school identified pursuant to s. 1002.331 or a high-performing
481 charter school system identified pursuant to s. 1002.332 may be
482 denied by the sponsor only if the sponsor demonstrates by clear
483 and convincing evidence that:

484 (I) The application of a high-performing charter school
485 does not materially comply with the requirements in paragraph
486 (a) or, for a high-performing charter school system, the
487 application does not materially comply with s. 1002.332(2)(b);

488 (II) The charter school proposed in the application does
489 not materially comply with the requirements in paragraphs
490 (9)(a)-(f);

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

494 (IV) The applicant has made a material misrepresentation or
495 false statement or concealed an essential or material fact
496 during the application process; or

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

500
501 Material noncompliance is a failure to follow requirements or a
502 violation of prohibitions applicable to charter school
503 applications, which failure is quantitatively or qualitatively



734058

504 significant either individually or when aggregated with other
505 noncompliance. An applicant is considered to be replicating a
506 high-performing charter school if the proposed school is
507 substantially similar to at least one of the applicant's high-
508 performing charter schools and the organization or individuals
509 involved in the establishment and operation of the proposed
510 school are significantly involved in the operation of replicated
511 schools.

512 c. If the sponsor denies an application submitted by a
513 high-performing charter school or a high-performing charter
514 school system, the sponsor must, within 10 calendar days after
515 such denial, state in writing the specific reasons, based upon
516 the criteria in sub-subparagraph b., supporting its denial of
517 the application and must provide the letter of denial and
518 supporting documentation to the applicant and to the Department
519 of Education. The applicant may appeal the sponsor's denial of
520 the application in accordance with paragraph (c).

521 4. For budget projection purposes, the sponsor shall report
522 to the Department of Education the approval or denial of an
523 application within 10 calendar days after such approval or
524 denial. In the event of approval, the report to the Department
525 of Education shall include the final projected FTE for the
526 approved charter school.

527 5. Upon approval of an application, the initial startup
528 shall commence with the beginning of the public school calendar
529 for the district in which the charter is granted. A charter
530 school may defer the opening of the school's operations for up
531 to 3 ~~2~~ years to provide time for adequate facility planning. The
532 charter school must provide written notice of such intent to the



734058

533 sponsor and the parents of enrolled students at least 30
534 calendar days before the first day of school.

535 (7) CHARTER.—The terms and conditions for the operation of
536 a charter school shall be set forth by the sponsor and the
537 applicant in a written contractual agreement, called a charter.
538 The sponsor and the governing board of the charter school shall
539 use the standard charter contract pursuant to subsection (21),
540 which shall incorporate the approved application and any addenda
541 approved with the application. Any term or condition of a
542 proposed charter contract that differs from the standard charter
543 contract adopted by rule of the State Board of Education shall
544 be presumed a limitation on charter school flexibility. The
545 sponsor may not impose unreasonable rules or regulations that
546 violate the intent of giving charter schools greater flexibility
547 to meet educational goals. The charter shall be signed by the
548 governing board of the charter school and the sponsor, following
549 a public hearing to ensure community input.

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

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

554 2. The focus of the curriculum, the instructional methods
555 to be used, any distinctive instructional techniques to be
556 employed, and identification and acquisition of appropriate
557 technologies needed to improve educational and administrative
558 performance which include a means for promoting safe, ethical,
559 and appropriate uses of technology which comply with legal and
560 professional standards.

561 a. The charter shall ensure that reading is a primary focus



734058

562 of the curriculum and that resources are provided to identify
563 and provide specialized instruction for students who are reading
564 below grade level. The curriculum and instructional strategies
565 for reading must be consistent with the Next Generation Sunshine
566 State Standards and grounded in scientifically based reading
567 research.

568 b. In order to provide students with access to diverse
569 instructional delivery models, to facilitate the integration of
570 technology within traditional classroom instruction, and to
571 provide students with the skills they need to compete in the
572 21st century economy, the Legislature encourages instructional
573 methods for blended learning courses consisting of both
574 traditional classroom and online instructional techniques.
575 Charter schools may implement blended learning courses which
576 combine traditional classroom instruction and virtual
577 instruction. Students in a blended learning course must be full-
578 time students of the charter school pursuant to s.

579 1011.61(1)(a)1. Instructional personnel certified pursuant to s.
580 1012.55 who provide virtual instruction for blended learning
581 courses may be employees of the charter school or may be under
582 contract to provide instructional services to charter school
583 students. At a minimum, such instructional personnel must hold
584 an active state or school district adjunct certification under
585 s. 1012.57 for the subject area of the blended learning course.
586 The funding and performance accountability requirements for
587 blended learning courses are the same as those for traditional
588 courses.

589 3. The current incoming baseline standard of student
590 academic achievement, the outcomes to be achieved, and the



734058

591 method of measurement that will be used. The criteria listed in
592 this subparagraph shall include a detailed description of:

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

595 b. How these baseline rates will be compared to rates of
596 academic progress achieved by these same students while
597 attending the charter school.

598 c. To the extent possible, how these rates of progress will
599 be evaluated and compared with rates of progress of other
600 closely comparable student populations.

601
602 The district school board is required to provide academic
603 student performance data to charter schools for each of their
604 students coming from the district school system, as well as
605 rates of academic progress of comparable student populations in
606 the district school system.

607 4. The methods used to identify the educational strengths
608 and needs of students and how well educational goals and
609 performance standards are met by students attending the charter
610 school. The methods shall provide a means for the charter school
611 to ensure accountability to its constituents by analyzing
612 student performance data and by evaluating the effectiveness and
613 efficiency of its major educational programs. Students in
614 charter schools shall, at a minimum, participate in the
615 statewide assessment program created under s. 1008.22.

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

619 6. A method for resolving conflicts between the governing



734058

620 board of the charter school and the sponsor.

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

624 8. The ways by which the school will achieve a
625 racial/ethnic balance reflective of the community it serves or
626 within the racial/ethnic range of other public schools in the
627 same school district.

628 9. The financial and administrative management of the
629 school, including a reasonable demonstration of the professional
630 experience or competence of those individuals or organizations
631 applying to operate the charter school or those hired or
632 retained to perform such professional services and the
633 description of clearly delineated responsibilities and the
634 policies and practices needed to effectively manage the charter
635 school. A description of internal audit procedures and
636 establishment of controls to ensure that financial resources are
637 properly managed must be included. Both public sector and
638 private sector professional experience shall be equally valid in
639 such a consideration.

640 10. The asset and liability projections required in the
641 application which are incorporated into the charter and shall be
642 compared with information provided in the annual report of the
643 charter school.

644 11. A description of procedures that identify various risks
645 and provide for a comprehensive approach to reduce the impact of
646 losses; plans to ensure the safety and security of students and
647 staff; plans to identify, minimize, and protect others from
648 violent or disruptive student behavior; and the manner in which



734058

649 the school will be insured, including whether or not the school
650 will be required to have liability insurance, and, if so, the
651 terms and conditions thereof and the amounts of coverage.

652 12. The term of the charter which shall provide for
653 cancellation of the charter if insufficient progress has been
654 made in attaining the student achievement objectives of the
655 charter and if it is not likely that such objectives can be
656 achieved before expiration of the charter. The initial term of a
657 charter shall be for ~~4~~ or 5 years, excluding 2 planning years.
658 In order to facilitate access to long-term financial resources
659 for charter school construction, charter schools that are
660 operated by a municipality or other public entity as provided by
661 law are eligible for up to a 15-year charter, subject to
662 approval by the district school board. A charter lab school is
663 eligible for a charter for a term of up to 15 years. In
664 addition, to facilitate access to long-term financial resources
665 for charter school construction, charter schools that are
666 operated by a private, not-for-profit, s. 501(c)(3) status
667 corporation are eligible for up to a 15-year charter, subject to
668 approval by the district school board. Such long-term charters
669 remain subject to annual review and may be terminated during the
670 term of the charter, but only according to the provisions set
671 forth in subsection (8).

672 13. The facilities to be used and their location. The
673 sponsor may not require a charter school to have a certificate
674 of occupancy or a temporary certificate of occupancy for such a
675 facility earlier than 15 calendar days before the first day of
676 school.

677 14. The qualifications to be required of the teachers and



734058

678 the potential strategies used to recruit, hire, train, and
679 retain qualified staff to achieve best value.

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

683 16. A timetable for implementing the charter which
684 addresses the implementation of each element thereof and the
685 date by which the charter shall be awarded in order to meet this
686 timetable.

687 17. In the case of an existing public school that is being
688 converted to charter status, alternative arrangements for
689 current students who choose not to attend the charter school and
690 for current teachers who choose not to teach in the charter
691 school after conversion in accordance with the existing
692 collective bargaining agreement or district school board rule in
693 the absence of a collective bargaining agreement. However,
694 alternative arrangements shall not be required for current
695 teachers who choose not to teach in a charter lab school, except
696 as authorized by the employment policies of the state university
697 which grants the charter to the lab school.

698 18. Full disclosure of the identity of all relatives
699 employed by the charter school who are related to the charter
700 school owner, president, chairperson of the governing board of
701 directors, superintendent, governing board member, principal,
702 assistant principal, or any other person employed by the charter
703 school who has equivalent decisionmaking authority. For the
704 purpose of this subparagraph, the term "relative" means father,
705 mother, son, daughter, brother, sister, uncle, aunt, first
706 cousin, nephew, niece, husband, wife, father-in-law, mother-in-



734058

707 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
708 stepfather, stepmother, stepson, stepdaughter, stepbrother,
709 stepsister, half brother, or half sister.

710 19. Implementation of the activities authorized under s.
711 1002.331 by the charter school when it satisfies the eligibility
712 requirements for a high-performing charter school. A high-
713 performing charter school shall notify its sponsor in writing by
714 March 1 if it intends to increase enrollment or expand grade
715 levels the following school year. The written notice shall
716 specify the amount of the enrollment increase and the grade
717 levels that will be added, as applicable.

718 (d) A charter may be modified during its initial term or
719 any renewal term upon the recommendation of the sponsor or the
720 charter school's governing board and the approval of both
721 parties to the agreement. Modification during any term may
722 include, but is not limited to, consolidation of multiple
723 charters into a single charter if the charters are operated
724 under the same governing board ~~and physically located on the~~
725 ~~same campus~~, regardless of the renewal cycle. A charter school
726 that is not subject to a school improvement plan and that closes
727 as part of a consolidation shall be reported by the school
728 district as a consolidation.

729 (e) A charter may be terminated by a charter school's
730 governing board through voluntary closure. The decision to cease
731 operations must be determined at a public meeting. The governing
732 board shall notify the parents and sponsor of the public meeting
733 in writing before the public meeting. The governing board must
734 notify the sponsor, parents of enrolled students, and the
735 department in writing within 24 hours after the public meeting



734058

736 of its determination. The notice shall state the charter
737 school's intent to continue operations or the reason for the
738 closure and acknowledge that the governing board agrees to
739 follow the procedures for dissolution and reversion of public
740 funds pursuant to paragraphs (8) (d)-(f) and (9) (o) paragraphs
741 ~~(8) (e)-(g) and (9) (e)~~.

742 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

743 (a) The sponsor shall make student academic achievement for
744 all students the most important factor when determining whether
745 to renew or terminate the charter. The sponsor may also choose
746 not to renew or may terminate the charter if the sponsor finds
747 that one of the grounds set forth below exists by clear and
748 convincing evidence for any of the following grounds:

749 1. Failure to participate in the state's education
750 accountability system created in s. 1008.31, as required in this
751 section, or failure to meet the requirements for student
752 performance stated in the charter.

753 2. Failure to meet generally accepted standards of fiscal
754 management.

755 3. Material violation of law.

756 4. Other good cause shown.

757 (b) At least 90 days before renewing, nonrenewing, or
758 terminating a charter, the sponsor shall notify the governing
759 board of the school of the proposed action in writing. The
760 notice shall state in reasonable detail the grounds for the
761 proposed action and stipulate that the school's governing board
762 may, within 14 calendar days after receiving the notice, request
763 a hearing. The hearing shall be conducted ~~at the sponsor's~~
764 ~~election in accordance with one of the following procedures:~~



734058

765 ~~1. A direct hearing conducted by the sponsor within 60 days~~
766 ~~after receipt of the request for a hearing. The hearing shall be~~
767 ~~conducted in accordance with ss. 120.569 and 120.57. The sponsor~~
768 ~~shall decide upon nonrenewal or termination by a majority vote.~~
769 ~~The sponsor's decision shall be a final order; or~~

770 ~~2. A hearing conducted by an administrative law judge~~
771 ~~assigned by the Division of Administrative Hearings. The hearing~~
772 ~~shall be conducted within 90 ~~60~~ days after receipt of the~~
773 ~~request for a hearing and in accordance with chapter 120. The~~
774 ~~administrative law judge's final ~~recommended~~ order shall be~~
775 ~~submitted to the sponsor. The administrative law judge shall~~
776 ~~award the prevailing party reasonable attorney fees and costs~~
777 ~~incurred during the administrative proceeding and any appeals A~~
778 ~~majority vote by the sponsor shall be required to adopt or~~
779 ~~modify the administrative law judge's recommended order. The~~
780 ~~sponsor shall issue a final order.~~

781 ~~(c) The final order shall state the specific reasons for~~
782 ~~the sponsor's decision. The sponsor shall provide its final~~
783 ~~order to the charter school's governing board and the Department~~
784 ~~of Education no later than 10 calendar days after its issuance.~~
785 The charter school's governing board may, within 30 calendar
786 days after receiving the ~~sponsor's~~ final order, appeal the
787 decision pursuant to s. 120.68.

788 (9) CHARTER SCHOOL REQUIREMENTS.-

789 (n)1. The director and a representative of the governing
790 board of a charter school that has earned a grade of "D" or "F"
791 pursuant to s. 1008.34 shall appear before the sponsor to
792 present information concerning each contract component having
793 noted deficiencies. The director and a representative of the



734058

794 governing board shall submit to the sponsor for approval a
795 school improvement plan to raise student performance. Upon
796 approval by the sponsor, the charter school shall begin
797 implementation of the school improvement plan. The department
798 shall offer technical assistance and training to the charter
799 school and its governing board and establish guidelines for
800 developing, submitting, and approving such plans.

801 2.a. If a charter school earns three consecutive grades
802 below a "C," the charter school governing board shall choose one
803 of the following corrective actions:

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

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

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

811 (IV) Voluntarily close the charter school.

812 b. The charter school must implement the corrective action
813 in the school year following receipt of a third consecutive
814 grade below a "C."

815 c. The sponsor may annually waive a corrective action if it
816 determines that the charter school is likely to improve a letter
817 grade if additional time is provided to implement the
818 intervention and support strategies prescribed by the school
819 improvement plan. Notwithstanding this sub-subparagraph, a
820 charter school that earns a second consecutive grade of "F" is
821 subject to subparagraph 3.

822 d. A charter school is no longer required to implement a



734058

823 corrective action if it improves to a "C" or higher. However,
824 the charter school must continue to implement strategies
825 identified in the school improvement plan. The sponsor must
826 annually review implementation of the school improvement plan to
827 monitor the school's continued improvement pursuant to
828 subparagraph 4.

829 e. A charter school implementing a corrective action that
830 does not improve to a "C" or higher after 2 full school years of
831 implementing the corrective action must select a different
832 corrective action. Implementation of the new corrective action
833 must begin in the school year following the implementation
834 period of the existing corrective action, unless the sponsor
835 determines that the charter school is likely to improve to a "C"
836 or higher if additional time is provided to implement the
837 existing corrective action. Notwithstanding this sub-
838 subparagraph, a charter school that earns a second consecutive
839 grade of "F" while implementing a corrective action is subject
840 to subparagraph 3.

841 3. A charter school's charter contract is automatically
842 terminated if the school earns two consecutive grades of "F"
843 after all school grade appeals are final unless:

844 a. The charter school is established to turn around the
845 performance of a district public school pursuant to s.
846 1008.33(4)(b)2. Such charter schools shall be governed by s.
847 1008.33;

848 b. The charter school serves a student population the
849 majority of which resides in a school zone served by a district
850 public school subject to s. 1008.33(4) and the charter school
851 earns at least a grade of "D" in its third year of operation.



734058

852 The exception provided under this sub-subparagraph does not
853 apply to a charter school in its fourth year of operation and
854 thereafter; or

855 c. The state board grants the charter school a waiver of
856 termination. The charter school must request the waiver within
857 15 days after the department's official release of school
858 grades. The state board may waive termination if the charter
859 school demonstrates that the Learning Gains of its students on
860 statewide assessments are comparable to or better than the
861 Learning Gains of similarly situated students enrolled in nearby
862 district public schools. The waiver is valid for 1 year and may
863 only be granted once. Charter schools that have been in
864 operation for more than 5 years are not eligible for a waiver
865 under this sub-subparagraph.

866
867 The sponsor shall notify the charter school's governing board,
868 the charter school principal, and the department in writing when
869 a charter contract is terminated under this subparagraph. ~~The~~
870 ~~letter of termination must meet the requirements of paragraph~~
871 ~~(8)(e).~~ A charter terminated under this subparagraph must follow
872 the procedures for dissolution and reversion of public funds
873 pursuant to paragraphs (8)(d)-(f) and (9)(o) ~~paragraphs (8)(e)-~~
874 ~~(g) and (9)(e).~~

875 4. The director and a representative of the governing board
876 of a graded charter school that has implemented a school
877 improvement plan under this paragraph shall appear before the
878 sponsor at least once a year to present information regarding
879 the progress of intervention and support strategies implemented
880 by the school pursuant to the school improvement plan and



734058

881 corrective actions, if applicable. The sponsor shall communicate
882 at the meeting, and in writing to the director, the services
883 provided to the school to help the school address its
884 deficiencies.

885 5. Notwithstanding any provision of this paragraph except
886 sub-subparagraphs 3.a.-c., the sponsor may terminate the charter
887 at any time pursuant to subsection (8).

888 (10) ELIGIBLE STUDENTS.—

889 (e) A charter school may limit the enrollment process only
890 to target the following student populations:

891 1. Students within specific age groups or grade levels.

892 2. Students considered at risk of dropping out of school or
893 academic failure. Such students shall include exceptional
894 education students.

895 3. Students enrolling in a charter school-in-the-workplace
896 or charter school-in-a-municipality established pursuant to
897 subsection (15).

898 4. Students residing within a reasonable distance of the
899 charter school, as described in paragraph (20)(c). Such students
900 shall be subject to a random lottery and to the racial/ethnic
901 balance provisions described in subparagraph (7)(a)8. or any
902 federal provisions that require a school to achieve a
903 racial/ethnic balance reflective of the community it serves or
904 within the racial/ethnic range of other public schools in the
905 same school district.

906 5. Students who meet reasonable academic, artistic, or
907 other eligibility standards established by the charter school
908 and included in the charter school application and charter or,
909 in the case of existing charter schools, standards that are



734058

910 consistent with the school's mission and purpose. Such standards
911 shall be in accordance with current state law and practice in
912 public schools and may not discriminate against otherwise
913 qualified individuals.

914 6. Students articulating from one charter school to another
915 pursuant to an articulation agreement between the charter
916 schools that has been approved by the sponsor.

917 7. Students living in a development in which a business
918 entity provides the school facility and related property having
919 an appraised value of at least \$5 ~~10~~ million to be used as a
920 charter school to mitigate the educational impact created by ~~for~~
921 the development of new residential dwelling units. Students
922 living in the development shall be entitled to no more than 50
923 percent of the student stations in the charter school. The
924 students who are eligible for enrollment are subject to a random
925 lottery, the racial/ethnic balance provisions, or any federal
926 provisions, as described in subparagraph 4. The remainder of the
927 student stations shall be filled in accordance with subparagraph
928 4.

929 (20) SERVICES.—

930 (a)1. A sponsor shall provide certain administrative and
931 educational services to charter schools. These services shall
932 include contract management services; full-time equivalent and
933 data reporting services; exceptional student education
934 administration services; services related to eligibility and
935 reporting duties required to ensure that school lunch services
936 under the National School Lunch Program, consistent with the
937 needs of the charter school, are provided by the school district
938 at the request of the charter school, that any funds due to the



734058

939 charter school under the National School Lunch Program be paid
940 to the charter school as soon as the charter school begins
941 serving food under the National School Lunch Program, and that
942 the charter school is paid at the same time and in the same
943 manner under the National School Lunch Program as other public
944 schools serviced by the sponsor or the school district; test
945 administration services, including payment of the costs of
946 state-required or district-required student assessments;
947 processing of teacher certificate data services; and information
948 services, including equal access to student information systems
949 that are used by public schools in the district in which the
950 charter school is located. Student performance data for each
951 student in a charter school, including, but not limited to, FCAT
952 scores, standardized test scores, previous public school student
953 report cards, and student performance measures, shall be
954 provided by the sponsor to a charter school in the same manner
955 provided to other public schools in the district.

956 2. A sponsor may withhold an administrative fee for the
957 provision of such services which shall be a percentage of the
958 available funds defined in paragraph (17)(b) calculated based on
959 weighted full-time equivalent students. If the charter school
960 serves 75 percent or more exceptional education students as
961 defined in s. 1003.01(3), the percentage shall be calculated
962 based on unweighted full-time equivalent students. The
963 administrative fee shall be calculated as follows:

964 a. Up to 5 percent for:

965 (I) Enrollment of up to and including 250 students in a
966 charter school as defined in this section.

967 (II) Enrollment of up to and including 500 students within



734058

968 a charter school system which meets all of the following:
969 (A) Includes conversion charter schools and nonconversion
970 charter schools.
971 (B) Has all of its schools located in the same county.
972 (C) Has a total enrollment exceeding the total enrollment
973 of at least one school district in the state.
974 (D) Has the same governing board for all of its schools.
975 (E) Does not contract with a for-profit service provider
976 for management of school operations.
977 (III) Enrollment of up to and including 250 students in a
978 virtual charter school.
979 b. Up to 2 percent for enrollment of up to and including
980 250 students in a high-performing charter school as defined in
981 s. 1002.331.
982 3. A sponsor may not charge charter schools any additional
983 fees or surcharges for administrative and educational services
984 in addition to the maximum percentage of administrative fees
985 withheld pursuant to this paragraph.
986 4. A sponsor shall provide to the department by September
987 15 of each year the total amount of funding withheld from
988 charter schools pursuant to this subsection for the prior fiscal
989 year. The department must include the information in the report
990 required under sub-sub-subparagraph (5)(b)1.k.III.
991 (b) If goods and services are made available to the charter
992 school through the contract with the school district, they shall
993 be provided to the charter school at a rate no greater than the
994 district's actual cost unless mutually agreed upon by the
995 charter school and the sponsor in a contract negotiated
996 separately from the charter. When mediation has failed to



734058

997 resolve disputes over contracted services or contractual matters
998 not included in the charter, an appeal may be made to an
999 administrative law judge appointed by the Division of
1000 Administrative Hearings. The administrative law judge has final
1001 order authority to rule on the dispute. The administrative law
1002 judge shall award the prevailing party reasonable attorney fees
1003 and costs incurred during the mediation process, administrative
1004 proceeding, and any appeals, to be paid by the party whom the
1005 administrative law judge rules against ~~for a dispute resolution~~
1006 ~~hearing before the Charter School Appeal Commission.~~ To maximize
1007 the use of state funds, school districts shall allow charter
1008 schools to participate in the sponsor's bulk purchasing program
1009 if applicable.

1010 Section 10. Subsection (1), paragraph (a) of subsection
1011 (2), and paragraph (b) of subsection (3) of section 1002.331,
1012 Florida Statutes, are amended to read:

1013 1002.331 High-performing charter schools.—

1014 (1) A charter school is a high-performing charter school if
1015 it:

1016 (a) Received at least two school grades of "A" and no
1017 school grade below "B," pursuant to s. 1008.34, during each of
1018 the previous 3 school years or received at least two consecutive
1019 school grades of "A" in the most recent 2 school years.

1020 (b) Received an unqualified opinion on each annual
1021 financial audit required under s. 218.39 in the most recent 3
1022 fiscal years for which such audits are available.

1023 (c) Did not receive a financial audit that revealed one or
1024 more of the financial emergency conditions set forth in s.
1025 218.503(1) in the most recent 3 fiscal years for which such



734058

1026 audits are available. However, this requirement is deemed met
1027 for a charter school-in-the-workplace if there is a finding in
1028 an audit that the school has the monetary resources available to
1029 cover any reported deficiency or that the deficiency does not
1030 result in a deteriorating financial condition pursuant to s.
1031 1002.345(1)(a)3.

1032
1033 For purposes of determining initial eligibility, the
1034 requirements of paragraphs (b) and (c) only apply for the most
1035 recent 2 fiscal years if the charter school earns two
1036 consecutive grades of "A." A virtual charter school established
1037 under s. 1002.33 is not eligible for designation as a high-
1038 performing charter school.

1039 (2) A high-performing charter school is authorized to:

1040 (a) Increase its student enrollment once per school year to
1041 more than the capacity identified in the charter, but student
1042 enrollment may not exceed the ~~current facility~~ capacity of the
1043 facility at the time the enrollment increase will take effect.
1044 Facility capacity for purposes of grade level expansion shall
1045 include any improvements to an existing facility or any new
1046 facility in which a majority of the students of the high-
1047 performing charter school will enroll.

1048
1049 A high-performing charter school shall notify its sponsor in
1050 writing by March 1 if it intends to increase enrollment or
1051 expand grade levels the following school year. The written
1052 notice shall specify the amount of the enrollment increase and
1053 the grade levels that will be added, as applicable. If a charter
1054 school notifies the sponsor of its intent to expand, the sponsor



734058

1055 shall modify the charter within 90 days to include the new
1056 enrollment maximum and may not make any other changes. The
1057 sponsor may deny a request to increase the enrollment of a high-
1058 performing charter school if the commissioner has declassified
1059 the charter school as high-performing. If a high-performing
1060 charter school requests to consolidate multiple charters, the
1061 sponsor shall have 40 days after receipt of that request to
1062 provide an initial draft charter to the charter school. The
1063 sponsor and charter school shall have 50 days thereafter to
1064 negotiate and notice the charter contract for final approval by
1065 the sponsor.

1066 (3)

1067 (b) A high-performing charter school may not establish more
1068 than two ~~one~~ charter schools ~~school~~ within the state under
1069 paragraph (a) in any year. A subsequent application to establish
1070 a charter school under paragraph (a) may not be submitted unless
1071 each charter school established in this manner achieves high-
1072 performing charter school status. However, a high-performing
1073 charter school may establish more than one charter school within
1074 the state under paragraph (a) in any year if it operates in the
1075 area of a persistently low-performing school and serves students
1076 from that school.

1077 Section 11. Paragraph (d) is added to subsection (10) of
1078 section 1002.333, Florida Statutes, to read:

1079 1002.333 Persistently low-performing schools.—

1080 (10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program
1081 is created within the Department of Education.

1082 (d) Notwithstanding s. 216.301 and pursuant to s. 216.351,
1083 funds allocated for the purpose of this subsection which are not



734058

1084 disbursed by June 30 of the fiscal year in which the funds are
1085 allocated may be carried forward for up to 5 years after the
1086 effective date of the original appropriation.

1087 Section 12. Present paragraph (c) of subsection (9) of
1088 section 1002.37, Florida Statutes, is amended, and a new
1089 paragraph (c) is added to subsection (9) of that section, to
1090 read:

1091 1002.37 The Florida Virtual School.—

1092 (9)

1093 (c) Industry certification examinations, national
1094 assessments, and statewide assessments offered by the school
1095 district shall be available to all Florida Virtual School
1096 students.

1097 (d) ~~(e)~~ Unless an alternative testing site is mutually
1098 agreed to by the Florida Virtual School and the school district
1099 or as contracted under s. 1008.24, all industry certification
1100 examinations, national assessments, and statewide assessments
1101 must be taken at the school to which the student would be
1102 assigned according to district school board attendance areas. A
1103 school district must provide the student with access to the
1104 school's testing facilities and the date and time of the
1105 administration of each examination or assessment.

1106 Section 13. Paragraph (e) of subsection (2), paragraphs (d)
1107 and (h) of subsection (5), subsection (8), paragraph (c) of
1108 subsection (9), paragraph (a) of subsection (10), and paragraph
1109 (a) of subsection (11) of section 1002.385, Florida Statutes,
1110 are amended, and paragraph (p) is added to subsection (5) of
1111 that section, to read:

1112 1002.385 The Gardiner Scholarship.—



734058

1113 (2) DEFINITIONS.—As used in this section, the term:
1114 (e) “Eligible nonprofit scholarship-funding organization”
1115 or “organization” means a nonprofit scholarship-funding
1116 organization that is approved pursuant to s. 1002.395(15) ~~s.~~
1117 ~~1002.395(16)~~.

1118 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be
1119 used to meet the individual educational needs of an eligible
1120 student and may be spent for the following purposes:

1121 (d) ~~Enrollment in, or~~ Tuition or fees associated with full-
1122 time or part-time enrollment in, a home education program, an
1123 eligible private school, an eligible postsecondary educational
1124 institution or a program offered by the postsecondary
1125 institution, a private tutoring program authorized under s.
1126 1002.43, a virtual program offered by a department-approved
1127 private online provider that meets the provider qualifications
1128 specified in s. 1002.45(2)(a), the Florida Virtual School as a
1129 private paying student, or an approved online course offered
1130 pursuant to s. 1003.499 or s. 1004.0961.

1131 (h) Tuition and fees for part-time tutoring services
1132 provided by a person who holds a valid Florida educator’s
1133 certificate pursuant to s. 1012.56; a person who holds an
1134 adjunct teaching certificate pursuant to s. 1012.57; a person
1135 who has a bachelor’s degree or a graduate degree in the subject
1136 area in which instruction is given; or a person who has
1137 demonstrated a mastery of subject area knowledge pursuant to s.
1138 1012.56(5). As used in this paragraph, the term “part-time
1139 tutoring services” does not qualify as regular school attendance
1140 as defined in s. 1003.01(13)(e).

1141 (p) Tuition or fees associated with enrollment in a



734058

1142 nationally or internationally recognized research-based training
1143 program for a child with a neurological disorder or brain
1144 damage.

1145
1146 A provider of any services receiving payments pursuant to this
1147 subsection may not share, refund, or rebate any moneys from the
1148 Gardiner Scholarship with the parent or participating student in
1149 any manner. A parent, student, or provider of any services may
1150 not bill an insurance company, Medicaid, or any other agency for
1151 the same services that are paid for using Gardiner Scholarship
1152 funds.

1153 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible
1154 private school may be sectarian or nonsectarian and shall:

1155 (a) Comply with all requirements for private schools
1156 participating in state school choice scholarship programs
1157 pursuant to s. 1002.421.

1158 ~~(b) Provide to the organization, upon request, all~~
1159 ~~documentation required for the student's participation,~~
1160 ~~including the private school's and student's fee schedules.~~

1161 ~~(c) Be academically accountable to the parent for meeting~~
1162 ~~the educational needs of the student by:~~

1163 ~~1. At a minimum, annually providing to the parent a written~~
1164 ~~explanation of the student's progress.~~

1165 (b) 1.2. Annually administer or make administering or making
1166 provision for students participating in the program in grades 3
1167 through 10 to take one of the nationally norm-referenced tests
1168 identified by the Department of Education or the statewide
1169 assessments pursuant to s. 1008.22. Students with disabilities
1170 for whom standardized testing is not appropriate are exempt from



734058

1171 this requirement. A participating private school shall report a
1172 student's scores to the parent.

1173 ~~2.3. Administer Cooperating with the scholarship student~~
1174 ~~whose parent chooses to have the student participate in the~~
1175 ~~statewide assessments pursuant to s. 1008.22 or, if a private~~
1176 ~~school chooses to offer the statewide assessments, administering~~
1177 ~~the assessments at the school.~~

1178 a. A participating private school may choose to offer and
1179 administer the statewide assessments to all students who attend
1180 the private school in grades 3 through 10 and must.

1181 b. ~~A participating private school shall~~ submit a request in
1182 writing to the Department of Education by March 1 of each year
1183 in order to administer the statewide assessments in the
1184 subsequent school year.

1185 ~~(d) Employ or contract with teachers who have regular and~~
1186 ~~direct contact with each student receiving a scholarship under~~
1187 ~~this section at the school's physical location.~~

1188 ~~(e) Provide a report from an independent certified public~~
1189 ~~accountant who performs the agreed upon procedures developed~~
1190 ~~under s. 1002.395(6)(e) if the private school receives more than~~
1191 ~~\$250,000 in funds from scholarships awarded under this section~~
1192 ~~in a state fiscal year. A private school subject to this~~
1193 ~~paragraph must annually submit the report by September 15 to the~~
1194 ~~organization that awarded the majority of the school's~~
1195 ~~scholarship funds. The agreed upon procedures must be conducted~~
1196 ~~in accordance with attestation standards established by the~~
1197 ~~American Institute of Certified Public Accountants.~~

1198
1199 If a private school fails ~~is unable~~ to meet the requirements of



734058

1200 this subsection or s. 1002.421 ~~or has consecutive years of~~
1201 ~~material exceptions listed in the report required under~~
1202 ~~paragraph (e)~~, the commissioner may determine that the private
1203 school is ineligible to participate in the scholarship program.

1204 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
1205 shall:

1206 (c) Investigate any written complaint of a violation of
1207 this section by a parent, a student, a private school, a public
1208 school or a school district, an organization, a provider, or
1209 another appropriate party in accordance with the process
1210 established by s. 1002.421 ~~s. 1002.395(9)(f)~~.

1211 (10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

1212 (a) The Commissioner of Education:

1213 1. May suspend or revoke program participation or use of
1214 program funds by the student or participation or eligibility of
1215 an organization, ~~eligible private school~~, eligible postsecondary
1216 educational institution, approved provider, or other party for a
1217 violation of this section.

1218 2. May determine the length of, and conditions for lifting,
1219 a suspension or revocation specified in this subsection.

1220 3. May recover unexpended program funds or withhold payment
1221 of an equal amount of program funds to recover program funds
1222 that were not authorized for use.

1223 4. Shall deny or terminate program participation upon a
1224 parent's forfeiture of a Gardiner Scholarship pursuant to
1225 subsection (11).

1226 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
1227 PARTICIPATION.—A parent who applies for program participation
1228 under this section is exercising his or her parental option to



734058

1229 determine the appropriate placement or the services that best
1230 meet the needs of his or her child. The scholarship award for a
1231 student is based on a matrix that assigns the student to support
1232 Level III services. If a parent receives an IEP and a matrix of
1233 services from the school district pursuant to subsection (7),
1234 the amount of the payment shall be adjusted as needed, when the
1235 school district completes the matrix.

1236 (a) To satisfy or maintain program eligibility, including
1237 eligibility to receive and spend program payments, the parent
1238 must sign an agreement with the organization and annually submit
1239 a notarized, sworn compliance statement to the organization to:

1240 1. Affirm that the student is enrolled in a program that
1241 meets regular school attendance requirements as provided in s.
1242 1003.01(13)(b)-(d).

1243 2. Affirm that the program funds are used only for
1244 authorized purposes serving the student's educational needs, as
1245 described in subsection (5).

1246 3. Affirm that the parent is responsible for the education
1247 of his or her student by, as applicable:

1248 a. Requiring the student to take an assessment in
1249 accordance with paragraph (8)(b) ~~paragraph (8)(c)~~;

1250 b. Providing an annual evaluation in accordance with s.
1251 1002.41(1)(c); or

1252 c. Requiring the child to take any preassessments and
1253 postassessments selected by the provider if the child is 4 years
1254 of age and is enrolled in a program provided by an eligible
1255 Voluntary Prekindergarten Education Program provider. A student
1256 with disabilities for whom a preassessment and postassessment is
1257 not appropriate is exempt from this requirement. A participating



734058

1258 provider shall report a student's scores to the parent.

1259 4. Affirm that the student remains in good standing with
1260 the provider or school if those options are selected by the
1261 parent.

1262

1263 A parent who fails to comply with this subsection forfeits the
1264 Gardiner Scholarship.

1265 Section 14. Subsections (8) through (14) of section
1266 1002.39, Florida Statutes, are renumbered as subsections (7)
1267 through (13), respectively, and paragraph (b) of subsection (2),
1268 paragraph (h) of subsection (3), and present subsections (6),
1269 (7), and (8) of that section are amended, to read:

1270 1002.39 The John M. McKay Scholarships for Students with
1271 Disabilities Program.—There is established a program that is
1272 separate and distinct from the Opportunity Scholarship Program
1273 and is named the John M. McKay Scholarships for Students with
1274 Disabilities Program.

1275 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a
1276 student with a disability may request and receive from the state
1277 a John M. McKay Scholarship for the child to enroll in and
1278 attend a private school in accordance with this section if:

1279 (b) The parent has obtained acceptance for admission of the
1280 student to a private school that is eligible for the program
1281 under subsection (7) ~~subsection (8)~~ and has requested from the
1282 department a scholarship at least 60 days before the date of the
1283 first scholarship payment. The request must be communicated
1284 directly to the department in a manner that creates a written or
1285 electronic record of the request and the date of receipt of the
1286 request. The department must notify the district of the parent's



734058

1287 intent upon receipt of the parent's request.

1288 (3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is
1289 not eligible for a John M. McKay Scholarship:

1290 (h) While he or she is not having regular and direct
1291 contact with his or her private school teachers at the school's
1292 physical location unless he or she is enrolled in the private
1293 school's transition-to-work program pursuant to subsection (9)
1294 ~~subsection (10)~~; or

1295 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
1296 shall:

1297 ~~(a) Establish a toll-free hotline that provides parents and~~
1298 ~~private schools with information on participation in the John M.~~
1299 ~~McKay Scholarships for Students with Disabilities Program.~~

1300 ~~(b) Annually verify the eligibility of private schools that~~
1301 ~~meet the requirements of subsection (8).~~

1302 ~~(c) Establish a process by which individuals may notify the~~
1303 ~~department of any violation by a parent, private school, or~~
1304 ~~school district of state laws relating to program participation.~~
1305 ~~The department shall conduct an inquiry of any written complaint~~
1306 ~~of a violation of this section, or make a referral to the~~
1307 ~~appropriate agency for an investigation, if the complaint is~~
1308 ~~signed by the complainant and is legally sufficient. A complaint~~
1309 ~~is legally sufficient if it contains ultimate facts that show~~
1310 ~~that a violation of this section or any rule adopted by the~~
1311 ~~State Board of Education has occurred. In order to determine~~
1312 ~~legal sufficiency, the department may require supporting~~
1313 ~~information or documentation from the complainant. A department~~
1314 ~~inquiry is not subject to the requirements of chapter 120.~~

1315 ~~(d) Require an annual, notarized, sworn compliance~~



734058

1316 ~~statement by participating private schools certifying compliance~~
1317 ~~with state laws and shall retain such records.~~

1318 ~~(e) cross-check the list of participating scholarship~~
1319 ~~students with the public school enrollment lists prior to each~~
1320 ~~scholarship payment to avoid duplication.~~

1321 ~~(f)1. Conduct random site visits to private schools~~
1322 ~~participating in the John M. McKay Scholarships for Students~~
1323 ~~with Disabilities Program. The purpose of the site visits is~~
1324 ~~solely to verify the information reported by the schools~~
1325 ~~concerning the enrollment and attendance of students, the~~
1326 ~~credentials of teachers, background screening of teachers, and~~
1327 ~~teachers' fingerprinting results, which information is required~~
1328 ~~by rules of the State Board of Education, subsection (8), and s.~~
1329 ~~1002.421. The Department of Education may not make more than~~
1330 ~~three random site visits each year and may not make more than~~
1331 ~~one random site visit each year to the same private school.~~

1332 ~~2. Annually, by December 15, report to the Governor, the~~
1333 ~~President of the Senate, and the Speaker of the House of~~
1334 ~~Representatives the Department of Education's actions with~~
1335 ~~respect to implementing accountability in the scholarship~~
1336 ~~program under this section and s. 1002.421, any substantiated~~
1337 ~~allegations or violations of law or rule by an eligible private~~
1338 ~~school under this program concerning the enrollment and~~
1339 ~~attendance of students, the credentials of teachers, background~~
1340 ~~screening of teachers, and teachers' fingerprinting results and~~
1341 ~~the corrective action taken by the Department of Education.~~

1342 ~~(7) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—~~

1343 ~~(a) The Commissioner of Education:~~

1344 ~~1. Shall deny, suspend, or revoke a private school's~~



734058

1345 ~~participation in the scholarship program if it is determined~~
1346 ~~that the private school has failed to comply with the provisions~~
1347 ~~of this section. However, if the noncompliance is correctable~~
1348 ~~within a reasonable amount of time and if the health, safety, or~~
1349 ~~welfare of the students is not threatened, the commissioner may~~
1350 ~~issue a notice of noncompliance which provides the private~~
1351 ~~school with a timeframe within which to provide evidence of~~
1352 ~~compliance before taking action to suspend or revoke the private~~
1353 ~~school's participation in the scholarship program.~~

1354 ~~2. May deny, suspend, or revoke a private school's~~
1355 ~~participation in the scholarship program if the commissioner~~
1356 ~~determines that an owner or operator of the private school is~~
1357 ~~operating or has operated an educational institution in this~~
1358 ~~state or in another state or jurisdiction in a manner contrary~~
1359 ~~to the health, safety, or welfare of the public.~~

1360 ~~a. In making such a determination, the commissioner may~~
1361 ~~consider factors that include, but are not limited to, acts or~~
1362 ~~omissions by an owner or operator which led to a previous denial~~
1363 ~~or revocation of participation in an education scholarship~~
1364 ~~program; an owner's or operator's failure to reimburse the~~
1365 ~~Department of Education for scholarship funds improperly~~
1366 ~~received or retained by a school; imposition of a prior criminal~~
1367 ~~sanction related to an owner's or operator's management or~~
1368 ~~operation of an educational institution; imposition of a civil~~
1369 ~~fine or administrative fine, license revocation or suspension,~~
1370 ~~or program eligibility suspension, termination, or revocation~~
1371 ~~related to an owner's or operator's management or operation of~~
1372 ~~an educational institution; or other types of criminal~~
1373 ~~proceedings in which an owner or operator was found guilty of,~~



734058

1374 ~~regardless of adjudication, or entered a plea of nolo contendere~~
1375 ~~or guilty to, any offense involving fraud, deceit, dishonesty,~~
1376 ~~or moral turpitude.~~

1377 ~~b. For purposes of this subparagraph, the term "owner or~~
1378 ~~operator" includes an owner, operator, superintendent, or~~
1379 ~~principal of, or a person who has equivalent decisionmaking~~
1380 ~~authority over, a private school participating in the~~
1381 ~~scholarship program.~~

1382 ~~(b) The commissioner's determination is subject to the~~
1383 ~~following:~~

1384 ~~1. If the commissioner intends to deny, suspend, or revoke~~
1385 ~~a private school's participation in the scholarship program, the~~
1386 ~~department shall notify the private school of such proposed~~
1387 ~~action in writing by certified mail and regular mail to the~~
1388 ~~private school's address of record with the department. The~~
1389 ~~notification shall include the reasons for the proposed action~~
1390 ~~and notice of the timelines and procedures set forth in this~~
1391 ~~paragraph.~~

1392 ~~2. The private school that is adversely affected by the~~
1393 ~~proposed action shall have 15 days from receipt of the notice of~~
1394 ~~proposed action to file with the department's agency clerk a~~
1395 ~~request for a proceeding pursuant to ss. 120.569 and 120.57. If~~
1396 ~~the private school is entitled to a hearing under s. 120.57(1),~~
1397 ~~the department shall forward the request to the Division of~~
1398 ~~Administrative Hearings.~~

1399 ~~3. Upon receipt of a request referred pursuant to this~~
1400 ~~paragraph, the director of the Division of Administrative~~
1401 ~~Hearings shall expedite the hearing and assign an administrative~~
1402 ~~law judge who shall commence a hearing within 30 days after the~~



734058

1403 ~~receipt of the formal written request by the division and enter~~
1404 ~~a recommended order within 30 days after the hearing or within~~
1405 ~~30 days after receipt of the hearing transcript, whichever is~~
1406 ~~later. Each party shall be allowed 10 days in which to submit~~
1407 ~~written exceptions to the recommended order. A final order shall~~
1408 ~~be entered by the agency within 30 days after the entry of a~~
1409 ~~recommended order. The provisions of this subparagraph may be~~
1410 ~~waived upon stipulation by all parties.~~

1411 ~~(c) The commissioner may immediately suspend payment of~~
1412 ~~scholarship funds if it is determined that there is probable~~
1413 ~~cause to believe that there is:~~

1414 ~~1. An imminent threat to the health, safety, or welfare of~~
1415 ~~the students; or~~

1416 ~~2. Fraudulent activity on the part of the private school.~~
1417 ~~Notwithstanding s. 1002.22, in incidents of alleged fraudulent~~
1418 ~~activity pursuant to this section, the Department of Education's~~
1419 ~~Office of Inspector General is authorized to release personally~~
1420 ~~identifiable records or reports of students to the following~~
1421 ~~persons or organizations:~~

1422 ~~a. A court of competent jurisdiction in compliance with an~~
1423 ~~order of that court or the attorney of record in accordance with~~
1424 ~~a lawfully issued subpoena, consistent with the Family~~
1425 ~~Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.~~

1426 ~~b. A person or entity authorized by a court of competent~~
1427 ~~jurisdiction in compliance with an order of that court or the~~
1428 ~~attorney of record pursuant to a lawfully issued subpoena,~~
1429 ~~consistent with the Family Educational Rights and Privacy Act,~~
1430 ~~20 U.S.C. s. 1232g.~~

1431 ~~e. Any person, entity, or authority issuing a subpoena for~~



734058

1432 ~~law enforcement purposes when the court or other issuing agency~~
1433 ~~has ordered that the existence or the contents of the subpoena~~
1434 ~~or the information furnished in response to the subpoena not be~~
1435 ~~disclosed, consistent with the Family Educational Rights and~~
1436 ~~Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.~~

1437
1438 ~~The commissioner's order suspending payment pursuant to this~~
1439 ~~paragraph may be appealed pursuant to the same procedures and~~
1440 ~~timelines as the notice of proposed action set forth in~~
1441 ~~paragraph (b).~~

1442 ~~(7)-(8)~~ PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be
1443 eligible to participate in the John M. McKay Scholarships for
1444 Students with Disabilities Program, a private school may be
1445 sectarian or nonsectarian and must:

1446 (a) Comply with all requirements for private schools
1447 participating in state school choice scholarship programs
1448 pursuant to s. 1002.421.

1449 (b) Provide to the department all documentation required
1450 for a student's participation, including the private school's
1451 and student's fee schedules, at least 30 days before any
1452 quarterly scholarship payment is made for the student pursuant
1453 to paragraph (10)(e) ~~paragraph (11)(e)~~. A student is not
1454 eligible to receive a quarterly scholarship payment if the
1455 private school fails to meet this deadline.

1456 ~~(c) Be academically accountable to the parent for meeting~~
1457 ~~the educational needs of the student by:~~

1458 ~~1. At a minimum, annually providing to the parent a written~~
1459 ~~explanation of the student's progress.~~

1460 ~~2. Cooperating with the scholarship student whose parent~~



734058

1461 ~~chooses to participate in the statewide assessments pursuant to~~
1462 ~~s. 1008.22.~~

1463 ~~(d) Maintain in this state a physical location where a~~
1464 ~~scholarship student regularly attends classes.~~

1465

1466 If The inability of a private school fails to meet the
1467 requirements of this subsection or s. 1002.421, the commissioner
1468 may determine that the private school is ineligible shall
1469 ~~constitute a basis for the ineligibility of the private school~~
1470 ~~to participate in the scholarship program as determined by the~~
1471 ~~department.~~

1472 Section 15. Present subsections (12) through (16) of
1473 section 1002.395, Florida Statutes, are renumbered as
1474 subsections (11) through (15), respectively, and paragraphs (f)
1475 and (j) of subsection (2), paragraphs (b), (c), (f), and (g) of
1476 subsection (5), paragraphs (n), (o), and (p) of subsection (6),
1477 subsections (8) and (9), and present subsection (11) of that
1478 section are amended, to read:

1479 1002.395 Florida Tax Credit Scholarship Program.—

1480 (2) DEFINITIONS.—As used in this section, the term:

1481 (f) "Eligible nonprofit scholarship-funding organization"

1482 means a state university; or an independent college or
1483 university that is eligible to participate in the William L.
1484 Boyd, IV, Florida Resident Access Grant Program, located and
1485 chartered in this state, is not for profit, and is accredited by
1486 the Commission on Colleges of the Southern Association of
1487 Colleges and Schools; or is a charitable organization that:

1488 1. Is exempt from federal income tax pursuant to s.

1489 501(c)(3) of the Internal Revenue Code;



734058

1490 2. Is a Florida entity formed under chapter 605, chapter
1491 607, or chapter 617 and whose principal office is located in the
1492 state; and

1493 3. Complies with subsections (6) and (15) ~~subsections (6)~~
1494 ~~and (16)~~.

1495 (j) "Tax credit cap amount" means the maximum annual tax
1496 credit amount that the department may approve for ~~in~~ a state
1497 fiscal year.

1498 (5) SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS.—

1499 (b) A taxpayer may submit an application to the department
1500 for a tax credit or credits under one or more of s. 211.0251, s.
1501 212.1831, s. 220.1875, s. 561.1211, or s. 624.51055.

1502 1. The taxpayer shall specify in the application each tax
1503 for which the taxpayer requests a credit and the applicable
1504 taxable year for a credit under s. 220.1875 or s. 624.51055 or
1505 the applicable state fiscal year for a credit under s. 211.0251,
1506 s. 212.1831, or s. 561.1211. For purposes of s. 220.1875, a
1507 taxpayer may apply for a credit to be used for a prior taxable
1508 year before the date the taxpayer is required to file a return
1509 for that year pursuant to s. 220.222. The department shall
1510 approve tax credits on a first-come, first-served basis and must
1511 obtain the division's approval before approving a tax credit
1512 under s. 561.1211.

1513 2. Within 10 days after approving or denying an
1514 application, the department shall provide a copy of its approval
1515 or denial letter to the eligible nonprofit scholarship-funding
1516 organization specified by the taxpayer in the application.

1517 (c) If a tax credit approved under paragraph (b) is not
1518 fully used within the specified state fiscal year for credits



734058

1519 under s. 211.0251, s. 212.1831, or s. 561.1211 or against taxes
1520 due for the specified taxable year for credits under s. 220.1875
1521 or s. 624.51055 because of insufficient tax liability on the
1522 part of the taxpayer, the unused amount shall ~~may~~ be carried
1523 forward for a period not to exceed 10 ~~5~~ years. For purposes of
1524 s. 220.1875, a credit carried forward may be used in a
1525 subsequent year after applying the other credits and unused
1526 carryovers in the order provided in s. 220.02(8). ~~However, any~~
1527 ~~taxpayer that seeks to carry forward an unused amount of tax~~
1528 ~~credit must submit an application to the department for approval~~
1529 ~~of the carryforward tax credit in the year that the taxpayer~~
1530 ~~intends to use the carryforward. The department must obtain the~~
1531 ~~division's approval prior to approving the carryforward of a tax~~
1532 ~~credit under s. 561.1211.~~

1533 (f) Within 10 days after approving or denying ~~an~~
1534 ~~application for a carryforward tax credit under paragraph (c),~~
1535 the conveyance, transfer, or assignment of a tax credit under
1536 paragraph (d), or the rescindment of a tax credit under
1537 paragraph (e), the department shall provide a copy of its
1538 approval or denial letter to the eligible nonprofit scholarship-
1539 funding organization specified by the taxpayer. The department
1540 shall also include the eligible nonprofit scholarship-funding
1541 organization specified by the taxpayer on all letters or
1542 correspondence of acknowledgment for tax credits under s.
1543 212.1831.

1544 (g) For purposes of calculating the underpayment of
1545 estimated corporate income taxes pursuant to s. 220.34 and tax
1546 installment payments for taxes on insurance premiums or
1547 assessments under s. 624.5092, the final amount due is the



734058

1548 amount after credits earned under s. 220.1875 or s. 624.51055
1549 for contributions to eligible nonprofit scholarship-funding
1550 organizations are deducted.

1551 1. For purposes of determining if a penalty or interest
1552 shall be imposed for underpayment of estimated corporate income
1553 tax pursuant to s. 220.34(2)(d)1., a taxpayer may, after earning
1554 a credit under s. 220.1875, reduce any ~~the following~~ estimated
1555 payment in that taxable year by the amount of the credit. This
1556 subparagraph applies to contributions made on or after July 1,
1557 2014.

1558 2. For purposes of determining if a penalty under s.
1559 624.5092 shall be imposed, an insurer may, after earning a
1560 credit under s. 624.51055, reduce the following installment
1561 payment of 27 percent of the amount of the net tax due as
1562 reported on the return for the preceding year under s.
1563 624.5092(2)(b) by the amount of the credit. This subparagraph
1564 applies to contributions made on or after July 1, 2014.

1565 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
1566 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
1567 organization:

1568 (n) Must prepare and submit quarterly reports to the
1569 Department of Education pursuant to paragraph (9)(i) ~~paragraph~~
1570 ~~(9)(m)~~. In addition, an eligible nonprofit scholarship-funding
1571 organization must submit in a timely manner any information
1572 requested by the Department of Education relating to the
1573 scholarship program.

1574 (o)1.a. Must participate in the joint development of
1575 agreed-upon procedures ~~to be performed by an independent~~
1576 ~~certified public accountant as required under paragraph (8)(e)~~



734058

1577 ~~if the scholarship funding organization provided more than~~
1578 ~~\$250,000 in scholarship funds to an eligible private school~~
1579 ~~under this section~~ during the 2009-2010 state fiscal year. The
1580 agreed-upon procedures must uniformly apply to all private
1581 schools and must determine, at a minimum, whether the private
1582 school has been verified as eligible by the Department of
1583 Education under s. 1002.421 ~~paragraph (9)(c)~~; has an adequate
1584 accounting system, system of financial controls, and process for
1585 deposit and classification of scholarship funds; and has
1586 properly expended scholarship funds for education-related
1587 expenses. During the development of the procedures, the
1588 participating scholarship-funding organizations shall specify
1589 guidelines governing the materiality of exceptions that may be
1590 found during the accountant's performance of the procedures. The
1591 procedures and guidelines shall be provided to private schools
1592 and the Commissioner of Education by March 15, 2011.

1593 b. Must participate in a joint review of the agreed-upon
1594 procedures and guidelines developed under sub-subparagraph a.,
1595 by February of each biennium 2013 and biennially thereafter, if
1596 the scholarship-funding organization provided more than \$250,000
1597 in scholarship funds to an eligible private school under this
1598 chapter section during the state fiscal year preceding the
1599 biennial review. If the procedures and guidelines are revised,
1600 the revisions must be provided to private schools and the
1601 Commissioner of Education by March 15 of the year in which the
1602 revisions were completed. The revised agreed-upon procedures
1603 shall take effect the subsequent school year. For the 2018-2019
1604 school year only, the joint review of the agreed-upon procedures
1605 must be completed and the revisions submitted to the



734058

1606 commissioner no later than September 15, 2018. The revised
1607 procedures are applicable to the 2018-2019 school year, 2013,
1608 and biennially thereafter.

1609 c. Must monitor the compliance of a private school with s.
1610 1002.421(1)(q) paragraph (8)(e) if the scholarship-funding
1611 organization provided the majority of the scholarship funding to
1612 the school. For each private school subject to s. 1002.421(1)(q)
1613 paragraph (8)(e), the appropriate scholarship-funding
1614 organization shall annually notify the Commissioner of Education
1615 by October 30, ~~2011, and annually thereafter~~ of:

1616 (I) A private school's failure to submit a report required
1617 under s. 1002.421(1)(q) paragraph (8)(e); or

1618 (II) Any material exceptions set forth in the report
1619 required under s. 1002.421(1)(q) paragraph (8)(e).

1620 2. Must seek input from the accrediting associations that
1621 are members of the Florida Association of Academic Nonpublic
1622 Schools and the Department of Education when jointly developing
1623 the agreed-upon procedures and guidelines under sub-subparagraph
1624 1.a. and conducting a review of those procedures and guidelines
1625 under sub-subparagraph 1.b.

1626 (p) Must maintain the surety bond or letter of credit
1627 required by subsection (15) subsection (16). The amount of the
1628 surety bond or letter of credit may be adjusted quarterly to
1629 equal the actual amount of undisbursed funds based upon
1630 submission by the organization of a statement from a certified
1631 public accountant verifying the amount of undisbursed funds. The
1632 requirements of this paragraph are waived if the cost of
1633 acquiring a surety bond or letter of credit exceeds the average
1634 10-year cost of acquiring a surety bond or letter of credit by



734058

1635 200 percent. The requirements of this paragraph are waived for a
1636 state university; or an independent college or university which
1637 is eligible to participate in the William L. Boyd, IV, Florida
1638 Resident Access Grant Program, located and chartered in this
1639 state, is not for profit, and is accredited by the Commission on
1640 Colleges of the Southern Association of Colleges and Schools.

1641
1642 Information and documentation provided to the Department of
1643 Education and the Auditor General relating to the identity of a
1644 taxpayer that provides an eligible contribution under this
1645 section shall remain confidential at all times in accordance
1646 with s. 213.053.

1647 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible
1648 private school may be sectarian or nonsectarian and must:

1649 (a) Comply with all requirements for private schools
1650 participating in state school choice scholarship programs
1651 pursuant to s. 1002.421.

1652 ~~(b) Provide to the eligible nonprofit scholarship funding~~
1653 ~~organization, upon request, all documentation required for the~~
1654 ~~student's participation, including the private school's and~~
1655 ~~student's fee schedules.~~

1656 ~~(c) Be academically accountable to the parent for meeting~~
1657 ~~the educational needs of the student by:~~

1658 ~~1. At a minimum, annually providing to the parent a written~~
1659 ~~explanation of the student's progress.~~

1660 ~~(b)1.2.~~ Annually administer or make ~~administering or making~~
1661 provision for students participating in the scholarship program
1662 in grades 3 through 10 to take one of the nationally norm-
1663 referenced tests identified by the Department of Education or



734058

1664 the statewide assessments pursuant to s. 1008.22. Students with
1665 disabilities for whom standardized testing is not appropriate
1666 are exempt from this requirement. A participating private school
1667 must report a student's scores to the parent. A participating
1668 private school must annually report by August 15 the scores of
1669 all participating students to a state university ~~the Learning~~
1670 ~~System Institute~~ described in paragraph (9) (f) ~~paragraph (9) (j)~~.

1671 ~~2.3. Administer Cooperating with the scholarship student~~
1672 ~~whose parent chooses to have the student participate in the~~
1673 ~~statewide assessments pursuant to s. 1008.22 or, if a private~~
1674 ~~school chooses to offer the statewide assessments, administering~~
1675 ~~the assessments at the school.~~

1676 ~~a. A participating private school may choose to offer and~~
1677 ~~administer the statewide assessments to all students who attend~~
1678 ~~the private school in grades 3 through 10 and-~~

1679 ~~b. A participating private school must submit a request in~~
1680 ~~writing to the Department of Education by March 1 of each year~~
1681 ~~in order to administer the statewide assessments in the~~
1682 ~~subsequent school year.~~

1683 ~~(d) Employ or contract with teachers who have regular and~~
1684 ~~direct contact with each student receiving a scholarship under~~
1685 ~~this section at the school's physical location.~~

1686 ~~(e) Provide a report from an independent certified public~~
1687 ~~accountant who performs the agreed-upon procedures developed~~
1688 ~~under paragraph (6) (o) if the private school receives more than~~
1689 ~~\$250,000 in funds from scholarships awarded under this section~~
1690 ~~in a state fiscal year. A private school subject to this~~
1691 ~~paragraph must annually submit the report by September 15 to the~~
1692 ~~scholarship-funding organization that awarded the majority of~~



734058

1693 ~~the school's scholarship funds. The agreed upon procedures must~~
1694 ~~be conducted in accordance with attestation standards~~
1695 ~~established by the American Institute of Certified Public~~
1696 ~~Accountants.~~

1697
1698 If a private school fails ~~is unable~~ to meet the requirements of
1699 this subsection or s. 1002.421 ~~or has consecutive years of~~
1700 ~~material exceptions listed in the report required under~~
1701 ~~paragraph (e)~~, the commissioner may determine that the private
1702 school is ineligible to participate in the scholarship program
1703 ~~as determined by the Department of Education.~~

1704 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
1705 Education shall:

1706 (a) Annually submit to the department and division, by
1707 March 15, a list of eligible nonprofit scholarship-funding
1708 organizations that meet the requirements of paragraph (2) (f).

1709 (b) Annually verify the eligibility of nonprofit
1710 scholarship-funding organizations that meet the requirements of
1711 paragraph (2) (f).

1712 ~~(c) Annually verify the eligibility of private schools that~~
1713 ~~meet the requirements of subsection (8).~~

1714 ~~(c)(d)~~ Annually verify the eligibility of expenditures as
1715 provided in paragraph (6) (d) using the audit required by
1716 paragraph (6) (m) and s. 11.45(2) (l) ~~s. 11.45(2) (k)~~.

1717 ~~(e) Establish a toll-free hotline that provides parents and~~
1718 ~~private schools with information on participation in the~~
1719 ~~scholarship program.~~

1720 ~~(f) Establish a process by which individuals may notify the~~
1721 ~~Department of Education of any violation by a parent, private~~



734058

1722 ~~school, or school district of state laws relating to program~~
1723 ~~participation. The Department of Education shall conduct an~~
1724 ~~inquiry of any written complaint of a violation of this section,~~
1725 ~~or make a referral to the appropriate agency for an~~
1726 ~~investigation, if the complaint is signed by the complainant and~~
1727 ~~is legally sufficient. A complaint is legally sufficient if it~~
1728 ~~contains ultimate facts that show that a violation of this~~
1729 ~~section or any rule adopted by the State Board of Education has~~
1730 ~~occurred. In order to determine legal sufficiency, the~~
1731 ~~Department of Education may require supporting information or~~
1732 ~~documentation from the complainant. A department inquiry is not~~
1733 ~~subject to the requirements of chapter 120.~~

1734 ~~(g) Require an annual, notarized, sworn compliance~~
1735 ~~statement by participating private schools certifying compliance~~
1736 ~~with state laws and shall retain such records.~~

1737 ~~(d)(h)~~ (d) Cross-check the list of participating scholarship
1738 students with the public school enrollment lists to avoid
1739 duplication.

1740 ~~(e)(i)~~ (e) Maintain a list of nationally norm-referenced tests
1741 identified for purposes of satisfying the testing requirement in
1742 subparagraph (8)(b)1 ~~subparagraph (8)(c)2~~. The tests must meet
1743 industry standards of quality in accordance with State Board of
1744 Education rule.

1745 ~~(f)(j)~~ (f) Issue a project grant award to a state university
1746 ~~the Learning System Institute at the Florida State University,~~
1747 to which participating private schools must report the scores of
1748 participating students on the nationally norm-referenced tests
1749 or the statewide assessments administered by the private school
1750 in grades 3 through 10. The project term is 2 years, and the



734058

1751 amount of the project is up to \$250,000 ~~\$500,000~~ per year. The
1752 project grant award must be reissued in 2-year intervals in
1753 accordance with this paragraph.

1754 1. The state university ~~Learning System Institute~~ must
1755 annually report to the Department of Education on the student
1756 performance of participating students:

1757 a. On a statewide basis. The report shall also include, to
1758 the extent possible, a comparison of scholarship students'
1759 performance to the statewide student performance of public
1760 school students with socioeconomic backgrounds similar to those
1761 of students participating in the scholarship program. To
1762 minimize costs and reduce time required for the state
1763 university's ~~Learning System Institute's~~ analysis and
1764 evaluation, the Department of Education shall coordinate with
1765 the state university ~~Learning System Institute~~ to provide data
1766 to the state university ~~Learning System Institute~~ in order to
1767 conduct analyses of matched students from public school
1768 assessment data and calculate control group student performance
1769 using an agreed-upon methodology with the state university
1770 ~~Learning System Institute~~; and

1771 b. On an individual school basis. The annual report must
1772 include student performance for each participating private
1773 school in which at least 51 percent of the total enrolled
1774 students in the private school participated in the Florida Tax
1775 Credit Scholarship Program in the prior school year. The report
1776 shall be according to each participating private school, and for
1777 participating students, in which there are at least 30
1778 participating students who have scores for tests administered.
1779 If the state university ~~Learning System Institute~~ determines



734058

1780 that the 30-participating-student cell size may be reduced
1781 without disclosing personally identifiable information, as
1782 described in 34 C.F.R. s. 99.12, of a participating student, the
1783 state university Learning System Institute may reduce the
1784 participating-student cell size, but the cell size must not be
1785 reduced to less than 10 participating students. The department
1786 shall provide each private school's prior school year's student
1787 enrollment information to the state university Learning System
1788 ~~Institute~~ no later than June 15 of each year, or as requested by
1789 the state university Learning System Institute.

1790 2. The sharing and reporting of student performance data
1791 under this paragraph must be in accordance with requirements of
1792 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family
1793 Educational Rights and Privacy Act, and the applicable rules and
1794 regulations issued pursuant thereto, and shall be for the sole
1795 purpose of creating the annual report required by subparagraph
1796 1. All parties must preserve the confidentiality of such
1797 information as required by law. The annual report must not
1798 disaggregate data to a level that will identify individual
1799 participating schools, except as required under sub-subparagraph
1800 1.b., or disclose the academic level of individual students.

1801 3. The annual report required by subparagraph 1. shall be
1802 published by the Department of Education on its website.

1803 (g) ~~(k)~~ Notify an eligible nonprofit scholarship-funding
1804 organization of any of the organization's identified students
1805 who are receiving educational scholarships pursuant to chapter
1806 1002.

1807 (h) ~~(l)~~ Notify an eligible nonprofit scholarship-funding
1808 organization of any of the organization's identified students



734058

1809 who are receiving tax credit scholarships from other eligible
1810 nonprofit scholarship-funding organizations.

1811 (i)~~(m)~~ Require quarterly reports by an eligible nonprofit
1812 scholarship-funding organization regarding the number of
1813 students participating in the scholarship program, the private
1814 schools at which the students are enrolled, and other
1815 information deemed necessary by the Department of Education.

1816 ~~(n)1. Conduct site visits to private schools participating~~
1817 ~~in the Florida Tax Credit Scholarship Program. The purpose of~~
1818 ~~the site visits is solely to verify the information reported by~~
1819 ~~the schools concerning the enrollment and attendance of~~
1820 ~~students, the credentials of teachers, background screening of~~
1821 ~~teachers, and teachers' fingerprinting results. The Department~~
1822 ~~of Education may not make more than seven site visits each year;~~
1823 ~~however, the department may make additional site visits at any~~
1824 ~~time to any school that has received a notice of noncompliance~~
1825 ~~or a notice of proposed action within the previous 2 years.~~

1826 ~~2. Annually, by December 15, report to the Governor, the~~
1827 ~~President of the Senate, and the Speaker of the House of~~
1828 ~~Representatives the Department of Education's actions with~~
1829 ~~respect to implementing accountability in the scholarship~~
1830 ~~program under this section and s. 1002.421, any substantiated~~
1831 ~~allegations or violations of law or rule by an eligible private~~
1832 ~~school under this program concerning the enrollment and~~
1833 ~~attendance of students, the credentials of teachers, background~~
1834 ~~screening of teachers, and teachers' fingerprinting results and~~
1835 ~~the corrective action taken by the Department of Education.~~

1836 (j)~~(o)~~ Provide a process to match the direct certification
1837 list with the scholarship application data submitted by any



734058

1838 nonprofit scholarship-funding organization eligible to receive
1839 the 3-percent administrative allowance under paragraph (6)(j).

1840 ~~(p) Upon the request of a participating private school,~~
1841 ~~provide at no cost to the school the statewide assessments~~
1842 ~~administered under s. 1008.22 and any related materials for~~
1843 ~~administering the assessments. Students at a private school may~~
1844 ~~be assessed using the statewide assessments if the addition of~~
1845 ~~those students and the school does not cause the state to exceed~~
1846 ~~its contractual caps for the number of students tested and the~~
1847 ~~number of testing sites. The state shall provide the same~~
1848 ~~materials and support to a private school that it provides to a~~
1849 ~~public school. A private school that chooses to administer~~
1850 ~~statewide assessments under s. 1008.22 shall follow the~~
1851 ~~requirements set forth in ss. 1008.22 and 1008.24, rules adopted~~
1852 ~~by the State Board of Education to implement those sections, and~~
1853 ~~district-level testing policies established by the district~~
1854 ~~school board.~~

1855 ~~(11) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—~~

1856 ~~(a)1. The Commissioner of Education shall deny, suspend, or~~
1857 ~~revoke a private school's participation in the scholarship~~
1858 ~~program if it is determined that the private school has failed~~
1859 ~~to comply with the provisions of this section. However, in~~
1860 ~~instances in which the noncompliance is correctable within a~~
1861 ~~reasonable amount of time and in which the health, safety, or~~
1862 ~~welfare of the students is not threatened, the commissioner may~~
1863 ~~issue a notice of noncompliance that shall provide the private~~
1864 ~~school with a timeframe within which to provide evidence of~~
1865 ~~compliance prior to taking action to suspend or revoke the~~
1866 ~~private school's participation in the scholarship program.~~



734058

1867 ~~2. The Commissioner of Education may deny, suspend, or~~
1868 ~~revoke a private school's participation in the scholarship~~
1869 ~~program if the commissioner determines that:~~

1870 ~~a. An owner or operator of a private school has exhibited a~~
1871 ~~previous pattern of failure to comply with this section or s.~~
1872 ~~1002.421; or~~

1873 ~~b. An owner or operator of the private school is operating~~
1874 ~~or has operated an educational institution in this state or~~
1875 ~~another state or jurisdiction in a manner contrary to the~~
1876 ~~health, safety, or welfare of the public.~~

1877
1878 ~~In making the determination under this subparagraph, the~~
1879 ~~commissioner may consider factors that include, but are not~~
1880 ~~limited to, acts or omissions by an owner or operator that led~~
1881 ~~to a previous denial or revocation of participation in an~~
1882 ~~education scholarship program; an owner's or operator's failure~~
1883 ~~to reimburse the Department of Education or a nonprofit~~
1884 ~~scholarship-funding organization for scholarship funds~~
1885 ~~improperly received or retained by a school; imposition of a~~
1886 ~~prior criminal sanction, civil fine, administrative fine,~~
1887 ~~license revocation or suspension, or program eligibility~~
1888 ~~suspension, termination, or revocation related to an owner's or~~
1889 ~~operator's management or operation of an educational~~
1890 ~~institution; or other types of criminal proceedings in which the~~
1891 ~~owner or operator was found guilty of, regardless of~~
1892 ~~adjudication, or entered a plea of nolo contendere or guilty to,~~
1893 ~~any offense involving fraud, deceit, dishonesty, or moral~~
1894 ~~turpitude.~~

1895 ~~(b) The commissioner's determination is subject to the~~



734058

1896 following:

1897 ~~1. If the commissioner intends to deny, suspend, or revoke~~
1898 ~~a private school's participation in the scholarship program, the~~
1899 ~~Department of Education shall notify the private school of such~~
1900 ~~proposed action in writing by certified mail and regular mail to~~
1901 ~~the private school's address of record with the Department of~~
1902 ~~Education. The notification shall include the reasons for the~~
1903 ~~proposed action and notice of the timelines and procedures set~~
1904 ~~forth in this paragraph.~~

1905 ~~2. The private school that is adversely affected by the~~
1906 ~~proposed action shall have 15 days from receipt of the notice of~~
1907 ~~proposed action to file with the Department of Education's~~
1908 ~~agency clerk a request for a proceeding pursuant to ss. 120.569~~
1909 ~~and 120.57. If the private school is entitled to a hearing under~~
1910 ~~s. 120.57(1), the Department of Education shall forward the~~
1911 ~~request to the Division of Administrative Hearings.~~

1912 ~~3. Upon receipt of a request referred pursuant to this~~
1913 ~~paragraph, the director of the Division of Administrative~~
1914 ~~Hearings shall expedite the hearing and assign an administrative~~
1915 ~~law judge who shall commence a hearing within 30 days after the~~
1916 ~~receipt of the formal written request by the division and enter~~
1917 ~~a recommended order within 30 days after the hearing or within~~
1918 ~~30 days after receipt of the hearing transcript, whichever is~~
1919 ~~later. Each party shall be allowed 10 days in which to submit~~
1920 ~~written exceptions to the recommended order. A final order shall~~
1921 ~~be entered by the agency within 30 days after the entry of a~~
1922 ~~recommended order. The provisions of this subparagraph may be~~
1923 ~~waived upon stipulation by all parties.~~

1924 ~~(c) The commissioner may immediately suspend payment of~~



734058

1925 ~~scholarship funds if it is determined that there is probable~~
1926 ~~cause to believe that there is:~~

1927 ~~1. An imminent threat to the health, safety, and welfare of~~
1928 ~~the students;~~

1929 ~~2. A previous pattern of failure to comply with this~~
1930 ~~section or s. 1002.421; or~~

1931 ~~3. Fraudulent activity on the part of the private school.~~
1932 ~~Notwithstanding s. 1002.22, in incidents of alleged fraudulent~~
1933 ~~activity pursuant to this section, the Department of Education's~~
1934 ~~Office of Inspector General is authorized to release personally~~
1935 ~~identifiable records or reports of students to the following~~
1936 ~~persons or organizations:~~

1937 ~~a. A court of competent jurisdiction in compliance with an~~
1938 ~~order of that court or the attorney of record in accordance with~~
1939 ~~a lawfully issued subpoena, consistent with the Family~~
1940 ~~Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.~~

1941 ~~b. A person or entity authorized by a court of competent~~
1942 ~~jurisdiction in compliance with an order of that court or the~~
1943 ~~attorney of record pursuant to a lawfully issued subpoena,~~
1944 ~~consistent with the Family Educational Rights and Privacy Act,~~
1945 ~~20 U.S.C. s. 1232g.~~

1946 ~~c. Any person, entity, or authority issuing a subpoena for~~
1947 ~~law enforcement purposes when the court or other issuing agency~~
1948 ~~has ordered that the existence or the contents of the subpoena~~
1949 ~~or the information furnished in response to the subpoena not be~~
1950 ~~disclosed, consistent with the Family Educational Rights and~~
1951 ~~Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.~~

1952
1953 ~~The commissioner's order suspending payment pursuant to this~~



734058

1954 ~~paragraph may be appealed pursuant to the same procedures and~~
1955 ~~timelines as the notice of proposed action set forth in~~
1956 ~~paragraph (b).~~

1957 Section 16. Effective upon this act becoming a law, section
1958 1002.40, Florida Statutes, is created to read:

1959 1002.40 The Hope Scholarship Program.-

1960 (1) PURPOSE.-The Hope Scholarship Program is established to
1961 provide the parent of a public school student who was subjected
1962 to an incident listed in subsection (3) an opportunity to
1963 transfer the student to another public school or to request a
1964 scholarship for the student to enroll in and attend an eligible
1965 private school.

1966 (2) DEFINITIONS.-As used in this section, the term:

1967 (a) "Dealer" has the same meaning as provided in s. 212.06.

1968 (b) "Department" means the Department of Education.

1969 (c) "Designated agent" has the same meaning as provided in
1970 s. 212.06(10).

1971 (d) "Eligible contribution" or "contribution" means a
1972 monetary contribution from a person purchasing a motor vehicle,
1973 subject to the restrictions provided in this section, to an
1974 eligible nonprofit scholarship-funding organization. The person
1975 making the contribution may not designate a specific student as
1976 the beneficiary of the contribution.

1977 (e) "Eligible nonprofit scholarship-funding organization"
1978 or "organization" has the same meaning as provided in s.
1979 1002.395(2) (f).

1980 (f) "Eligible private school" has the same meaning as
1981 provided in s. 1002.395(2) (g).

1982 (g) "Motor vehicle" has the same meaning as provided in s.



734058

1983 320.01(1)(a), but does not include a heavy truck, truck tractor,
1984 trailer, or motorcycle.

1985 (h) "Parent" means a resident of this state who is a
1986 parent, as defined in s. 1000.21, and whose student reported an
1987 incident in accordance with subsection (6).

1988 (i) "Program" means the Hope Scholarship Program.

1989 (j) "School" means any educational program or activity
1990 conducted by a public K-12 educational institution, any school-
1991 related or school-sponsored program or activity, and riding on a
1992 school bus, as defined in s. 1006.25(1), including waiting at a
1993 school bus stop.

1994 (k) "Unweighted FTE funding amount" means the statewide
1995 average total funds per unweighted full-time equivalent funding
1996 amount that is incorporated by reference in the General
1997 Appropriations Act, or by a subsequent special appropriations
1998 act, for the applicable state fiscal year.

1999 (3) PROGRAM ELIGIBILITY.—Beginning with the 2018-2019
2000 school year, contingent upon available funds, and on a first-
2001 come, first-served basis, a student enrolled in a Florida public
2002 school in kindergarten through grade 12 is eligible for a
2003 scholarship under this program if the student reported an
2004 incident in accordance with subsection (6). For purposes of this
2005 section, the term "incident" means battery; harassment; hazing;
2006 bullying; kidnapping; physical attack; robbery; sexual offenses,
2007 harassment, assault, or battery; threat or intimidation; or
2008 fighting at school, as defined by the department in accordance
2009 with s. 1006.09(6).

2010 (4) PROGRAM PROHIBITIONS.—Payment of a scholarship to a
2011 student enrolled in a private school may not be made if a



734058

2012 student is:

2013 (a) Enrolled in a public school, including, but not limited
2014 to, the Florida School for the Deaf and the Blind; the College-
2015 Preparatory Boarding Academy; a developmental research school
2016 authorized under s. 1002.32; or a charter school authorized
2017 under s. 1002.33, s. 1002.331, or s. 1002.332;

2018 (b) Enrolled in a school operating for the purpose of
2019 providing educational services to youth in the Department of
2020 Juvenile Justice commitment programs;

2021 (c) Participating in a virtual school, correspondence
2022 school, or distance learning program that receives state funding
2023 pursuant to the student's participation unless the participation
2024 is limited to no more than two courses per school year; or

2025 (d) Receiving any other educational scholarship pursuant to
2026 this chapter.

2027 (5) TERM OF HOPE SCHOLARSHIP.-For purposes of continuity of
2028 educational choice, a Hope scholarship shall remain in force
2029 until the student returns to public school or graduates from
2030 high school, whichever occurs first. A scholarship student who
2031 enrolls in a public school or public school program is
2032 considered to have returned to a public school for the purpose
2033 of determining the end of the scholarship's term.

2034 (6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.-

2035 (a) Upon receipt of a report of an incident, the school
2036 principal, or his or her designee, shall provide a copy of the
2037 report to the parent and investigate the incident to determine
2038 if the incident must be reported as required by s. 1006.09(6).
2039 Within 24 hours after receipt of the report, the principal or
2040 his or her designee shall provide a copy of the report to the



734058

2041 parent of the alleged offender and to the superintendent. Upon
2042 conclusion of the investigation or within 15 days after the
2043 incident was reported, whichever occurs first, the school
2044 district shall notify the parent of the program and offer the
2045 parent an opportunity to enroll his or her student in another
2046 public school that has capacity or to request and receive a
2047 scholarship to attend an eligible private school, subject to
2048 available funding. A parent who chooses to enroll his or her
2049 student in a public school located outside the district in which
2050 the student resides pursuant to s. 1002.31 shall be eligible for
2051 a scholarship to transport the student as provided in paragraph
2052 (11) (b) .

2053 (b) For each student participating in the program in an
2054 eligible private school who chooses to participate in the
2055 statewide assessments under s. 1008.22 or the Florida Alternate
2056 Assessment, the school district in which the student resides
2057 must notify the student and his or her parent about the
2058 locations and times to take all statewide assessments.

2059 (7) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible
2060 private school may be sectarian or nonsectarian and shall:

2061 (a) Comply with all requirements for private schools
2062 participating in state school choice scholarship programs
2063 pursuant to this section and s. 1002.421.

2064 (b)1. Annually administer or make provision for students
2065 participating in the program in grades 3 through 10 to take one
2066 of the nationally norm-referenced tests identified by the
2067 department or the statewide assessments pursuant to s. 1008.22.
2068 Students with disabilities for whom standardized testing is not
2069 appropriate are exempt from this requirement. A participating



734058

2070 private school shall report a student's scores to his or her
2071 parent.

2072 2. Administer the statewide assessments pursuant to s.
2073 1008.22 if a private school chooses to offer the statewide
2074 assessments. A participating private school may choose to offer
2075 and administer the statewide assessments to all students who
2076 attend the private school in grades 3 through 10 and must submit
2077 a request in writing to the department by March 1 of each year
2078 in order to administer the statewide assessments in the
2079 subsequent school year.

2080
2081 If a private school fails to meet the requirements of this
2082 subsection or s. 1002.421, the commissioner may determine that
2083 the private school is ineligible to participate in the program.

2084 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
2085 shall:

2086 (a) Cross-check the list of participating scholarship
2087 students with the public school enrollment lists to avoid
2088 duplication.

2089 (b) Maintain a list of nationally norm-referenced tests
2090 identified for purposes of satisfying the testing requirement in
2091 paragraph (9) (f). The tests must meet industry standards of
2092 quality in accordance with State Board of Education rule.

2093 (c) Require quarterly reports by an eligible nonprofit
2094 scholarship-funding organization regarding the number of
2095 students participating in the program, the private schools in
2096 which the students are enrolled, and other information deemed
2097 necessary by the department.

2098 (d) Contract with an independent entity to provide an



734058

2099 annual evaluation of the program by:
2100 1. Reviewing the school bullying prevention education
2101 program, climate and code of student conduct of each public
2102 school from which 10 or more students transferred to another
2103 public school or private school using the Hope scholarship to
2104 determine areas in the school or school district procedures
2105 involving reporting, investigating, and communicating a parent's
2106 and student's rights that are in need of improvement. At a
2107 minimum, the review must include:
2108 a. An assessment of the investigation time and quality of
2109 the response of the school and the school district.
2110 b. An assessment of the effectiveness of communication
2111 procedures with the students involved in an incident, the
2112 students' parents, and the school and school district personnel.
2113 c. An analysis of school incident and discipline data.
2114 d. The challenges and obstacles relating to implementing
2115 recommendations from the review.
2116 2. Reviewing the school bullying prevention education
2117 program, climate and code of student conduct of each public
2118 school to which a student transferred if the student was from a
2119 school identified in subparagraph 1. in order to identify best
2120 practices and make recommendations to a public school at which
2121 the incidents occurred.
2122 3. Reviewing the performance of participating students
2123 enrolled in a private school in which at least 51 percent of the
2124 total enrolled students in the prior school year participated in
2125 the program and in which there are at least 10 participating
2126 students who have scores for tests administered.
2127 4. Surveying the parents of participating students to



734058

2128 determine academic, safety, and school climate satisfaction and
2129 to identify any challenges to or obstacles in addressing the
2130 incident or relating to the use of the scholarship.

2131 (9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
2132 PARTICIPATION.—A parent who applies for a Hope scholarship is
2133 exercising his or her parental option to place his or her
2134 student in an eligible private school.

2135 (a) The parent must select an eligible private school and
2136 apply for the admission of his or her student.

2137 (b) The parent must inform the student's school district
2138 when the parent withdraws his or her student to attend an
2139 eligible private school.

2140 (c) Any student participating in the program must remain in
2141 attendance throughout the school year unless excused by the
2142 school for illness or other good cause.

2143 (d) Each parent and each student has an obligation to the
2144 private school to comply with such school's published policies.

2145 (e) Upon reasonable notice to the department and the school
2146 district, the parent may remove the student from the private
2147 school and place the student in a public school in accordance
2148 with this section.

2149 (f) The parent must ensure that the student participating
2150 in the program takes the norm-referenced assessment offered by
2151 the private school. The parent may also choose to have the
2152 student participate in the statewide assessments pursuant to s.
2153 1008.22. If the parent requests that the student take the
2154 statewide assessments pursuant to s. 1008.22 and the private
2155 school has not chosen to offer and administer the statewide
2156 assessments, the parent is responsible for transporting the



734058

2157 student to the assessment site designated by the school
2158 district.

2159 (g) Upon receipt of a scholarship warrant, the parent to
2160 whom the warrant is made must restrictively endorse the warrant
2161 to the private school for deposit into the account of such
2162 school. If payment is made by funds transfer in accordance with
2163 paragraph (11) (d), the parent must approve each payment before
2164 the scholarship funds may be deposited. The parent may not
2165 designate any entity or individual associated with the
2166 participating private school as the parent's attorney in fact to
2167 endorse a scholarship warrant or approve a funds transfer. A
2168 parent who fails to comply with this paragraph forfeits the
2169 scholarship.

2170 (10) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
2171 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
2172 organization may establish scholarships for eligible students
2173 by:

2174 (a) Receiving applications and determining student
2175 eligibility in accordance with the requirements of this section.

2176 (b) Notifying parents of their receipt of a scholarship on
2177 a first-come, first-served basis, based upon available funds.

2178 (c) Establishing a date by which the parent of a
2179 participating student must confirm continuing participation in
2180 the program.

2181 (d) Awarding scholarship funds to eligible students, giving
2182 priority to renewing students from the previous year.

2183 (e) Preparing and submitting quarterly reports to the
2184 department pursuant to paragraph (8) (c). In addition, an
2185 eligible nonprofit scholarship-funding organization must submit



734058

2186 in a timely manner any information requested by the department
2187 relating to the program.

2188 (f) Notifying the department of any violation of this
2189 section.

2190 (11) FUNDING AND PAYMENT.—

2191 (a) The maximum amount awarded to a student enrolled in an
2192 eligible private school shall be determined as a percentage of
2193 the unweighted FTE funding amount for that state fiscal year and
2194 thereafter as follows:

2195 1. Eighty-eight percent for a student enrolled in
2196 kindergarten through grade 5.

2197 2. Ninety-two percent for a student enrolled in grade 6
2198 through grade 8.

2199 3. Ninety-six percent for a student enrolled in grade 9
2200 through grade 12.

2201 (b) The maximum amount awarded to a student enrolled in a
2202 public school located outside of the district in which the
2203 student resides shall be \$750.

2204 (c) When a student enters the program, the eligible
2205 nonprofit scholarship-funding organization must receive all
2206 documentation required for the student's participation,
2207 including a copy of the report of the incident received pursuant
2208 to subsection (6) and the private school's and student's fee
2209 schedules. The initial payment shall be made after verification
2210 of admission acceptance, and subsequent payments shall be made
2211 upon verification of continued enrollment and attendance at the
2212 private school.

2213 (d) Payment of the scholarship by the eligible nonprofit
2214 scholarship-funding organization may be by individual warrant



734058

2215 made payable to the student's parent or by funds transfer,
2216 including, but not limited to, debit cards, electronic payment
2217 cards, or any other means of payment that the department deems
2218 to be commercially viable or cost-effective. If payment is made
2219 by warrant, the warrant must be delivered by the eligible
2220 nonprofit scholarship-funding organization to the private school
2221 of the parent's choice, and the parent shall restrictively
2222 endorse the warrant to the private school. If payments are made
2223 by funds transfer, the parent must approve each payment before
2224 the scholarship funds may be deposited. The parent may not
2225 designate any entity or individual associated with the
2226 participating private school as the parent's attorney in fact to
2227 endorse a scholarship warrant or approve a funds transfer.

2228 (e) An eligible nonprofit scholarship-funding organization
2229 shall obtain verification from the private school of a student's
2230 continued attendance at the school for each period covered by a
2231 scholarship payment.

2232 (f) Payment of the scholarship shall be made by the
2233 eligible nonprofit scholarship-funding organization no less
2234 frequently than on a quarterly basis.

2235 (g) An eligible nonprofit scholarship-funding organization
2236 may use up to 3 percent of eligible contributions received
2237 during the state fiscal year in which such contributions are
2238 collected for administrative expenses if the organization has
2239 operated as an eligible nonprofit scholarship-funding
2240 organization for at least the preceding 3 fiscal years and did
2241 not have any findings of material weakness or material
2242 noncompliance in its most recent audit under s. 1002.395(6)(m).
2243 Such administrative expenses must be reasonable and necessary



734058

2244 for the organization's management and distribution of eligible
2245 contributions under this section. Funds authorized under this
2246 paragraph may not be used for lobbying or political activity or
2247 expenses related to lobbying or political activity. Up to one-
2248 third of the funds authorized for administrative expenses under
2249 this paragraph may be used for expenses related to the
2250 recruitment of contributions. An eligible nonprofit scholarship-
2251 funding organization may not charge an application fee.

2252 (h) Moneys received pursuant to this section do not
2253 constitute taxable income to the qualified student or his or her
2254 parent.

2255 (12) OBLIGATIONS OF THE AUDITOR GENERAL.—

2256 (a) The Auditor General shall conduct an annual operational
2257 audit of accounts and records of each organization that
2258 participates in the program. As part of this audit, the Auditor
2259 General shall verify, at a minimum, the total number of students
2260 served and transmit that information to the department. The
2261 Auditor General shall provide the commissioner with a copy of
2262 each annual operational audit performed pursuant to this
2263 paragraph within 10 days after the audit is finalized.

2264 (b) The Auditor General shall notify the department of any
2265 organization that fails to comply with a request for
2266 information.

2267 (13) SCHOLARSHIP FUNDING TAX CREDITS—

2268 (a) A tax credit is available under s. 212.1832(1) for use
2269 by a person that makes an eligible contribution. Each eligible
2270 contribution is limited to a single payment of \$105 per motor
2271 vehicle purchased at the time of purchase of a motor vehicle or
2272 a single payment of \$105 per motor vehicle purchased at the time



734058

2273 of registration of a motor vehicle that was not purchased from a
2274 dealer, except that a contribution may not exceed the state tax
2275 imposed under chapter 212 that would otherwise be collected from
2276 the purchaser by a dealer, designated agent, or private tag
2277 agent. Payments of contributions shall be made to a dealer at
2278 the time of purchase of a motor vehicle or to a designated agent
2279 or private tag agent at the time of registration of a motor
2280 vehicle that was not purchased from a dealer. An eligible
2281 contribution shall be accompanied by a contribution election
2282 form provided by the Department of Revenue. The form shall
2283 include, at a minimum, the following brief description of the
2284 Hope Scholarship Program: "THE HOPE SCHOLARSHIP PROGRAM PROVIDES
2285 A PUBLIC SCHOOL STUDENT WHO WAS SUBJECTED TO AN INCIDENT OF
2286 VIOLENCE OR BULLYING AT SCHOOL THE OPPORTUNITY TO APPLY FOR A
2287 SCHOLARSHIP TO ATTEND AN ELIGIBLE PRIVATE SCHOOL RATHER THAN
2288 REMAIN IN AN UNSAFE SCHOOL ENVIRONMENT." The form shall also
2289 include, at a minimum, a section allowing the consumer to
2290 designate, from all participating scholarship funding
2291 organizations, which organization will receive his or her
2292 donation. For purposes of this subsection, the term "purchase"
2293 does not include the lease or rental of a motor vehicle.

2294 (b) A dealer, designated agent, or private tag agent shall:

2295 1. Provide the purchaser the contribution election form, as
2296 provided by the Department of Revenue, at the time of purchase
2297 of a motor vehicle or at the time of registration of a motor
2298 vehicle that was not purchased from a dealer.

2299 2. Collect eligible contributions.

2300 3. Using a form provided by the Department of Revenue,
2301 which shall include the dealer's or agent's federal employer



734058

2302 identification number, remit to an organization no later than
2303 the date the return filed pursuant to s. 212.11 is due the total
2304 amount of contributions made to that organization and collected
2305 during the preceding reporting period. Using the same form, the
2306 dealer or agent shall also report this information to the
2307 Department of Revenue no later than the date the return filed
2308 pursuant to s. 212.11 is due.

2309 4. Report to the Department of Revenue on each return filed
2310 pursuant to s. 212.11 the total amount of credits granted under
2311 s. 212.1832 for the preceding reporting period.

2312 (c) An organization shall report to the Department of
2313 Revenue, on or before the 20th day of each month, the total
2314 amount of contributions received pursuant to paragraph (b) in
2315 the preceding calendar month on a form provided by the
2316 Department of Revenue. Such report shall include:

2317 1. The federal employer identification number of each
2318 designated agent, private tag agent, or dealer who remitted
2319 contributions to the organization during that reporting period.

2320 2. The amount of contributions received from each
2321 designated agent, private tag agent, or dealer during that
2322 reporting period.

2323 (d) A person who, with the intent to unlawfully deprive or
2324 defraud the program of its moneys or the use or benefit thereof,
2325 fails to remit a contribution collected under this section is
2326 guilty of theft, punishable as follows:

2327 1. If the total amount stolen is less than \$300, the
2328 offense is a misdemeanor of the second degree, punishable as
2329 provided in s. 775.082 or s. 775.083. Upon a second conviction,
2330 the offender is guilty of a misdemeanor of the first degree,



734058

2331 punishable as provided in s. 775.082 or s. 775.083. Upon a third
2332 or subsequent conviction, the offender is guilty of a felony of
2333 the third degree, punishable as provided in s. 775.082, s.
2334 775.083, or s. 775.084.

2335 2. If the total amount stolen is \$300 or more, but less
2336 than \$20,000, the offense is a felony of the third degree,
2337 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2338 3. If the total amount stolen is \$20,000 or more, but less
2339 than \$100,000, the offense is a felony of the second degree,
2340 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2341 4. If the total amount stolen is \$100,000 or more, the
2342 offense is a felony of the first degree, punishable as provided
2343 in s. 775.082, s. 775.083, or s. 775.084.

2344 (e) A person convicted of an offense under paragraph (d)
2345 shall be ordered by the sentencing judge to make restitution to
2346 the organization in the amount that was stolen from the program.

2347 (f) Upon a finding that a dealer failed to remit a
2348 contribution under subparagraph (b)3. for which the dealer
2349 claimed a credit pursuant to s. 212.1832(2), the Department of
2350 Revenue shall notify the affected organizations of the dealer's
2351 name, address, federal employer identification number, and
2352 information related to differences between credits taken by the
2353 dealer pursuant to s. 212.1832(2) and amounts remitted to the
2354 eligible nonprofit scholarship-funding organization under
2355 subparagraph (b)3.

2356 (g) Any dealer, designated agent, private tag agent, or
2357 organization that fails to timely submit reports to the
2358 Department of Revenue as required in paragraphs (b) and (c) is
2359 subject to a penalty of \$1,000 for every month, or part thereof,



734058

2360 the report is not provided, up to a maximum amount of \$10,000.
2361 Such penalty shall be collected by the Department of Revenue and
2362 shall be transferred into the General Revenue Fund. Such penalty
2363 must be settled or compromised if it is determined by the
2364 Department of Revenue that the noncompliance is due to
2365 reasonable cause and not due to willful negligence, willful
2366 neglect, or fraud.

2367 (14) LIABILITY.—The state is not liable for the award of or
2368 any use of awarded funds under this section.

2369 (15) SCOPE OF AUTHORITY.—This section does not expand the
2370 regulatory authority of this state, its officers, or any school
2371 district to impose additional regulation on participating
2372 private schools beyond those reasonably necessary to enforce
2373 requirements expressly set forth in this section.

2374 (16) RULES.—The State Board of Education shall adopt rules
2375 to administer this section, except the Department of Revenue
2376 shall adopt rules to administer subsection (13).

2377 Section 17. Section 1002.411, Florida Statutes, is created
2378 to read:

2379 1002.411 Reading scholarship accounts.—

2380 (1) READING SCHOLARSHIP ACCOUNTS.—Reading scholarship
2381 accounts are established to provide educational options for
2382 students.

2383 (2) ELIGIBILITY.—Contingent upon available funds, and on a
2384 first-come, first-served basis, each student in grades 3 through
2385 5 who is enrolled in a Florida public school is eligible for a
2386 reading scholarship account if the student scored below a Level
2387 3 on the grade 3 or grade 4 statewide, standardized English
2388 Language Arts (ELA) assessment in the prior school year. An



734058

2389 eligible student who is classified as an English Language
2390 Learner and is enrolled in a program or receiving services that
2391 are specifically designed to meet the instructional needs of
2392 English Language Learner students shall receive priority.

2393 (3) PARENT AND STUDENT RESPONSIBILITIES FOR PARTICIPATION.—

2394 (a) For an eligible student to receive a reading
2395 scholarship account, the student's parent must:

2396 1. Submit an application to an eligible nonprofit
2397 scholarship-funding organization by the deadline established by
2398 such organization; and

2399 2. Submit eligible expenses to the eligible nonprofit
2400 scholarship-funding organization for reimbursement of qualifying
2401 expenditures, which may include:

2402 a. Instructional materials.

2403 b. Curriculum. As used in this sub-subparagraph, the term
2404 "curriculum" means a complete course of study for a particular
2405 content area or grade level, including any required supplemental
2406 materials and associated online instruction.

2407 c. Tuition and fees for part-time tutoring services
2408 provided by a person who holds a valid Florida educator's
2409 certificate pursuant to s. 1012.56; a person who holds a
2410 baccalaureate or graduate degree in the subject area; a person
2411 who holds an adjunct teaching certificate pursuant to s.
2412 1012.57; or a person who has demonstrated a mastery of subject
2413 area knowledge pursuant to s. 1012.56(5).

2414 d. Fees for summer education programs designed to improve
2415 reading or literacy skills.

2416 e. Fees for after-school education programs designed to
2417 improve reading or literacy skills.



734058

2418
2419 A provider of any services receiving payments pursuant to this
2420 subparagraph may not share any moneys from the reading
2421 scholarship with, or provide a refund or rebate of any moneys
2422 from such scholarship to, the parent or participating student in
2423 any manner. A parent, student, or provider of any services may
2424 not bill an insurance company, Medicaid, or any other agency for
2425 the same services that are paid for using reading scholarship
2426 funds.

2427 (b) The parent is responsible for the payment of all
2428 eligible expenses in excess of the amount in the account in
2429 accordance with the terms agreed to between the parent and any
2430 providers and may not receive any refund or rebate of any
2431 expenditures made in accordance with paragraph (a).

2432 (4) ADMINISTRATION.—An eligible nonprofit scholarship-
2433 funding organization participating in the Florida Tax Credit
2434 Scholarship Program established by s. 1002.395 may establish
2435 reading scholarship accounts for eligible students in accordance
2436 with the requirements of eligible nonprofit scholarship-funding
2437 organizations under this chapter.

2438 (5) DEPARTMENT OBLIGATIONS.—The department shall have the
2439 same duties imposed by this chapter upon the department
2440 regarding oversight of scholarship programs administered by an
2441 eligible nonprofit scholarship-funding organization.

2442 (6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—By
2443 September 30, the school district shall notify the parent of
2444 each student in grades 3 through 5 who scored below a level 3 on
2445 the statewide, standardized ELA assessment in the prior school
2446 year of the process to request and receive a reading



734058

2447 scholarship, subject to available funds.

2448 (7) ACCOUNT FUNDING AND PAYMENT.—

2449 (a) For the 2018-2019 school year, the amount of the
2450 scholarship shall be \$500 per eligible student. Thereafter, the
2451 maximum amount granted for an eligible student shall be provided
2452 in the General Appropriations Act.

2453 (b) One hundred percent of the funds appropriated for the
2454 reading scholarship accounts shall be released to the department
2455 at the beginning of the first quarter of each fiscal year.

2456 (c) Upon notification from the eligible nonprofit
2457 scholarship-funding organization that a student has been
2458 determined eligible for a reading scholarship, the department
2459 shall release the student's scholarship funds to such
2460 organization to be deposited into the student's account.

2461 (d) Accrued interest in the student's account is in
2462 addition to, and not part of, the awarded funds. Account funds
2463 include both the awarded funds and accrued interest.

2464 (e) The eligible nonprofit scholarship-funding organization
2465 may develop a system for payment of scholarship funds by funds
2466 transfer, including, but not limited to, debit cards, electronic
2467 payment cards, or any other means of payment that the department
2468 deems to be commercially viable or cost-effective. A student's
2469 scholarship award may not be reduced for debit card or
2470 electronic payment fees. Commodities or services related to the
2471 development of such a system shall be procured by competitive
2472 solicitation unless they are purchased from a state term
2473 contract pursuant to s. 287.056.

2474 (f) Payment of the scholarship shall be made by the
2475 eligible nonprofit scholarship-funding organization no less



734058

2476 frequently than on a quarterly basis.

2477 (g) In addition to funds appropriated for scholarships and
2478 subject to a separate, specific legislative appropriation, an
2479 organization may receive an amount equivalent to not more than 3
2480 percent of the amount of each scholarship from state funds for
2481 administrative expenses if the organization has operated as a
2482 nonprofit entity for at least the preceding 3 fiscal years and
2483 did not have any findings of material weakness or material
2484 noncompliance in its most recent audit under s. 1002.395. Such
2485 administrative expenses must be reasonable and necessary for the
2486 organization's management and distribution of scholarships under
2487 this section. Funds authorized under this paragraph may not be
2488 used for lobbying or political activity or expenses related to
2489 lobbying or political activity. An organization may not charge
2490 an application fee for a scholarship. Administrative expenses
2491 may not be deducted from funds appropriated for scholarships.

2492 (h) Moneys received pursuant to this section do not
2493 constitute taxable income to the qualified student or his or her
2494 parent.

2495 (i) A student's scholarship account must be closed and any
2496 remaining funds shall revert to the state after:

2497 1. Denial or revocation of scholarship eligibility by the
2498 commissioner for fraud or abuse, including, but not limited to,
2499 the student or student's parent accepting any payment, refund,
2500 or rebate, in any manner, from a provider of any services
2501 received pursuant to subsection (3); or

2502 2. Three consecutive fiscal years in which an account has
2503 been inactive.

2504 (8) LIABILITY.—No liability shall arise on the part of the



734058

2505 state based on the award or use of a reading scholarship
2506 account.

2507 Section 18. Section 1002.421, Florida Statutes, is amended
2508 to read:

2509 1002.421 ~~Accountability of private schools participating in~~
2510 State school choice scholarship program accountability and
2511 oversight programs.-

2512 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.-A Florida
2513 private school participating in ~~the Florida Tax Credit~~
2514 ~~Scholarship Program established pursuant to s. 1002.395 or an~~
2515 educational scholarship program established pursuant to this
2516 chapter must be a private school as defined in s. 1002.01(2) in
2517 this state, be registered, and be in compliance ~~comply~~ with all
2518 requirements of this section in addition to private school
2519 requirements outlined in s. 1002.42, specific requirements
2520 identified within respective scholarship program laws, and other
2521 provisions of Florida law that apply to private schools, and
2522 must:-

2523 ~~(2) A private school participating in a scholarship program~~
2524 ~~must be a Florida private school as defined in s. 1002.01(2),~~
2525 ~~must be registered in accordance with s. 1002.42, and must:~~

2526 (a) Comply with the antidiscrimination provisions of 42
2527 U.S.C. s. 2000d.

2528 (b) Notify the department of its intent to participate in a
2529 scholarship program.

2530 (c) Notify the department of any change in the school's
2531 name, school director, mailing address, or physical location
2532 within 15 days after the change.

2533 (d) Provide to the department or scholarship-funding



734058

2534 organization all documentation required for a student's
2535 participation, including the private school's and student's
2536 individual fee schedule, and ~~Complete student enrollment and~~
2537 ~~attendance verification requirements, including use of an online~~
2538 attendance verification as required by the department or
2539 scholarship-funding organization ~~form~~, prior to scholarship
2540 payment.

2541 (e) Annually complete and submit to the department a
2542 notarized scholarship compliance statement certifying that all
2543 school employees and contracted personnel with direct student
2544 contact have undergone background screening pursuant to s.
2545 943.0542 and have met the screening standards as provided in s.
2546 435.04.

2547 (f) Demonstrate fiscal soundness and accountability by:

2548 1. Being in operation for at least 3 school years or
2549 obtaining a surety bond or letter of credit for the amount equal
2550 to the scholarship funds for any quarter and filing the surety
2551 bond or letter of credit with the department.

2552 2. Requiring the parent of each scholarship student to
2553 personally restrictively endorse the scholarship warrant to the
2554 school or to approve a funds transfer before any funds are
2555 deposited for a student. The school may not act as attorney in
2556 fact for the parent of a scholarship student under the authority
2557 of a power of attorney executed by such parent, or under any
2558 other authority, to endorse a scholarship warrant or approve a
2559 funds transfer warrants on behalf of such parent.

2560 (g) Meet applicable state and local health, safety, and
2561 welfare laws, codes, and rules, including:

2562 1. Firesafety.



734058

2563 2. Building safety.

2564 (h) Employ or contract with teachers who hold baccalaureate
2565 or higher degrees, have at least 3 years of teaching experience
2566 in public or private schools, or have special skills, knowledge,
2567 or expertise that qualifies them to provide instruction in
2568 subjects taught.

2569 (i) Maintain a physical location in the state at which each
2570 student has regular and direct contact with teachers.

2571 (j) Publish on the school's website, or provide in a
2572 written format, information for parents regarding the school,
2573 including, but not limited to, programs, services, and the
2574 qualifications of classroom teachers.

2575 (k) At a minimum, provide the parent of each scholarship
2576 student with a written explanation of the student's progress on
2577 a quarterly basis.

2578 (l) Cooperate with a student whose parent chooses to
2579 participate in the statewide assessments pursuant to s. 1008.22.

2580 (m)~~(i)~~ Require each employee and contracted personnel with
2581 direct student contact, upon employment or engagement to provide
2582 services, to undergo a state and national background screening,
2583 pursuant to s. 943.0542, by electronically filing with the
2584 Department of Law Enforcement a complete set of fingerprints
2585 taken by an authorized law enforcement agency or an employee of
2586 the private school, a school district, or a private company who
2587 is trained to take fingerprints and deny employment to or
2588 terminate an employee if he or she fails to meet the screening
2589 standards under s. 435.04. Results of the screening shall be
2590 provided to the participating private school. For purposes of
2591 this paragraph:



734058

2592 1. An "employee or contracted personnel with direct student
2593 contact" means any employee or contracted personnel who has
2594 unsupervised access to a scholarship student for whom the
2595 private school is responsible.

2596 2. The costs of fingerprinting and the background check
2597 shall not be borne by the state.

2598 3. Continued employment of an employee or contracted
2599 personnel after notification that he or she has failed the
2600 background screening under this paragraph shall cause a private
2601 school to be ineligible for participation in a scholarship
2602 program.

2603 4. An employee or contracted personnel holding a valid
2604 Florida teaching certificate who has been fingerprinted pursuant
2605 to s. 1012.32 is not required to comply with the provisions of
2606 this paragraph.

2607 ~~5.~~~~(3)~~~~(a)~~ All fingerprints submitted to the Department of
2608 Law Enforcement as required by this section shall be retained by
2609 the Department of Law Enforcement in a manner provided by rule
2610 and entered in the statewide automated biometric identification
2611 system authorized by s. 943.05(2)(b). Such fingerprints shall
2612 thereafter be available for all purposes and uses authorized for
2613 arrest fingerprints entered in the statewide automated biometric
2614 identification system pursuant to s. 943.051.

2615 ~~6.~~~~(b)~~ The Department of Law Enforcement shall search all
2616 arrest fingerprints received under s. 943.051 against the
2617 fingerprints retained in the statewide automated biometric
2618 identification system under subparagraph 5 ~~paragraph (a)~~. Any
2619 arrest record that is identified with the retained fingerprints
2620 of a person subject to the background screening under this



734058

2621 section shall be reported to the employing school with which the
2622 person is affiliated. Each private school participating in a
2623 scholarship program is required to participate in this search
2624 process by informing the Department of Law Enforcement of any
2625 change in the employment or contractual status of its personnel
2626 whose fingerprints are retained under subparagraph 5 ~~paragraph~~
2627 ~~(a)~~. The Department of Law Enforcement shall adopt a rule
2628 setting the amount of the annual fee to be imposed upon each
2629 private school for performing these searches and establishing
2630 the procedures for the retention of private school employee and
2631 contracted personnel fingerprints and the dissemination of
2632 search results. The fee may be borne by the private school or
2633 the person fingerprinted.

2634 7.~~(e)~~ Employees and contracted personnel whose fingerprints
2635 are not retained by the Department of Law Enforcement under
2636 subparagraphs 5. and 6. ~~paragraphs (a) and (b)~~ are required to
2637 be refingerprinted and must meet state and national background
2638 screening requirements upon reemployment or reengagement to
2639 provide services in order to comply with the requirements of
2640 this section.

2641 8.~~(d)~~ Every 5 years following employment or engagement to
2642 provide services with a private school, employees or contracted
2643 personnel required to be screened under this section must meet
2644 screening standards under s. 435.04, at which time the private
2645 school shall request the Department of Law Enforcement to
2646 forward the fingerprints to the Federal Bureau of Investigation
2647 for national processing. If the fingerprints of employees or
2648 contracted personnel are not retained by the Department of Law
2649 Enforcement under subparagraph 5. ~~paragraph (a)~~, employees and



734058

2650 contracted personnel must electronically file a complete set of
2651 fingerprints with the Department of Law Enforcement. Upon
2652 submission of fingerprints for this purpose, the private school
2653 shall request that the Department of Law Enforcement forward the
2654 fingerprints to the Federal Bureau of Investigation for national
2655 processing, and the fingerprints shall be retained by the
2656 Department of Law Enforcement under subparagraph 5 ~~paragraph~~
2657 ~~(a)~~.

2658 ~~(4) A private school that accepts scholarship students~~
2659 ~~under s. 1002.39 or s. 1002.395 must:~~

2660 ~~(a) Disqualify instructional personnel and school~~
2661 ~~administrators, as defined in s. 1012.01, from employment in any~~
2662 ~~position that requires direct contact with students if the~~
2663 ~~personnel or administrators are ineligible for such employment~~
2664 ~~under s. 1012.315.~~

2665 (n) ~~(b)~~ Adopt policies establishing standards of ethical
2666 conduct for instructional personnel and school administrators.
2667 The policies must require all instructional personnel and school
2668 administrators, as defined in s. 1012.01, to complete training
2669 on the standards; establish the duty of instructional personnel
2670 and school administrators to report, and procedures for
2671 reporting, alleged misconduct by other instructional personnel
2672 and school administrators which affects the health, safety, or
2673 welfare of a student; and include an explanation of the
2674 liability protections provided under ss. 39.203 and 768.095. A
2675 private school, or any of its employees, may not enter into a
2676 confidentiality agreement regarding terminated or dismissed
2677 instructional personnel or school administrators, or personnel
2678 or administrators who resign in lieu of termination, based in



734058

2679 whole or in part on misconduct that affects the health, safety,
2680 or welfare of a student, and may not provide the instructional
2681 personnel or school administrators with employment references or
2682 discuss the personnel's or administrators' performance with
2683 prospective employers in another educational setting, without
2684 disclosing the personnel's or administrators' misconduct. Any
2685 part of an agreement or contract that has the purpose or effect
2686 of concealing misconduct by instructional personnel or school
2687 administrators which affects the health, safety, or welfare of a
2688 student is void, is contrary to public policy, and may not be
2689 enforced.

2690 (o) ~~(e)~~ Before employing instructional personnel or school
2691 administrators in any position that requires direct contact with
2692 students, conduct employment history checks of each of the
2693 personnel's or administrators' previous employers, screen the
2694 personnel or administrators through use of the educator
2695 screening tools described in s. 1001.10(5), and document the
2696 findings. If unable to contact a previous employer, the private
2697 school must document efforts to contact the employer.

2698 (p) Require each owner or operator of the private school,
2699 prior to employment or engagement to provide services, to
2700 undergo level 2 background screening as provided under chapter
2701 435. For purposes of this paragraph, the term "owner or
2702 operator" means an owner, operator, superintendent, or principal
2703 of, or a person with equivalent decisionmaking authority over, a
2704 private school participating in a scholarship program
2705 established pursuant to this chapter. The fingerprints for the
2706 background screening must be electronically submitted to the
2707 Department of Law Enforcement and may be taken by an authorized



734058

2708 law enforcement agency or a private company who is trained to
2709 take fingerprints. However, the complete set of fingerprints of
2710 an owner or operator may not be taken by the owner or operator.
2711 The owner or operator shall provide a copy of the results of the
2712 state and national criminal history check to the Department of
2713 Education. The cost of the background screening may be borne by
2714 the owner or operator.

2715 1. Every 5 years following employment or engagement to
2716 provide services, each owner or operator must meet level 2
2717 screening standards as described in s. 435.04, at which time the
2718 owner or operator shall request the Department of Law
2719 Enforcement to forward the fingerprints to the Federal Bureau of
2720 Investigation for level 2 screening. If the fingerprints of an
2721 owner or operator are not retained by the Department of Law
2722 Enforcement under subparagraph 2., the owner or operator must
2723 electronically file a complete set of fingerprints with the
2724 Department of Law Enforcement. Upon submission of fingerprints
2725 for this purpose, the owner or operator shall request that the
2726 Department of Law Enforcement forward the fingerprints to the
2727 Federal Bureau of Investigation for level 2 screening, and the
2728 fingerprints shall be retained by the Department of Law
2729 Enforcement under subparagraph 2.

2730 2. Fingerprints submitted to the Department of Law
2731 Enforcement as required by this paragraph must be retained by
2732 the Department of Law Enforcement in a manner approved by rule
2733 and entered in the statewide automated biometric identification
2734 system authorized by s. 943.05(2)(b). The fingerprints must
2735 thereafter be available for all purposes and uses authorized for
2736 arrest fingerprints entered in the statewide automated biometric



734058

2737 identification system pursuant to s. 943.051.

2738 3. The Department of Law Enforcement shall search all
2739 arrest fingerprints received under s. 943.051 against the
2740 fingerprints retained in the statewide automated biometric
2741 identification system under subparagraph 2. Any arrest record
2742 that is identified with an owner's or operator's fingerprints
2743 must be reported to the owner or operator, who must report to
2744 the Department of Education. Any costs associated with the
2745 search shall be borne by the owner or operator.

2746 4. An owner or operator who fails the level 2 background
2747 screening is not eligible to participate in a scholarship
2748 program under this chapter.

2749 5. In addition to the offenses listed in s. 435.04, a
2750 person required to undergo background screening pursuant to this
2751 part or authorizing statutes may not have an arrest awaiting
2752 final disposition for, must not have been found guilty of, or
2753 entered a plea of nolo contendere to, regardless of
2754 adjudication, and must not have been adjudicated delinquent for,
2755 and the record must not have been sealed or expunged for, any of
2756 the following offenses or any similar offense of another
2757 jurisdiction:

2758 a. Any authorizing statutes, if the offense was a felony.

2759 b. This chapter, if the offense was a felony.

2760 c. Section 409.920, relating to Medicaid provider fraud.

2761 d. Section 409.9201, relating to Medicaid fraud.

2762 e. Section 741.28, relating to domestic violence.

2763 f. Section 817.034, relating to fraudulent acts through

2764 mail, wire, radio, electromagnetic, photoelectronic, or

2765 photooptical systems.



734058

- 2766 g. Section 817.234, relating to false and fraudulent
2767 insurance claims.
- 2768 h. Section 817.505, relating to patient brokering.
- 2769 i. Section 817.568, relating to criminal use of personal
2770 identification information.
- 2771 j. Section 817.60, relating to obtaining a credit card
2772 through fraudulent means.
- 2773 k. Section 817.61, relating to fraudulent use of credit
2774 cards, if the offense was a felony.
- 2775 l. Section 831.01, relating to forgery.
- 2776 m. Section 831.02, relating to uttering forged instruments.
- 2777 n. Section 831.07, relating to forging bank bills, checks,
2778 drafts, or promissory notes.
- 2779 o. Section 831.09, relating to uttering forged bank bills,
2780 checks, drafts, or promissory notes.
- 2781 p. Section 831.30, relating to fraud in obtaining medicinal
2782 drugs.
- 2783 q. Section 831.31, relating to the sale, manufacture,
2784 delivery, or possession with the intent to sell, manufacture, or
2785 deliver any counterfeit controlled substance, if the offense was
2786 a felony.
- 2787 6. At least 30 calendar days before a transfer of ownership
2788 of a private school, the owner or operator shall notify the
2789 parent of each scholarship student.
- 2790 7. The owner or operator of a private school that has been
2791 deemed ineligible to participate in a scholarship program
2792 pursuant to this chapter may not transfer ownership or
2793 management authority of the school to a relative in order to
2794 participate in a scholarship program as the same school or a new



734058

2795 school. For purposes of this subparagraph, the term "relative"
2796 means father, mother, son, daughter, grandfather, grandmother,
2797 brother, sister, uncle, aunt, cousin, nephew, niece, husband,
2798 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,
2799 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
2800 stepdaughter, stepbrother, stepsister, half-brother, or half-
2801 sister.

2802 (q) Provide a report from an independent certified public
2803 accountant who performs the agreed-upon procedures developed
2804 pursuant to s. 1002.395(6)(o) if the private school receives
2805 more than \$250,000 in funds from scholarships awarded under this
2806 chapter in a state fiscal year. A private school subject to this
2807 subsection must annually submit the report by September 15 to
2808 the scholarship-funding organization that awarded the majority
2809 of the school's scholarship funds. However, a school that
2810 receives more than \$250,000 in scholarship funds only through
2811 the John M. McKay Scholarship for Students with Disabilities
2812 Program pursuant to s. 1002.39 must submit the annual report by
2813 September 15 to the department. The agreed-upon procedures must
2814 be conducted in accordance with attestation standards
2815 established by the American Institute of Certified Public
2816 Accountants.

2817
2818 The department shall suspend the payment of funds ~~under ss.~~
2819 ~~1002.39 and 1002.395~~ to a private school that knowingly fails to
2820 comply with this subsection, and shall prohibit the school from
2821 enrolling new scholarship students, for 1 fiscal year and until
2822 the school complies.

2823 (5) ~~If The inability~~ of a private school fails to meet the



734058

2824 requirements of this subsection or has consecutive years of
2825 material exceptions listed in the report required under
2826 paragraph (q), the commissioner may determine that the private
2827 school is ineligible ~~section shall constitute a basis for the~~
2828 ~~ineligibility of the private school~~ to participate in a
2829 scholarship program as ~~determined by the department.~~

2830 (2) DEPARTMENT OF EDUCATION OBLIGATIONS.-

2831 (a) The Department of Education shall:

2832 1. Annually verify the eligibility of private schools that
2833 meet the requirements of this section, specific requirements
2834 identified within respective scholarship program laws, and other
2835 provisions of state law that apply to private schools.

2836 2. Establish a toll-free hotline that provides parents and
2837 private schools with information on participation in the
2838 scholarship programs.

2839 3. Establish a process by which individuals may notify the
2840 department of any violation by a parent, private school, or
2841 school district of state laws relating to program participation.
2842 If the department has reasonable cause to believe that a
2843 violation of this section or any rule adopted by the State Board
2844 of Education has occurred, it shall conduct an inquiry or make a
2845 referral to the appropriate agency for an investigation. A
2846 department inquiry is not subject to the requirements of chapter
2847 120.

2848 4. Require an annual, notarized, sworn compliance statement
2849 from participating private schools certifying compliance with
2850 state laws, and retain such records.

2851 5. Coordinate with the entities conducting the health
2852 inspection for a private school to obtain copies of the



734058

2853 inspection reports.

2854 6. Conduct site visits to private schools entering a
2855 scholarship program for the first time. Beginning with the 2019-
2856 2020 school year, a private school is not eligible to receive
2857 scholarship payments until a satisfactory site visit has been
2858 conducted and the school is in compliance with all other
2859 requirements of this section.

2860 7. Coordinate with the State Fire Marshal to obtain access
2861 to fire inspection reports for private schools. The authority
2862 conducting the fire safety inspection shall certify to the State
2863 Fire Marshal that the annual inspection has been completed and
2864 that the school is in full compliance. The certification shall
2865 be made electronically or by such other means as directed by the
2866 State Fire Marshal.

2867 8. Upon the request of a participating private school
2868 authorized to administer statewide assessments, provide at no
2869 cost to the school the statewide assessments administered under
2870 s. 1008.22 and any related materials for administering the
2871 assessments. Students at a private school may be assessed using
2872 the statewide assessments if the addition of those students and
2873 the school does not cause the state to exceed its contractual
2874 caps for the number of students tested and the number of testing
2875 sites. The state shall provide the same materials and support to
2876 a private school that it provides to a public school. A private
2877 school that chooses to administer statewide assessments under s.
2878 1008.22 shall follow the requirements set forth in ss. 1008.22
2879 and 1008.24, rules adopted by the State Board of Education to
2880 implement those sections, and district-level testing policies
2881 established by the district school board.



734058

2882 (b) The department may conduct site visits to any private
2883 school participating in a scholarship program pursuant to this
2884 chapter that has received a complaint about a violation of state
2885 law or state board rule pursuant to subparagraph (a)3. or has
2886 received a notice of noncompliance or a notice of proposed
2887 action within the previous 2 years.

2888 (c) Annually, by December 15, the department shall report
2889 to the Governor, the President of the Senate, and the Speaker of
2890 the House of Representatives its actions in implementing
2891 accountability in the scholarship programs under this section,
2892 any substantiated allegations or violations of law or rule by an
2893 eligible private school under this section, and the corrective
2894 action taken.

2895 (3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—
2896 The Commissioner of Education:

2897 (a) Shall deny, suspend, or revoke a private school's
2898 participation in a scholarship program if it is determined that
2899 the private school has failed to comply with this section or
2900 exhibits a previous pattern of failure to comply. However, if
2901 the noncompliance is correctable within a reasonable amount of
2902 time, not to exceed 45 days, and if the health, safety, or
2903 welfare of the students is not threatened, the commissioner may
2904 issue a notice of noncompliance which provides the private
2905 school with a timeframe within which to provide evidence of
2906 compliance before taking action to suspend or revoke the private
2907 school's participation in the scholarship program.

2908 (b) May deny, suspend, or revoke a private school's
2909 participation in a scholarship program if the commissioner
2910 determines that an owner or operator of the private school is



734058

2911 operating or has operated an educational institution in this
2912 state or in another state or jurisdiction in a manner contrary
2913 to the health, safety, or welfare of the public or if the owner
2914 or operator has exhibited a previous pattern of failure to
2915 comply with this section or specific requirements identified
2916 within respective scholarship program laws. For purposes of this
2917 subsection, the term "owner or operator" has the same meaning as
2918 provided in paragraph (1) (p).

2919 (c)1. In making such a determination, may consider factors
2920 that include, but are not limited to, acts or omissions by an
2921 owner or operator which led to a previous denial, suspension, or
2922 revocation of participation in a state or federal education
2923 scholarship program; an owner's or operator's failure to
2924 reimburse the department or scholarship-funding organization for
2925 scholarship funds improperly received or retained by a school;
2926 the imposition of a prior criminal sanction related to an
2927 owner's or operator's management or operation of an educational
2928 institution; the imposition of a civil fine or administrative
2929 fine, license revocation or suspension, or program eligibility
2930 suspension, termination, or revocation related to an owner's or
2931 operator's management or operation of an educational
2932 institution; or other types of criminal proceedings in which an
2933 owner or operator was found guilty of, regardless of
2934 adjudication, or entered a plea of nolo contendere or guilty to,
2935 any offense involving fraud, deceit, dishonesty, or moral
2936 turpitude.

2937 2. The commissioner's determination is subject to the
2938 following:

2939 a. If the commissioner intends to deny, suspend, or revoke



734058

2940 a private school's participation in the scholarship program, the
2941 department shall notify the private school of such proposed
2942 action in writing by certified mail and regular mail to the
2943 private school's address of record with the department. The
2944 notification shall include the reasons for the proposed action
2945 and notice of the timelines and procedures set forth in this
2946 paragraph.

2947 b. The private school that is adversely affected by the
2948 proposed action shall have 15 days after receipt of the notice
2949 of proposed action to file with the department's agency clerk a
2950 request for a proceeding pursuant to ss. 120.569 and 120.57. If
2951 the private school is entitled to a hearing under s. 120.57(1),
2952 the department shall forward the request to the Division of
2953 Administrative Hearings.

2954 c. Upon receipt of a request referred pursuant to this
2955 subparagraph, the director of the Division of Administrative
2956 Hearings shall expedite the hearing and assign an administrative
2957 law judge who shall commence a hearing within 30 days after the
2958 receipt of the formal written request by the division and enter
2959 a recommended order within 30 days after the hearing or within
2960 30 days after receipt of the hearing transcript, whichever is
2961 later. Each party shall be allowed 10 days in which to submit
2962 written exceptions to the recommended order. A final order shall
2963 be entered by the agency within 30 days after the entry of a
2964 recommended order. The provisions of this sub-subparagraph may
2965 be waived upon stipulation by all parties.

2966 (d) May immediately suspend payment of scholarship funds if
2967 it is determined that there is probable cause to believe that
2968 there is:



734058

2969 1. An imminent threat to the health, safety, or welfare of
2970 the students;
2971 2. A previous pattern of failure to comply with this
2972 section; or
2973 3. Fraudulent activity on the part of the private school.
2974 Notwithstanding s. 1002.22, in incidents of alleged fraudulent
2975 activity pursuant to this section, the department's Office of
2976 Inspector General is authorized to release personally
2977 identifiable records or reports of students to the following
2978 persons or organizations:
2979 a. A court of competent jurisdiction in compliance with an
2980 order of that court or the attorney of record in accordance with
2981 a lawfully issued subpoena, consistent with the Family
2982 Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.
2983 b. A person or entity authorized by a court of competent
2984 jurisdiction in compliance with an order of that court or the
2985 attorney of record pursuant to a lawfully issued subpoena,
2986 consistent with the Family Educational Rights and Privacy Act,
2987 20 U.S.C. s. 1232g.
2988 c. Any person, entity, or authority issuing a subpoena for
2989 law enforcement purposes when the court or other issuing agency
2990 has ordered that the existence or the contents of the subpoena
2991 or the information furnished in response to the subpoena not be
2992 disclosed, consistent with the Family Educational Rights and
2993 Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.
2994
2995 The commissioner's order suspending payment pursuant to this
2996 paragraph may be appealed pursuant to the same procedures and
2997 timelines as the notice of proposed action set forth in



734058

2998 subparagraph (c)2.

2999 (4)-(6) The inclusion of eligible private schools within
3000 options available to Florida public school students does not
3001 expand the regulatory authority of the state, its officers, or
3002 any school district to impose any additional regulation of
3003 private schools beyond those reasonably necessary to enforce
3004 requirements expressly set forth in this section.

3005 (5)-(7) The State Board of Education shall adopt rules
3006 pursuant to ss. 120.536(1) and 120.54 to administer this
3007 section, including rules to establish a deadline for private
3008 school applications for participation and timelines for the
3009 department to conduct site visits.

3010 Section 19. Subsection (5) of section 1002.55, Florida
3011 Statutes, is amended to read:

3012 1002.55 School-year prekindergarten program delivered by
3013 private prekindergarten providers.—

3014 (5)(a) Notwithstanding paragraph (3)(b), a private
3015 prekindergarten provider may not participate in the Voluntary
3016 Prekindergarten Education Program if the provider has child
3017 disciplinary policies that do not prohibit children from being
3018 subjected to discipline that is severe, humiliating,
3019 frightening, or associated with food, rest, toileting, spanking,
3020 or any other form of physical punishment as provided in s.
3021 402.305(12).

3022 (b) Notwithstanding any other provision of law, if a
3023 private prekindergarten provider has been cited for a class I
3024 violation, as defined by rule, the coalition may refuse to
3025 contract with the provider.

3026 Section 20. Paragraph (c) of subsection (3) of section



734058

3027 1002.75, Florida Statutes, is amended to read:

3028 1002.75 Office of Early Learning; powers and duties.—

3029 (3) The Office of Early Learning shall adopt, in
3030 consultation with and subject to approval by the department,
3031 procedures governing the administration of the Voluntary
3032 Prekindergarten Education Program by the early learning
3033 coalitions and school districts for:

3034 (c) Removing a private prekindergarten provider or public
3035 school from eligibility to deliver the program due to the
3036 provider's or school's remaining on probation beyond the time
3037 permitted under s. 1002.67. Notwithstanding any other provision
3038 of law, if a private prekindergarten provider has been cited for
3039 a class I violation, as defined by rule, the coalition may
3040 refuse to contract with the provider or revoke the provider's
3041 eligibility to deliver the Voluntary Prekindergarten Education
3042 Program.

3043 Section 21. Subsection (2) of section 1002.88, Florida
3044 Statutes, is amended to read:

3045 1002.88 School readiness program provider standards;
3046 eligibility to deliver the school readiness program.—

3047 (2)(a) If a school readiness program provider fails or
3048 refuses to comply with this part or any contractual obligation
3049 of the statewide provider contract under s. 1002.82(2)(m), the
3050 coalition may revoke the provider's eligibility to deliver the
3051 school readiness program or receive state or federal funds under
3052 this chapter for a period of 5 years.

3053 (b) Notwithstanding any other provision of law, if a school
3054 readiness program provider has been cited for a class I
3055 violation, as defined by rule, the coalition may refuse to



734058

3056 contract with the provider or revoke the provider's eligibility
3057 to deliver the school readiness program.

3058 Section 22. Subsection (4) is added to section 1003.44,
3059 Florida Statutes, to read:

3060 1003.44 Patriotic programs; rules.—

3061 (4) Each district school board shall adopt rules to
3062 require, in all of the schools of the district and in each
3063 building used by the district school board, the display of the
3064 state motto, "In God We Trust," designated under s. 15.0301, in
3065 a conspicuous place.

3066 Section 23. Subsection (3) of section 1003.453, Florida
3067 Statutes, is amended to read:

3068 1003.453 School wellness and physical education policies;
3069 nutrition guidelines.—

3070 (3) School districts are encouraged to provide basic
3071 training in first aid, including cardiopulmonary resuscitation,
3072 for all students, beginning in grade 6 and every 2 years
3073 thereafter. Instruction in the use of cardiopulmonary
3074 resuscitation must be based on a nationally recognized program
3075 that uses the most current evidence-based emergency
3076 cardiovascular care guidelines. The instruction must allow
3077 students to practice the psychomotor skills associated with
3078 performing cardiopulmonary resuscitation and use an automated
3079 external defibrillator when a school district has the equipment
3080 necessary to perform the instruction. Private and public
3081 partnerships for providing training or necessary funding are
3082 encouraged.

3083 Section 24. Section 1003.576, Florida Statutes, is amended
3084 to read:



734058

3085 1003.576 Individual education plans for exceptional
3086 students.—The Department of Education must develop and have an
3087 operating electronic IEP system in place for ~~potential~~ statewide
3088 use ~~no later than July 1, 2007~~. The statewide system shall be
3089 developed collaboratively with school districts and must include
3090 input from school districts currently developing or operating
3091 electronic IEP systems.

3092 Section 25. Section 1006.061, Florida Statutes, is amended
3093 to read:

3094 1006.061 Child abuse, abandonment, and neglect policy.—Each
3095 district school board, charter school, and private school that
3096 accepts scholarship students who participate in a state
3097 scholarship program under chapter 1002 ~~under s. 1002.39 or s.~~
3098 ~~1002.395~~ shall:

3099 (1) Post in a prominent place in each school a notice that,
3100 pursuant to chapter 39, all employees and agents of the district
3101 school board, charter school, or private school have an
3102 affirmative duty to report all actual or suspected cases of
3103 child abuse, abandonment, or neglect; have immunity from
3104 liability if they report such cases in good faith; and have a
3105 duty to comply with child protective investigations and all
3106 other provisions of law relating to child abuse, abandonment,
3107 and neglect. The notice shall also include the statewide toll-
3108 free telephone number of the central abuse hotline.

3109 (2) Post in a prominent place at each school site and on
3110 each school's Internet website, if available, the policies and
3111 procedures for reporting alleged misconduct by instructional
3112 personnel or school administrators which affects the health,
3113 safety, or welfare of a student; the contact person to whom the



734058

3114 report is made; and the penalties imposed on instructional
3115 personnel or school administrators who fail to report suspected
3116 or actual child abuse or alleged misconduct by other
3117 instructional personnel or school administrators.

3118 (3) Require the principal of the charter school or private
3119 school, or the district school superintendent, or the
3120 superintendent's designee, at the request of the Department of
3121 Children and Families, to act as a liaison to the Department of
3122 Children and Families and the child protection team, as defined
3123 in s. 39.01, when in a case of suspected child abuse,
3124 abandonment, or neglect or an unlawful sexual offense involving
3125 a child the case is referred to such a team; except that this
3126 does not relieve or restrict the Department of Children and
3127 Families from discharging its duty and responsibility under the
3128 law to investigate and report every suspected or actual case of
3129 child abuse, abandonment, or neglect or unlawful sexual offense
3130 involving a child.

3131 (4) (a) Post in a prominent place in a clearly visible
3132 location and public area of the school which is readily
3133 accessible to and widely used by students a sign in English and
3134 Spanish that contains:

3135 1. The statewide toll-free telephone number of the central
3136 abuse hotline as provided in chapter 39;

3137 2. Instructions to call 911 for emergencies; and

3138 3. Directions for accessing the Department of Children and
3139 Families Internet website for more information on reporting
3140 abuse, neglect, and exploitation.

3141 (b) The information in paragraph (a) must be put on at
3142 least one poster in each school, on a sheet that measures at



734058

3143 least 11 inches by 17 inches, produced in large print, and
3144 placed at student eye level for easy viewing.

3145

3146 The Department of Education shall develop, and publish on the
3147 department's Internet website, sample notices suitable for
3148 posting in accordance with subsections (1), (2), and (4).

3149 Section 26. Subsections (3) and (13) and paragraph (b) of
3150 subsection (24) of section 1007.271, Florida Statutes, are
3151 amended to read:

3152 1007.271 Dual enrollment programs.—

3153 (3) Student eligibility requirements for initial enrollment
3154 in college credit dual enrollment courses must include a 3.0
3155 unweighted high school grade point average and the minimum score
3156 on a common placement test adopted by the State Board of
3157 Education which indicates that the student is ready for college-
3158 level coursework. Student eligibility requirements for continued
3159 enrollment in college credit dual enrollment courses must
3160 include the maintenance of a 3.0 unweighted high school grade
3161 point average and the minimum postsecondary grade point average
3162 established by the postsecondary institution. Regardless of
3163 meeting student eligibility requirements for continued
3164 enrollment, a student may lose the opportunity to participate in
3165 a dual enrollment course if the student is disruptive to the
3166 learning process such that the progress of other students or the
3167 efficient administration of the course is hindered. Student
3168 eligibility requirements for initial and continued enrollment in
3169 career certificate dual enrollment courses must include a 2.0
3170 unweighted high school grade point average. Exceptions to the
3171 required grade point averages may be granted on an individual



734058

3172 student basis if the educational entities agree and the terms of
3173 the agreement are contained within the dual enrollment
3174 articulation agreement established pursuant to subsection (21).
3175 Florida College System institution boards of trustees may
3176 establish additional initial student eligibility requirements,
3177 which shall be included in the dual enrollment articulation
3178 agreement, to ensure student readiness for postsecondary
3179 instruction. Additional requirements included in the agreement
3180 may not arbitrarily prohibit students who have demonstrated the
3181 ability to master advanced courses from participating in dual
3182 enrollment courses or limit the number of dual enrollment
3183 courses in which a student may enroll based solely upon
3184 enrollment by the student at an independent postsecondary
3185 institution.

3186 (13) (a) The dual enrollment program for a home education
3187 student, including, but not limited to, students with
3188 disabilities, consists of the enrollment of an eligible home
3189 education secondary student in a postsecondary course creditable
3190 toward an associate degree, a career certificate, or a
3191 baccalaureate degree. To participate in the dual enrollment
3192 program, an eligible home education secondary student must:

3193 1. Provide proof of enrollment in a home education program
3194 pursuant to s. 1002.41.

3195 2. Be responsible for his or her own ~~instructional~~
3196 ~~materials~~ and transportation unless provided for in the
3197 articulation agreement.

3198 3. Sign a home education articulation agreement pursuant to
3199 paragraph (b).

3200 (b) Each public postsecondary institution eligible to



734058

3201 participate in the dual enrollment program pursuant to s.
3202 1011.62(1)(i) must enter into a home education articulation
3203 agreement with each home education student seeking enrollment in
3204 a dual enrollment course and the student's parent. By August 1
3205 of each year, the eligible postsecondary institution shall
3206 complete and submit the home education articulation agreement to
3207 the Department of Education. The home education articulation
3208 agreement must include, at a minimum:

3209 1. A delineation of courses and programs available to
3210 dually enrolled home education students. Courses and programs
3211 may be added, revised, or deleted at any time by the
3212 postsecondary institution. Any course or program limitations may
3213 not exceed the limitations for other dually enrolled students.

3214 2. The initial and continued eligibility requirements for
3215 home education student participation, not to exceed those
3216 required of other dually enrolled students. A high school grade
3217 point average may not be required for home education students
3218 who meet the minimum score on a common placement test adopted by
3219 the State Board of Education which indicates that the student is
3220 ready for college-level coursework; however, home education
3221 student eligibility requirements for continued enrollment in
3222 dual enrollment courses must include the maintenance of the
3223 minimum postsecondary grade point average established by the
3224 postsecondary institution.

3225 3. The student's responsibilities for providing his or her
3226 own ~~instructional materials and~~ transportation.

3227 4. A copy of the statement on transfer guarantees developed
3228 by the Department of Education under subsection (15).

3229 (24)



734058

3230 (b) Each public postsecondary institution eligible to
3231 participate in the dual enrollment program pursuant to s.
3232 1011.62(1)(i) must enter into a private school articulation
3233 agreement with each eligible private school in its geographic
3234 service area seeking to offer dual enrollment courses to its
3235 students, including, but not limited to, students with
3236 disabilities. By August 1 of each year, the eligible
3237 postsecondary institution shall complete and submit the private
3238 school articulation agreement to the Department of Education.
3239 The private school articulation agreement must include, at a
3240 minimum:

3241 1. A delineation of courses and programs available to the
3242 private school student. The postsecondary institution may add,
3243 revise, or delete courses and programs at any time.

3244 2. The initial and continued eligibility requirements for
3245 private school student participation, not to exceed those
3246 required of other dual enrollment students.

3247 3. The student's responsibilities for providing his or her
3248 own instructional materials and transportation.

3249 4. A provision clarifying that the private school will
3250 award appropriate credit toward high school completion for the
3251 postsecondary course under the dual enrollment program.

3252 5. A provision expressing that costs associated with
3253 tuition and fees, including registration, and laboratory fees,
3254 will not be passed along to the student.

3255 ~~6. A provision stating whether the private school will~~
3256 ~~compensate the postsecondary institution for the standard~~
3257 ~~tuition rate per credit hour for each dual enrollment course~~
3258 ~~taken by its students.~~



734058

3259 Section 27. Paragraph (a) of subsection (3) and paragraph
3260 (a) of subsection (8) of section 1008.22, Florida Statutes, are
3261 amended to read:

3262 1008.22 Student assessment program for public schools.—

3263 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
3264 Commissioner of Education shall design and implement a
3265 statewide, standardized assessment program aligned to the core
3266 curricular content established in the Next Generation Sunshine
3267 State Standards. The commissioner also must develop or select
3268 and implement a common battery of assessment tools that will be
3269 used in all juvenile justice education programs in the state.
3270 These tools must accurately measure the core curricular content
3271 established in the Next Generation Sunshine State Standards.
3272 Participation in the assessment program is mandatory for all
3273 school districts and all students attending public schools,
3274 including adult students seeking a standard high school diploma
3275 under s. 1003.4282 and students in Department of Juvenile
3276 Justice education programs, except as otherwise provided by law.
3277 If a student does not participate in the assessment program, the
3278 school district must notify the student's parent and provide the
3279 parent with information regarding the implications of such
3280 nonparticipation. The statewide, standardized assessment program
3281 shall be designed and implemented as follows:

3282 (a) *Statewide, standardized comprehensive assessments.*—The
3283 statewide, standardized Reading assessment shall be administered
3284 annually in grades 3 through 10. The statewide, standardized
3285 Writing assessment shall be administered annually at least once
3286 at the elementary, middle, and high school levels. When the
3287 Reading and Writing assessments are replaced by English Language



734058

3288 Arts (ELA) assessments, ELA assessments shall be administered to
3289 students in grades 3 through 10. Retake opportunities for the
3290 grade 10 Reading assessment or, upon implementation, the grade
3291 10 ELA assessment must be provided. Students taking the ELA
3292 assessments shall not take the statewide, standardized
3293 assessments in Reading or Writing. Reading passages and writing
3294 prompts for ELA assessments shall incorporate grade-level core
3295 curricula content from social studies ~~be administered online.~~
3296 The statewide, standardized Mathematics assessments shall be
3297 administered annually in grades 3 through 8. Students taking a
3298 revised Mathematics assessment shall not take the discontinued
3299 assessment. The statewide, standardized Science assessment shall
3300 be administered annually at least once at the elementary and
3301 middle grades levels. In order to earn a standard high school
3302 diploma, a student who has not earned a passing score on the
3303 grade 10 Reading assessment or, upon implementation, the grade
3304 10 ELA assessment must earn a passing score on the assessment
3305 retake or earn a concordant score as authorized under subsection
3306 (9).

3307 (8) PUBLICATION OF ASSESSMENTS.—To promote transparency in
3308 the statewide assessment program, in any procurement for the ELA
3309 assessment in grades 3 through 10 and the mathematics assessment
3310 in grades 3 through 8, the Department of Education shall solicit
3311 cost proposals for publication of the state assessments on its
3312 website in accordance with this subsection.

3313 (a) The department shall publish each assessment
3314 administered under paragraph (3) (a) and subparagraph (3) (b) 1.,
3315 excluding assessment retakes, at least once on a triennial basis
3316 pursuant to a schedule determined by the Commissioner of



734058

3317 Education. Each assessment, when published, must have been
3318 administered during the most recent school year and be in a
3319 format that facilitates the sharing of assessment items.

3320 Section 28. Paragraphs (f), (o), and (t) of subsection (1),
3321 paragraph (b) of subsection (6), and paragraphs (a), (c), and
3322 (d) of subsection (9) of section 1011.62, Florida Statutes, are
3323 amended to read:

3324 1011.62 Funds for operation of schools.—If the annual
3325 allocation from the Florida Education Finance Program to each
3326 district for operation of schools is not determined in the
3327 annual appropriations act or the substantive bill implementing
3328 the annual appropriations act, it shall be determined as
3329 follows:

3330 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
3331 OPERATION.—The following procedure shall be followed in
3332 determining the annual allocation to each district for
3333 operation:

3334 (f) Supplemental academic instruction allocation;
3335 ~~category fund.~~—

3336 1. There is created the supplemental academic instruction
3337 allocation ~~a category fund~~ to provide supplemental academic
3338 instruction to students in kindergarten through grade 12. ~~This~~
3339 ~~paragraph may be cited as the "Supplemental Academic Instruction~~
3340 ~~Category Fund."~~

3341 2. The supplemental academic instruction allocation shall
3342 be provided annually in the Florida Education Finance Program as
3343 specified in the General Appropriations Act. These funds are
3344 ~~category fund is~~ in addition to the funds appropriated on the
3345 basis of FTE student membership in the Florida Education Finance



734058

3346 Program and shall be included in the total potential funds of
3347 each district. Beginning with the 2018-2019 fiscal year, These
3348 funds shall be used to provide supplemental academic instruction
3349 to students enrolled in the K-12 program. each school district
3350 that has a school earning a grade of "D" or "F" pursuant to s.
3351 1008.34 must use that school's portion of the supplemental
3352 academic instruction allocation to implement intervention and
3353 support strategies for school improvement pursuant to s. 1008.33
3354 and for salary incentives pursuant to s. 1012.2315(3) or salary
3355 supplements pursuant to s. 1012.22(1)(c)5.c. that are provided
3356 through a memorandum of understanding between the collective
3357 bargaining agent and the school board that addresses the
3358 selection, placement, and expectations of instructional
3359 personnel and school administrators. For all other schools, the
3360 school district's use of the supplemental academic instruction
3361 allocation ~~one or more of the 300 lowest performing elementary~~
3362 ~~schools based on the state reading assessment for the prior year~~
3363 ~~shall use these funds, together with the funds provided in the~~
3364 ~~district's research-based reading instruction allocation and~~
3365 ~~other available funds, to provide an additional hour of~~
3366 ~~instruction beyond the normal school day for each day of the~~
3367 ~~entire school year for intensive reading instruction for the~~
3368 ~~students in each of these schools. This additional hour of~~
3369 ~~instruction must be provided by teachers or reading specialists~~
3370 ~~who have demonstrated effectiveness in teaching reading or by a~~
3371 ~~K-5 mentoring reading program that is supervised by a teacher~~
3372 ~~who is effective at teaching reading. Students enrolled in these~~
3373 ~~schools who have level 5 assessment scores may participate in~~
3374 ~~the additional hour of instruction on an optional basis.~~



734058

3375 ~~Exceptional student education centers shall not be included in~~
3376 ~~the 300 schools. The designation of the 300 lowest-performing~~
3377 ~~elementary schools must be based on the state reading assessment~~
3378 ~~for the prior year. After this requirement has been met,~~
3379 ~~supplemental instruction strategies may include, but is are not~~
3380 ~~limited to, the use of a modified curriculum, reading~~
3381 ~~instruction, after-school instruction, tutoring, mentoring, a~~
3382 ~~reduction in class size, extended school year, intensive skills~~
3383 ~~development in summer school, dropout prevention programs as~~
3384 ~~defined in ss. 1003.52 and 1003.53(1) (a), (b), and (c), and~~
3385 ~~other methods of improving student achievement. Supplemental~~
3386 ~~academic instruction may be provided to a student in any manner~~
3387 ~~and at any time during or beyond the regular 180-day term~~
3388 ~~identified by the school as being the most effective and~~
3389 ~~efficient way to best help that student progress from grade to~~
3390 ~~grade and to graduate.~~

3391 ~~3. Categorical funds for supplemental academic instruction~~
3392 ~~shall be provided annually in the Florida Education Finance~~
3393 ~~Program as specified in the General Appropriations Act. These~~
3394 ~~funds shall be provided as a supplement to the funds~~
3395 ~~appropriated for the basic funding level and shall be included~~
3396 ~~in the total funds of each district. The supplemental academic~~
3397 ~~instruction allocation shall consist of a base amount that has a~~
3398 ~~workload adjustment based on changes in unweighted FTE. ~~In~~~~
3399 ~~addition, districts that have elementary schools included in the~~
3400 ~~300 lowest-performing schools designation shall be allocated~~
3401 ~~additional funds to assist those districts in providing~~
3402 ~~intensive reading instruction to students in those schools. The~~
3403 ~~amount provided shall be based on each district's level of per-~~



734058

3404 ~~student funding in the reading instruction allocation and the~~
3405 ~~supplemental academic instruction categorical fund and on the~~
3406 ~~total FTE for each of the schools. The supplemental academic~~
3407 ~~instruction allocation categorical funding shall be recalculated~~
3408 ~~during the fiscal year following an updated designation of the~~
3409 ~~300 lowest performing elementary schools and shall be based on~~
3410 ~~actual student membership from the FTE surveys. Upon~~
3411 ~~recalculation of funding for the supplemental academic~~
3412 ~~instruction allocation categorical fund, if the total allocation~~
3413 ~~is greater than the amount provided in the General~~
3414 ~~Appropriations Act, the allocation shall be prorated to the~~
3415 ~~level provided to support the appropriation, based on each~~
3416 ~~district's share of the total.~~

3417 ~~4. Effective with the 1999-2000 fiscal year, Funding on the~~
3418 ~~basis of FTE membership beyond the 180-day regular term shall be~~
3419 ~~provided in the FEFP only for students enrolled in juvenile~~
3420 ~~justice education programs or in education programs for~~
3421 ~~juveniles placed in secure facilities or programs under s.~~
3422 ~~985.19. Funding for instruction beyond the regular 180-day~~
3423 ~~school year for all other K-12 students shall be provided~~
3424 ~~through the supplemental academic instruction allocation and~~
3425 ~~other state, federal, and local fund sources with ample~~
3426 ~~flexibility for schools to provide supplemental instruction to~~
3427 ~~assist students in progressing from grade to grade and~~
3428 ~~graduating.~~

3429 ~~5. The Florida State University School, as a lab school, is~~
3430 ~~authorized to expend from its FEFP or Lottery Enhancement Trust~~
3431 ~~Fund allocation the cost to the student of remediation in~~
3432 ~~reading, writing, or mathematics for any graduate who requires~~



734058

3433 ~~remediation at a postsecondary educational institution.~~
3434 ~~6. Beginning in the 1999-2000 school year, dropout~~
3435 ~~prevention programs as defined in ss. 1003.52, 1003.53(1)(a),~~
3436 ~~(b), and (c), and 1003.54 shall be included in group 1 programs~~
3437 ~~under subparagraph (d)3.~~
3438 *(o) Calculation of additional full-time equivalent*
3439 *membership based on successful completion of a career-themed*
3440 *course pursuant to ss. 1003.491, 1003.492, and 1003.493, or*
3441 *courses with embedded CAPE industry certifications or CAPE*
3442 *Digital Tool certificates, and issuance of industry*
3443 *certification identified on the CAPE Industry Certification*
3444 *Funding List pursuant to rules adopted by the State Board of*
3445 *Education or CAPE Digital Tool certificates pursuant to s.*
3446 *1003.4203.-*
3447 *1.a. A value of 0.025 full-time equivalent student*
3448 *membership shall be calculated for CAPE Digital Tool*
3449 *certificates earned by students in elementary and middle school*
3450 *grades.*
3451 *b. A value of 0.1 or 0.2 full-time equivalent student*
3452 *membership shall be calculated for each student who completes a*
3453 *course as defined in s. 1003.493(1)(b) or courses with embedded*
3454 *CAPE industry certifications and who is issued an industry*
3455 *certification identified annually on the CAPE Industry*
3456 *Certification Funding List approved under rules adopted by the*
3457 *State Board of Education. A value of 0.2 full-time equivalent*
3458 *membership shall be calculated for each student who is issued a*
3459 *CAPE industry certification that has a statewide articulation*
3460 *agreement for college credit approved by the State Board of*
3461 *Education. For CAPE industry certifications that do not*



734058

3462 articulate for college credit, the Department of Education shall
3463 assign a full-time equivalent value of 0.1 for each
3464 certification. Middle grades students who earn additional FTE
3465 membership for a CAPE Digital Tool certificate pursuant to sub-
3466 subparagraph a. may not use the previously funded examination to
3467 satisfy the requirements for earning an industry certification
3468 under this sub-subparagraph. Additional FTE membership for an
3469 elementary or middle grades student may not exceed 0.1 for
3470 certificates or certifications earned within the same fiscal
3471 year. The State Board of Education shall include the assigned
3472 values on the CAPE Industry Certification Funding List under
3473 rules adopted by the state board. Such value shall be added to
3474 the total full-time equivalent student membership for grades 6
3475 through 12 in the subsequent year. CAPE industry certifications
3476 earned through dual enrollment must be reported and funded
3477 pursuant to s. 1011.80. However, if a student earns a
3478 certification through a dual enrollment course and the
3479 certification is not a fundable certification on the
3480 postsecondary certification funding list, or the dual enrollment
3481 certification is earned as a result of an agreement between a
3482 school district and a nonpublic postsecondary institution, the
3483 bonus value shall be funded in the same manner as other nondual
3484 enrollment course industry certifications. In such cases, the
3485 school district may provide for an agreement between the high
3486 school and the technical center, or the school district and the
3487 postsecondary institution may enter into an agreement for
3488 equitable distribution of the bonus funds.

3489 c. A value of 0.3 full-time equivalent student membership
3490 shall be calculated for student completion of the courses and



734058

3491 the embedded certifications identified on the CAPE Industry
3492 Certification Funding List and approved by the commissioner
3493 pursuant to ss. 1003.4203(5) (a) and 1008.44.

3494 d. A value of 0.5 full-time equivalent student membership
3495 shall be calculated for CAPE Acceleration Industry
3496 Certifications that articulate for 15 to 29 college credit
3497 hours, and 1.0 full-time equivalent student membership shall be
3498 calculated for CAPE Acceleration Industry Certifications that
3499 articulate for 30 or more college credit hours pursuant to CAPE
3500 Acceleration Industry Certifications approved by the
3501 commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

3502 2. Each district must allocate at least 80 percent of the
3503 funds provided for CAPE industry certification, in accordance
3504 with this paragraph, to the program that generated the funds.
3505 This allocation may not be used to supplant funds provided for
3506 basic operation of the program.

3507 3. For CAPE industry certifications earned in the 2013-2014
3508 school year and in subsequent years, the school district shall
3509 distribute to each classroom teacher who provided direct
3510 instruction toward the attainment of a CAPE industry
3511 certification that qualified for additional full-time equivalent
3512 membership under subparagraph 1.:

3513 a. A bonus of \$25 for each student taught by a teacher who
3514 provided instruction in a course that led to the attainment of a
3515 CAPE industry certification on the CAPE Industry Certification
3516 Funding List with a weight of 0.1.

3517 b. A bonus of \$50 for each student taught by a teacher who
3518 provided instruction in a course that led to the attainment of a
3519 CAPE industry certification on the CAPE Industry Certification



734058

3520 Funding List with a weight of 0.2.

3521 c. A bonus of \$75 for each student taught by a teacher who
3522 provided instruction in a course that led to the attainment of a
3523 CAPE industry certification on the CAPE Industry Certification
3524 Funding List with a weight of 0.3.

3525 d. A bonus of \$100 for each student taught by a teacher who
3526 provided instruction in a course that led to the attainment of a
3527 CAPE industry certification on the CAPE Industry Certification
3528 Funding List with a weight of 0.5 or 1.0.

3529
3530 Bonuses awarded pursuant to this paragraph shall be provided to
3531 teachers who are employed by the district in the year in which
3532 the additional FTE membership calculation is included in the
3533 calculation. Bonuses shall be calculated based upon the
3534 associated weight of a CAPE industry certification on the CAPE
3535 Industry Certification Funding List for the year in which the
3536 certification is earned by the student. Any bonus awarded to a
3537 teacher pursuant to ~~under~~ this paragraph is in addition to any
3538 regular wage or other bonus the teacher received or is scheduled
3539 to receive. A bonus may not be awarded to a teacher who fails to
3540 maintain the security of any CAPE industry certification
3541 examination or who otherwise violates the security or
3542 administration protocol of any assessment instrument that may
3543 result in a bonus being awarded to the teacher under this
3544 paragraph.

3545 (t) *Computation for funding through the Florida Education*
3546 *Finance Program.*—The State Board of Education may adopt rules
3547 establishing programs, industry certifications, and courses for
3548 which the student may earn credit toward high school graduation



734058

3549 and the criteria under which a student's industry certification
3550 or grade may be rescinded.

3551 (6) CATEGORICAL FUNDS.—

3552 (b) If a district school board finds and declares in a
3553 resolution adopted at a regular meeting of the school board that
3554 the funds received for any of the following categorical
3555 appropriations are urgently needed to maintain school board
3556 specified academic classroom instruction or improve school
3557 safety, the school board may consider and approve an amendment
3558 to the school district operating budget transferring the
3559 identified amount of the categorical funds to the appropriate
3560 account for expenditure:

3561 1. Funds for student transportation.

3562 ~~2. Funds for safe schools.~~

3563 ~~3. Funds for supplemental academic instruction if the~~
3564 ~~required additional hour of instruction beyond the normal school~~
3565 ~~day for each day of the entire school year has been provided for~~
3566 ~~the students in each low-performing elementary school in the~~
3567 ~~district pursuant to paragraph (1)(f).~~

3568 ~~2.4.~~ Funds for research-based reading instruction if the
3569 required additional hour of instruction beyond the normal school
3570 day for each day of the entire school year has been provided for
3571 the students in each low-performing elementary school in the
3572 district pursuant to paragraph (9)(a).

3573 ~~3.5.~~ Funds for instructional materials if all instructional
3574 material purchases necessary to provide updated materials that
3575 are aligned with applicable state standards and course
3576 descriptions and that meet statutory requirements of content and
3577 learning have been completed for that fiscal year, but no sooner



734058

3578 than March 1. Funds available after March 1 may be used to
3579 purchase hardware for student instruction.

3580 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

3581 (a) The research-based reading instruction allocation is
3582 created to provide comprehensive reading instruction to students
3583 in kindergarten through grade 12. Each school district that has
3584 one or more of the 300 lowest-performing elementary schools
3585 based on a 3-year average of the state reading assessment data
3586 shall give priority to using that school's portion of the
3587 allocation to provide ~~providing~~ an additional hour per day of
3588 intensive reading instruction ~~beyond the normal school day for~~
3589 ~~each day of the entire school year~~ for the students in each
3590 school. ~~The designation of the 300 lowest-performing elementary~~
3591 ~~schools must be based on the state reading assessment for the~~
3592 ~~prior year.~~ Students enrolled in these schools who earned a ~~have~~
3593 level 4 or level 5 score on the statewide, standardized English
3594 Language Arts assessment for the previous school year ~~scores~~ may
3595 participate in the additional hour of instruction ~~on an optional~~
3596 ~~basis~~. Exceptional student education centers may not be included
3597 in the 300 schools. The intensive reading instruction delivered
3598 in this additional hour ~~and for other students~~ shall include:
3599 research-based reading instruction that has been proven to
3600 accelerate progress of students exhibiting a reading deficiency;
3601 differentiated instruction based on screening, diagnostic,
3602 progress monitoring, or student assessment data to meet
3603 students' specific reading needs; explicit and systematic
3604 reading strategies to develop phonemic awareness, phonics,
3605 fluency, vocabulary, and comprehension, with more extensive
3606 opportunities for guided practice, error correction, and



734058

3607 feedback; and the integration of social studies, science, and
3608 mathematics-text reading, text discussion, and writing in
3609 response to reading.

3610 (c) Funds allocated under this subsection must be used to
3611 provide a system of comprehensive reading instruction to
3612 students enrolled in the K-12 programs, which may include the
3613 following:

3614 1. ~~The provision of~~ An additional hour per day of intensive
3615 reading instruction to students in the 300 lowest-performing
3616 elementary schools by teachers and reading specialists who have
3617 demonstrated effectiveness in teaching reading as required in
3618 paragraph (a).

3619 2. Kindergarten through grade 5 reading intervention
3620 teachers to provide intensive intervention during the school day
3621 and in the required extra hour for students identified as having
3622 a reading deficiency.

3623 3. ~~The provision of~~ Highly qualified reading coaches to
3624 specifically support teachers in making instructional decisions
3625 based on student data, and improve teacher delivery of effective
3626 reading instruction, intervention, and reading in the content
3627 areas based on student need.

3628 4. Professional development for school district teachers in
3629 scientifically based reading instruction, including strategies
3630 to teach reading in content areas and with an emphasis on
3631 technical and informational text, to help school district
3632 teachers earn a certification or an endorsement in reading.

3633 5. ~~The provision of~~ Summer reading camps, using only
3634 teachers or other district personnel who are certified or
3635 endorsed in reading consistent with s. 1008.25(7)(b)3., for all



734058

3636 students in kindergarten through grade 2 who demonstrate a
3637 reading deficiency as determined by district and state
3638 assessments, and students in grades 3 through 5 who score at
3639 Level 1 on the statewide, standardized ~~reading assessment or,~~
3640 ~~upon implementation,~~ the English Language Arts assessment.

3641 6. ~~The provision of~~ Supplemental instructional materials
3642 that are grounded in scientifically based reading research as
3643 identified by the Just Read, Florida! Office pursuant to s.
3644 1001.215(8).

3645 7. ~~The provision of~~ Intensive interventions for students in
3646 kindergarten through grade 12 who have been identified as having
3647 a reading deficiency or who are reading below grade level as
3648 determined by the statewide, standardized English Language Arts
3649 assessment.

3650 (d)1. Annually, by a date determined by the Department of
3651 Education but before May 1, school districts shall submit a K-12
3652 comprehensive reading plan for the specific use of the research-
3653 based reading instruction allocation in the format prescribed by
3654 the department for review and approval by the Just Read,
3655 Florida! Office created pursuant to s. 1001.215. The plan
3656 annually submitted by school districts shall be deemed approved
3657 unless the department rejects the plan on or before June 1. If a
3658 school district and the Just Read, Florida! Office cannot reach
3659 agreement on the contents of the plan, the school district may
3660 appeal to the State Board of Education for resolution. School
3661 districts shall be allowed reasonable flexibility in designing
3662 their plans and shall be encouraged to offer reading
3663 intervention through innovative methods, including career
3664 academies. The plan format shall be developed with input from



734058

3665 school district personnel, including teachers and principals,
3666 and shall provide for ~~allow courses in core, career, and~~
3667 ~~alternative programs that deliver~~ intensive reading
3668 interventions ~~remediation~~ through integrated curricula, provided
3669 that, beginning with the 2020-2021 school year, the
3670 interventions are delivered by a teacher who is certified or
3671 endorsed in reading. Such interventions must incorporate
3672 strategies identified by the Just Read, Florida! Office pursuant
3673 to s. 1001.215(8) ~~deemed highly qualified to teach reading or~~
3674 ~~working toward that status.~~ No later than July 1 annually, the
3675 department shall release the school district's allocation of
3676 appropriated funds to those districts having approved plans. A
3677 school district that spends 100 percent of this allocation on
3678 its approved plan shall be deemed to have been in compliance
3679 with the plan. The department may withhold funds upon a
3680 determination that reading instruction allocation funds are not
3681 being used to implement the approved plan. The department shall
3682 monitor and track the implementation of each district plan,
3683 including conducting site visits and collecting specific data on
3684 expenditures and reading improvement results. By February 1 of
3685 each year, the department shall report its findings to the
3686 Legislature.

3687 2. Each school district that has a school designated as one
3688 of the 300 lowest-performing elementary schools as specified in
3689 paragraph (a) shall specifically delineate in the comprehensive
3690 reading plan, or in an addendum to the comprehensive reading
3691 plan, the implementation design and reading intervention
3692 strategies that will be used for the required additional hour of
3693 reading instruction. The term "reading intervention" includes



734058

3694 evidence-based strategies frequently used to remediate reading
3695 deficiencies and also includes individual instruction, tutoring,
3696 mentoring, or the use of technology that targets specific
3697 reading skills and abilities.

3698 Section 29. Section 1011.6202, Florida Statutes, is amended
3699 to read:

3700 1011.6202 Principal Autonomy ~~Pilot~~ Program Initiative.—The
3701 Principal Autonomy ~~Pilot~~ Program Initiative is created within
3702 the Department of Education. The purpose of the ~~pilot~~ program is
3703 to provide a ~~the~~ highly effective principal of a participating
3704 school with increased autonomy and authority to operate his or
3705 her school, as well as other schools, in a way that produces
3706 significant improvements in student achievement and school
3707 management while complying with constitutional requirements. The
3708 State Board of Education may, upon approval of a principal
3709 autonomy proposal, enter into a performance contract with the ~~up~~
3710 ~~to seven~~ district school board boards for participation in the
3711 ~~pilot~~ program.

3712 (1) PARTICIPATING SCHOOL DISTRICTS.—Beginning with the
3713 2018-2019 school year, contingent upon available funds, and on a
3714 first-come, first-served basis, a ~~The~~ district school board
3715 ~~boards in Broward, Duval, Jefferson, Madison, Palm Beach,~~
3716 ~~Pinellas, and Seminole Counties~~ may submit, no later than
3717 December 1, to the state board for approval a principal autonomy
3718 proposal that exchanges statutory and rule exemptions for an
3719 agreement to meet performance goals established in the proposal.
3720 If approved by the state board, the ~~each of these~~ school
3721 district is ~~districts shall be~~ eligible to participate in the
3722 ~~pilot~~ program for 3 years. ~~At the end of the 3 years, the~~



734058

3723 ~~performance of all participating schools in the school district~~
3724 ~~shall be evaluated.~~

3725 (2) PRINCIPAL AUTONOMY PROPOSAL.—

3726 (a) To participate in the ~~pilot~~ program, a school district
3727 must:

3728 1. Identify three schools that received at least two school
3729 grades of "D" or "F" pursuant to s. 1008.34 during the previous
3730 3 school years.

3731 2. Identify three principals who have earned a highly
3732 effective rating on the prior year's performance evaluation
3733 pursuant to s. 1012.34, one of whom shall be assigned to each of
3734 the participating schools.

3735 3. Describe the current financial and administrative
3736 management of each participating school; identify the areas in
3737 which each school principal will have increased fiscal and
3738 administrative autonomy, including the authority and
3739 responsibilities provided in s. 1012.28(8); and identify the
3740 areas in which each participating school will continue to follow
3741 district school board fiscal and administrative policies.

3742 4. Explain the methods used to identify the educational
3743 strengths and needs of the participating school's students and
3744 identify how student achievement can be improved.

3745 5. Establish performance goals for student achievement, as
3746 defined in s. 1008.34(1), and explain how the increased autonomy
3747 of principals will help participating schools improve student
3748 achievement and school management.

3749 6. Provide each participating school's mission and a
3750 description of its student population.

3751 (b) The state board shall establish criteria, which must



734058

3752 include the criteria listed in paragraph (a), for the approval
3753 of a principal autonomy proposal.

3754 (c) A district school board must submit its principal
3755 autonomy proposal to the state board for approval by December 1
3756 in order to begin participation in the subsequent school year.
3757 By February 28 of the school year in which the proposal is
3758 submitted, the state board shall notify the district school
3759 board in writing whether the proposal is approved.

3760 (3) EXEMPTION FROM LAWS.—

3761 (a) With the exception of those laws listed in paragraph
3762 (b), a participating school or a school operated by a principal
3763 pursuant to subsection (5) is exempt from the provisions of
3764 chapters 1000-1013 and rules of the state board that implement
3765 those exempt provisions.

3766 (b) A participating school or a school operated by a
3767 principal pursuant to subsection (5) shall comply with the
3768 provisions of chapters 1000-1013, and rules of the state board
3769 that implement those provisions, pertaining to the following:

3770 1. Those laws relating to the election and compensation of
3771 district school board members, the election or appointment and
3772 compensation of district school superintendents, public meetings
3773 and public records requirements, financial disclosure, and
3774 conflicts of interest.

3775 2. Those laws relating to the student assessment program
3776 and school grading system, including chapter 1008.

3777 3. Those laws relating to the provision of services to
3778 students with disabilities.

3779 4. Those laws relating to civil rights, including s.
3780 1000.05, relating to discrimination.



734058

- 3781 5. Those laws relating to student health, safety, and
3782 welfare.
- 3783 6. Section 1001.42(4)(f), relating to the uniform opening
3784 date for public schools.
- 3785 7. Section 1003.03, governing maximum class size, except
3786 that the calculation for compliance pursuant to s. 1003.03 is
3787 the average at the school level for a participating school.
- 3788 8. Sections 1012.22(1)(c) and 1012.27(2), relating to
3789 compensation and salary schedules.
- 3790 9. Section 1012.33(5), relating to workforce reductions for
3791 annual contracts for instructional personnel. This subparagraph
3792 does not apply to at-will employees.
- 3793 10. Section 1012.335, relating to annual contracts for
3794 instructional personnel hired on or after July 1, 2011. This
3795 subparagraph does not apply to at-will employees.
- 3796 11. Section 1012.34, relating to personnel evaluation
3797 procedures and criteria.
- 3798 12. Those laws pertaining to educational facilities,
3799 including chapter 1013, except that s. 1013.20, relating to
3800 covered walkways for relocatables, and s. 1013.21, relating to
3801 the use of relocatable facilities exceeding 20 years of age, are
3802 eligible for exemption.
- 3803 13. Those laws pertaining to participating school
3804 districts, including this section and ss. 1011.69(2) and
3805 1012.28(8).
- 3806 (c) A school shall remain exempt, as provided in this
3807 subsection, beyond the term of the program so long as the school
3808 receives no grade lower than a "B."
- 3809 (4) PROFESSIONAL DEVELOPMENT.—Each participating school



734058

3810 district shall require that the principal of each participating
3811 school and a designated leadership team selected by the
3812 principal of the participating school, ~~a three-member leadership~~
3813 ~~team from each participating school, and district personnel~~
3814 ~~working with each participating school~~ complete a nationally
3815 recognized school turnaround program which focuses on improving
3816 leadership, instructional infrastructure, talent management, and
3817 differentiated support and accountability. The required
3818 personnel must enroll in the nationally recognized school
3819 turnaround program upon acceptance into the ~~pilot~~ program. ~~Each~~
3820 ~~participating school district shall receive \$100,000 from the~~
3821 ~~department for participation in the nationally recognized school~~
3822 ~~turnaround program.~~

3823 (5) DISTRICT INNOVATION ACADEMIES AND ZONES.—To encourage
3824 further innovation and expand the reach of highly effective
3825 principals trained pursuant to subsection (4) district school
3826 boards may authorize these principals to manage multiple schools
3827 within a zone. A zone may include the school at which the
3828 principal is assigned, persistently low-performing schools,
3829 feeder pattern schools, or a group of schools identified by the
3830 school district. The principal may allocate resources and
3831 personnel between the schools under his or her administration.

3832 (6) ~~(5)~~ TERM OF PARTICIPATION.—The state board shall
3833 authorize a school district to participate in the ~~pilot~~ program
3834 for a period of 3 years commencing with approval of the
3835 principal autonomy proposal. ~~Authorization to participate in the~~
3836 ~~pilot program may be renewed upon action of the state board.~~ The
3837 state board may revoke authorization to participate in the ~~pilot~~
3838 program if the school district fails to meet the requirements of



734058

3839 this section during the 3-year period.

3840 ~~(6) REPORTING.—Each participating school district shall~~
3841 ~~submit an annual report to the state board. The state board~~
3842 ~~shall annually report on the implementation of the Principal~~
3843 ~~Autonomy Pilot Program Initiative. Upon completion of the pilot~~
3844 ~~program's first 3-year term, the Commissioner of Education shall~~
3845 ~~submit to the President of the Senate and the Speaker of the~~
3846 ~~House of Representatives by December 1 a full evaluation of the~~
3847 ~~effectiveness of the pilot program.~~

3848 (7) FUNDING.—Subject to an annual appropriation, The
3849 ~~Legislature shall provide an appropriation to the department~~
3850 ~~shall fund for the costs of the pilot program to include the,~~
3851 ~~including administrative costs and enrollment costs for the~~
3852 ~~nationally recognized school turnaround program required in~~
3853 ~~subsection (4), and an additional amount not to exceed of~~
3854 ~~\$10,000 for each participating principal in each participating~~
3855 ~~district as an annual salary supplement for 3 years, a fund for~~
3856 ~~the principal's school to be used at the principal's discretion,~~
3857 ~~or both, as determined by the district. To be eligible for a~~
3858 ~~salary supplement under this subsection, a participating~~
3859 ~~principal must:~~

3860 (a) Be rated "highly effective" as determined by the
3861 principal's performance evaluation under s. 1012.34;

3862 (b) Be transferred to a school that earned a grade of "F"
3863 or two three consecutive grades of "D" pursuant to s. 1008.34,
3864 or manage, pursuant to subsection (5), a persistently low-
3865 performing school and provided additional authority and
3866 responsibilities pursuant to s. 1012.28(8); and

3867 (c) Have implemented a turnaround option under s. 1008.33



734058

3868 ~~s. 1008.33(4)~~ at a school as the school's principal. The
3869 turnaround option must have resulted in the school improving by
3870 at least one letter grade while he or she was serving as the
3871 school's principal.

3872 (8) RULEMAKING.—The State Board of Education shall adopt
3873 rules to administer this section.

3874 Section 30. Subsection (5) of section 1011.69, Florida
3875 Statutes, is amended to read:

3876 1011.69 Equity in School-Level Funding Act.—

3877 (5) After providing Title I, Part A, Basic funds to schools
3878 above the 75 percent poverty threshold, which may include high
3879 schools above the 50 percent threshold as permitted by federal
3880 law, school districts shall provide any remaining Title I, Part
3881 A, Basic funds directly to all eligible schools as provided in
3882 this subsection. For purposes of this subsection, an eligible
3883 school is a school that is eligible to receive Title I funds,
3884 including a charter school. The threshold for identifying
3885 eligible schools may not exceed the threshold established by a
3886 school district for the 2016-2017 school year or the statewide
3887 percentage of economically disadvantaged students, as determined
3888 annually.

3889 (a) Prior to the allocation of Title I funds to eligible
3890 schools, a school district may withhold funds only as follows:

3891 1. One percent for parent involvement, in addition to the
3892 one percent the district must reserve under federal law for
3893 allocations to eligible schools for parent involvement;

3894 2. A necessary and reasonable amount for administration,
3895 which includes the district's indirect cost rate, not to exceed
3896 a total of 10 % percent; ~~and~~



734058

3897 3. A reasonable and necessary amount to provide:
3898 a. Homeless programs;
3899 b. Delinquent and neglected programs;
3900 c. Prekindergarten programs and activities;
3901 d. Private school equitable services; ~~and~~
3902 e. Transportation for foster care children to their school
3903 of origin or choice programs; and-
3904 4. A necessary and reasonable amount, not to exceed 1
3905 percent, for eligible schools to provide educational services in
3906 accordance with the approved Title I plan.
3907 (b) All remaining Title I funds shall be distributed to all
3908 eligible schools in accordance with federal law and regulation.
3909 An eligible school may use funds under this subsection to
3910 participate in discretionary educational services provided by
3911 the school district. Any funds provided by an eligible school to
3912 participate in discretionary educational services provided by
3913 the school district are not subject to the requirements of this
3914 subsection.
3915 (c) Any funds carried forward by the school district are
3916 not subject to the requirements of this subsection.
3917 Section 31. Subsection (2) of section 1011.71, Florida
3918 Statutes, is amended to read:
3919 1011.71 District school tax.-
3920 (2) In addition to the maximum millage levy as provided in
3921 subsection (1), each school board may levy not more than 1.5
3922 mills against the taxable value for school purposes for charter
3923 schools pursuant to s. 1013.62(1) and (3) ~~s. 1013.62(3)~~ and for
3924 district schools to fund:
3925 (a) New construction and remodeling projects, as set forth



734058

3926 in s. 1013.64(6)(b) ~~s. 1013.64(3)(d) and (6)(b)~~ and included in
3927 the district's educational plant survey pursuant to s. 1013.31,
3928 without regard to prioritization, sites and site improvement or
3929 expansion to new sites, existing sites, auxiliary facilities,
3930 athletic facilities, or ancillary facilities.

3931 (b) Maintenance, renovation, and repair of existing school
3932 plants or of leased facilities to correct deficiencies pursuant
3933 to s. 1013.15(2).

3934 (c) The purchase, lease-purchase, or lease of school buses.

3935 (d) The purchase, lease-purchase, or lease of new and
3936 replacement equipment; computer and device hardware and
3937 operating system software necessary for gaining access to or
3938 enhancing the use of electronic and digital instructional
3939 content and resources; and enterprise resource software
3940 applications that are classified as capital assets in accordance
3941 with definitions of the Governmental Accounting Standards Board,
3942 have a useful life of at least 5 years, and are used to support
3943 districtwide administration or state-mandated reporting
3944 requirements. Enterprise resource software may be acquired by
3945 annual license fees, maintenance fees, or lease agreements.

3946 (e) Payments for educational facilities and sites due under
3947 a lease-purchase agreement entered into by a district school
3948 board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
3949 exceeding, in the aggregate, an amount equal to three-fourths of
3950 the proceeds from the millage levied by a district school board
3951 pursuant to this subsection. The three-fourths limit is waived
3952 for lease-purchase agreements entered into before June 30, 2009,
3953 by a district school board pursuant to this paragraph. If
3954 payments under lease-purchase agreements in the aggregate,



734058

3955 including lease-purchase agreements entered into before June 30,
3956 2009, exceed three-fourths of the proceeds from the millage
3957 levied pursuant to this subsection, the district school board
3958 may not withhold the administrative fees authorized by s.
3959 1002.33(20) from any charter school operating in the school
3960 district.

3961 (f) Payment of loans approved pursuant to ss. 1011.14 and
3962 1011.15.

3963 (g) Payment of costs directly related to complying with
3964 state and federal environmental statutes, rules, and regulations
3965 governing school facilities.

3966 (h) Payment of costs of leasing relocatable educational
3967 facilities, of renting or leasing educational facilities and
3968 sites pursuant to s. 1013.15(2), or of renting or leasing
3969 buildings or space within existing buildings pursuant to s.
3970 1013.15(4).

3971 (i) Payment of the cost of school buses when a school
3972 district contracts with a private entity to provide student
3973 transportation services if the district meets the requirements
3974 of this paragraph.

3975 1. The district's contract must require that the private
3976 entity purchase, lease-purchase, or lease, and operate and
3977 maintain, one or more school buses of a specific type and size
3978 that meet the requirements of s. 1006.25.

3979 2. Each such school bus must be used for the daily
3980 transportation of public school students in the manner required
3981 by the school district.

3982 3. Annual payment for each such school bus may not exceed
3983 10 percent of the purchase price of the state pool bid.



734058

3984 4. The proposed expenditure of the funds for this purpose
3985 must have been included in the district school board's notice of
3986 proposed tax for school capital outlay as provided in s.
3987 200.065(10).

3988 (j) Payment of the cost of the opening day collection for
3989 the library media center of a new school.

3990 (k) Payout of sick leave and annual leave accrued as of
3991 June 30, 2017, by individuals who are no longer employed by a
3992 school district that transfers to a charter school operator all
3993 day-to-day classroom instruction responsibility for all full-
3994 time equivalent students funded under s. 1011.62. This paragraph
3995 expires July 1, 2018.

3996 Section 32. Subsection (4) of section 1012.2315, Florida
3997 Statutes, is amended to read:

3998 1012.2315 Assignment of teachers.—

3999 (4) COLLECTIVE BARGAINING.—

4000 (a) Notwithstanding provisions of chapter 447 relating to
4001 district school board collective bargaining, collective
4002 bargaining provisions may not preclude a school district from
4003 providing incentives to high-quality teachers and assigning such
4004 teachers to low-performing schools.

4005 (b) Before the start of the 2019-2020 school year, each
4006 school district and the certified collective bargaining unit for
4007 instructional personnel shall negotiate a memorandum of
4008 understanding that addresses the selection, placement, and
4009 expectations of instructional personnel and provides school
4010 principals with the autonomy described in s. 1012.28(8).

4011 (c)1. In addition to the provisions under s. 447.305(2), an
4012 employee organization that has been certified as the bargaining



734058

4013 agent for a unit of instructional personnel as defined in s.
4014 1012.01(2) must include for each such certified bargaining unit
4015 the following information in its application for renewal of
4016 registration:

4017 a. The number of employees in the bargaining unit who are
4018 eligible for representation by the employee organization.

4019 b. The number of employees who are represented by the
4020 employee organization, specifying the number of members who pay
4021 dues and the number of members who do not pay dues.

4022 2. Notwithstanding the provisions of chapter 447 relating
4023 to collective bargaining, an employee organization whose dues
4024 paying membership is less than 50 percent of the employees
4025 eligible for representation in the unit, as identified in
4026 subparagraph 1., must petition the Public Employees Relations
4027 Commission pursuant to s. 447.307(2) and (3) for recertification
4028 as the exclusive representative of all employees in the unit
4029 within 1 month after the date on which the organization applies
4030 for renewal of registration pursuant to s. 447.305(2). The
4031 certification of an employee organization that does not comply
4032 with this paragraph is revoked.

4033 Section 33. Subsection (8) of section 1012.28, Florida
4034 Statutes, is amended to read:

4035 1012.28 Public school personnel; duties of school
4036 principals.—

4037 (8) The principal of a school participating in the
4038 Principal Autonomy ~~Pilot~~ Program Initiative under s. 1011.6202
4039 has the following additional authority and responsibilities:

4040 (a) In addition to the authority provided in subsection
4041 (6), the authority to select qualified instructional personnel



734058

4042 for placement or to refuse to accept the placement or transfer
4043 of instructional personnel by the district school
4044 superintendent. Placement of instructional personnel at a
4045 participating school in a participating school district does not
4046 affect the employee's status as a school district employee.

4047 (b) The authority to deploy financial resources to school
4048 programs at the principal's discretion to help improve student
4049 achievement, as defined in s. 1008.34(1), and meet performance
4050 goals identified in the principal autonomy proposal submitted
4051 pursuant to s. 1011.6202.

4052 (c) To annually provide to the district school
4053 superintendent and the district school board a budget for the
4054 operation of the participating school that identifies how funds
4055 provided pursuant to s. 1011.69(2) are allocated. ~~The school~~
4056 ~~district shall include the budget in the annual report provided~~
4057 ~~to the State Board of Education pursuant to s. 1011.6202(6).~~

4058 Section 34. Section 1012.315, Florida Statutes, is amended
4059 to read:

4060 1012.315 Disqualification from employment.—A person is
4061 ineligible for educator certification, and instructional
4062 personnel and school administrators, as defined in s. 1012.01,
4063 are ineligible for employment in any position that requires
4064 direct contact with students in a district school system,
4065 charter school, or private school that accepts scholarship
4066 students who participate in a state scholarship program under
4067 chapter 1002 ~~under s. 1002.39 or s. 1002.395~~, if the person,
4068 instructional personnel, or school administrator has been
4069 convicted of:

4070 (1) Any felony offense prohibited under any of the



734058

4071 following statutes:

4072 (a) Section 393.135, relating to sexual misconduct with
4073 certain developmentally disabled clients and reporting of such
4074 sexual misconduct.

4075 (b) Section 394.4593, relating to sexual misconduct with
4076 certain mental health patients and reporting of such sexual
4077 misconduct.

4078 (c) Section 415.111, relating to adult abuse, neglect, or
4079 exploitation of aged persons or disabled adults.

4080 (d) Section 782.04, relating to murder.

4081 (e) Section 782.07, relating to manslaughter, aggravated
4082 manslaughter of an elderly person or disabled adult, aggravated
4083 manslaughter of a child, or aggravated manslaughter of an
4084 officer, a firefighter, an emergency medical technician, or a
4085 paramedic.

4086 (f) Section 784.021, relating to aggravated assault.

4087 (g) Section 784.045, relating to aggravated battery.

4088 (h) Section 784.075, relating to battery on a detention or
4089 commitment facility staff member or a juvenile probation
4090 officer.

4091 (i) Section 787.01, relating to kidnapping.

4092 (j) Section 787.02, relating to false imprisonment.

4093 (k) Section 787.025, relating to luring or enticing a
4094 child.

4095 (l) Section 787.04(2), relating to leading, taking,
4096 enticing, or removing a minor beyond the state limits, or
4097 concealing the location of a minor, with criminal intent pending
4098 custody proceedings.

4099 (m) Section 787.04(3), relating to leading, taking,



734058

4100 enticing, or removing a minor beyond the state limits, or
4101 concealing the location of a minor, with criminal intent pending
4102 dependency proceedings or proceedings concerning alleged abuse
4103 or neglect of a minor.

4104 (n) Section 790.115(1), relating to exhibiting firearms or
4105 weapons at a school-sponsored event, on school property, or
4106 within 1,000 feet of a school.

4107 (o) Section 790.115(2) (b), relating to possessing an
4108 electric weapon or device, destructive device, or other weapon
4109 at a school-sponsored event or on school property.

4110 (p) Section 794.011, relating to sexual battery.

4111 (q) Former s. 794.041, relating to sexual activity with or
4112 solicitation of a child by a person in familial or custodial
4113 authority.

4114 (r) Section 794.05, relating to unlawful sexual activity
4115 with certain minors.

4116 (s) Section 794.08, relating to female genital mutilation.

4117 (t) Chapter 796, relating to prostitution.

4118 (u) Chapter 800, relating to lewdness and indecent
4119 exposure.

4120 (v) Section 806.01, relating to arson.

4121 (w) Section 810.14, relating to voyeurism.

4122 (x) Section 810.145, relating to video voyeurism.

4123 (y) Section 812.014(6), relating to coordinating the
4124 commission of theft in excess of \$3,000.

4125 (z) Section 812.0145, relating to theft from persons 65
4126 years of age or older.

4127 (aa) Section 812.019, relating to dealing in stolen
4128 property.



734058

- 4129 (bb) Section 812.13, relating to robbery.
4130 (cc) Section 812.131, relating to robbery by sudden
4131 snatching.
4132 (dd) Section 812.133, relating to carjacking.
4133 (ee) Section 812.135, relating to home-invasion robbery.
4134 (ff) Section 817.563, relating to fraudulent sale of
4135 controlled substances.
4136 (gg) Section 825.102, relating to abuse, aggravated abuse,
4137 or neglect of an elderly person or disabled adult.
4138 (hh) Section 825.103, relating to exploitation of an
4139 elderly person or disabled adult.
4140 (ii) Section 825.1025, relating to lewd or lascivious
4141 offenses committed upon or in the presence of an elderly person
4142 or disabled person.
4143 (jj) Section 826.04, relating to incest.
4144 (kk) Section 827.03, relating to child abuse, aggravated
4145 child abuse, or neglect of a child.
4146 (ll) Section 827.04, relating to contributing to the
4147 delinquency or dependency of a child.
4148 (mm) Section 827.071, relating to sexual performance by a
4149 child.
4150 (nn) Section 843.01, relating to resisting arrest with
4151 violence.
4152 (oo) Chapter 847, relating to obscenity.
4153 (pp) Section 874.05, relating to causing, encouraging,
4154 soliciting, or recruiting another to join a criminal street
4155 gang.
4156 (qq) Chapter 893, relating to drug abuse prevention and
4157 control, if the offense was a felony of the second degree or



734058

4158 greater severity.

4159 (rr) Section 916.1075, relating to sexual misconduct with
4160 certain forensic clients and reporting of such sexual
4161 misconduct.

4162 (ss) Section 944.47, relating to introduction, removal, or
4163 possession of contraband at a correctional facility.

4164 (tt) Section 985.701, relating to sexual misconduct in
4165 juvenile justice programs.

4166 (uu) Section 985.711, relating to introduction, removal, or
4167 possession of contraband at a juvenile detention facility or
4168 commitment program.

4169 (2) Any misdemeanor offense prohibited under any of the
4170 following statutes:

4171 (a) Section 784.03, relating to battery, if the victim of
4172 the offense was a minor.

4173 (b) Section 787.025, relating to luring or enticing a
4174 child.

4175 (3) Any criminal act committed in another state or under
4176 federal law which, if committed in this state, constitutes an
4177 offense prohibited under any statute listed in subsection (1) or
4178 subsection (2).

4179 (4) Any delinquent act committed in this state or any
4180 delinquent or criminal act committed in another state or under
4181 federal law which, if committed in this state, qualifies an
4182 individual for inclusion on the Registered Juvenile Sex Offender
4183 List under s. 943.0435(1)(h)1.d.

4184 Section 35. Subsection (2) of section 1012.32, Florida
4185 Statutes, is amended to read:

4186 1012.32 Qualifications of personnel.—



734058

4187 (2) (a) Instructional and noninstructional personnel who are
4188 hired or contracted to fill positions that require direct
4189 contact with students in any district school system or
4190 university lab school must, upon employment or engagement to
4191 provide services, undergo background screening as required under
4192 s. 1012.465 or s. 1012.56, whichever is applicable.

4193 (b) Instructional and noninstructional personnel who are
4194 hired or contracted to fill positions in any charter school and
4195 members of the governing board of any charter school, in
4196 compliance with s. 1002.33(12)(g), must, upon employment,
4197 engagement of services, or appointment, undergo background
4198 screening as required under s. 1012.465 or s. 1012.56, whichever
4199 is applicable, by filing with the district school board for the
4200 school district in which the charter school is located a
4201 complete set of fingerprints taken by an authorized law
4202 enforcement agency or an employee of the school or school
4203 district who is trained to take fingerprints.

4204 (c) Instructional and noninstructional personnel who are
4205 hired or contracted to fill positions that require direct
4206 contact with students in an alternative school that operates
4207 under contract with a district school system must, upon
4208 employment or engagement to provide services, undergo background
4209 screening as required under s. 1012.465 or s. 1012.56, whichever
4210 is applicable, by filing with the district school board for the
4211 school district to which the alternative school is under
4212 contract a complete set of fingerprints taken by an authorized
4213 law enforcement agency or an employee of the school or school
4214 district who is trained to take fingerprints.

4215 (d) Student teachers and persons participating in a field



734058

4216 experience pursuant to s. 1004.04(5) or s. 1004.85 in any
4217 district school system, lab school, or charter school must, upon
4218 engagement to provide services, undergo background screening as
4219 required under s. 1012.56.

4220
4221 Fingerprints shall be submitted to the Department of Law
4222 Enforcement for statewide criminal and juvenile records checks
4223 and to the Federal Bureau of Investigation for federal criminal
4224 records checks. A person subject to this subsection who is found
4225 ineligible for employment under s. 1012.315, or otherwise found
4226 through background screening to have been convicted of any crime
4227 involving moral turpitude as defined by rule of the State Board
4228 of Education, shall not be employed, engaged to provide
4229 services, or serve in any position that requires direct contact
4230 with students. Probationary persons subject to this subsection
4231 terminated because of their criminal record have the right to
4232 appeal such decisions. The cost of the background screening may
4233 be borne by the district school board, the charter school, the
4234 employee, the contractor, or a person subject to this
4235 subsection. A district school board shall reimburse a charter
4236 school the cost of background screening if it does not notify
4237 the charter school of the eligibility of a governing board
4238 members or instructional or noninstructional personnel within
4239 the earlier of 14 days after receipt of the background screening
4240 results from the Florida Department of Law Enforcement or 30
4241 days of submission of fingerprints by the governing board member
4242 or instructional or noninstructional personnel.

4243 Section 36. Section 1012.562, Florida Statutes, is amended
4244 to read:



734058

4245 1012.562 Public accountability and state approval of school
4246 leader preparation programs.—The Department of Education shall
4247 establish a process for the approval of Level I and Level II
4248 school leader preparation programs that will enable aspiring
4249 school leaders to obtain their certificate in educational
4250 leadership under s. 1012.56. School leader preparation programs
4251 must be competency-based, aligned to the principal leadership
4252 standards adopted by the state board, and open to individuals
4253 employed by public schools, including charter schools and
4254 virtual schools. Level I programs ~~may be offered by school~~
4255 ~~districts or postsecondary institutions and~~ lead to initial
4256 certification in educational leadership for the purpose of
4257 preparing individuals to serve as school administrators. Level
4258 II programs ~~may be offered by school districts,~~ build upon Level
4259 I training~~,~~ and lead to renewal certification as a school
4260 principal.

4261 (1) PURPOSE.—The purpose of school leader preparation
4262 programs are to:

4263 (a) Increase the supply of effective school leaders in the
4264 public schools of this state.

4265 (b) Produce school leaders who are prepared to lead the
4266 state's diverse student population in meeting high standards for
4267 academic achievement.

4268 (c) Enable school leaders to facilitate the development and
4269 retention of effective and highly effective classroom teachers.

4270 (d) Produce leaders with the competencies and skills
4271 necessary to achieve the state's education goals.

4272 (e) Sustain the state system of school improvement and
4273 education accountability.



734058

4274 (2) LEVEL I PROGRAMS.-

4275 (a) Initial approval of a Level I program shall be for a
4276 period of 5 years. A postsecondary institution, ~~or~~ school
4277 district, charter school, or charter management organization may
4278 submit to the department in a format prescribed by the
4279 department an application to establish a Level I school leader
4280 preparation program. To be approved, a Level I program must:

4281 1. Provide competency-based training aligned to the
4282 principal leadership standards adopted by the State Board of
4283 Education.

4284 2. If the program is provided by a postsecondary
4285 institution, partner with at least one school district.

4286 3. Describe the qualifications that will be used to
4287 determine program admission standards, including a candidate's
4288 instructional expertise and leadership potential.

4289 4. Describe how the training provided through the program
4290 will be aligned to the personnel evaluation criteria under s.
4291 1012.34.

4292 (b) Renewal of a Level I program's approval shall be for a
4293 period of 5 years and shall be based upon evidence of the
4294 program's continued ability to meet the requirements of
4295 paragraph (a). A postsecondary institution or school district
4296 must submit an institutional program evaluation plan in a format
4297 prescribed by the department for a Level I program to be
4298 considered for renewal. The plan must include:

4299 1. The percentage of personnel who complete the program and
4300 are placed in school leadership positions in public schools
4301 within the state.

4302 2. Results from the personnel evaluations required under s.



734058

4303 1012.34 for personnel who complete the program.
4304 3. The passage rate of personnel who complete the program
4305 on the Florida Education Leadership Examination.
4306 4. The impact personnel who complete the program have on
4307 student learning as measured by the formulas developed by the
4308 commissioner pursuant to s. 1012.34(7).
4309 5. Strategies for continuous improvement of the program.
4310 6. Strategies for involving personnel who complete the
4311 program, other school personnel, community agencies, business
4312 representatives, and other stakeholders in the program
4313 evaluation process.
4314 7. Additional data included at the discretion of the
4315 postsecondary institution or school district.
4316 (c) A Level I program must guarantee the high quality of
4317 personnel who complete the program for the first 2 years after
4318 program completion or the person's initial certification as a
4319 school leader, whichever occurs first. If a person who completed
4320 the program is evaluated at less than highly effective or
4321 effective under s. 1012.34 and the person's employer requests
4322 additional training, the Level I program must provide additional
4323 training at no cost to the person or his or her employer. The
4324 training must include the creation of an individualized plan
4325 agreed to by the employer that includes specific learning
4326 outcomes. The Level I program is not responsible for the
4327 person's employment contract with his or her employer.
4328 (3) LEVEL II PROGRAMS.—Initial approval and subsequent
4329 renewal of a Level II program shall be for a period of 5 years.
4330 A school district, charter school, or charter management
4331 organization may submit to the department in a format prescribed



734058

4332 by the department an application to establish a Level II school
4333 leader preparation program or for program renewal. To be
4334 approved or renewed, a Level II program must:

4335 (a) Demonstrate that personnel accepted into the Level II
4336 program have:

4337 1. Obtained their certificate in educational leadership
4338 under s. 1012.56.

4339 2. Earned a highly effective or effective designation under
4340 s. 1012.34.

4341 3. Satisfactorily performed instructional leadership
4342 responsibilities as measured by the evaluation system in s.
4343 1012.34.

4344 (b) Demonstrate that the Level II program:

4345 1. Provides competency-based training aligned to the
4346 principal leadership standards adopted by the State Board of
4347 Education.

4348 2. Provides training aligned to the personnel evaluation
4349 criteria under s. 1012.34 and professional development program
4350 in s. 1012.986.

4351 3. Provides individualized instruction using a customized
4352 learning plan for each person enrolled in the program that is
4353 based on data from self-assessment, selection, and appraisal
4354 instruments.

4355 4. Conducts program evaluations and implements program
4356 improvements using input from personnel who completed the
4357 program and employers and data gathered pursuant to paragraph
4358 (2) (b) .

4359 (c) Gather and monitor the data specified in paragraph
4360 (2) (b) .



734058

4361 (4) RULES.—The State Board of Education shall adopt rules
4362 to administer this section.

4363 Section 37. Paragraph (b) of subsection (1) of section
4364 1012.586, Florida Statutes, is amended to read:

4365 1012.586 Additions or changes to certificates; duplicate
4366 certificates.—A school district may process via a Department of
4367 Education website certificates for the following applications of
4368 public school employees:

4369 (1) Addition of a subject coverage or endorsement to a
4370 valid Florida certificate on the basis of the completion of the
4371 appropriate subject area testing requirements of s.
4372 1012.56(5) (a) or the completion of the requirements of an
4373 approved school district program or the inservice components for
4374 an endorsement.

4375 (b) By July 1, 2018, and at least once every 5 years
4376 thereafter, the department shall conduct a review of existing
4377 subject coverage or endorsement requirements in the elementary,
4378 reading, and exceptional student educational areas. The review
4379 must include reciprocity requirements for out-of-state
4380 certificates and requirements for demonstrating competency in
4381 the reading instruction professional development topics listed
4382 in s. 1012.98(4) (b)11. The review must also consider the award
4383 of an endorsement to an individual who holds a certificate
4384 issued by an internationally recognized organization that
4385 establishes standards for providing evidence-based interventions
4386 to struggling readers or who completes a postsecondary program
4387 that is accredited by such organization. Any such certificate or
4388 program must require an individual who completes the certificate
4389 or program to demonstrate competence in reading intervention



734058

4390 strategies through clinical experience. At the conclusion of
4391 each review, the department shall recommend to the state board
4392 changes to the subject coverage or endorsement requirements
4393 based upon any identified instruction or intervention strategies
4394 proven to improve student reading performance. This paragraph
4395 does not authorize the state board to establish any new
4396 certification subject coverage.

4397
4398 The employing school district shall charge the employee a fee
4399 not to exceed the amount charged by the Department of Education
4400 for such services. Each district school board shall retain a
4401 portion of the fee as defined in the rules of the State Board of
4402 Education. The portion sent to the department shall be used for
4403 maintenance of the technology system, the web application, and
4404 posting and mailing of the certificate.

4405 Section 38. Paragraph (e) of subsection (1) of section
4406 1012.796, Florida Statutes, is amended to read:

4407 1012.796 Complaints against teachers and administrators;
4408 procedure; penalties.-

4409 (1)

4410 (e) If allegations arise against an employee who is
4411 certified under s. 1012.56 and employed in an educator-
4412 certificated position in any public school, charter school or
4413 governing board thereof, or private school that accepts
4414 scholarship students who participate in a state scholarship
4415 program under chapter 1002 ~~under s. 1002.39 or s. 1002.395~~, the
4416 school shall file in writing with the department a legally
4417 sufficient complaint within 30 days after the date on which the
4418 subject matter of the complaint came to the attention of the



734058

4419 school. A complaint is legally sufficient if it contains
4420 ultimate facts that show a violation has occurred as provided in
4421 s. 1012.795 and defined by rule of the State Board of Education.
4422 The school shall include all known information relating to the
4423 complaint with the filing of the complaint. This paragraph does
4424 not limit or restrict the power and duty of the department to
4425 investigate complaints, regardless of the school's untimely
4426 filing, or failure to file, complaints and followup reports.

4427 Section 39. Subsection (11) of section 1012.98, Florida
4428 Statutes, is amended to read:

4429 1012.98 School Community Professional Development Act.—

4430 (11) The department shall disseminate to the school
4431 community proven model professional development programs that
4432 have demonstrated success in increasing rigorous and relevant
4433 content, increasing student achievement and engagement, meeting
4434 identified student needs, and providing effective mentorship
4435 activities to new teachers and training to teacher mentors. The
4436 methods of dissemination must include a web-based statewide
4437 performance-support system including a database of exemplary
4438 professional development activities, a listing of available
4439 professional development resources, training programs, and
4440 available technical assistance. Professional development
4441 resources must include sample course-at-a-glance and unit
4442 overview templates that school districts may use when developing
4443 curriculum. The templates must provide an organized structure
4444 for addressing the Florida Standards, grade-level expectations,
4445 evidence outcomes, and 21st century skills that build to
4446 students' mastery of the standards at each grade level. Each
4447 template must support teaching to greater intellectual depth and



734058

4448 emphasize transfer and application of concepts, content, and
4449 skills. At a minimum, each template must:

4450 (a) Provide course or year-long sequencing of concept-based
4451 unit overviews based on the Florida Standards.

4452 (b) Describe the knowledge and vocabulary necessary for
4453 comprehension.

4454 (c) Promote the instructional shifts required within the
4455 Florida Standards.

4456 (d) Illustrate the interdependence of grade level
4457 expectations within and across content areas within a grade.

4458 Section 40. Paragraph (a) of subsection (2) of section
4459 1013.28, Florida Statutes, is amended to read:

4460 1013.28 Disposal of property.—

4461 (2) TANGIBLE PERSONAL PROPERTY.—

4462 (a) Tangible personal property that has been properly
4463 classified as surplus by a district school board or Florida
4464 College System institution board of trustees shall be disposed
4465 of in accordance with the procedure established by chapter 274.
4466 However, the provisions of chapter 274 shall not be applicable
4467 to a motor vehicle used in driver education to which title is
4468 obtained for a token amount from an automobile dealer or
4469 manufacturer. In such cases, the disposal of the vehicle shall
4470 be as prescribed in the contractual agreement between the
4471 automotive agency or manufacturer and the board. Tangible
4472 personal property that has been properly classified as surplus,
4473 marked for disposal, or otherwise unused by a district school
4474 board shall be provided for a charter school's use on the same
4475 basis as it is made available to other public schools in the
4476 district. A charter school receiving property from the school



734058

4477 district may not sell or dispose of such property without the
4478 written permission of the school district.

4479 Section 41. Present paragraphs (a) through (d) of
4480 subsection (1) of section 1013.31, Florida Statutes, are
4481 redesignated as paragraphs (b) through (e), respectively, and a
4482 new paragraph (a) is added to that subsection, to read:

4483 1013.31 Educational plant survey; localized need
4484 assessment; PECO project funding.—

4485 (1) At least every 5 years, each board shall arrange for an
4486 educational plant survey, to aid in formulating plans for
4487 housing the educational program and student population, faculty,
4488 administrators, staff, and auxiliary and ancillary services of
4489 the district or campus, including consideration of the local
4490 comprehensive plan. The Department of Education shall document
4491 the need for additional career and adult education programs and
4492 the continuation of existing programs before facility
4493 construction or renovation related to career or adult education
4494 may be included in the educational plant survey of a school
4495 district or Florida College System institution that delivers
4496 career or adult education programs. Information used by the
4497 Department of Education to establish facility needs must
4498 include, but need not be limited to, labor market data, needs
4499 analysis, and information submitted by the school district or
4500 Florida College System institution.

4501 (a) Educational plant survey and localized need assessment
4502 for capital outlay purposes.—A district may only use funds from
4503 the following sources for educational, auxiliary, and ancillary
4504 plant capital outlay purposes without needing a survey
4505 recommendation:



734058

4506 1. The local capital outlay improvement fund, consisting of
4507 funds that come from and are a part of the district's basic
4508 operating budget;

4509 2. If a board decides to build an educational, auxiliary,
4510 or ancillary facility without a survey recommendation and the
4511 taxpayers approve a bond referendum, the voted bond referendum;

4512 3. One-half cent sales surtax revenue;

4513 4. One cent local governmental surtax revenue;

4514 5. Impact fees; and

4515 6. Private gifts or donations.

4516 Section 42. Paragraph (e) is added to subsection (2) of
4517 section 1013.385, Florida Statutes, to read:

4518 1013.385 School district construction flexibility.—

4519 (2) A resolution adopted under this section may propose
4520 implementation of exceptions to requirements of the uniform
4521 statewide building code for the planning and construction of
4522 public educational and ancillary plants adopted pursuant to ss.
4523 553.73 and 1013.37 relating to:

4524 (e) Any other provisions that limit the ability of a school
4525 to operate in a facility on the same basis as a charter school
4526 pursuant to s. 1002.33(18) so long as the regional planning
4527 council determines that there is sufficient shelter capacity
4528 within the school district as documented in the Statewide
4529 Emergency Shelter Plan.

4530 Section 43. Subsections (1), (3), and (5) of section
4531 1013.62, Florida Statutes, are amended to read:

4532 1013.62 Charter schools capital outlay funding.—

4533 (1) For the 2018-2019 fiscal year, charter school capital
4534 outlay funding shall consist of ~~revenue resulting from the~~



734058

4535 ~~discretionary millage authorized in s. 1011.71(2) and state~~
4536 ~~funds when such funds are~~ appropriated in the 2018-2019 General
4537 Appropriations Act. Beginning in fiscal year 2019-2020, charter
4538 school capital outlay funding shall consist of state funds when
4539 such funds are appropriated in the General Appropriations Act
4540 and revenue resulting from the discretionary millage authorized
4541 in s. 1011.71(2) if the amount of state funds appropriated for
4542 charter school capital outlay in any fiscal year is less than
4543 the average charter school capital outlay funds per unweighted
4544 full-time equivalent student for the 2018-2019 fiscal year,
4545 multiplied by the estimated number of charter school students
4546 for the applicable fiscal year, and adjusted by changes in the
4547 Consumer Price Index issued by the United States Department of
4548 Labor from the previous fiscal year. Nothing in this subsection
4549 prohibits a school district from distributing to charter schools
4550 funds resulting from the discretionary millage authorized in s.
4551 1011.71(2).

- 4552 (a) To be eligible to receive capital outlay funds, a
4553 charter school must:
- 4554 1.a. Have been in operation for 2 or more years;
 - 4555 b. Be governed by a governing board established in the
4556 state for 2 or more years which operates both charter schools
4557 and conversion charter schools within the state;
 - 4558 c. Be an expanded feeder chain of a charter school within
4559 the same school district that is currently receiving charter
4560 school capital outlay funds;
 - 4561 d. Have been accredited by a regional accrediting
4562 association as defined by State Board of Education rule; or
 - 4563 e. Serve students in facilities that are provided by a



734058

4564 business partner for a charter school-in-the-workplace pursuant
4565 to s. 1002.33(15) (b).

4566 2. Have an annual audit that does not reveal any of the
4567 financial emergency conditions provided in s. 218.503(1) for the
4568 most recent fiscal year for which such audit results are
4569 available.

4570 3. Have satisfactory student achievement based on state
4571 accountability standards applicable to the charter school.

4572 4. Have received final approval from its sponsor pursuant
4573 to s. 1002.33 for operation during that fiscal year.

4574 5. Serve students in facilities that are not provided by
4575 the charter school's sponsor.

4576 (b) A charter school is not eligible to receive capital
4577 outlay funds if it was created by the conversion of a public
4578 school and operates in facilities provided by the charter
4579 school's sponsor for a nominal fee, or at no charge, or if it is
4580 directly or indirectly operated by the school district.

4581 (3) If the school board levies the discretionary millage
4582 authorized in s. 1011.71(2), and the state funds appropriated
4583 for charter school capital outlay in any fiscal year are less
4584 than the average charter school capital outlay funds per
4585 unweighted full-time equivalent student for the 2018-2019 fiscal
4586 year, multiplied by the estimated number of charter school
4587 students for the applicable fiscal year, and adjusted by changes
4588 in the Consumer Price Index issued by the United States
4589 Department of Labor from the previous fiscal year, the
4590 department shall use the following calculation methodology to
4591 determine the amount of revenue that a school district must
4592 distribute to each eligible charter school:



734058

4593 (a) Reduce the total discretionary millage revenue by the
4594 school district's annual debt service obligation incurred as of
4595 March 1, 2017, which has not been subsequently retired, and any
4596 amount of participation requirement pursuant to s.
4597 1013.64(2)(a)8. that is being satisfied by revenues raised by
4598 the discretionary millage.

4599 (b) Divide the school district's adjusted discretionary
4600 millage revenue by the district's total capital outlay full-time
4601 equivalent membership and the total number of unweighted full-
4602 time equivalent students of each eligible charter school to
4603 determine a capital outlay allocation per full-time equivalent
4604 student.

4605 (c) Multiply the capital outlay allocation per full-time
4606 equivalent student by the total number of full-time equivalent
4607 students of each eligible charter school to determine the
4608 capital outlay allocation for each charter school.

4609 (d) If applicable, reduce the capital outlay allocation
4610 identified in paragraph (c) by the total amount of state funds
4611 allocated to each eligible charter school in subsection (2) to
4612 determine the maximum calculated capital outlay allocation.

4613 (e) School districts shall distribute capital outlay funds
4614 to charter schools no later than February 1 of each year, as
4615 required by this subsection, based on the amount of funds
4616 received by the district school board, ~~beginning on February 1,~~
4617 ~~2018, for the 2017-2018 fiscal year.~~ School districts shall
4618 distribute any remaining capital outlay funds, as required by
4619 this subsection, upon the receipt of such funds until the total
4620 amount calculated pursuant to this subsection is distributed.
4621



734058

4622 By October 1 of each year, each school district shall certify to
4623 the department the amount of debt service and participation
4624 requirement that complies with the requirement of paragraph (a)
4625 and can be reduced from the total discretionary millage revenue.
4626 The Auditor General shall verify compliance with the
4627 requirements of paragraph (a) and s. 1011.71(2)(e) during
4628 scheduled operational audits of school districts.

4629 (5) If a charter school is nonrenewed or terminated, any
4630 unencumbered funds and all equipment and property purchased with
4631 district public funds shall revert to the ownership of the
4632 district school board, as provided for in s. 1002.33(8)(d) and
4633 (e) ~~s. 1002.33(8)(e) and (f)~~. In the case of a charter lab
4634 school, any unencumbered funds and all equipment and property
4635 purchased with university public funds shall revert to the
4636 ownership of the state university that issued the charter. The
4637 reversion of such equipment, property, and furnishings shall
4638 focus on recoverable assets, but not on intangible or
4639 irrecoverable costs such as rental or leasing fees, normal
4640 maintenance, and limited renovations. The reversion of all
4641 property secured with public funds is subject to the complete
4642 satisfaction of all lawful liens or encumbrances. If there are
4643 additional local issues such as the shared use of facilities or
4644 partial ownership of facilities or property, these issues shall
4645 be agreed to in the charter contract prior to the expenditure of
4646 funds.

4647 Section 44. For the 2018-2019 fiscal year, the sum of \$
4648 \$13,750,000 in recurring funds from the General Revenue Fund and
4649 the sum of \$850,000 in nonrecurring funds from the General
4650 Revenue Fund are appropriated to the Department of Education to



734058

4651 implement this act, except as provided in this section. Of the
4652 recurring funds, \$9,700,000 shall be used to fund reading
4653 scholarship accounts pursuant to s. 1002.411, Florida Statutes,
4654 \$300,000 shall be provided as an administrative fee pursuant to
4655 s. 1002.411(7)(g), Florida Statutes, \$2,000,000 shall be used to
4656 implement the provisions of s. 1002.40(8), Florida Statutes,
4657 \$950,000 shall be used to implement the additional oversight
4658 requirements pursuant to s. 1002.421, Florida Statutes, \$250,000
4659 shall be used to issue a competitive grant award pursuant to s.
4660 1002.395(9), Florida Statutes, and \$550,000 shall be used for
4661 instructional materials pursuant to s. 1007.271(13), Florida
4662 Statutes. Of the nonrecurring funds, and contingent upon HB 1279
4663 or similar legislation in the 2018 regular session or an
4664 extension thereof becoming law,, \$750,000 shall be used to fund
4665 the web-based fiscal transparency tool required pursuant to s.
4666 1010.20(2)(c), Florida Statutes, and \$100,000 shall be used to
4667 implement the provisions of s. 1011.051(2)(b), Florida Statutes,
4668 as provided in HB 1279.

4669 Section 45. For the 2017-2018 fiscal year, the sum of
4670 \$150,000 in nonrecurring funds from the General Revenue Fund are
4671 appropriated to the Department of Revenue to implement the
4672 creation of s. 212.099, Florida Statutes, by this act.

4673 Section 46. The amendments made by this act to ss. 220.13,
4674 220.1875, and 1002.395, Florida Statutes, apply to taxable years
4675 beginning on or after January 1, 2018.

4676 Section 47. (1) The Department of Revenue is authorized,
4677 and all conditions are deemed to be met, to adopt emergency
4678 rules pursuant to s. 120.54(4), Florida Statutes, for the
4679 purpose of administering the provisions of this act.



734058

4680 (2) Notwithstanding any other provision of law, emergency
4681 rules adopted pursuant to subsection (1) are effective for 6
4682 months after adoption and may be renewed during the pendency of
4683 procedures to adopt permanent rules addressing the subject of
4684 the emergency rules.

4685 (3) This section shall take effect upon this act becoming a
4686 law and shall expire January 1, 2022.

4687 Section 48. Except as otherwise expressly provided in this
4688 act and except for this section, which shall take effect upon
4689 this act becoming a law, this act shall take effect July 1,
4690 2018.

4691
4692 ===== T I T L E A M E N D M E N T =====

4693 And the title is amended as follows:

4694 Delete everything before the enacting clause
4695 and insert:

4696 A bill to be entitled
4697 An act relating to education; creating s. 212.099,
4698 F.S.; defining terms; authorizing eligible businesses
4699 to receive a tax credit against specified taxes;
4700 requiring eligible businesses to apply to the
4701 Department of Revenue for an allocation; specifying
4702 uses for eligible contributions; requiring the
4703 department to adopt rules; amending s. 212.1831, F.S.;
4704 modifying the calculation of the dealer's collection
4705 allowance under s. 212.12 to include certain
4706 contributions to eligible nonprofit scholarship-
4707 funding organizations; creating s. 212.1832, F.S.;
4708 authorizing certain persons to receive a tax credit



734058

4709 for certain contributions to eligible nonprofit
4710 scholarship-funding organizations for the Hope
4711 Scholarship Program; providing requirements for motor
4712 vehicle dealers; requiring the Department of Revenue
4713 to disregard certain tax credits for specified
4714 purposes; providing that specified provisions apply to
4715 certain provisions; amending s. 213.053, F.S.;

4716 providing definitions; authorizing the Department of
4717 Revenue to provide a list of certain taxpayers to
4718 certain nonprofit scholarship-funding organizations;
4719 amending s. 220.13, F.S.; providing an exception to
4720 the additions to the calculation of adjusted taxable
4721 income for corporate income tax purposes; amending s.
4722 220.1875, F.S.; providing a deadline for an eligible
4723 contribution to be made to an eligible nonprofit
4724 scholarship-funding organization; determining
4725 compliance with the requirement to pay tentative taxes
4726 under ss. 220.222 and 220.32 for tax credits under s.
4727 1002.395; amending s. 1001.10, F.S.; revising the
4728 private schools to which the Department of Education
4729 is required to provide technical assistance and
4730 authorized staff; amending s. 1002.33, F.S.; revising
4731 the criteria for denying high-performing charter
4732 school system applications; revising the requirements
4733 for the term of a charter; revising provisions for the
4734 modification of and the nonrenewal or termination of a
4735 charter; revising the process for resolving
4736 contractual disputes; requiring a sponsor to provide
4737 specified information to the department annually;



734058

4738 requiring the department to include the information in
4739 a specified report; amending s. 1002.331, F.S.;
4740 revising the criteria for designation as a high-
4741 performing charter school; revising the calculation
4742 used to determine facility capacity for such charter
4743 schools; revising the number of schools that can be
4744 established by a high-performing charter school;
4745 amending s. 1002.333, F.S.; providing for certain
4746 funds for the Schools of Hope Program to be carried
4747 forward for a specified number of years; amending s.
4748 1002.37, F.S.; providing that certain students shall
4749 be given priority; requiring school districts to
4750 provide Florida Virtual School students access to
4751 certain examinations and assessments and certain
4752 information; amending s. 1002.385, F.S.; revising
4753 eligible expenditures for the Gardiner Scholarship
4754 Program; conforming provisions to changes made by the
4755 act; amending s. 1002.39, F.S.; conforming provisions
4756 to changes made by the act; amending s. 1002.395,
4757 F.S.; revising the requirements for an annual report
4758 of certain student data for the Florida Tax Credit
4759 Scholarship Program; providing an application deadline
4760 for certain tax credits related to nonprofit
4761 scholarship-funding organizations; extending the carry
4762 forward period for unused tax credits from 5 years to
4763 10 years; providing applicability of the carried
4764 forward tax credit for purposes of certain taxes;
4765 removing the requirement for a taxpayer to apply to
4766 the department for approval of a carry forward tax



734058

4767 credit; conforming provisions to changes made by the
4768 act; creating s. 1002.40, F.S.; establishing the Hope
4769 Scholarship Program; providing the purpose of the
4770 program; providing definitions; providing eligibility
4771 requirements; prohibiting the payment of a scholarship
4772 under certain circumstances; requiring a school
4773 principal to investigate a report of physical violence
4774 or emotional abuse; requiring a school district to
4775 notify an eligible student's parent of the program;
4776 requiring a school district to provide certain
4777 information relating to the statewide assessment
4778 program; providing requirements and obligations for
4779 eligible private schools; providing department
4780 obligations relating to participating students and
4781 private schools and program requirements; providing
4782 parent and student responsibilities for initial and
4783 continued participation in the program; providing
4784 eligible nonprofit scholarship-funding organization
4785 obligations; providing for the calculation of the
4786 scholarship amount; providing the scholarship amount
4787 for students transferred to certain public schools;
4788 requiring verification of specified information before
4789 a scholarship may be disbursed; providing requirements
4790 for the scholarship payments; providing funds for
4791 administrative expenses for certain nonprofit
4792 scholarship-funding organizations; providing
4793 requirements for administrative expenses; prohibiting
4794 an eligible nonprofit scholarship-funding organization
4795 from charging an application fee; providing Auditor



734058

4796 General obligations; providing requirements for
4797 taxpayer elections to contribute to the program;
4798 requiring the Department of Revenue to adopt forms to
4799 administer the program; providing reporting
4800 requirements for eligible nonprofit scholarship-
4801 funding organizations relating to taxpayer
4802 contributions; providing requirements for certain
4803 agents of the Department of Revenue and motor vehicle
4804 dealers; providing penalties; providing for the
4805 restitution of specified funds under certain
4806 circumstances; providing that the state is not liable
4807 for the award or use of program funds; prohibiting
4808 additional regulations for private schools
4809 participating in the program beyond those necessary to
4810 enforce program requirements; requiring the State
4811 Board of Education and the Department of Revenue to
4812 adopt rules to administer the program; creating s.
4813 1002.411, F.S.; establishing reading scholarship
4814 accounts for specified purposes; providing for
4815 eligibility for scholarships; providing for
4816 administration; providing duties of the Department of
4817 Education; providing school district obligations;
4818 specifying options for parents; providing that maximum
4819 funding shall be specified in the General
4820 Appropriations Act; providing for payment of funds;
4821 specifying that no state liability arises from the
4822 award or use of such an account; amending s. 1002.421,
4823 F.S.; providing private school requirements for
4824 participation in educational scholarship programs;



734058

4825 providing background screening requirements and
4826 procedures for owners of private schools; providing
4827 that a private school is ineligible to participate in
4828 an educational scholarship program under certain
4829 circumstances; providing department obligations
4830 relating to educational scholarship programs;
4831 providing commissioner authority and responsibilities
4832 for educational scholarship programs; authorizing the
4833 commissioner to deny, suspend, or revoke a private
4834 school's participation in an educational scholarship
4835 program; amending s. 1002.55, F.S.; authorizing an
4836 early learning coalition to refuse to contract with
4837 certain private prekindergarten providers; amending s.
4838 1002.75, F.S.; authorizing an early learning coalition
4839 to refuse to contract with or revoke the eligibility
4840 of certain Voluntary Prekindergarten Education Program
4841 providers; amending s. 1002.88, F.S.; authorizing an
4842 early learning coalition to refuse to contract with or
4843 revoke the eligibility of certain school readiness
4844 program providers; amending s. 1003.44, F.S.;
4845 requiring each district school board to adopt rules
4846 for the display of the official state motto in
4847 specified places; amending s. 1003.453, F.S.; revising
4848 school wellness policies; providing requirements for
4849 instruction in the use of cardiopulmonary
4850 resuscitation; amending s. 1003.576, F.S.; requiring a
4851 specified IEP system to be used statewide; deleting an
4852 obsolete date; amending s. 1006.061, F.S.; revising
4853 the applicability of certain child abuse, abandonment,



734058

4854 and neglect provisions; amending s. 1007.271, F.S.;

4855 deleting a requirement for a home education student to

4856 provide his or her own instructional materials;

4857 revising the requirements for home education and

4858 private school articulation agreements; amending s.

4859 1008.22, F.S.; requiring certain portions of the

4860 English Language Arts assessments to include social

4861 studies content; revising the format requirements for

4862 certain statewide assessments; requiring published

4863 assessment items to be in a format that meets certain

4864 criteria; amending s. 1011.62, F.S.; renaming the

4865 "supplemental academic instruction categorical fund"

4866 as the "supplemental academic instruction allocation";

4867 requiring certain school districts to use the

4868 allocation for specified purposes; deleting an

4869 obsolete date; deleting a provision authorizing the

4870 Florida State University School to expend specified

4871 funds for certain purposes; prohibiting the award of

4872 certain bonuses to teachers who fail to maintain the

4873 security of certain examinations or violate certain

4874 protocols; authorizing the state board to adopt rules

4875 for specified purposes; conforming provisions to

4876 changes made by the act; revising the research-based

4877 reading instruction allocation; revising the criteria

4878 for establishing the 300 lowest-performing elementary

4879 schools; providing requirements for staffing summer

4880 reading camps funded through the allocation; requiring

4881 school districts that meet specified criteria, rather

4882 than all school districts, to submit a comprehensive



734058

4883 reading plan for specified purposes; deleting
4884 provisions for the release or withholding of funds
4885 based on a school district's comprehensive reading
4886 plan; revising a definition; requiring K-12
4887 comprehensive reading plans to provide for intensive
4888 reading interventions that are delivered by teachers
4889 who meet certain criteria beginning with a specified
4890 school year; providing requirements for such
4891 interventions; amending s. 1011.6202, F.S.; renaming
4892 the "Principal Autonomy Pilot Program" as the
4893 "Principal Autonomy Program"; providing that any
4894 school district may apply to participate in the
4895 program; providing that a school shall retain its
4896 exemption from specified laws under specified
4897 circumstances; requiring a designated leadership team
4898 at a participating school to complete a certain
4899 turnaround program; deleting a provision providing a
4900 specified amount of funds to a participating school
4901 district that completes the turnaround program;
4902 providing requirements for such schools; providing for
4903 such schools to participate in the program; providing
4904 requirements for such participation; specifying that
4905 no school district liability arises from the
4906 management of such schools; deleting a school's
4907 authority to renew participation in the program;
4908 deleting reporting requirements; providing for
4909 funding; revising the principal eligibility criteria
4910 for a salary supplement through the program; amending
4911 s. 1011.69, F.S.; authorizing certain high schools to



734058

4912 receive Title I funds; providing that a school
4913 district may withhold Title I funds for specified
4914 purposes; authorizing certain schools to use Title I
4915 funds for specified purposes; providing an exception
4916 for specified funds; amending s. 1011.71, F.S.;
4917 prohibiting a school district from withholding charter
4918 school administrative fees under certain
4919 circumstances; amending s. 1012.2315, F.S.; requiring
4920 certain employee organizations to include specified
4921 information in a specified application and to petition
4922 for recertification for specified purposes; amending
4923 s. 1012.28, F.S.; conforming provisions to changes
4924 made by the act; amending s. 1012.315, F.S.; revising
4925 the applicability of certain provisions related to
4926 disqualification from employment for the conviction of
4927 specified offenses; amending s. 1012.32, F.S.;
4928 requiring a district school board to reimburse certain
4929 costs if it fails to notify a charter school of the
4930 eligibility status of certain persons; amending s.
4931 1012.562, F.S.; authorizing charter schools and
4932 charter management organizations to offer school
4933 leader preparation programs; amending s. 1012.586,
4934 F.S.; requiring the Department of Education to
4935 consider the award of endorsements for a teaching
4936 certificate to individuals who hold specified
4937 certifications or who complete specified programs that
4938 meet certain criteria in a specified review; amending
4939 s. 1012.796, F.S.; revising the applicability of a
4940 requirement that certain private schools file



734058

4941 specified reports with the department for certain
4942 allegations against its employees; amending s.
4943 1012.98, F.S.; requiring professional development
4944 resources to include sample course-at-a-glance and
4945 unit overview templates; providing requirements for
4946 such templates; amending s. 1013.28, F.S.; requiring
4947 school districts to provide charter schools access to
4948 certain property on the same basis as public schools;
4949 prohibiting certain actions by a charter school
4950 without the written permission of the school district;
4951 amending s. 1013.31, F.S.; authorizing a district to
4952 use certain sources of funds for educational,
4953 auxiliary, and ancillary plant capital outlay purposes
4954 without needing a survey recommendation; amending s.
4955 1013.385, F.S.; providing additional exceptions to
4956 certain building code regulations for school
4957 districts; amending s. 1013.62, F.S.; revising
4958 requirements for charter school capital outlay
4959 funding; requiring each district to certify certain
4960 information to the department by October 1 each year;
4961 conforming provisions to changes made by the act;
4962 providing appropriations; providing retroactive
4963 applicability; authorizing the Department of Revenue
4964 to adopt emergency rules for specified purposes;
4965 providing an effective date.