

1                   A bill to be entitled  
2           An act relating to education; amending s. 1002.33,  
3           F.S.; conforming a provision to changes made by the  
4           act; expanding the information that charter schools  
5           must include on their websites; requiring specified  
6           teachers to have received, at a minimum, a bachelor's  
7           degree; revising requirements for all charter school  
8           facilities to include compliance with the State  
9           Requirements for Educational Facilities of the Florida  
10          Building Code; amending s. 1002.42, F.S.; revising the  
11          information the Department of Education requires in a  
12          specified database relating to private schools;  
13          requiring private schools to provide specified  
14          students with a certain amount of time for recess;  
15          requiring private school students to participate in  
16          the statewide assessment program; requiring private  
17          schools to establish curricula that comply with  
18          specified standards; requiring teachers employed by or  
19          working under contract with private schools to meet  
20          specified requirements; requiring private schools to  
21          comply with the State Requirements for Educational  
22          Facilities of the Florida Building Code; providing for  
23          injunctive relief under certain circumstances;  
24          authorizing attorney fees and costs; amending s.  
25          1003.455, F.S.; deleting an exception relating to

26 charter schools' compliance with a specified  
27 provision; amending s. 1008.34, F.S.; requiring  
28 private schools to be graded according to specified  
29 rules; requiring private schools to assess at least 95  
30 percent of eligible students; deleting obsolete  
31 language; requiring the department to annually  
32 develop, in collaboration with private schools, a  
33 school report card that private schools would provide  
34 to parents; amending s. 1013.385, F.S.; conforming a  
35 provision to changes made by the act; reenacting ss.  
36 163.3180(6)(h), 1002.32(9)(c), and 1002.345(1)(a),  
37 F.S., relating to concurrency, developmental research  
38 (laboratory) schools' funding, and determination of  
39 deteriorating financial conditions and financial  
40 emergencies for charter schools and charter technical  
41 career centers, respectively, to incorporate the  
42 amendment made to s. 1002.33, F.S., in references  
43 thereto; reenacting ss. 1002.385(2)(g), 1002.421(1),  
44 and 1007.271(2), F.S., relating to the Gardiner  
45 Scholarship, state school choice scholarship program  
46 accountability and oversight, and dual enrollment  
47 programs, respectively, to incorporate the amendment  
48 made to s. 1002.42, F.S., in references thereto;  
49 providing an effective date.

50

51 Be It Enacted by the Legislature of the State of Florida:

52

53 Section 1. Paragraph (a) of subsection (7), paragraph (p)  
54 of subsection (9), paragraph (f) of subsection (12), and  
55 paragraph (a) of subsection (18) of section 1002.33, Florida  
56 Statutes, are amended to read:

57 1002.33 Charter schools.—

58 (7) CHARTER.—The terms and conditions for the operation of  
59 a charter school shall be set forth by the sponsor and the  
60 applicant in a written contractual agreement, called a charter.  
61 The sponsor and the governing board of the charter school shall  
62 use the standard charter contract pursuant to subsection (21),  
63 which shall incorporate the approved application and any addenda  
64 approved with the application. Any term or condition of a  
65 proposed charter contract that differs from the standard charter  
66 contract adopted by rule of the State Board of Education shall  
67 be presumed a limitation on charter school flexibility. The  
68 sponsor may not impose unreasonable rules or regulations that  
69 violate the intent of giving charter schools greater flexibility  
70 to meet educational goals. The charter shall be signed by the  
71 governing board of the charter school and the sponsor, following  
72 a public hearing to ensure community input.

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

75 1. The school's mission, the students to be served, and

76 | the ages and grades to be included.

77 |       2. The focus of the curriculum, the instructional methods  
78 | to be used, any distinctive instructional techniques to be  
79 | employed, and identification and acquisition of appropriate  
80 | technologies needed to improve educational and administrative  
81 | performance which include a means for promoting safe, ethical,  
82 | and appropriate uses of technology which comply with legal and  
83 | professional standards.

84 |       a. The charter shall ensure that reading is a primary  
85 | focus of the curriculum and that resources are provided to  
86 | identify and provide specialized instruction for students who  
87 | are reading below grade level. The curriculum and instructional  
88 | strategies for reading must be consistent with the Next  
89 | Generation Sunshine State Standards and grounded in  
90 | scientifically based reading research.

91 |       b. In order to provide students with access to diverse  
92 | instructional delivery models, to facilitate the integration of  
93 | technology within traditional classroom instruction, and to  
94 | provide students with the skills they need to compete in the  
95 | 21st century economy, the Legislature encourages instructional  
96 | methods for blended learning courses consisting of both  
97 | traditional classroom and online instructional techniques.  
98 | Charter schools may implement blended learning courses which  
99 | combine traditional classroom instruction and virtual  
100 | instruction. Students in a blended learning course must be full-

101 time students of the charter school pursuant to s.  
102 1011.61(1)(a)1. Instructional personnel certified pursuant to s.  
103 1012.55 who provide virtual instruction for blended learning  
104 courses may be employees of the charter school or may be under  
105 contract to provide instructional services to charter school  
106 students. At a minimum, such instructional personnel must hold  
107 an active state or school district adjunct certification under  
108 s. 1012.57 for the subject area of the blended learning course.  
109 The funding and performance accountability requirements for  
110 blended learning courses are the same as those for traditional  
111 courses.

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

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

118 b. How these baseline rates will be compared to rates of  
119 academic progress achieved by these same students while  
120 attending the charter school.

121 c. To the extent possible, how these rates of progress  
122 will be evaluated and compared with rates of progress of other  
123 closely comparable student populations.

124

125 The district school board is required to provide academic

126 student performance data to charter schools for each of their  
127 students coming from the district school system, as well as  
128 rates of academic progress of comparable student populations in  
129 the district school system.

130 4. The methods used to identify the educational strengths  
131 and needs of students and how well educational goals and  
132 performance standards are met by students attending the charter  
133 school. The methods shall provide a means for the charter school  
134 to ensure accountability to its constituents by analyzing  
135 student performance data and by evaluating the effectiveness and  
136 efficiency of its major educational programs. Students in  
137 charter schools shall, at a minimum, participate in the  
138 statewide assessment program created under s. 1008.22.

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

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

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

147 8. The ways by which the school will achieve a  
148 racial/ethnic balance reflective of the community it serves or  
149 within the racial/ethnic range of other public schools in the  
150 same school district.

151           9. The financial and administrative management of the  
152 school, including a reasonable demonstration of the professional  
153 experience or competence of those individuals or organizations  
154 applying to operate the charter school or those hired or  
155 retained to perform such professional services and the  
156 description of clearly delineated responsibilities and the  
157 policies and practices needed to effectively manage the charter  
158 school. A description of internal audit procedures and  
159 establishment of controls to ensure that financial resources are  
160 properly managed must be included. Both public sector and  
161 private sector professional experience shall be equally valid in  
162 such a consideration.

163           10. The asset and liability projections required in the  
164 application which are incorporated into the charter and shall be  
165 compared with information provided in the annual report of the  
166 charter school.

167           11. A description of procedures that identify various  
168 risks and provide for a comprehensive approach to reduce the  
169 impact of losses; plans to ensure the safety and security of  
170 students and staff; plans to identify, minimize, and protect  
171 others from violent or disruptive student behavior; and the  
172 manner in which the school will be insured, including whether or  
173 not the school will be required to have liability insurance,  
174 and, if so, the terms and conditions thereof and the amounts of  
175 coverage.

176           12. The term of the charter which shall provide for  
177 cancellation of the charter if insufficient progress has been  
178 made in attaining the student achievement objectives of the  
179 charter and if it is not likely that such objectives can be  
180 achieved before expiration of the charter. The initial term of a  
181 charter shall be for 5 years, excluding 2 planning years. In  
182 order to facilitate access to long-term financial resources for  
183 charter school construction, charter schools that are operated  
184 by a municipality or other public entity as provided by law are  
185 eligible for up to a 15-year charter, subject to approval by the  
186 district school board. A charter lab school is eligible for a  
187 charter for a term of up to 15 years. In addition, to facilitate  
188 access to long-term financial resources for charter school  
189 construction, charter schools that are operated by a private,  
190 not-for-profit, s. 501(c)(3) status corporation are eligible for  
191 up to a 15-year charter, subject to approval by the district  
192 school board. Such long-term charters remain subject to annual  
193 review and may be terminated during the term of the charter, but  
194 only according to the provisions set forth in subsection (8).

195           13. The facilities to be used and their location. The  
196 sponsor may not require a charter school to have a certificate  
197 of occupancy or a temporary certificate of occupancy for such a  
198 facility earlier than 15 calendar days before the first day of  
199 school.

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



201 the potential strategies used to recruit, hire, train, and  
202 retain qualified staff to achieve best value, notwithstanding  
203 the requirements of paragraph (12) (f).

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

207 16. A timetable for implementing the charter which  
208 addresses the implementation of each element thereof and the  
209 date by which the charter shall be awarded in order to meet this  
210 timetable.

211 17. In the case of an existing public school that is being  
212 converted to charter status, alternative arrangements for  
213 current students who choose not to attend the charter school and  
214 for current teachers who choose not to teach in the charter  
215 school after conversion in accordance with the existing  
216 collective bargaining agreement or district school board rule in  
217 the absence of a collective bargaining agreement. However,  
218 alternative arrangements shall not be required for current  
219 teachers who choose not to teach in a charter lab school, except  
220 as authorized by the employment policies of the state university  
221 which grants the charter to the lab school.

222 18. Full disclosure of the identity of all relatives  
223 employed by the charter school who are related to the charter  
224 school owner, president, chairperson of the governing board of  
225 directors, superintendent, governing board member, principal,

226 assistant principal, or any other person employed by the charter  
227 school who has equivalent decisionmaking authority. For the  
228 purpose of this subparagraph, the term "relative" means father,  
229 mother, son, daughter, brother, sister, uncle, aunt, first  
230 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
231 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
232 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
233 stepsister, half brother, or half sister.

234 19. Implementation of the activities authorized under s.  
235 1002.331 by the charter school when it satisfies the eligibility  
236 requirements for a high-performing charter school. A high-  
237 performing charter school shall notify its sponsor in writing by  
238 March 1 if it intends to increase enrollment or expand grade  
239 levels the following school year. The written notice shall  
240 specify the amount of the enrollment increase and the grade  
241 levels that will be added, as applicable.

242 (9) CHARTER SCHOOL REQUIREMENTS.—

243 (p)1. Each charter school shall maintain a website that  
244 enables the public to obtain information regarding the school;  
245 the school's academic performance; the school's graduation  
246 rates; students' results on the statewide, standardized  
247 assessment; the names of the governing board members; the  
248 programs at the school; any management companies, service  
249 providers, or education management corporations associated with  
250 the school; the school's annual budget and its annual

251 independent fiscal audit; the school's grade pursuant to s.  
252 1008.34; and, on a quarterly basis, the minutes of governing  
253 board meetings.

254       2. Each charter school's governing board must appoint a  
255 representative to facilitate parental involvement, provide  
256 access to information, assist parents and others with questions  
257 and concerns, and resolve disputes. The representative must  
258 reside in the school district in which the charter school is  
259 located and may be a governing board member, a charter school  
260 employee, or an individual contracted to represent the governing  
261 board. If the governing board oversees multiple charter schools  
262 in the same school district, the governing board must appoint a  
263 separate representative for each charter school in the district.  
264 The representative's contact information must be provided  
265 annually in writing to parents and posted prominently on the  
266 charter school's website. The sponsor may not require governing  
267 board members to reside in the school district in which the  
268 charter school is located if the charter school complies with  
269 this subparagraph.

270       3. Each charter school's governing board must hold at  
271 least two public meetings per school year in the school district  
272 where the charter school is located. The meetings must be  
273 noticed, open, and accessible to the public, and attendees must  
274 be provided an opportunity to receive information and provide  
275 input regarding the charter school's operations. The appointed

276 representative and charter school principal or director, or his  
277 or her designee, must be physically present at each meeting.  
278 Members of the governing board may attend in person or by means  
279 of communications media technology used in accordance with rules  
280 adopted by the Administration Commission under s. 120.54(5).

281 (12) EMPLOYEES OF CHARTER SCHOOLS.—

282 (f) Teachers employed by or under contract to a charter  
283 school must ~~shall~~ be certified as required by chapter 1012, and  
284 must, at a minimum, have received a bachelor's degree. A charter  
285 school governing board may employ or contract with skilled  
286 selected noncertified personnel to provide instructional  
287 services or to assist instructional staff members as education  
288 paraprofessionals in the same manner as defined in chapter 1012,  
289 and as provided by State Board of Education rule for charter  
290 school governing boards. A charter school may not knowingly  
291 employ an individual to provide instructional services or to  
292 serve as an education paraprofessional if the individual's  
293 certification or licensure as an educator is suspended or  
294 revoked by this or any other state. A charter school may not  
295 knowingly employ an individual who has resigned from a school  
296 district in lieu of disciplinary action with respect to child  
297 welfare or safety, or who has been dismissed for just cause by  
298 any school district with respect to child welfare or safety. The  
299 qualifications of teachers shall be disclosed to parents.

300 (18) FACILITIES.—

301 (a) ~~A startup charter school shall utilize facilities~~  
302 ~~which comply with the Florida Building Code pursuant to chapter~~  
303 ~~553 except for the State Requirements for Educational~~  
304 ~~Facilities. Conversion charter schools shall utilize facilities~~  
305 ~~that comply with the State Requirements for Educational~~  
306 ~~Facilities provided that the school district and the charter~~  
307 ~~school have entered into a mutual management plan for the~~  
308 ~~reasonable maintenance of such facilities. The mutual management~~  
309 ~~plan shall contain a provision by which the district school~~  
310 ~~board agrees to maintain charter school facilities in the same~~  
311 ~~manner as its other public schools within the district. Charter~~  
312 ~~schools shall comply, with the exception of conversion charter~~  
313 ~~schools, are not required to comply, but may choose to comply,~~  
314 ~~with the State Requirements for Educational Facilities of the~~  
315 ~~Florida Building Code adopted pursuant to s. 1013.37. The local~~  
316 ~~governing authority may not ~~shall not~~ adopt or impose any local~~  
317 ~~building requirements or site-development restrictions, such as~~  
318 ~~parking and site-size criteria, student enrollment, and occupant~~  
319 ~~load, that are addressed by and more stringent than those found~~  
320 ~~in the State Requirements for Educational Facilities of the~~  
321 ~~Florida Building Code. A local governing authority must treat~~  
322 ~~charter schools equitably in comparison to similar requirements,~~  
323 ~~restrictions, and site planning processes imposed upon public~~  
324 ~~schools that are not charter schools. The agency having~~  
325 ~~jurisdiction for inspection of a facility and issuance of a~~

326 certificate of occupancy or use shall be the local municipality  
327 or, if in an unincorporated area, the county governing  
328 authority. If an official or employee of the local governing  
329 authority refuses to comply with this paragraph, the aggrieved  
330 school or entity has an immediate right to bring an action in  
331 circuit court to enforce its rights by injunction. An aggrieved  
332 party that receives injunctive relief may be awarded attorney  
333 fees and court costs.

334 Section 2. Paragraph (a) of subsection (2) of section  
335 1002.42, Florida Statutes, is amended, and subsections (18)  
336 through (22) are added to that section, to read:

337 1002.42 Private schools.—

338 (2) ANNUAL PRIVATE SCHOOL SURVEY.—

339 (a) The Department of Education shall organize, maintain,  
340 and annually update a database of educational institutions  
341 within the state coming within the provisions of this section.  
342 ~~There shall be included in~~ The database of each institution must  
343 include the name, address, and telephone number of the  
344 institution; the type of institution; the names of  
345 administrative officers; the enrollment by grade or special  
346 group (e.g., career education and exceptional child education);  
347 the number of graduates and graduation rates; the number of  
348 instructional and administrative personnel; the number of days  
349 the school is in session; students' results on the statewide,  
350 standardized assessment; the school's annual budget; and such

351 data as may be needed to meet the provisions of this section and  
352 s. 1003.23(2).

353 (18) PHYSICAL EDUCATION.—Each private school shall provide  
354 at least 100 minutes of supervised, safe, and unstructured free-  
355 play recess each week for students in kindergarten through grade  
356 5 so that there are at least 20 consecutive minutes of free-play  
357 recess per day.

358 (19) STATEWIDE, STANDARDIZED ASSESSMENTS.—Students in  
359 private schools shall participate in the statewide assessment  
360 program created under s. 1008.22.

361 (20) NEXT GENERATION SUNSHINE STATE STANDARDS.—Each  
362 private school shall establish a curriculum that complies with  
363 the standards set forth in s. 1003.41.

364 (21) PRIVATE SCHOOL CLASSROOM TEACHERS.—Teachers employed  
365 by or under contract with a private school shall be certified as  
366 required by chapter 1012, and must, at a minimum, hold a  
367 bachelor's degree.

368 (22) FACILITIES.—Private schools must comply with the  
369 State Requirements for Educational Facilities of the Florida  
370 Building Code adopted pursuant to s. 1013.37. The local  
371 governing authority may not adopt or impose any local building  
372 requirements or site-development restrictions, such as parking  
373 and site-size criteria, student enrollment, and occupant load,  
374 that are addressed by and more stringent than those found in the  
375 State Requirements for Educational Facilities of the Florida

376 Building Code. A local governing authority must treat private  
377 schools equitably with regard to requirements, restrictions, and  
378 site planning processes imposed upon public schools. The agency  
379 having jurisdiction for inspection of a facility and issuance of  
380 a certificate of occupancy or use is the local municipality or,  
381 if the private school is in an unincorporated area, the county  
382 governing authority. If an official or employee of the local  
383 governing authority refuses to comply with this subsection, the  
384 aggrieved school or entity has an immediate right to bring an  
385 action in circuit court to enforce its rights by injunction. An  
386 aggrieved party that receives injunctive relief may be awarded  
387 attorney fees and court costs.

388 Section 3. Subsection (6) of section 1003.455, Florida  
389 Statutes, is amended, and subsection (3) of that section is  
390 republished, to read:

391 1003.455 Physical education; assessment.—

392 (3) Each district school board shall provide 150 minutes  
393 of physical education each week for students in kindergarten  
394 through grade 5 and for students in grade 6 who are enrolled in  
395 a school that contains one or more elementary grades so that on  
396 any day during which physical education instruction is conducted  
397 there are at least 30 consecutive minutes per day. Beginning  
398 with the 2009-2010 school year, the equivalent of one class  
399 period per day of physical education for one semester of each  
400 year is required for students enrolled in grades 6 through 8.



401 Students enrolled in such instruction shall be reported through  
402 the periodic student membership surveys, and records of such  
403 enrollment shall be audited pursuant to s. 1010.305. Such  
404 instruction may be provided by any instructional personnel as  
405 defined in s. 1012.01(2), regardless of certification, who are  
406 designated by the school principal.

407 (6) In addition to the requirements in subsection (3),  
408 each district school board shall provide at least 100 minutes of  
409 supervised, safe, and unstructured free-play recess each week  
410 for students in kindergarten through grade 5 so that there are  
411 at least 20 consecutive minutes of free-play recess per day.  
412 ~~This requirement does not apply to charter schools.~~

413 Section 4. Subsection (2), paragraphs (a) and (b) of  
414 subsection (3), and subsection (4) of section 1008.34, Florida  
415 Statutes, are amended, to read:

416 1008.34 School grading system; school report cards;  
417 district grade.—

418 (2) SCHOOL GRADES.—Schools, including private schools,  
419 shall be graded using one of the following grades, defined  
420 according to rules of the State Board of Education:

- 421 (a) "A," schools making excellent progress.  
422 (b) "B," schools making above average progress.  
423 (c) "C," schools making satisfactory progress.  
424 (d) "D," schools making less than satisfactory progress.  
425 (e) "F," schools failing to make adequate progress.

426  
427 Each school that earns a grade of "A" or improves at least two  
428 letter grades may have greater authority over the allocation of  
429 the school's total budget generated from the FEFP, state  
430 categoricals, lottery funds, grants, and local funds.

431 (3) DESIGNATION OF SCHOOL GRADES.—

432 (a) Each school, including private schools, must assess at  
433 least 95 percent of its eligible students, except as provided  
434 under s. 1008.341 for alternative schools. Each school shall  
435 receive a school grade based on the school's performance on the  
436 components listed in subparagraphs (b)1. and 2. If a school does  
437 not have at least 10 students with complete data for one or more  
438 of the components listed in subparagraphs (b)1. and 2., those  
439 components may not be used in calculating the school's grade.

440 1. An alternative school may choose to receive a school  
441 grade under this section or a school improvement rating under s.  
442 1008.341. For charter schools that meet the definition of an  
443 alternative school pursuant to State Board of Education rule,  
444 the decision to receive a school grade is the decision of the  
445 charter school governing board.

446 2. A school that serves any combination of students in  
447 kindergarten through grade 3 that does not receive a school  
448 grade because its students are not tested and included in the  
449 school grading system shall receive the school grade designation  
450 of a K-3 feeder pattern school identified by the Department of

451 Education and verified by the school district. A school feeder  
452 pattern exists if a majority of the students in the school  
453 serving a combination of students in kindergarten through grade  
454 3 are scheduled to be assigned to the graded school.

455 3. If a collocated school does not earn a school grade or  
456 school improvement rating for the performance of its students,  
457 the student performance data of all schools operating at the  
458 same facility must be aggregated to develop a school grade that  
459 will be assigned to all schools at that location. A collocated  
460 school is a school that has its own unique master school  
461 identification number, provides for the education of each of its  
462 enrolled students, and operates at the same facility as another  
463 school that has its own unique master school identification  
464 number and provides for the education of each of its enrolled  
465 students.

466 (b)1. ~~Beginning with the 2014-2015 school year,~~ A school's  
467 grade shall be based on the following components, each worth 100  
468 points:

469 a. The percentage of eligible students passing statewide,  
470 standardized assessments in English Language Arts under s.  
471 1008.22(3).

472 b. The percentage of eligible students passing statewide,  
473 standardized assessments in mathematics under s. 1008.22(3).

474 c. The percentage of eligible students passing statewide,  
475 standardized assessments in science under s. 1008.22(3).

476 d. The percentage of eligible students passing statewide,  
477 standardized assessments in social studies under s. 1008.22(3).

478 e. The percentage of eligible students who make Learning  
479 Gains in English Language Arts as measured by statewide,  
480 standardized assessments administered under s. 1008.22(3).

481 f. The percentage of eligible students who make Learning  
482 Gains in mathematics as measured by statewide, standardized  
483 assessments administered under s. 1008.22(3).

484 g. The percentage of eligible students in the lowest 25  
485 percent in English Language Arts, as identified by prior year  
486 performance on statewide, standardized assessments, who make  
487 Learning Gains as measured by statewide, standardized English  
488 Language Arts assessments administered under s. 1008.22(3).

489 h. The percentage of eligible students in the lowest 25  
490 percent in mathematics, as identified by prior year performance  
491 on statewide, standardized assessments, who make Learning Gains  
492 as measured by statewide, standardized Mathematics assessments  
493 administered under s. 1008.22(3).

494 i. For schools comprised of middle grades 6 through 8 or  
495 grades 7 and 8, the percentage of eligible students passing high  
496 school level statewide, standardized end-of-course assessments  
497 or attaining national industry certifications identified in the  
498 CAPE Industry Certification Funding List pursuant to rules  
499 adopted by the State Board of Education.

500

501 In calculating Learning Gains for the components listed in sub-  
502 subparagraphs e.-h., the State Board of Education shall require  
503 that learning growth toward achievement levels 3, 4, and 5 is  
504 demonstrated by students who scored below each of those levels  
505 in the prior year. In calculating the components in sub-  
506 subparagraphs a.-d., the state board shall include the  
507 performance of English language learners only if they have been  
508 enrolled in a school in the United States for more than 2 years.

509 2. For a school comprised of grades 9, 10, 11, and 12, or  
510 grades 10, 11, and 12, the school's grade shall also be based on  
511 the following components, each worth 100 points:

512 a. The 4-year high school graduation rate of the school as  
513 defined by state board rule.

514 b. The percentage of students who were eligible to earn  
515 college and career credit through College Board Advanced  
516 Placement examinations, International Baccalaureate  
517 examinations, dual enrollment courses, or Advanced International  
518 Certificate of Education examinations; or who, at any time  
519 during high school, earned national industry certification  
520 identified in the CAPE Industry Certification Funding List,  
521 pursuant to rules adopted by the state board.

522 (4) SCHOOL REPORT CARD.—The Department of Education shall  
523 annually develop, in collaboration with the school districts and  
524 private schools, a school report card to be provided by the  
525 school district or private school, as applicable, to parents

526 within the district. The report card shall include the school's  
527 grade; student performance in English Language Arts,  
528 mathematics, science, and social studies; information regarding  
529 school improvement; an explanation of school performance as  
530 evaluated by the federal Elementary and Secondary Education Act  
531 (ESEA), 20 U.S.C. ss. 6301 et seq.; and indicators of return on  
532 investment. Each school's report card shall be published  
533 annually by the department on its website based upon the most  
534 recent data available.

535 Section 5. Paragraph (e) of subsection (2) of section  
536 1013.385, Florida Statutes, is amended to read:

537 1013.385 School district construction flexibility.—

538 (2) A resolution adopted under this section may propose  
539 implementation of exceptions to requirements of the uniform  
540 statewide building code for the planning and construction of  
541 public educational and ancillary plants adopted pursuant to ss.  
542 553.73 and 1013.37 relating to:

543 ~~(e) Any other provisions that limit the ability of a~~  
544 ~~school to operate in a facility on the same basis as a charter~~  
545 ~~school pursuant to s. 1002.33(18) so long as the regional~~  
546 ~~planning council determines that there is sufficient shelter~~  
547 ~~capacity within the school district as documented in the~~  
548 ~~Statewide Emergency Shelter Plan.~~

549 Section 6. For the purpose of incorporating the amendment  
550 made by this act to section 1002.33, Florida Statutes, in a

551 reference thereto, paragraph (h) of subsection (6) of section  
552 163.3180, Florida Statutes, is reenacted to read:

553 163.3180 Concurrency.—

554 (6)

555 (h)1. In order to limit the liability of local  
556 governments, a local government may allow a landowner to proceed  
557 with development of a specific parcel of land notwithstanding a  
558 failure of the development to satisfy school concurrency, if all  
559 the following factors are shown to exist:

560 a. The proposed development would be consistent with the  
561 future land use designation for the specific property and with  
562 pertinent portions of the adopted local plan, as determined by  
563 the local government.

564 b. The local government's capital improvements element and  
565 the school board's educational facilities plan provide for  
566 school facilities adequate to serve the proposed development,  
567 and the local government or school board has not implemented  
568 that element or the project includes a plan that demonstrates  
569 that the capital facilities needed as a result of the project  
570 can be reasonably provided.

571 c. The local government and school board have provided a  
572 means by which the landowner will be assessed a proportionate  
573 share of the cost of providing the school facilities necessary  
574 to serve the proposed development.

575 2. If a local government applies school concurrency, it

576 | may not deny an application for site plan, final subdivision  
577 | approval, or the functional equivalent for a development or  
578 | phase of a development authorizing residential development for  
579 | failure to achieve and maintain the level-of-service standard  
580 | for public school capacity in a local school concurrency  
581 | management system where adequate school facilities will be in  
582 | place or under actual construction within 3 years after the  
583 | issuance of final subdivision or site plan approval, or the  
584 | functional equivalent. School concurrency is satisfied if the  
585 | developer executes a legally binding commitment to provide  
586 | mitigation proportionate to the demand for public school  
587 | facilities to be created by actual development of the property,  
588 | including, but not limited to, the options described in sub-  
589 | subparagraph a. Options for proportionate-share mitigation of  
590 | impacts on public school facilities must be established in the  
591 | comprehensive plan and the interlocal agreement pursuant to s.  
592 | 163.31777.

593 |       a. Appropriate mitigation options include the contribution  
594 | of land; the construction, expansion, or payment for land  
595 | acquisition or construction of a public school facility; the  
596 | construction of a charter school that complies with the  
597 | requirements of s. 1002.33(18); or the creation of mitigation  
598 | banking based on the construction of a public school facility in  
599 | exchange for the right to sell capacity credits. Such options  
600 | must include execution by the applicant and the local government



601 of a development agreement that constitutes a legally binding  
602 commitment to pay proportionate-share mitigation for the  
603 additional residential units approved by the local government in  
604 a development order and actually developed on the property,  
605 taking into account residential density allowed on the property  
606 prior to the plan amendment that increased the overall  
607 residential density. The district school board must be a party  
608 to such an agreement. As a condition of its entry into such a  
609 development agreement, the local government may require the  
610 landowner to agree to continuing renewal of the agreement upon  
611 its expiration.

612 b. If the interlocal agreement and the local government  
613 comprehensive plan authorize a contribution of land; the  
614 construction, expansion, or payment for land acquisition; the  
615 construction or expansion of a public school facility, or a  
616 portion thereof; or the construction of a charter school that  
617 complies with the requirements of s. 1002.33(18), as  
618 proportionate-share mitigation, the local government shall  
619 credit such a contribution, construction, expansion, or payment  
620 toward any other impact fee or exaction imposed by local  
621 ordinance for public educational facilities, on a dollar-for-  
622 dollar basis at fair market value. The credit must be based on  
623 the total impact fee assessed and not on the impact fee for any  
624 particular type of school.

625 c. Any proportionate-share mitigation must be directed by

626 the school board toward a school capacity improvement identified  
627 in the 5-year school board educational facilities plan that  
628 satisfies the demands created by the development in accordance  
629 with a binding developer's agreement.

630 3. This paragraph does not limit the authority of a local  
631 government to deny a development permit or its functional  
632 equivalent pursuant to its home rule regulatory powers, except  
633 as provided in this part.

634 Section 7. For the purpose of incorporating the amendment  
635 made by this act to section 1002.33, Florida Statutes, in a  
636 reference thereto, paragraph (c) of subsection (9) of section  
637 1002.32, Florida Statutes, is reenacted to read:

638 1002.32 Developmental research (laboratory) schools.—

639 (9) FUNDING.—Funding for a lab school, including a charter  
640 lab school, shall be provided as follows:

641 (c) All operating funds provided under this section shall  
642 be deposited in a Lab School Trust Fund and shall be expended  
643 for the purposes of this section. The university assigned a lab  
644 school shall be the fiscal agent for these funds, and all rules  
645 of the university governing the budgeting and expenditure of  
646 state funds shall apply to these funds unless otherwise provided  
647 by law or rule of the State Board of Education. The university  
648 board of trustees shall be the public employer of lab school  
649 personnel for collective bargaining purposes for lab schools in  
650 operation prior to the 2002-2003 fiscal year. Employees of

651 charter lab schools authorized prior to June 1, 2003, but not in  
652 operation prior to the 2002-2003 fiscal year shall be employees  
653 of the entity holding the charter and must comply with the  
654 provisions of s. 1002.33(12).

655 Section 8. For the purpose of incorporating the amendment  
656 made by this act to section 1002.33, Florida Statutes, in a  
657 reference thereto, paragraph (a) of subsection (1) of section  
658 1002.345, Florida Statutes, is reenacted to read:

659 1002.345 Determination of deteriorating financial  
660 conditions and financial emergencies for charter schools and  
661 charter technical career centers.—This section applies to  
662 charter schools operating pursuant to s. 1002.33 and to charter  
663 technical career centers operating pursuant to s. 1002.34.

664 (1) EXPEDITED REVIEW; REQUIREMENTS.—

665 (a) A charter school or a charter technical career center  
666 is subject to an expedited review by the sponsor if one of the  
667 following occurs:

668 1. Failure to provide for an audit required by s. 218.39.

669 2. Failure to comply with reporting requirements pursuant  
670 to s. 1002.33(9) or s. 1002.34(11)(f) or (14).

671 3. A deteriorating financial condition identified through  
672 an annual audit pursuant to s. 218.39(5), a monthly financial  
673 statement pursuant to s. 1002.33(9)(g) or s. 1002.34(11)(f), or  
674 a quarterly financial statement pursuant to s. 1002.331(2)(c).

675 "Deteriorating financial condition" means a circumstance that

676 significantly impairs the ability of a charter school or a  
 677 charter technical career center to generate enough revenues to  
 678 meet its expenditures without causing the occurrence of a  
 679 condition described in s. 218.503(1).

680 4. Notification pursuant to s. 218.503(2) that one or more  
 681 of the conditions specified in s. 218.503(1) have occurred or  
 682 will occur if action is not taken to assist the charter school  
 683 or charter technical career center.

684 Section 9. For the purpose of incorporating the amendment  
 685 made by this act to section 1002.42, Florida Statutes, in a  
 686 reference thereto, paragraph (g) of subsection (2) of section  
 687 1002.385, Florida Statutes, is reenacted to read:

688 1002.385 The Gardiner Scholarship.—

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

690 (g) "Eligible private school" means a private school, as  
 691 defined in s. 1002.01, which is located in this state, which  
 692 offers an education to students in any grade from kindergarten  
 693 to grade 12, and which meets the requirements of:

- 694 1. Sections 1002.42 and 1002.421; and
- 695 2. A scholarship program under s. 1002.39 or s. 1002.395,  
 696 as applicable, if the private school participates in a  
 697 scholarship program under s. 1002.39 or s. 1002.395.

698 Section 10. For the purpose of incorporating the amendment  
 699 made by this act to section 1002.42, Florida Statutes, in a  
 700 reference thereto, subsection (1) of section 1002.421, Florida

701 Statutes, is reenacted to read:

702 1002.421 State school choice scholarship program  
 703 accountability and oversight.—

704 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private  
 705 school participating in an educational scholarship program  
 706 established pursuant to this chapter must be a private school as  
 707 defined in s. 1002.01(2) in this state, be registered, and be in  
 708 compliance with all requirements of this section in addition to  
 709 private school requirements outlined in s. 1002.42, specific  
 710 requirements identified within respective scholarship program  
 711 laws, and other provisions of Florida law that apply to private  
 712 schools, and must:

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

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

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

720 (d) Provide to the department or scholarship-funding  
 721 organization all documentation required for a student's  
 722 participation, including the private school's and student's  
 723 individual fee schedule, and attendance verification as required  
 724 by the department or scholarship-funding organization, prior to  
 725 scholarship payment.

726 (e) Annually complete and submit to the department a  
 727 notarized scholarship compliance statement certifying that all  
 728 school employees and contracted personnel with direct student  
 729 contact have undergone background screening pursuant to s.  
 730 943.0542 and have met the screening standards as provided in s.  
 731 435.04.

732 (f) Demonstrate fiscal soundness and accountability by:  
 733 1. Being in operation for at least 3 school years or  
 734 obtaining a surety bond or letter of credit for the amount equal  
 735 to the scholarship funds for any quarter and filing the surety  
 736 bond or letter of credit with the department.

737 2. Requiring the parent of each scholarship student to  
 738 personally restrictively endorse the scholarship warrant to the  
 739 school or to approve a funds transfer before any funds are  
 740 deposited for a student. The school may not act as attorney in  
 741 fact for the parent of a scholarship student under the authority  
 742 of a power of attorney executed by such parent, or under any  
 743 other authority, to endorse a scholarship warrant or approve a  
 744 funds transfer on behalf of such parent.

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

- 747 1. Firesafety.
- 748 2. Building safety.

749 (h) Employ or contract with teachers who hold  
 750 baccalaureate or higher degrees, have at least 3 years of

751 teaching experience in public or private schools, or have  
752 special skills, knowledge, or expertise that qualifies them to  
753 provide instruction in subjects taught.

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

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

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

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

765 (m) Require each employee and contracted personnel with  
766 direct student contact, upon employment or engagement to provide  
767 services, to undergo a state and national background screening,  
768 pursuant to s. 943.0542, by electronically filing with the  
769 Department of Law Enforcement a complete set of fingerprints  
770 taken by an authorized law enforcement agency or an employee of  
771 the private school, a school district, or a private company who  
772 is trained to take fingerprints and deny employment to or  
773 terminate an employee if he or she fails to meet the screening  
774 standards under s. 435.04. Results of the screening shall be  
775 provided to the participating private school. For purposes of

776 | this paragraph:

777 |       1. An "employee or contracted personnel with direct  
778 | student contact" means any employee or contracted personnel who  
779 | has unsupervised access to a scholarship student for whom the  
780 | private school is responsible.

781 |       2. The costs of fingerprinting and the background check  
782 | shall not be borne by the state.

783 |       3. Continued employment of an employee or contracted  
784 | personnel after notification that he or she has failed the  
785 | background screening under this paragraph shall cause a private  
786 | school to be ineligible for participation in a scholarship  
787 | program.

788 |       4. An employee or contracted personnel holding a valid  
789 | Florida teaching certificate who has been fingerprinted pursuant  
790 | to s. 1012.32 is not required to comply with the provisions of  
791 | this paragraph.

792 |       5. All fingerprints submitted to the Department of Law  
793 | Enforcement as required by this section shall be retained by the  
794 | Department of Law Enforcement in a manner provided by rule and  
795 | entered in the statewide automated biometric identification  
796 | system authorized by s. 943.05(2)(b). Such fingerprints shall  
797 | thereafter be available for all purposes and uses authorized for  
798 | arrest fingerprints entered in the statewide automated biometric  
799 | identification system pursuant to s. 943.051.

800 |       6. The Department of Law Enforcement shall search all



801 arrest fingerprints received under s. 943.051 against the  
802 fingerprints retained in the statewide automated biometric  
803 identification system under subparagraph 5. Any arrest record  
804 that is identified with the retained fingerprints of a person  
805 subject to the background screening under this section shall be  
806 reported to the employing school with which the person is  
807 affiliated. Each private school participating in a scholarship  
808 program is required to participate in this search process by  
809 informing the Department of Law Enforcement of any change in the  
810 employment or contractual status of its personnel whose  
811 fingerprints are retained under subparagraph 5. The Department  
812 of Law Enforcement shall adopt a rule setting the amount of the  
813 annual fee to be imposed upon each private school for performing  
814 these searches and establishing the procedures for the retention  
815 of private school employee and contracted personnel fingerprints  
816 and the dissemination of search results. The fee may be borne by  
817 the private school or the person fingerprinted.

818 7. Employees and contracted personnel whose fingerprints  
819 are not retained by the Department of Law Enforcement under  
820 subparagraphs 5. and 6. are required to be refingerprinted and  
821 must meet state and national background screening requirements  
822 upon reemployment or reengagement to provide services in order  
823 to comply with the requirements of this section.

824 8. Every 5 years following employment or engagement to  
825 provide services with a private school, employees or contracted

826 personnel required to be screened under this section must meet  
827 screening standards under s. 435.04, at which time the private  
828 school shall request the Department of Law Enforcement to  
829 forward the fingerprints to the Federal Bureau of Investigation  
830 for national processing. If the fingerprints of employees or  
831 contracted personnel are not retained by the Department of Law  
832 Enforcement under subparagraph 5., employees and contracted  
833 personnel must electronically file a complete set of  
834 fingerprints with the Department of Law Enforcement. Upon  
835 submission of fingerprints for this purpose, the private school  
836 shall request that the Department of Law Enforcement forward the  
837 fingerprints to the Federal Bureau of Investigation for national  
838 processing, and the fingerprints shall be retained by the  
839 Department of Law Enforcement under subparagraph 5.

840 (n) Adopt policies establishing standards of ethical  
841 conduct for instructional personnel and school administrators.  
842 The policies must require all instructional personnel and school  
843 administrators, as defined in s. 1012.01, to complete training  
844 on the standards; establish the duty of instructional personnel  
845 and school administrators to report, and procedures for  
846 reporting, alleged misconduct by other instructional personnel  
847 and school administrators which affects the health, safety, or  
848 welfare of a student; and include an explanation of the  
849 liability protections provided under ss. 39.203 and 768.095. A  
850 private school, or any of its employees, may not enter into a

851 confidentiality agreement regarding terminated or dismissed  
852 instructional personnel or school administrators, or personnel  
853 or administrators who resign in lieu of termination, based in  
854 whole or in part on misconduct that affects the health, safety,  
855 or welfare of a student, and may not provide the instructional  
856 personnel or school administrators with employment references or  
857 discuss the personnel's or administrators' performance with  
858 prospective employers in another educational setting, without  
859 disclosing the personnel's or administrators' misconduct. Any  
860 part of an agreement or contract that has the purpose or effect  
861 of concealing misconduct by instructional personnel or school  
862 administrators which affects the health, safety, or welfare of a  
863 student is void, is contrary to public policy, and may not be  
864 enforced.

865 (o) Before employing instructional personnel or school  
866 administrators in any position that requires direct contact with  
867 students, conduct employment history checks of each of the  
868 personnel's or administrators' previous employers, screen the  
869 personnel or administrators through use of the educator  
870 screening tools described in s. 1001.10(5), and document the  
871 findings. If unable to contact a previous employer, the private  
872 school must document efforts to contact the employer.

873 (p) Require each owner or operator of the private school,  
874 prior to employment or engagement to provide services, to  
875 undergo level 2 background screening as provided under chapter

876 435. For purposes of this paragraph, the term "owner or  
877 operator" means an owner, operator, superintendent, or principal  
878 of, or a person with equivalent decisionmaking authority over, a  
879 private school participating in a scholarship program  
880 established pursuant to this chapter. The fingerprints for the  
881 background screening must be electronically submitted to the  
882 Department of Law Enforcement and may be taken by an authorized  
883 law enforcement agency or a private company who is trained to  
884 take fingerprints. However, the complete set of fingerprints of  
885 an owner or operator may not be taken by the owner or operator.  
886 The owner or operator shall provide a copy of the results of the  
887 state and national criminal history check to the Department of  
888 Education. The cost of the background screening may be borne by  
889 the owner or operator.

890 1. Every 5 years following employment or engagement to  
891 provide services, each owner or operator must meet level 2  
892 screening standards as described in s. 435.04, at which time the  
893 owner or operator shall request the Department of Law  
894 Enforcement to forward the fingerprints to the Federal Bureau of  
895 Investigation for level 2 screening. If the fingerprints of an  
896 owner or operator are not retained by the Department of Law  
897 Enforcement under subparagraph 2., the owner or operator must  
898 electronically file a complete set of fingerprints with the  
899 Department of Law Enforcement. Upon submission of fingerprints  
900 for this purpose, the owner or operator shall request that the

901 Department of Law Enforcement forward the fingerprints to the  
902 Federal Bureau of Investigation for level 2 screening, and the  
903 fingerprints shall be retained by the Department of Law  
904 Enforcement under subparagraph 2.

905 2. Fingerprints submitted to the Department of Law  
906 Enforcement as required by this paragraph must be retained by  
907 the Department of Law Enforcement in a manner approved by rule  
908 and entered in the statewide automated biometric identification  
909 system authorized by s. 943.05(2)(b). The fingerprints must  
910 thereafter be available for all purposes and uses authorized for  
911 arrest fingerprints entered in the statewide automated biometric  
912 identification system pursuant to s. 943.051.

913 3. The Department of Law Enforcement shall search all  
914 arrest fingerprints received under s. 943.051 against the  
915 fingerprints retained in the statewide automated biometric  
916 identification system under subparagraph 2. Any arrest record  
917 that is identified with an owner's or operator's fingerprints  
918 must be reported to the owner or operator, who must report to  
919 the Department of Education. Any costs associated with the  
920 search shall be borne by the owner or operator.

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

924 5. In addition to the offenses listed in s. 435.04, a  
925 person required to undergo background screening pursuant to this

926 part or authorizing statutes may not have an arrest awaiting  
 927 final disposition for, must not have been found guilty of, or  
 928 entered a plea of nolo contendere to, regardless of  
 929 adjudication, and must not have been adjudicated delinquent for,  
 930 and the record must not have been sealed or expunged for, any of  
 931 the following offenses or any similar offense of another  
 932 jurisdiction:

- 933 a. Any authorizing statutes, if the offense was a felony.
- 934 b. This chapter, if the offense was a felony.
- 935 c. Section 409.920, relating to Medicaid provider fraud.
- 936 d. Section 409.9201, relating to Medicaid fraud.
- 937 e. Section 741.28, relating to domestic violence.
- 938 f. Section 817.034, relating to fraudulent acts through  
 939 mail, wire, radio, electromagnetic, photoelectronic, or  
 940 photooptical systems.
- 941 g. Section 817.234, relating to false and fraudulent  
 942 insurance claims.
- 943 h. Section 817.505, relating to patient brokering.
- 944 i. Section 817.568, relating to criminal use of personal  
 945 identification information.
- 946 j. Section 817.60, relating to obtaining a credit card  
 947 through fraudulent means.
- 948 k. Section 817.61, relating to fraudulent use of credit  
 949 cards, if the offense was a felony.
- 950 l. Section 831.01, relating to forgery.

951 m. Section 831.02, relating to uttering forged  
952 instruments.

953 n. Section 831.07, relating to forging bank bills, checks,  
954 drafts, or promissory notes.

955 o. Section 831.09, relating to uttering forged bank bills,  
956 checks, drafts, or promissory notes.

957 p. Section 831.30, relating to fraud in obtaining  
958 medicinal drugs.

959 q. Section 831.31, relating to the sale, manufacture,  
960 delivery, or possession with the intent to sell, manufacture, or  
961 deliver any counterfeit controlled substance, if the offense was  
962 a felony.

963 6. At least 30 calendar days before a transfer of  
964 ownership of a private school, the owner or operator shall  
965 notify the parent of each scholarship student.

966 7. The owner or operator of a private school that has been  
967 deemed ineligible to participate in a scholarship program  
968 pursuant to this chapter may not transfer ownership or  
969 management authority of the school to a relative in order to  
970 participate in a scholarship program as the same school or a new  
971 school. For purposes of this subparagraph, the term "relative"  
972 means father, mother, son, daughter, grandfather, grandmother,  
973 brother, sister, uncle, aunt, cousin, nephew, niece, husband,  
974 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,  
975 brother-in-law, sister-in-law, stepfather, stepmother, stepson,

976 | stepdaughter, stepbrother, stepsister, half-brother, or half-  
977 | sister.

978 |       (q) Provide a report from an independent certified public  
979 | accountant who performs the agreed-upon procedures developed  
980 | pursuant to s. 1002.395(6)(o) if the private school receives  
981 | more than \$250,000 in funds from scholarships awarded under this  
982 | chapter in a state fiscal year. A private school subject to this  
983 | subsection must annually submit the report by September 15 to  
984 | the scholarship-funding organization that awarded the majority  
985 | of the school's scholarship funds. However, a school that  
986 | receives more than \$250,000 in scholarship funds only through  
987 | the John M. McKay Scholarship for Students with Disabilities  
988 | Program pursuant to s. 1002.39 must submit the annual report by  
989 | September 15 to the department. The agreed-upon procedures must  
990 | be conducted in accordance with attestation standards  
991 | established by the American Institute of Certified Public  
992 | Accountants.

993 |  
994 | The department shall suspend the payment of funds to a private  
995 | school that knowingly fails to comply with this subsection, and  
996 | shall prohibit the school from enrolling new scholarship  
997 | students, for 1 fiscal year and until the school complies. If a  
998 | private school fails to meet the requirements of this subsection  
999 | or has consecutive years of material exceptions listed in the  
1000 | report required under paragraph (q), the commissioner may



1001 determine that the private school is ineligible to participate  
1002 in a scholarship program.

1003 Section 11. For the purpose of incorporating the amendment  
1004 made by this act to section 1002.42, Florida Statutes, in a  
1005 reference thereto, subsection (2) of section 1007.271, Florida  
1006 Statutes, is reenacted to read:

1007 1007.271 Dual enrollment programs.—

1008 (2) For the purpose of this section, an eligible secondary  
1009 student is a student who is enrolled in any of grades 6 through  
1010 12 in a Florida public school or in a Florida private school  
1011 that is in compliance with s. 1002.42(2) and provides a  
1012 secondary curriculum pursuant to s. 1003.4282. Students who are  
1013 eligible for dual enrollment pursuant to this section may enroll  
1014 in dual enrollment courses conducted during school hours, after  
1015 school hours, and during the summer term. However, if the  
1016 student is projected to graduate from high school before the  
1017 scheduled completion date of a postsecondary course, the student  
1018 may not register for that course through dual enrollment. The  
1019 student may apply to the postsecondary institution and pay the  
1020 required registration, tuition, and fees if the student meets  
1021 the postsecondary institution's admissions requirements under s.  
1022 1007.263. Instructional time for dual enrollment may vary from  
1023 900 hours; however, the full-time equivalent student membership  
1024 value shall be subject to the provisions in s. 1011.61(4). A  
1025 student enrolled as a dual enrollment student is exempt from the

1026 | payment of registration, tuition, and laboratory fees. Applied  
1027 | academics for adult education instruction, developmental  
1028 | education, and other forms of precollegiate instruction, as well  
1029 | as physical education courses that focus on the physical  
1030 | execution of a skill rather than the intellectual attributes of  
1031 | the activity, are ineligible for inclusion in the dual  
1032 | enrollment program. Recreation and leisure studies courses shall  
1033 | be evaluated individually in the same manner as physical  
1034 | education courses for potential inclusion in the program.

1035 |       Section 12. This act shall take effect July 1, 2020.