

By Senator Stewart

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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 required to be included in a specified
12 database relating to private schools; requiring
13 private schools to provide specified students with a
14 certain amount of time for recess; requiring private
15 school students to participate in the statewide
16 assessment program; requiring private schools to
17 establish curricula that meet specified standards;
18 requiring teachers employed by or working under
19 contract with private schools to meet specified
20 requirements; requiring private schools to comply with
21 the State Requirements for Educational Facilities of
22 the Florida Building Code; providing for injunctive
23 relief under certain circumstances; authorizing
24 attorney fees and costs; amending s. 1003.455, F.S.;
25 deleting an exception relating to charter schools'
26 compliance with a specified provision; amending s.
27 1008.34, F.S.; requiring private schools to be graded
28 according to specified rules; requiring private
29 schools to assess at least 95 percent of eligible

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30 students; deleting obsolete language; requiring the
31 Department of Education to annually develop, in
32 collaboration with private schools, a school report
33 card that private schools provides to parents;
34 amending s. 1013.385, F.S.; conforming a provision to
35 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

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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 the
76 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 focus
85 of the curriculum and that resources are provided to identify
86 and provide specialized instruction for students who are reading
87 below grade level. The curriculum and instructional strategies

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88 for reading must be consistent with the Next Generation Sunshine
89 State Standards and grounded in scientifically based reading
90 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 and

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117 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 will
122 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

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

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

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

199 14. The qualifications to be required of the teachers and
200 the potential strategies used to recruit, hire, train, and
201 retain qualified staff to achieve best value, notwithstanding
202 the requirements of paragraph (12)(f).

203 15. The governance structure of the school, including the

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204 status of the charter school as a public or private employer as
205 required in paragraph (12) (i).

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

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

221 18. Full disclosure of the identity of all relatives
222 employed by the charter school who are related to the charter
223 school owner, president, chairperson of the governing board of
224 directors, superintendent, governing board member, principal,
225 assistant principal, or any other person employed by the charter
226 school who has equivalent decisionmaking authority. For the
227 purpose of this subparagraph, the term "relative" means father,
228 mother, son, daughter, brother, sister, uncle, aunt, first
229 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
230 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
231 stepfather, stepmother, stepson, stepdaughter, stepbrother,
232 stepsister, half brother, or half sister.

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

241 (9) CHARTER SCHOOL REQUIREMENTS.—

242 (p)1. Each charter school shall maintain a website that
243 enables the public to obtain information regarding the school;
244 the school's academic performance; the school's graduation
245 rates; students' results on the statewide, standardized
246 assessment; the names of the governing board members; the
247 programs at the school; any management companies, service
248 providers, or education management corporations associated with
249 the school; the school's annual budget and its annual
250 independent fiscal audit; the school's grade pursuant to s.
251 1008.34; and, on a quarterly basis, the minutes of governing
252 board meetings.

253 2. Each charter school's governing board must appoint a
254 representative to facilitate parental involvement, provide
255 access to information, assist parents and others with questions
256 and concerns, and resolve disputes. The representative must
257 reside in the school district in which the charter school is
258 located and may be a governing board member, a charter school
259 employee, or an individual contracted to represent the governing
260 board. If the governing board oversees multiple charter schools
261 in the same school district, the governing board must appoint a

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262 separate representative for each charter school in the district.
263 The representative's contact information must be provided
264 annually in writing to parents and posted prominently on the
265 charter school's website. The sponsor may not require governing
266 board members to reside in the school district in which the
267 charter school is located if the charter school complies with
268 this subparagraph.

269 3. Each charter school's governing board must hold at least
270 two public meetings per school year in the school district where
271 the charter school is located. The meetings must be noticed,
272 open, and accessible to the public, and attendees must be
273 provided an opportunity to receive information and provide input
274 regarding the charter school's operations. The appointed
275 representative and charter school principal or director, or his
276 or her designee, must be physically present at each meeting.
277 Members of the governing board may attend in person or by means
278 of communications media technology used in accordance with rules
279 adopted by the Administration Commission under s. 120.54(5).

280 (12) EMPLOYEES OF CHARTER SCHOOLS.—

281 (f) Teachers employed by or under contract to a charter
282 school must ~~shall~~ be certified as required by chapter 1012 and
283 must, at a minimum, have received a bachelor's degree. A charter
284 school governing board may employ or contract with skilled
285 selected noncertified personnel to provide instructional
286 services or to assist instructional staff members as education
287 paraprofessionals in the same manner as defined in chapter 1012,
288 and as provided by State Board of Education rule for charter
289 school governing boards. A charter school may not knowingly
290 employ an individual to provide instructional services or to

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291 serve as an education paraprofessional if the individual's
292 certification or licensure as an educator is suspended or
293 revoked by this or any other state. A charter school may not
294 knowingly employ an individual who has resigned from a school
295 district in lieu of disciplinary action with respect to child
296 welfare or safety, or who has been dismissed for just cause by
297 any school district with respect to child welfare or safety. The
298 qualifications of teachers shall be disclosed to parents.

299 (18) FACILITIES.—

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

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320 Code. A local governing authority must treat charter schools
321 equitably in comparison to similar requirements, restrictions,
322 and site planning processes imposed upon public schools that are
323 not charter schools. The agency having jurisdiction for
324 inspection of a facility and issuance of a certificate of
325 occupancy or use shall be the local municipality or, if in an
326 unincorporated area, the county governing authority. If an
327 official or employee of the local governing authority refuses to
328 comply with this paragraph, the aggrieved school or entity has
329 an immediate right to bring an action in circuit court to
330 enforce its rights by injunction. An aggrieved party that
331 receives injunctive relief may be awarded attorney fees and
332 court costs.

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

336 1002.42 Private schools.—

337 (2) ANNUAL PRIVATE SCHOOL SURVEY.—

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

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349 standardized assessment; the school's annual budget; and such
350 data as may be needed to meet the provisions of this section and
351 s. 1003.23(2).

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

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

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

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

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

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378 having jurisdiction for inspection of a facility and issuance of
379 a certificate of occupancy or use is the local municipality or,
380 if the private school is in an unincorporated area, the county
381 governing authority. If an official or employee of the local
382 governing authority refuses to comply with this subsection, the
383 aggrieved school or entity has an immediate right to bring an
384 action in circuit court to enforce its rights by injunction. An
385 aggrieved party that receives injunctive relief may be awarded
386 attorney fees and court costs.

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

390 1003.455 Physical education; assessment.—

391 (3) Each district school board shall provide 150 minutes of
392 physical education each week for students in kindergarten
393 through grade 5 and for students in grade 6 who are enrolled in
394 a school that contains one or more elementary grades so that on
395 any day during which physical education instruction is conducted
396 there are at least 30 consecutive minutes per day. Beginning
397 with the 2009-2010 school year, the equivalent of one class
398 period per day of physical education for one semester of each
399 year is required for students enrolled in grades 6 through 8.
400 Students enrolled in such instruction shall be reported through
401 the periodic student membership surveys, and records of such
402 enrollment shall be audited pursuant to s. 1010.305. Such
403 instruction may be provided by any instructional personnel as
404 defined in s. 1012.01(2), regardless of certification, who are
405 designated by the school principal.

406 (6) In addition to the requirements in subsection (3), each

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

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

415 1008.34 School grading system; school report cards;
416 district grade.—

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

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

425
426 Each school that earns a grade of "A" or improves at least two
427 letter grades may have greater authority over the allocation of
428 the school's total budget generated from the FEFP, state
429 categoricals, lottery funds, grants, and local funds.

430 (3) DESIGNATION OF SCHOOL GRADES.—

431 (a) Each school, including private schools, must assess at
432 least 95 percent of its eligible students, except as provided
433 under s. 1008.341 for alternative schools. Each school shall
434 receive a school grade based on the school's performance on the
435 components listed in subparagraphs (b)1. and 2. If a school does

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436 not have at least 10 students with complete data for one or more
437 of the components listed in subparagraphs (b)1. and 2., those
438 components may not be used in calculating the school's grade.

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

445 2. A school that serves any combination of students in
446 kindergarten through grade 3 that does not receive a school
447 grade because its students are not tested and included in the
448 school grading system shall receive the school grade designation
449 of a K-3 feeder pattern school identified by the Department of
450 Education and verified by the school district. A school feeder
451 pattern exists if a majority of the students in the school
452 serving a combination of students in kindergarten through grade
453 3 are scheduled to be assigned to the graded school.

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

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

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

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

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

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

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

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

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

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

493 i. For schools comprised of middle grades 6 through 8 or

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494 grades 7 and 8, the percentage of eligible students passing high
495 school level statewide, standardized end-of-course assessments
496 or attaining national industry certifications identified in the
497 CAPE Industry Certification Funding List pursuant to state board
498 rule.

499

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

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

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

513 b. The percentage of students who were eligible to earn
514 college and career credit through College Board Advanced
515 Placement examinations, International Baccalaureate
516 examinations, dual enrollment courses, including career dual
517 enrollment courses resulting in the completion of 300 or more
518 clock hours during high school which are approved by the state
519 board as meeting the requirements of s. 1007.271, or Advanced
520 International Certificate of Education examinations; who, at any
521 time during high school, earned national industry certification
522 identified in the CAPE Industry Certification Funding List,

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523 pursuant to rules adopted by the state board; or, beginning with
524 the 2022-2023 school year, who earned an Armed Services
525 Qualification Test score that falls within Category II or higher
526 on the Armed Services Vocational Aptitude Battery and earned a
527 minimum of two credits in Junior Reserve Officers' Training
528 Corps courses from the same branch of the United States Armed
529 Forces.

530 (4) SCHOOL REPORT CARD.—The Department of Education shall
531 annually develop, in collaboration with the school districts and
532 private schools, a school report card to be provided by the
533 school district or private school, as applicable, to parents
534 within the district. The report card shall include the school's
535 grade; student performance in English Language Arts,
536 mathematics, science, and social studies; information regarding
537 school improvement; an explanation of school performance as
538 evaluated by the federal Elementary and Secondary Education Act
539 (ESEA), 20 U.S.C. ss. 6301 et seq.; and indicators of return on
540 investment. Each school's report card shall be published
541 annually by the department on its website based upon the most
542 recent data available.

543 Section 5. Paragraph (e) of subsection (2) of section
544 1013.385, Florida Statutes, is amended to read:

545 1013.385 School district construction flexibility.—

546 (2) A resolution adopted under this section may propose
547 implementation of exceptions to requirements of the uniform
548 statewide building code for the planning and construction of
549 public educational and ancillary plants adopted pursuant to ss.
550 553.73 and 1013.37 relating to:

551 ~~(e) Any other provisions that limit the ability of a school~~

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552 ~~to operate in a facility on the same basis as a charter school~~
553 ~~pursuant to s. 1002.33(18) so long as the regional planning~~
554 ~~council determines that there is sufficient shelter capacity~~
555 ~~within the school district as documented in the Statewide~~
556 ~~Emergency Shelter Plan.~~

557 Section 6. For the purpose of incorporating the amendment
558 made by this act to section 1002.33, Florida Statutes, in a
559 reference thereto, paragraph (h) of subsection (6) of section
560 163.3180, Florida Statutes, is reenacted to read:

561 163.3180 Concurrency.—

562 (6)

563 (h)1. In order to limit the liability of local governments,
564 a local government may allow a landowner to proceed with
565 development of a specific parcel of land notwithstanding a
566 failure of the development to satisfy school concurrency, if all
567 the following factors are shown to exist:

568 a. The proposed development would be consistent with the
569 future land use designation for the specific property and with
570 pertinent portions of the adopted local plan, as determined by
571 the local government.

572 b. The local government's capital improvements element and
573 the school board's educational facilities plan provide for
574 school facilities adequate to serve the proposed development,
575 and the local government or school board has not implemented
576 that element or the project includes a plan that demonstrates
577 that the capital facilities needed as a result of the project
578 can be reasonably provided.

579 c. The local government and school board have provided a
580 means by which the landowner will be assessed a proportionate

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581 share of the cost of providing the school facilities necessary
582 to serve the proposed development.

583 2. If a local government applies school concurrency, it may
584 not deny an application for site plan, final subdivision
585 approval, or the functional equivalent for a development or
586 phase of a development authorizing residential development for
587 failure to achieve and maintain the level-of-service standard
588 for public school capacity in a local school concurrency
589 management system where adequate school facilities will be in
590 place or under actual construction within 3 years after the
591 issuance of final subdivision or site plan approval, or the
592 functional equivalent. School concurrency is satisfied if the
593 developer executes a legally binding commitment to provide
594 mitigation proportionate to the demand for public school
595 facilities to be created by actual development of the property,
596 including, but not limited to, the options described in sub-
597 subparagraph a. Options for proportionate-share mitigation of
598 impacts on public school facilities must be established in the
599 comprehensive plan and the interlocal agreement pursuant to s.
600 163.31777.

601 a. Appropriate mitigation options include the contribution
602 of land; the construction, expansion, or payment for land
603 acquisition or construction of a public school facility; the
604 construction of a charter school that complies with the
605 requirements of s. 1002.33(18); or the creation of mitigation
606 banking based on the construction of a public school facility in
607 exchange for the right to sell capacity credits. Such options
608 must include execution by the applicant and the local government
609 of a development agreement that constitutes a legally binding

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610 commitment to pay proportionate-share mitigation for the
611 additional residential units approved by the local government in
612 a development order and actually developed on the property,
613 taking into account residential density allowed on the property
614 prior to the plan amendment that increased the overall
615 residential density. The district school board must be a party
616 to such an agreement. As a condition of its entry into such a
617 development agreement, the local government may require the
618 landowner to agree to continuing renewal of the agreement upon
619 its expiration.

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

633 c. Any proportionate-share mitigation must be directed by
634 the school board toward a school capacity improvement identified
635 in the 5-year school board educational facilities plan that
636 satisfies the demands created by the development in accordance
637 with a binding developer's agreement.

638 3. This paragraph does not limit the authority of a local

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639 government to deny a development permit or its functional
640 equivalent pursuant to its home rule regulatory powers, except
641 as provided in this part.

642 Section 7. For the purpose of incorporating the amendment
643 made by this act to section 1002.33, Florida Statutes, in a
644 reference thereto, paragraph (c) of subsection (9) of section
645 1002.32, Florida Statutes, is reenacted to read:

646 1002.32 Developmental research (laboratory) schools.—

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

649 (c) All operating funds provided under this section shall
650 be deposited in a Lab School Trust Fund and shall be expended
651 for the purposes of this section. The university assigned a lab
652 school shall be the fiscal agent for these funds, and all rules
653 of the university governing the budgeting and expenditure of
654 state funds shall apply to these funds unless otherwise provided
655 by law or rule of the State Board of Education. The university
656 board of trustees shall be the public employer of lab school
657 personnel for collective bargaining purposes for lab schools in
658 operation prior to the 2002-2003 fiscal year. Employees of
659 charter lab schools authorized prior to June 1, 2003, but not in
660 operation prior to the 2002-2003 fiscal year shall be employees
661 of the entity holding the charter and must comply with the
662 provisions of s. 1002.33(12).

663 Section 8. For the purpose of incorporating the amendment
664 made by this act to section 1002.33, Florida Statutes, in a
665 reference thereto, paragraph (a) of subsection (1) of section
666 1002.345, Florida Statutes, is reenacted to read:

667 1002.345 Determination of deteriorating financial

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668 conditions and financial emergencies for charter schools and
669 charter technical career centers.—This section applies to
670 charter schools operating pursuant to s. 1002.33 and to charter
671 technical career centers operating pursuant to s. 1002.34.

672 (1) EXPEDITED REVIEW; REQUIREMENTS.—

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

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

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

679 3. A deteriorating financial condition identified through
680 an annual audit pursuant to s. 218.39(5), a monthly financial
681 statement pursuant to s. 1002.33(9)(g) or s. 1002.34(11)(f), or
682 a quarterly financial statement pursuant to s. 1002.331(2)(c).
683 “Deteriorating financial condition” means a circumstance that
684 significantly impairs the ability of a charter school or a
685 charter technical career center to generate enough revenues to
686 meet its expenditures without causing the occurrence of a
687 condition described in s. 218.503(1).

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

692 Section 9. For the purpose of incorporating the amendment
693 made by this act to section 1002.42, Florida Statutes, in a
694 reference thereto, paragraph (g) of subsection (2) of section
695 1002.385, Florida Statutes, is reenacted to read:

696 1002.385 The Gardiner Scholarship.—

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

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

702 1. Sections 1002.42 and 1002.421; and

703 2. A scholarship program under s. 1002.39 or s. 1002.395,
704 as applicable, if the private school participates in a
705 scholarship program under s. 1002.39 or s. 1002.395.

706 Section 10. For the purpose of incorporating the amendment
707 made by this act to section 1002.42, Florida Statutes, in a
708 reference thereto, subsection (1) of section 1002.421, Florida
709 Statutes, is reenacted to read:

710 1002.421 State school choice scholarship program
711 accountability and oversight.—

712 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
713 school participating in an educational scholarship program
714 established pursuant to this chapter must be a private school as
715 defined in s. 1002.01(2) in this state, be registered, and be in
716 compliance with all requirements of this section in addition to
717 private school requirements outlined in s. 1002.42, specific
718 requirements identified within respective scholarship program
719 laws, and other provisions of Florida law that apply to private
720 schools, and must:

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

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

725 (c) Notify the department of any change in the school's

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726 name, school director, mailing address, or physical location
727 within 15 days after the change.

728 (d) Provide to the department or scholarship-funding
729 organization all documentation required for a student's
730 participation, including the private school's and student's
731 individual fee schedule, and attendance verification as required
732 by the department or scholarship-funding organization, prior to
733 scholarship payment.

734 (e) Annually complete and submit to the department a
735 notarized scholarship compliance statement certifying that all
736 school employees and contracted personnel with direct student
737 contact have undergone background screening pursuant to s.
738 943.0542 and have met the screening standards as provided in s.
739 435.04.

740 (f) Demonstrate fiscal soundness and accountability by:

741 1. Being in operation for at least 3 school years or
742 obtaining a surety bond or letter of credit for the amount equal
743 to the scholarship funds for any quarter and filing the surety
744 bond or letter of credit with the department.

745 2. Requiring the parent of each scholarship student to
746 personally restrictively endorse the scholarship warrant to the
747 school or to approve a funds transfer before any funds are
748 deposited for a student. The school may not act as attorney in
749 fact for the parent of a scholarship student under the authority
750 of a power of attorney executed by such parent, or under any
751 other authority, to endorse a scholarship warrant or approve a
752 funds transfer on behalf of such parent.

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

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755 1. Firesafety.

756 2. Building safety.

757 (h) Employ or contract with teachers who hold baccalaureate
758 or higher degrees, have at least 3 years of teaching experience
759 in public or private schools, or have special skills, knowledge,
760 or expertise that qualifies them to provide instruction in
761 subjects taught.

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

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

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

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

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

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784 this paragraph:

785 1. An "employee or contracted personnel with direct student
786 contact" means any employee or contracted personnel who has
787 unsupervised access to a scholarship student for whom the
788 private school is responsible.

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

791 3. Continued employment of an employee or contracted
792 personnel after notification that he or she has failed the
793 background screening under this paragraph shall cause a private
794 school to be ineligible for participation in a scholarship
795 program.

796 4. An employee or contracted personnel holding a valid
797 Florida teaching certificate who has been fingerprinted pursuant
798 to s. 1012.32 is not required to comply with the provisions of
799 this paragraph.

800 5. All fingerprints submitted to the Department of Law
801 Enforcement as required by this section shall be retained by the
802 Department of Law Enforcement in a manner provided by rule and
803 entered in the statewide automated biometric identification
804 system authorized by s. 943.05(2)(b). Such fingerprints shall
805 thereafter be available for all purposes and uses authorized for
806 arrest fingerprints entered in the statewide automated biometric
807 identification system pursuant to s. 943.051.

808 6. The Department of Law Enforcement shall search all
809 arrest fingerprints received under s. 943.051 against the
810 fingerprints retained in the statewide automated biometric
811 identification system under subparagraph 5. Any arrest record
812 that is identified with the retained fingerprints of a person

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813 subject to the background screening under this section shall be
814 reported to the employing school with which the person is
815 affiliated. Each private school participating in a scholarship
816 program is required to participate in this search process by
817 informing the Department of Law Enforcement of any change in the
818 employment or contractual status of its personnel whose
819 fingerprints are retained under subparagraph 5. The Department
820 of Law Enforcement shall adopt a rule setting the amount of the
821 annual fee to be imposed upon each private school for performing
822 these searches and establishing the procedures for the retention
823 of private school employee and contracted personnel fingerprints
824 and the dissemination of search results. The fee may be borne by
825 the private school or the person fingerprinted.

826 7. Employees and contracted personnel whose fingerprints
827 are not retained by the Department of Law Enforcement under
828 subparagraphs 5. and 6. are required to be refingerprinted and
829 must meet state and national background screening requirements
830 upon reemployment or reengagement to provide services in order
831 to comply with the requirements of this section.

832 8. Every 5 years following employment or engagement to
833 provide services with a private school, employees or contracted
834 personnel required to be screened under this section must meet
835 screening standards under s. 435.04, at which time the private
836 school shall request the Department of Law Enforcement to
837 forward the fingerprints to the Federal Bureau of Investigation
838 for national processing. If the fingerprints of employees or
839 contracted personnel are not retained by the Department of Law
840 Enforcement under subparagraph 5., employees and contracted
841 personnel must electronically file a complete set of

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842 fingerprints with the Department of Law Enforcement. Upon
843 submission of fingerprints for this purpose, the private school
844 shall request that the Department of Law Enforcement forward the
845 fingerprints to the Federal Bureau of Investigation for national
846 processing, and the fingerprints shall be retained by the
847 Department of Law Enforcement under subparagraph 5.

848 (n) Adopt policies establishing standards of ethical
849 conduct for instructional personnel and school administrators.
850 The policies must require all instructional personnel and school
851 administrators, as defined in s. 1012.01, to complete training
852 on the standards; establish the duty of instructional personnel
853 and school administrators to report, and procedures for
854 reporting, alleged misconduct by other instructional personnel
855 and school administrators which affects the health, safety, or
856 welfare of a student; and include an explanation of the
857 liability protections provided under ss. 39.203 and 768.095. A
858 private school, or any of its employees, may not enter into a
859 confidentiality agreement regarding terminated or dismissed
860 instructional personnel or school administrators, or personnel
861 or administrators who resign in lieu of termination, based in
862 whole or in part on misconduct that affects the health, safety,
863 or welfare of a student, and may not provide the instructional
864 personnel or school administrators with employment references or
865 discuss the personnel's or administrators' performance with
866 prospective employers in another educational setting, without
867 disclosing the personnel's or administrators' misconduct. Any
868 part of an agreement or contract that has the purpose or effect
869 of concealing misconduct by instructional personnel or school
870 administrators which affects the health, safety, or welfare of a

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871 student is void, is contrary to public policy, and may not be
872 enforced.

873 (o) Before employing instructional personnel or school
874 administrators in any position that requires direct contact with
875 students, conduct employment history checks of each of the
876 personnel's or administrators' previous employers, screen the
877 personnel or administrators through use of the educator
878 screening tools described in s. 1001.10(5), and document the
879 findings. If unable to contact a previous employer, the private
880 school must document efforts to contact the employer.

881 (p) Require each owner or operator of the private school,
882 prior to employment or engagement to provide services, to
883 undergo level 2 background screening as provided under chapter
884 435. For purposes of this paragraph, the term "owner or
885 operator" means an owner, operator, superintendent, or principal
886 of, or a person with equivalent decisionmaking authority over, a
887 private school participating in a scholarship program
888 established pursuant to this chapter. The fingerprints for the
889 background screening must be electronically submitted to the
890 Department of Law Enforcement and may be taken by an authorized
891 law enforcement agency or a private company who is trained to
892 take fingerprints. However, the complete set of fingerprints of
893 an owner or operator may not be taken by the owner or operator.
894 The owner or operator shall provide a copy of the results of the
895 state and national criminal history check to the Department of
896 Education. The cost of the background screening may be borne by
897 the owner or operator.

898 1. Every 5 years following employment or engagement to
899 provide services, each owner or operator must meet level 2

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900 screening standards as described in s. 435.04, at which time the
901 owner or operator shall request the Department of Law
902 Enforcement to forward the fingerprints to the Federal Bureau of
903 Investigation for level 2 screening. If the fingerprints of an
904 owner or operator are not retained by the Department of Law
905 Enforcement under subparagraph 2., the owner or operator must
906 electronically file a complete set of fingerprints with the
907 Department of Law Enforcement. Upon submission of fingerprints
908 for this purpose, the owner or operator shall request that the
909 Department of Law Enforcement forward the fingerprints to the
910 Federal Bureau of Investigation for level 2 screening, and the
911 fingerprints shall be retained by the Department of Law
912 Enforcement under subparagraph 2.

913 2. Fingerprints submitted to the Department of Law
914 Enforcement as required by this paragraph must be retained by
915 the Department of Law Enforcement in a manner approved by rule
916 and entered in the statewide automated biometric identification
917 system authorized by s. 943.05(2)(b). The fingerprints must
918 thereafter be available for all purposes and uses authorized for
919 arrest fingerprints entered in the statewide automated biometric
920 identification system pursuant to s. 943.051.

921 3. The Department of Law Enforcement shall search all
922 arrest fingerprints received under s. 943.051 against the
923 fingerprints retained in the statewide automated biometric
924 identification system under subparagraph 2. Any arrest record
925 that is identified with an owner's or operator's fingerprints
926 must be reported to the owner or operator, who must report to
927 the Department of Education. Any costs associated with the
928 search shall be borne by the owner or operator.

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

932 5. In addition to the offenses listed in s. 435.04, a
933 person required to undergo background screening pursuant to this
934 part or authorizing statutes may not have an arrest awaiting
935 final disposition for, must not have been found guilty of, or
936 entered a plea of nolo contendere to, regardless of
937 adjudication, and must not have been adjudicated delinquent for,
938 and the record must not have been sealed or expunged for, any of
939 the following offenses or any similar offense of another
940 jurisdiction:

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

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

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

944 d. Section 409.9201, relating to Medicaid fraud.

945 e. Section 741.28, relating to domestic violence.

946 f. Section 817.034, relating to fraudulent acts through
947 mail, wire, radio, electromagnetic, photoelectronic, or
948 photooptical systems.

949 g. Section 817.234, relating to false and fraudulent
950 insurance claims.

951 h. Section 817.505, relating to patient brokering.

952 i. Section 817.568, relating to criminal use of personal
953 identification information.

954 j. Section 817.60, relating to obtaining a credit card
955 through fraudulent means.

956 k. Section 817.61, relating to fraudulent use of credit
957 cards, if the offense was a felony.

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- 958 1. Section 831.01, relating to forgery.
- 959 m. Section 831.02, relating to uttering forged instruments.
- 960 n. Section 831.07, relating to forging bank bills, checks,
961 drafts, or promissory notes.
- 962 o. Section 831.09, relating to uttering forged bank bills,
963 checks, drafts, or promissory notes.
- 964 p. Section 831.30, relating to fraud in obtaining medicinal
965 drugs.
- 966 q. Section 831.31, relating to the sale, manufacture,
967 delivery, or possession with the intent to sell, manufacture, or
968 deliver any counterfeit controlled substance, if the offense was
969 a felony.
- 970 6. At least 30 calendar days before a transfer of ownership
971 of a private school, the owner or operator shall notify the
972 parent of each scholarship student.
- 973 7. The owner or operator of a private school that has been
974 deemed ineligible to participate in a scholarship program
975 pursuant to this chapter may not transfer ownership or
976 management authority of the school to a relative in order to
977 participate in a scholarship program as the same school or a new
978 school. For purposes of this subparagraph, the term "relative"
979 means father, mother, son, daughter, grandfather, grandmother,
980 brother, sister, uncle, aunt, cousin, nephew, niece, husband,
981 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,
982 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
983 stepdaughter, stepbrother, stepsister, half-brother, or half-
984 sister.
- 985 (q) Provide a report from an independent certified public
986 accountant who performs the agreed-upon procedures developed

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987 pursuant to s. 1002.395(6)(o) if the private school receives
988 more than \$250,000 in funds from scholarships awarded under this
989 chapter in a state fiscal year. A private school subject to this
990 subsection must annually submit the report by September 15 to
991 the scholarship-funding organization that awarded the majority
992 of the school's scholarship funds. However, a school that
993 receives more than \$250,000 in scholarship funds only through
994 the John M. McKay Scholarship for Students with Disabilities
995 Program pursuant to s. 1002.39 must submit the annual report by
996 September 15 to the department. The agreed-upon procedures must
997 be conducted in accordance with attestation standards
998 established by the American Institute of Certified Public
999 Accountants.

1000
1001 The department shall suspend the payment of funds to a private
1002 school that knowingly fails to comply with this subsection, and
1003 shall prohibit the school from enrolling new scholarship
1004 students, for 1 fiscal year and until the school complies. If a
1005 private school fails to meet the requirements of this subsection
1006 or has consecutive years of material exceptions listed in the
1007 report required under paragraph (q), the commissioner may
1008 determine that the private school is ineligible to participate
1009 in a scholarship program.

1010 Section 11. For the purpose of incorporating the amendment
1011 made by this act to section 1002.42, Florida Statutes, in a
1012 reference thereto, subsection (2) of section 1007.271, Florida
1013 Statutes, is reenacted to read:

1014 1007.271 Dual enrollment programs.—

1015 (2) For the purpose of this section, an eligible secondary

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1016 student is a student who is enrolled in any of grades 6 through
1017 12 in a Florida public school or in a Florida private school
1018 that is in compliance with s. 1002.42(2) and provides a
1019 secondary curriculum pursuant to s. 1003.4282. Students who are
1020 eligible for dual enrollment pursuant to this section may enroll
1021 in dual enrollment courses conducted during school hours, after
1022 school hours, and during the summer term. However, if the
1023 student is projected to graduate from high school before the
1024 scheduled completion date of a postsecondary course, the student
1025 may not register for that course through dual enrollment. The
1026 student may apply to the postsecondary institution and pay the
1027 required registration, tuition, and fees if the student meets
1028 the postsecondary institution's admissions requirements under s.
1029 1007.263. Instructional time for dual enrollment may vary from
1030 900 hours; however, the full-time equivalent student membership
1031 value shall be subject to the provisions in s. 1011.61(4). A
1032 student enrolled as a dual enrollment student is exempt from the
1033 payment of registration, tuition, and laboratory fees. Applied
1034 academics for adult education instruction, developmental
1035 education, and other forms of precollegiate instruction, as well
1036 as physical education courses that focus on the physical
1037 execution of a skill rather than the intellectual attributes of
1038 the activity, are ineligible for inclusion in the dual
1039 enrollment program. Recreation and leisure studies courses shall
1040 be evaluated individually in the same manner as physical
1041 education courses for potential inclusion in the program.

1042 Section 12. This act shall take effect July 1, 2021.