

Amendment No.

CHAMBER ACTION

Senate

House

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The Conference Committee on HB 5101 offered the following:

**Conference Committee Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Paragraphs (f), (g), and (h) of subsection (3) of section 1002.37, Florida Statutes, are amended to read:

1002.37 The Florida Virtual School.—

(3) Funding for the Florida Virtual School shall be provided as follows:

~~(f) The Florida Virtual School shall receive funds for operating purposes in an amount determined as follows: multiply the maximum allowable nonvoted discretionary millage for operations pursuant to s. 1011.71(1) and (3) by the value of 96~~

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14 ~~percent of the current year's taxable value for school purposes~~  
15 ~~for the state; divide the result by the total full-time~~  
16 ~~equivalent membership of the state; and multiply the result by~~  
17 ~~the full-time equivalent membership of the school. The amount~~  
18 ~~thus obtained shall be discretionary operating funds and shall~~  
19 ~~be appropriated from state funds in the General Appropriations~~  
20 ~~Act.~~

21 (f)(g) The Florida Virtual School shall receive additional  
22 state funds for operating purposes as may be provided in the  
23 General Appropriations Act. The calculation to determine the  
24 amount of state funds includes: the sum of the base Florida  
25 Education Finance Program funding, the state-funded  
26 discretionary contribution and a per-full-time equivalent share  
27 of the discretionary millage compression supplement, the  
28 exceptional student education guaranteed allocation, the  
29 instructional materials allocation, the research-based reading  
30 instruction allocation, the mental health assistance allocation,  
31 and the teacher salary increase allocation. For the purpose of  
32 calculating the state-funded discretionary contribution,  
33 multiply the maximum allowable nonvoted discretionary millage  
34 for operations pursuant to s. 1011.71(1) and (3) by the value of  
35 96 percent of the current year's taxable value for school  
36 purposes for the state; divide the result by the total full-time  
37 equivalent membership of the state; and multiply the result by  
38 the full-time equivalent membership of the school. ; however,

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39 ~~such~~ Funds may not be provided for the purpose of fulfilling the  
40 class size requirements in ss. 1003.03 and 1011.685.

41 (g)~~(h)~~ In addition to the funds provided in the General  
42 Appropriations Act, the Florida Virtual School may receive other  
43 funds from grants and donations.

44 Section 2. Paragraphs (b) through (e) of subsection (1)  
45 and paragraphs (a), (e), and (f) of subsection (7) of section  
46 1002.45, Florida Statutes, are amended to read:

47 1002.45 Virtual instruction programs.—

48 (1) PROGRAM.—

49 (b) Each school district ~~that is eligible for the sparsity~~  
50 ~~supplement pursuant to s. 1011.62(7) (a) and (b) shall provide~~  
51 ~~all enrolled public school students within its boundaries the~~  
52 ~~option of participating in part-time and full-time virtual~~  
53 ~~instruction programs. Each school district that is not eligible~~  
54 ~~for the sparsity supplement pursuant to s. 1011.62(7) (a) and (b)~~  
55 shall provide at least one option ~~three options~~ for part-time  
56 and full-time virtual instruction for students within the school  
57 district. All school districts must provide parents with timely  
58 written notification of at least one open enrollment period for  
59 full-time students of 90 days or more which ends 30 days before  
60 the first day of the school year. The purpose of the program is  
61 to make quality virtual instruction available to students using  
62 online and distance learning technology in the nontraditional  
63 classroom. A school district virtual instruction program shall

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64 consist of the following:

65 1. Full-time and part-time virtual instruction for  
66 students enrolled in kindergarten through grade 12.

67 2. Full-time or part-time virtual instruction for students  
68 enrolled in dropout prevention and academic intervention  
69 programs under s. 1003.53, Department of Juvenile Justice  
70 education programs under s. 1003.52, core-curricula courses to  
71 meet class size requirements under s. 1003.03, or Florida  
72 College System institutions under this section.

73 (c) To provide students with the option of participating  
74 in virtual instruction programs as required by paragraph (b), a  
75 school district may:

76 1. Contract with the Florida Virtual School or establish a  
77 franchise of the Florida Virtual School for the provision of a  
78 program under paragraph (b). Using this option is subject to the  
79 requirements of this section and s. 1011.61(1)(c)1.b.(III) and  
80 (IV) and (4). A district may report full-time equivalent student  
81 membership for credit earned by a student who is enrolled in a  
82 virtual education course provided by the district which was  
83 completed after the end of the regular school year if the FTE is  
84 reported no later than the deadline for amending the final  
85 student membership report for that year.

86 2. Contract with an approved provider under subsection (2)  
87 for the provision of a full-time or part-time program under  
88 paragraph (b).

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89           3. Enter into an agreement with other school districts to  
90 allow the participation of its students in an approved virtual  
91 instruction program provided by the other school district. The  
92 agreement must indicate a process for the transfer of funds  
93 required by paragraph (7) (a) ~~(7)(e)~~.

94           4. Establish school district operated part-time or full-  
95 time kindergarten through grade 12 virtual instruction programs  
96 under paragraph (b) for students enrolled in the school  
97 district. A full-time program shall operate under its own Master  
98 School Identification Number.

99           5. Enter into an agreement with a virtual charter school  
100 authorized by the school district under s. 1002.33.

101  
102 Contracts under subparagraph 1. or subparagraph 2. may include  
103 multidistrict contractual arrangements that may be executed by a  
104 regional consortium for its member districts. A multidistrict  
105 contractual arrangement or an agreement under subparagraph 3. is  
106 not subject to s. 1001.42(4) (d) and does not require the  
107 participating school districts to be contiguous. These  
108 arrangements may be used to fulfill the requirements of  
109 paragraph (b).

110           (d) A virtual charter school may provide full-time virtual  
111 instruction for students in kindergarten through grade 12 if the  
112 virtual charter school has a charter approved pursuant to s.  
113 1002.33 authorizing full-time virtual instruction. A virtual

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114 charter school may:

115 1. Contract with the Florida Virtual School.

116 2. Contract with an approved provider under subsection  
117 (2).

118 3. Enter into an agreement with a school district to allow  
119 the participation of the virtual charter school's students in  
120 the school district's virtual instruction program. The agreement  
121 must indicate a process for reporting of student enrollment and  
122 the transfer of funds required by paragraph (7) (a) ~~(7) (e)~~.

123 (e) Each school district shall:

124 1. Provide to the department by each October 1, a copy of  
125 each contract and the amounts paid per unweighted full-time  
126 equivalent student for services procured pursuant to  
127 subparagraphs (c)1. and 2.

128 2. Expend the difference in funds provided for a student  
129 participating in the school district virtual instruction program  
130 pursuant to subsection (7) and the price paid for acquiring  
131 computer and device hardware and associated operating system  
132 software that comply with the requirements of s.

133 1001.20(4)(a)1.b. and by September 1 of each year report to the  
134 department an itemized list of items acquired with these funds  
135 ~~contracted services procured pursuant to subparagraphs (c)1. and~~  
136 ~~2. for implementation of the school district's digital~~  
137 ~~classrooms plan pursuant to s. 1011.62.~~

138 3. Limit the enrollment of virtual full-time equivalent

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139 students residing outside of the school district providing the  
140 virtual instruction pursuant to paragraph (c) to no more than 50  
141 percent of the total enrolled virtual full-time equivalent  
142 students residing inside the school district providing the  
143 virtual instruction. This subparagraph applies to any virtual  
144 instruction contract or agreement that is entered into for the  
145 first time after June 30, 2021. However, a school district may  
146 not enroll more virtual full-time equivalent students residing  
147 outside of the school district than the total number of reported  
148 full-time equivalent students residing inside the school  
149 district ~~At the end of each fiscal year, but no later than~~  
150 ~~September 1, report to the department an itemized list of the~~  
151 ~~technological tools purchased with these funds.~~

152 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL  
153 FUNDING.—

154 (a) Students enrolled in a virtual instruction program or  
155 a virtual charter school shall be funded through the Florida  
156 Education Finance Program as provided in the General  
157 Appropriations Act. However, such funds may not be provided for  
158 the purpose of fulfilling the class size requirements in ss.  
159 1003.03 and 1011.685. The school district providing the virtual  
160 instruction shall report the full-time equivalent students for a  
161 virtual instruction program or a virtual charter school to the  
162 department in a manner prescribed by the department.

163 ~~(c) The school district providing virtual instruction~~

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164 ~~shall report full-time equivalent students for a virtual~~  
165 ~~instruction program or a virtual charter school to the~~  
166 ~~department in a manner prescribed by the department, and funding~~  
167 ~~shall be provided through the Florida Education Finance Program.~~

168 (e)~~(f)~~ A Florida College System institution provider may  
169 not report students who are served in a virtual instruction  
170 program for funding under the Florida College System Program  
171 Fund.

172 Section 3. Subsections (9) and (10) of section 1011.62,  
173 Florida Statutes, are renumbered as subsection (8) and (9),  
174 respectively, and subsections (12) through (21) are renumbered  
175 as subsections (10) through (19), respectively, paragraph (f) of  
176 subsection (1), paragraph (a) of subsection (4), paragraphs (b)  
177 and (d) of subsection (6), and subsections (8), (11), and (14)  
178 of section 1011.62, Florida Statutes, are amended to read:

179 1011.62 Funds for operation of schools.—If the annual  
180 allocation from the Florida Education Finance Program to each  
181 district for operation of schools is not determined in the  
182 annual appropriations act or the substantive bill implementing  
183 the annual appropriations act, it shall be determined as  
184 follows:

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

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189 (f) Supplemental academic instruction allocation.—

190 1. There is created the supplemental academic instruction  
191 allocation to provide supplemental academic instruction to  
192 students in kindergarten through grade 12.

193 2. The supplemental academic instruction allocation shall  
194 be provided annually in the Florida Education Finance Program as  
195 specified in the General Appropriations Act. These funds are in  
196 addition to the funds appropriated on the basis of FTE student  
197 membership in the Florida Education Finance Program and shall be  
198 included in the total potential funds of each district.

199 Beginning with the 2018-2019 fiscal year, each school district  
200 that has a school earning a grade of "D" or "F" pursuant to s.  
201 1008.34 must use that school's portion of the supplemental  
202 academic instruction allocation to implement intervention and  
203 support strategies for school improvement pursuant to s. 1008.33  
204 and for salary incentives pursuant to s. 1012.2315(3) or salary  
205 supplements pursuant to s. 1012.22(1)(c)5.c. that are provided  
206 through a memorandum of understanding between the collective  
207 bargaining agent and the school board that addresses the  
208 selection, placement, and expectations of instructional  
209 personnel and school administrators. ~~Each school district that  
210 has one or more of the 300 lowest-performing elementary schools  
211 based on a 3-year average of the state reading assessment data  
212 must use that school's portion of the allocation to provide an  
213 additional hour per day of intensive reading for the students in~~

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214 ~~the school. The additional hour may be provided within the~~  
215 ~~school day. Students enrolled in these schools who earned a~~  
216 ~~level 4 or level 5 score on the statewide, standardized English~~  
217 ~~Language Arts assessment for the previous school year may~~  
218 ~~participate in the extra hour of instruction.~~ For all other  
219 schools, the school district's use of the supplemental academic  
220 instruction allocation may include, but is not limited to, the  
221 use of a modified curriculum, reading instruction, after-school  
222 instruction, tutoring, mentoring, a reduction in class size,  
223 extended school year, intensive skills development in summer  
224 school, dropout prevention programs as defined in ss. 1003.52  
225 and 1003.53(1)(a), (b), and (c), and other methods of improving  
226 student achievement. Supplemental academic instruction may be  
227 provided to a student in any manner and at any time during or  
228 beyond the regular 180-day term identified by the school as  
229 being the most effective and efficient way to best help that  
230 student progress from grade to grade and to graduate.

231 3. The supplemental academic instruction allocation shall  
232 consist of a base amount that has a workload adjustment based on  
233 changes in unweighted FTE. The supplemental academic instruction  
234 allocation shall be recalculated during the fiscal year. Upon  
235 recalculation of funding for the supplemental academic  
236 instruction allocation, if the total allocation is greater than  
237 the amount provided in the General Appropriations Act, the  
238 allocation shall be prorated to the level provided to support

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239 the appropriation, based on each district's share of the total.

240 4. Funding on the basis of FTE membership beyond the 180-  
241 day regular term shall be provided in the FEFP only for students  
242 enrolled in juvenile justice education programs or in education  
243 programs for juveniles placed in secure facilities or programs  
244 under s. 985.19. Funding for instruction beyond the regular 180-  
245 day school year for all other K-12 students shall be provided  
246 through the supplemental academic instruction allocation and  
247 other state, federal, and local fund sources with ample  
248 flexibility for schools to provide supplemental instruction to  
249 assist students in progressing from grade to grade and  
250 graduating.

251 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The  
252 Legislature shall prescribe the aggregate required local effort  
253 for all school districts collectively as an item in the General  
254 Appropriations Act for each fiscal year. The amount that each  
255 district shall provide annually toward the cost of the Florida  
256 Education Finance Program for kindergarten through grade 12  
257 programs shall be calculated as follows:

258 (a) Estimated taxable value calculations.—

259 1.a. Not later than 2 working days before July 19, the  
260 Department of Revenue shall certify to the Commissioner of  
261 Education its most recent estimate of the taxable value for  
262 school purposes in each school district and the total for all  
263 school districts in the state for the current calendar year

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264 based on the latest available data obtained from the local  
265 property appraisers. The value certified shall be the taxable  
266 value for school purposes for that year, and no further  
267 adjustments shall be made, except those made pursuant to  
268 paragraphs (c) and (d), or an assessment roll change required by  
269 final judicial decisions as specified in paragraph (17) (b)  
270 ~~(19) (b)~~. Not later than July 19, the Commissioner of Education  
271 shall compute a millage rate, rounded to the next highest one  
272 one-thousandth of a mill, which, when applied to 96 percent of  
273 the estimated state total taxable value for school purposes,  
274 would generate the prescribed aggregate required local effort  
275 for that year for all districts. The Commissioner of Education  
276 shall certify to each district school board the millage rate,  
277 computed as prescribed in this subparagraph, as the minimum  
278 millage rate necessary to provide the district required local  
279 effort for that year.

280 b. The General Appropriations Act shall direct the  
281 computation of the statewide adjusted aggregate amount for  
282 required local effort for all school districts collectively from  
283 ad valorem taxes to ensure that no school district's revenue  
284 from required local effort millage will produce more than 90  
285 percent of the district's total Florida Education Finance  
286 Program calculation as calculated and adopted by the  
287 Legislature, and the adjustment of the required local effort  
288 millage rate of each district that produces more than 90 percent

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289 of its total Florida Education Finance Program entitlement to a  
290 level that will produce only 90 percent of its total Florida  
291 Education Finance Program entitlement in the July calculation.

292 2. On the same date as the certification in sub-  
293 subparagraph 1.a., the Department of Revenue shall certify to  
294 the Commissioner of Education for each district:

295 a. Each year for which the property appraiser has  
296 certified the taxable value pursuant to s. 193.122(2) or (3), if  
297 applicable, since the prior certification under sub-subparagraph  
298 1.a.

299 b. For each year identified in sub-subparagraph a., the  
300 taxable value certified by the appraiser pursuant to s.  
301 193.122(2) or (3), if applicable, since the prior certification  
302 under sub-subparagraph 1.a. This is the certification that  
303 reflects all final administrative actions of the value  
304 adjustment board.

305 (6) CATEGORICAL FUNDS.—

306 (b) If a district school board finds and declares in a  
307 resolution adopted at a regular meeting of the school board that  
308 the funds received for any of the following categorical  
309 appropriations are urgently needed to maintain school board  
310 specified academic classroom instruction or improve school  
311 safety, the school board may consider and approve an amendment  
312 to the school district operating budget transferring the  
313 identified amount of the categorical funds to the appropriate

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- 314 account for expenditure:
- 315 1. Funds for student transportation.
- 316 2. Funds for research-based reading instruction if the  
317 required additional hour of instruction beyond the normal school  
318 day for each day of the entire school year has been provided for  
319 the students in each low-performing elementary school in the  
320 district pursuant to paragraph (8)(a) ~~(9)(a)~~.
- 321 3. Funds for instructional materials if all instructional  
322 material purchases necessary to provide updated materials that  
323 are aligned with applicable state standards and course  
324 descriptions and that meet statutory requirements of content and  
325 learning have been completed for that fiscal year, but no sooner  
326 than March 1. Funds available after March 1 may be used to  
327 purchase hardware for student instruction.
- 328 4. Funds for the guaranteed allocation as provided in  
329 subparagraph (1)(e)2.
- 330 5. Funds for the supplemental academic instruction  
331 allocation as provided in paragraph (1)(f).
- 332 6. Funds for the Florida digital classrooms allocation as  
333 provided in subsection (10) ~~(12)~~.
- 334 7. Funds for the federally connected student supplement as  
335 provided in subsection (11) ~~(13)~~.
- 336 8. Funds for class size reduction as provided in s.  
337 1011.685.
- 338 (d) If a district school board transfers funds from its

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339 research-based reading instruction allocation, the board must  
340 also submit to the Department of Education an amendment  
341 describing the changes that the district is making to its  
342 reading plan approved pursuant to paragraph (8) (d) ~~(9) (d)~~.

343 ~~(8) DECLINE IN FULL-TIME EQUIVALENT STUDENTS.—~~

344 ~~(a) In those districts where there is a decline between~~  
345 ~~prior year and current year unweighted FTE students, a~~  
346 ~~percentage of the decline in the unweighted FTE students as~~  
347 ~~determined by the Legislature shall be multiplied by the prior~~  
348 ~~year calculated FEFP per unweighted FTE student and shall be~~  
349 ~~added to the allocation for that district. For this purpose, the~~  
350 ~~calculated FEFP shall be computed by multiplying the weighted~~  
351 ~~FTE students by the base student allocation and then by the~~  
352 ~~district cost differential. If a district transfers a program to~~  
353 ~~another institution not under the authority of the district's~~  
354 ~~school board, including a charter technical career center, the~~  
355 ~~decline is to be multiplied by a factor of 0.15. However, if the~~  
356 ~~funds provided for the Florida Education Finance Program in the~~  
357 ~~General Appropriations Act for any fiscal year are reduced by a~~  
358 ~~subsequent appropriation for that fiscal year, the percent of~~  
359 ~~the decline in the unweighted FTE students to be funded shall be~~  
360 ~~determined by the Legislature and designated in the subsequent~~  
361 ~~appropriation.~~

362 ~~(b) The allocation authorized in paragraph (a) is~~  
363 ~~suspended for the 2020-2021 fiscal year and does not apply~~

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364 ~~during such fiscal year. This paragraph expires July 1, 2021.~~

365 ~~(11) VIRTUAL EDUCATION CONTRIBUTION. The Legislature may~~  
366 ~~annually provide in the Florida Education Finance Program a~~  
367 ~~virtual education contribution. The amount of the virtual~~  
368 ~~education contribution shall be the difference between the~~  
369 ~~amount per FTE established in the General Appropriations Act for~~  
370 ~~virtual education and the amount per FTE for each district and~~  
371 ~~the Florida Virtual School, which may be calculated by taking~~  
372 ~~the sum of the base FEFP allocation, the discretionary local~~  
373 ~~effort, the state-funded discretionary contribution, the~~  
374 ~~discretionary millage compression supplement, the research-based~~  
375 ~~reading instruction allocation, the teacher salary increase~~  
376 ~~allocation, and the instructional materials allocation, and then~~  
377 ~~dividing by the total unweighted FTE. This difference shall be~~  
378 ~~multiplied by the virtual education unweighted FTE for programs~~  
379 ~~and options identified in s. 1002.455 and the Florida Virtual~~  
380 ~~School and its franchises to equal the virtual education~~  
381 ~~contribution and shall be included as a separate allocation in~~  
382 ~~the funding formula.~~

383 ~~(12)-(14)~~ QUALITY ASSURANCE GUARANTEE.—The Legislature may  
384 annually in the General Appropriations Act determine a  
385 percentage increase in funds per K-12 unweighted FTE as a  
386 minimum guarantee to each school district. The guarantee shall  
387 be calculated from prior year base funding per unweighted FTE  
388 student which shall include the adjusted FTE dollars as provided

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389 in subsection (17) ~~(19)~~, quality guarantee funds, and actual  
390 nonvoted discretionary local effort from taxes. From the base  
391 funding per unweighted FTE, the increase shall be calculated for  
392 the current year. The current year funds from which the  
393 guarantee shall be determined shall include the adjusted FTE  
394 dollars as provided in subsection (17) ~~(19)~~ and potential  
395 nonvoted discretionary local effort from taxes. A comparison of  
396 current year funds per unweighted FTE to prior year funds per  
397 unweighted FTE shall be computed. For those school districts  
398 which have less than the legislatively assigned percentage  
399 increase, funds shall be provided to guarantee the assigned  
400 percentage increase in funds per unweighted FTE student. Should  
401 appropriated funds be less than the sum of this calculated  
402 amount for all districts, the commissioner shall prorate each  
403 district's allocation. This provision shall be implemented to  
404 the extent specifically funded.

405 Section 4. Paragraph (c) of subsection (1) of section  
406 1012.22, Florida Statutes, is amended to read:

407 1012.22 Public school personnel; powers and duties of the  
408 district school board.—The district school board shall:

409 (1) Designate positions to be filled, prescribe  
410 qualifications for those positions, and provide for the  
411 appointment, compensation, promotion, suspension, and dismissal  
412 of employees as follows, subject to the requirements of this  
413 chapter:

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414 (c) Compensation and salary schedules.—

415 1. Definitions.—As used in this paragraph:

416 a. "Adjustment" means an addition to the base salary  
417 schedule that is not a bonus and becomes part of the employee's  
418 permanent base salary and shall be considered compensation under  
419 s. 121.021(22).

420 b. "Grandfathered salary schedule" means the salary  
421 schedule or schedules adopted by a district school board before  
422 July 1, 2014, pursuant to subparagraph 4.

423 c. "Instructional personnel" means instructional personnel  
424 as defined in s. 1012.01(2)(a)-(d), excluding substitute  
425 teachers.

426 d. "Performance salary schedule" means the salary schedule  
427 or schedules adopted by a district school board pursuant to  
428 subparagraph 5.

429 e. "Salary schedule" means the schedule or schedules used  
430 to provide the base salary for district school board personnel.

431 f. "School administrator" means a school administrator as  
432 defined in s. 1012.01(3)(c).

433 g. "Supplement" means an annual addition to the base  
434 salary for the term of the negotiated supplement as long as the  
435 employee continues his or her employment for the purpose of the  
436 supplement. A supplement does not become part of the employee's  
437 continuing base salary but shall be considered compensation  
438 under s. 121.021(22).

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439 2. Cost-of-living adjustment.—A district school board may  
440 provide a cost-of-living salary adjustment if the adjustment:

441 a. Does not discriminate among comparable classes of  
442 employees based upon the salary schedule under which they are  
443 compensated.

444 b. Does not exceed 50 percent of the annual adjustment  
445 provided to instructional personnel rated as effective.

446 3. Advanced degrees.—A district school board may not use  
447 advanced degrees in setting a salary schedule for instructional  
448 personnel or school administrators hired on or after July 1,  
449 2011, unless the advanced degree is held in the individual's  
450 area of certification and is only a salary supplement.

451 4. Grandfathered salary schedule.—

452 a. The district school board shall adopt a salary schedule  
453 or salary schedules to be used as the basis for paying all  
454 school employees hired before July 1, 2014. Instructional  
455 personnel on annual contract as of July 1, 2014, shall be placed  
456 on the performance salary schedule adopted under subparagraph 5.  
457 Instructional personnel on continuing contract or professional  
458 service contract may opt into the performance salary schedule if  
459 the employee relinquishes such contract and agrees to be  
460 employed on an annual contract under s. 1012.335. Such an  
461 employee shall be placed on the performance salary schedule and  
462 may not return to continuing contract or professional service  
463 contract status. Any employee who opts into the performance

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464 salary schedule may not return to the grandfathered salary  
465 schedule.

466 b. In determining the grandfathered salary schedule for  
467 instructional personnel, a district school board must base a  
468 portion of each employee's compensation upon performance  
469 demonstrated under s. 1012.34 and shall provide differentiated  
470 pay for both instructional personnel and school administrators  
471 based upon district-determined factors, including, but not  
472 limited to, additional responsibilities, school demographics,  
473 critical shortage areas, and level of job performance  
474 difficulties.

475 5. Performance salary schedule.—By July 1, 2014, the  
476 district school board shall adopt a performance salary schedule  
477 that provides annual salary adjustments for instructional  
478 personnel and school administrators based upon performance  
479 determined under s. 1012.34. Employees hired on or after July 1,  
480 2014, or employees who choose to move from the grandfathered  
481 salary schedule to the performance salary schedule shall be  
482 compensated pursuant to the performance salary schedule once  
483 they have received the appropriate performance evaluation for  
484 this purpose.

485 a. Base salary.—The base salary shall be established as  
486 follows:

487 (I) The base salary for instructional personnel or school  
488 administrators who opt into the performance salary schedule

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489 shall be the salary paid in the prior year, including  
490 adjustments only.

491 (II) ~~Beginning July 1, 2014,~~ Instructional personnel or  
492 school administrators new to the district, returning to the  
493 district after a break in service without an authorized leave of  
494 absence, or appointed for the first time to a position in the  
495 district in the capacity of instructional personnel or school  
496 administrator shall be placed on the performance salary  
497 schedule. Beginning July 1, 2021, and until such time as the  
498 minimum base salary as defined in s. 1011.62(16), equals or  
499 exceeds \$47,500, the annual increase to the minimum base salary  
500 shall not be less than 150 percent of the largest adjustment  
501 made to the salary of an employee on the grandfathered salary  
502 schedule. Thereafter, the annual increase to the minimum base  
503 salary shall not be less than 75 percent of the largest  
504 adjustment for an employee on the grandfathered salary schedule.

505 b. Salary adjustments.—Salary adjustments for highly  
506 effective or effective performance shall be established as  
507 follows:

508 (I) The annual salary adjustment under the performance  
509 salary schedule for an employee rated as highly effective must  
510 be at least 25 percent greater than the highest annual salary  
511 adjustment available to an employee of the same classification  
512 through any other salary schedule adopted by the district.

513 (II) The annual salary adjustment under the performance

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514 salary schedule for an employee rated as effective must be equal  
515 to at least 50 percent and no more than 75 percent of the annual  
516 adjustment provided for a highly effective employee of the same  
517 classification.

518 (III) A ~~The performance~~ salary schedule shall not provide  
519 an annual salary adjustment for an employee who receives a  
520 rating other than highly effective or effective for the year.

521 c. Salary supplements.—In addition to the salary  
522 adjustments, each district school board shall provide for salary  
523 supplements for activities that must include, but are not  
524 limited to:

525 (I) Assignment to a Title I eligible school.

526 (II) Assignment to a school that earned a grade of "F" or  
527 three consecutive grades of "D" pursuant to s. 1008.34 such that  
528 the supplement remains in force for at least 1 year following  
529 improved performance in that school.

530 (III) Certification and teaching in critical teacher  
531 shortage areas. Statewide critical teacher shortage areas shall  
532 be identified by the State Board of Education under s. 1012.07.  
533 However, the district school board may identify other areas of  
534 critical shortage within the school district for purposes of  
535 this sub-sub-subparagraph and may remove areas identified by the  
536 state board which do not apply within the school district.

537 (IV) Assignment of additional academic responsibilities.  
538

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539 If budget constraints in any given year limit a district school  
540 board's ability to fully fund all adopted salary schedules, the  
541 performance salary schedule shall not be reduced on the basis of  
542 total cost or the value of individual awards in a manner that is  
543 proportionally greater than reductions to any other salary  
544 schedules adopted by the district.

545 Section 5. (1) Each school district shall use a portion  
546 of its nonenrollment allocation from the federal Elementary and  
547 Secondary School Emergency Relief Fund as provided in the 2021-  
548 2022 General Appropriations Act to locate unaccounted students  
549 within the school district. For purposes of this section, the  
550 term "unaccounted student" means a student who:

551 (a) Was enrolled in a district or charter school in the  
552 2019-2020 academic year but was not counted in either the  
553 October 2020 full-time equivalent student membership survey or  
554 the February 2021 full-time equivalent student membership survey  
555 and for whom the school district or charter school does not have  
556 a record of the student's withdrawal from the district or  
557 charter school; or

558 (b) Completed enrollment at a district or charter school  
559 for the 2020-2021 academic year but was not counted in either  
560 the October 2020 full-time equivalent student membership survey  
561 or the February 2021 full-time equivalent student membership  
562 survey and for whom the school district or charter school does  
563 not have record of the student delaying enrollment until the

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564 2021-2022 academic year.

565 (2) Each school district shall establish a multiagency  
566 workgroup comprised of local and state agencies, including, but  
567 not limited to, district school personnel; law enforcement; the  
568 state attorney's office; and staff from the Department of  
569 Children and Families, the Department of Juvenile Justice, and  
570 the Department of Health for the purpose of locating and  
571 determining the well-being of the unaccounted students. Once an  
572 unaccounted student is located, if the student's parent or  
573 caregiver continues to prohibit or facilitate his or her child's  
574 access to education, the school district shall initiate a  
575 truancy petition pursuant to s. 984.151, Florida Statutes.

576 (3) By September 1, 2021, each school district shall  
577 submit a report to the Department of Education that identifies  
578 the total number of unaccounted students and their status.

579 (4) This section expires July 1, 2022.

580 Section 6. (1) Each school district shall use a portion  
581 of its academic acceleration allocation from the federal  
582 Elementary and Secondary Education Emergency Relief Fund as  
583 provided in the 2021-2022 General Appropriations Act to  
584 remediate the learning loss among kindergarten through grade 12  
585 students, including, but not limited to, students with  
586 disabilities, students experiencing homelessness, students who  
587 attended virtual classes or classes offered through an online  
588 learning environment during the 2020-2021 school year, and

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589 children and youth in foster care.

590 (2) Each school district shall:

591 (a) Use pre-assessments and post-assessments that are  
592 valid and reliable and have been approved by the Department of  
593 Education to assess students' academic progress and assist  
594 classroom teachers in meeting the students' academic needs  
595 through differentiating instruction;

596 (b) Implement evidence-based interventions to meet the  
597 comprehensive needs of students by using in classroom  
598 instruction both during and outside of the regular school day  
599 and year;

600 (c) Use classroom teachers who have received professional  
601 development on the use of a multi-tiered system of supports; and

602 (d) Provide information and assistance to parents on how  
603 they can effectively support students.

604 (3) By February 1, 2022, the Department of Education shall  
605 submit a status report to the Office of Policy and Budget in the  
606 Executive Office of the Governor and the chairs of the Senate  
607 and the House of Representatives appropriations committees  
608 regarding the effectiveness of the evidence-based intervention  
609 strategies implemented by school districts using the pre-  
610 assessment and post-assessment data submitted by school  
611 districts and charter schools.

612 (4) This section expires on July 1, 2022.

613 Section 7. Subsections (6) and (7) of section 1001.215,

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614 Florida Statutes, are amended to read:

615 1001.215 Just Read, Florida! Office.—There is created in  
616 the Department of Education the Just Read, Florida! Office. The  
617 office is fully accountable to the Commissioner of Education and  
618 shall:

619 (6) Provide technical assistance to school districts in  
620 the development and implementation of district plans for use of  
621 the research-based reading instruction allocation provided in s.  
622 1011.62(8) ~~s. 1011.62(9)~~ and annually review and approve such  
623 plans.

624 (7) Review, evaluate, and provide technical assistance to  
625 school districts' implementation of the K-12 comprehensive  
626 reading plan required in s. 1011.62(8) ~~s. 1011.62(9)~~.

627 Section 8. Paragraph (a) of subsection (13) of section  
628 1003.52, Florida Statutes, is amended to read:

629 1003.52 Educational services in Department of Juvenile  
630 Justice programs.—

631 (13) (a) Funding for eligible students enrolled in juvenile  
632 justice education programs shall be provided through the Florida  
633 Education Finance Program as provided in s. 1011.62 and the  
634 General Appropriations Act. Funding shall include, at a minimum:

635 1. Weighted program funding or the basic amount for  
636 current operation multiplied by the district cost differential  
637 as provided in s. 1011.62(2);

638 2. The supplemental allocation for juvenile justice

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639 education as provided in s. 1011.62(9) ~~s. 1011.62(10)~~;

640 3. A proportionate share of the district's exceptional  
641 student education guaranteed allocation, the supplemental  
642 academic instruction allocation, and the instructional materials  
643 allocation;

644 4. An amount equivalent to the proportionate share of the  
645 state average potential discretionary local effort for  
646 operations, which shall be determined as follows:

647 a. If the district levies the maximum discretionary local  
648 effort and the district's discretionary local effort per FTE is  
649 less than the state average potential discretionary local effort  
650 per FTE, the proportionate share shall include both the  
651 discretionary local effort and the compression supplement per  
652 FTE. If the district's discretionary local effort per FTE is  
653 greater than the state average per FTE, the proportionate share  
654 shall be equal to the state average; or

655 b. If the district does not levy the maximum discretionary  
656 local effort and the district's actual discretionary local  
657 effort per FTE is less than the state average potential  
658 discretionary local effort per FTE, the proportionate share  
659 shall be equal to the district's actual discretionary local  
660 effort per FTE. If the district's actual discretionary local  
661 effort per FTE is greater than the state average per FTE, the  
662 proportionate share shall be equal to the state average  
663 potential local effort per FTE; and

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664 5. A proportionate share of the district's proration to  
665 funds available, if necessary.

666 Section 9. Paragraph (g) of subsection (2) of section  
667 1003.621, Florida Statutes, is amended to read:

668 1003.621 Academically high-performing school districts.—It  
669 is the intent of the Legislature to recognize and reward school  
670 districts that demonstrate the ability to consistently maintain  
671 or improve their high-performing status. The purpose of this  
672 section is to provide high-performing school districts with  
673 flexibility in meeting the specific requirements in statute and  
674 rules of the State Board of Education.

675 (2) COMPLIANCE WITH STATUTES AND RULES.—Each academically  
676 high-performing school district shall comply with all of the  
677 provisions in chapters 1000-1013, and rules of the State Board  
678 of Education which implement these provisions, pertaining to the  
679 following:

680 (g) Those statutes pertaining to planning and budgeting,  
681 including chapter 1011, except s. 1011.62(8)(d) ~~s.~~  
682 ~~1011.62(9)(d)~~, relating to the requirement for a comprehensive  
683 reading plan. A district that is exempt from submitting this  
684 plan shall be deemed approved to receive the research-based  
685 reading instruction allocation.

686 Section 10. Section 1006.12, Florida Statutes, is amended  
687 to read:

688 1006.12 Safe-school officers at each public school.—For

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689 the protection and safety of school personnel, property,  
690 students, and visitors, each district school board and school  
691 district superintendent shall partner with law enforcement  
692 agencies or security agencies to establish or assign one or more  
693 safe-school officers at each school facility within the  
694 district, including charter schools. A district school board  
695 must collaborate with charter school governing boards to  
696 facilitate charter school access to all safe-school officer  
697 options available under this section. The school district may  
698 implement any combination of the options in subsections (1)-(4)  
699 to best meet the needs of the school district and charter  
700 schools.

701 (1) SCHOOL RESOURCE OFFICER.—A school district may  
702 establish school resource officer programs through a cooperative  
703 agreement with law enforcement agencies.

704 (a) School resource officers shall undergo criminal  
705 background checks, drug testing, and a psychological evaluation  
706 and be certified law enforcement officers, as defined in s.  
707 943.10(1), who are employed by a law enforcement agency as  
708 defined in s. 943.10(4). The powers and duties of a law  
709 enforcement officer shall continue throughout the employee's  
710 tenure as a school resource officer.

711 (b) School resource officers shall abide by district  
712 school board policies and shall consult with and coordinate  
713 activities through the school principal, but shall be

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714 responsible to the law enforcement agency in all matters  
715 relating to employment, subject to agreements between a district  
716 school board and a law enforcement agency. Activities conducted  
717 by the school resource officer which are part of the regular  
718 instructional program of the school shall be under the direction  
719 of the school principal.

720 (c) Complete mental health crisis intervention training  
721 using a curriculum developed by a national organization with  
722 expertise in mental health crisis intervention. The training  
723 shall improve officers' knowledge and skills as first responders  
724 to incidents involving students with emotional disturbance or  
725 mental illness, including de-escalation skills to ensure student  
726 and officer safety.

727 (2) SCHOOL SAFETY OFFICER.—A school district may  
728 commission one or more school safety officers for the protection  
729 and safety of school personnel, property, and students within  
730 the school district. The district school superintendent may  
731 recommend, and the district school board may appoint, one or  
732 more school safety officers.

733 (a) School safety officers shall undergo criminal  
734 background checks, drug testing, and a psychological evaluation  
735 and be law enforcement officers, as defined in s. 943.10(1),  
736 certified under the provisions of chapter 943 and employed by  
737 either a law enforcement agency or by the district school board.  
738 If the officer is employed by the district school board, the

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739 district school board is the employing agency for purposes of  
740 chapter 943, and must comply with the provisions of that  
741 chapter.

742 (b) A school safety officer has and shall exercise the  
743 power to make arrests for violations of law on district school  
744 board property and to arrest persons, whether on or off such  
745 property, who violate any law on such property under the same  
746 conditions that deputy sheriffs are authorized to make arrests.  
747 A school safety officer has the authority to carry weapons when  
748 performing his or her official duties.

749 (c) A district school board may enter into mutual aid  
750 agreements with one or more law enforcement agencies as provided  
751 in chapter 23. A school safety officer's salary may be paid  
752 jointly by the district school board and the law enforcement  
753 agency, as mutually agreed to.

754 (3) SCHOOL GUARDIAN.—At the school district's or the  
755 charter school governing board's discretion, as applicable,  
756 pursuant to s. 30.15, a school district or charter school  
757 governing board may participate in the Coach Aaron Feis Guardian  
758 Program to meet the requirement of establishing a safe-school  
759 officer. The following individuals may serve as a school  
760 guardian, in support of school-sanctioned activities for  
761 purposes of s. 790.115, upon satisfactory completion of the  
762 requirements under s. 30.15(1)(k) and certification by a  
763 sheriff:

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764 (a) A school district employee or personnel, as defined  
765 under s. 1012.01, or a charter school employee, as provided  
766 under s. 1002.33(12) (a), who volunteers to serve as a school  
767 guardian in addition to his or her official job duties; or

768 (b) An employee of a school district or a charter school  
769 who is hired for the specific purpose of serving as a school  
770 guardian.

771 (4) SCHOOL SECURITY GUARD.—A school district or charter  
772 school governing board may contract with a security agency as  
773 defined in s. 493.6101(18) to employ as a school security guard  
774 an individual who holds a Class "D" and Class "G" license  
775 pursuant to chapter 493, provided the following training and  
776 contractual conditions are met:

777 (a) An individual who serves as a school security guard,  
778 for purposes of satisfying the requirements of this section,  
779 must:

780 1. Demonstrate completion of 144 hours of required  
781 training pursuant to s. 30.15(1) (k)2.

782 2. Pass a psychological evaluation administered by a  
783 psychologist licensed under chapter 490 and designated by the  
784 Department of Law Enforcement and submit the results of the  
785 evaluation to the sheriff's office, school district, or charter  
786 school governing board, as applicable. The Department of Law  
787 Enforcement is authorized to provide the sheriff's office,  
788 school district, or charter school governing board with mental

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789 health and substance abuse data for compliance with this  
790 paragraph.

791 3. Submit to and pass an initial drug test and subsequent  
792 random drug tests in accordance with the requirements of s.  
793 112.0455 and the sheriff's office, school district, or charter  
794 school governing board, as applicable.

795 4. Successfully complete ongoing training, weapon  
796 inspection, and firearm qualification on at least an annual  
797 basis and provide documentation to the sheriff's office, school  
798 district, or charter school governing board, as applicable.

799 (b) The contract between a security agency and a school  
800 district or a charter school governing board regarding  
801 requirements applicable to school security guards serving in the  
802 capacity of a safe-school officer for purposes of satisfying the  
803 requirements of this section shall define the entity or entities  
804 responsible for training and the responsibilities for  
805 maintaining records relating to training, inspection, and  
806 firearm qualification.

807 (c) School security guards serving in the capacity of a  
808 safe-school officer pursuant to this subsection are in support  
809 of school-sanctioned activities for purposes of s. 790.115, and  
810 must aid in the prevention or abatement of active assailant  
811 incidents on school premises.

812 (5) NOTIFICATION.—The school district shall notify the  
813 county sheriff and the Office of Safe Schools immediately after,

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814 but no later than 72 hours after:

815 (a) A safe-school officer is dismissed for misconduct or  
816 is otherwise disciplined.

817 (b) A safe-school officer discharges his or her firearm in  
818 the exercise of the safe-school officer's duties, other than for  
819 training purposes.

820 (6) EXEMPTION.—Any information that would identify whether  
821 a particular individual has been appointed as a safe-school  
822 officer pursuant to this section held by a law enforcement  
823 agency, school district, or charter school is exempt from s.  
824 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
825 subsection is subject to the Open Government Sunset Review Act  
826 in accordance with s. 119.15 and shall stand repealed on October  
827 2, 2023, unless reviewed and saved from repeal through  
828 reenactment by the Legislature.

829

830 If a district school board, through its adopted policies,  
831 procedures, or actions, denies a charter school access to any  
832 safe-school officer options pursuant to this section, the school  
833 district must assign a school resource officer or school safety  
834 officer to the charter school. Under such circumstances, the  
835 charter school's share of the costs of the school resource  
836 officer or school safety officer may not exceed the safe school  
837 allocation funds provided to the charter school pursuant to s.  
838 1011.62(13) ~~s. 1011.62(15)~~ and shall be retained by the school

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839 district.

840 Section 11. Paragraph (d) of subsection (5) of section  
841 1008.345, Florida Statutes, is amended to read:

842 1008.345 Implementation of state system of school  
843 improvement and education accountability.—

844 (5) The commissioner shall annually report to the State  
845 Board of Education and the Legislature and recommend changes in  
846 state policy necessary to foster school improvement and  
847 education accountability. The report shall include:

848 (d) Based upon a review of each school district's reading  
849 plan submitted pursuant to s. 1011.62(8) ~~s. 1011.62(9)~~,  
850 intervention and support strategies used by school districts  
851 that were effective in improving the reading performance of  
852 students, as indicated by student performance data, who are  
853 identified as having a substantial reading deficiency pursuant  
854 to s. 1008.25(5) (a).

855

856 School reports shall be distributed pursuant to this subsection  
857 and s. 1001.42(18) (c) and according to rules adopted by the  
858 State Board of Education.

859 Section 12. Subsection (1) of section 1011.71, Florida  
860 Statutes, is amended to read:

861 1011.71 District school tax.—

862 (1) If the district school tax is not provided in the  
863 General Appropriations Act or the substantive bill implementing

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864 the General Appropriations Act, each district school board  
865 desiring to participate in the state allocation of funds for  
866 current operation as prescribed by s. 1011.62(17) ~~s. 1011.62(19)~~  
867 shall levy on the taxable value for school purposes of the  
868 district, exclusive of millage voted under s. 9(b) or s. 12,  
869 Art. VII of the State Constitution, a millage rate not to exceed  
870 the amount certified by the commissioner as the minimum millage  
871 rate necessary to provide the district required local effort for  
872 the current year, pursuant to s. 1011.62(4)(a)1. In addition to  
873 the required local effort millage levy, each district school  
874 board may levy a nonvoted current operating discretionary  
875 millage. The Legislature shall prescribe annually in the  
876 appropriations act the maximum amount of millage a district may  
877 levy.

878 Section 13. Subsection (4) of section 1012.584, Florida  
879 Statutes, is amended to read:

880 1012.584 Continuing education and inservice training for  
881 youth mental health awareness and assistance.—

882 (4) Each school district shall notify all school personnel  
883 who have received training pursuant to this section of mental  
884 health services that are available in the school district, and  
885 the individual to contact if a student needs services. The term  
886 "mental health services" includes, but is not limited to,  
887 community mental health services, health care providers, and  
888 services provided under ss. 1006.04 and 1011.62(14) ~~1011.62(16)~~.

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889 Section 14. This act shall take effect July 1, 2021.

890 -----

891 **T I T L E A M E N D M E N T**

892 Remove everything before the enacting clause and insert:

893 A bill to be entitled

894 An act relating to education funding; amending s.  
895 1002.37, F.S.; revising provisions relating to the  
896 calculation for determining the amount of state funds  
897 received by the Florida Virtual School for operating  
898 purposes; amending s. 1002.45, F.S.; revising the  
899 requirements for school districts providing virtual  
900 instruction programs; requiring each school district  
901 to annually report certain information to the  
902 Department of Education by a specified date; requiring  
903 a school district to limit the enrollment of certain  
904 students in the virtual instruction program; providing  
905 applicability; requiring a school district to report  
906 full-time equivalent students for a virtual  
907 instruction program or virtual charter school to the  
908 department; amending s. 1011.62, F.S.; removing a  
909 requirement that certain school districts use a low-  
910 performing school's portion of the supplemental  
911 academic instruction allocation to provide an  
912 additional hour of intensive reading per day; removing  
913

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914 provisions relating to the allocation of funding to  
915 school districts with a decline in full-time  
916 equivalent students; removing provisions relating to  
917 the virtual education contribution; amending s.  
918 1012.22, F.S.; removing an obsolete date; revising  
919 provisions relating to the annual increase made to the  
920 minimum base salary of certain public school  
921 employees; requiring school districts to use a portion  
922 of their nonenrollment allocation from the federal  
923 Elementary and Secondary School Emergency Relief Fund  
924 for a specified purpose; defining the term  
925 "unaccounted student"; requiring each school district  
926 to establish a multiagency workgroup for a specified  
927 purpose; requiring a school district to initiate a  
928 truancy petition under certain circumstances;  
929 requiring each school district to annually submit a  
930 report to the department by a specified date;  
931 providing for future expiration; requiring that school  
932 districts use a portion of their academic acceleration  
933 allocation from the federal Elementary and Secondary  
934 Education Emergency Relief Fund for a specified  
935 purpose; providing certain requirements for school  
936 districts; requiring the department to submit a status  
937 report to the Governor and Legislature by a specified  
938 date; providing for future expiration; amending ss.

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939 | 1001.215, 1003.52, 1003.621, 1006.12, 1008.345,  
940 | 1011.71, and 1012.584, F.S.; conforming cross-  
941 | references; providing an effective date.

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