

1                   A bill to be entitled  
2           An act relating to education; amending s. 1002.31,  
3           F.S.; deleting obsolete language; providing  
4           requirements for the determination of capacity for  
5           certain virtual schools; amending s. 1002.33, F.S.;  
6           providing for a standard virtual charter contract and  
7           standard virtual charter renewal contract; revising  
8           charter requirements; requiring virtual charter  
9           schools to comply with specified provisions; amending  
10          s. 1002.37, F.S.; deleting the requirement for the  
11          board of trustees of the Florida Virtual School to  
12          establish criteria defining the elements of an  
13          approved franchise; deleting requirements for how  
14          school districts with an approved franchise report  
15          students for funding; amending s. 1002.394, F.S.;  
16          revising Department of Education duties under the  
17          Family Empowerment Scholarship Program; revising  
18          requirements for a specified calculation; revising  
19          terminology; amending ss. 1002.395 and 1002.40, F.S.;  
20          revising Department of Education duties under the  
21          Florida Tax Credit Scholarship Program and the Hope  
22          Scholarship Program, respectively; amending s.  
23          1002.45, F.S.; revising and providing definitions;  
24          authorizing students who reside in the school  
25          district, rather than students enrolled in the school

26 | district, to participate in school district virtual  
27 | instruction programs; deleting the purpose of  
28 | specified programs; requiring each virtual instruction  
29 | program, rather than full-time programs, to operate  
30 | under its own Master School Identification Number;  
31 | authorizing certain service organizations to execute  
32 | specified contractual arrangements; revising school  
33 | district responsibilities; requiring the State Board  
34 | of Education to approve certain virtual instruction  
35 | program providers; revising the requirements for  
36 | approval of a virtual instruction program provider;  
37 | providing additional requirements for school district  
38 | contracts with approved virtual instruction program  
39 | providers; revising the requirements for calculating  
40 | student funding for students enrolled in certain  
41 | virtual education programs; requiring approved virtual  
42 | instruction program providers to receive a district  
43 | grade; providing requirements for such grade; revising  
44 | requirements for the automatic termination of an  
45 | approve virtual instruction provider's contract;  
46 | requiring the State Board of Education to adopt rules  
47 | for a specified standard contract; amending s.  
48 | 1002.455, F.S.; revising the virtual instruction  
49 | options available to certain students; requiring  
50 | school districts enrolling certain students in virtual

51 education programs to comply with specified enrollment  
52 requirements; amending s. 1003.498, F.S.; providing  
53 requirements for funding for certain virtual courses;  
54 amending s. 1003.52, F.S.; revising requirements for  
55 the funding of certain students in juvenile justice  
56 education programs; amending s. 1006.12, F.S.;  
57 conforming cross-references; amending s. 1010.20,  
58 F.S.; revising the percentage of certain funds school  
59 districts must spend on juvenile justice programs;  
60 amending s. 1011.62, F.S.; revising the calculation  
61 for the basic amount for current operation for  
62 kindergarten through grade 12; authorizing certain  
63 funds to be used to purchase certain computers and  
64 device hardware; deleting the Florida digital  
65 classrooms allocation; deleting the funding  
66 compression and hold harmless allocation; amending ss.  
67 1011.71, 1012.22, and 1012.584, F.S.; conforming  
68 cross-references; providing an effective date.

69  
70 Be It Enacted by the Legislature of the State of Florida:

71  
72 Section 1. Paragraphs (a) and (b) of subsection (2) of  
73 section 1002.31, Florida Statutes, are amended to read:

74 1002.31 Controlled open enrollment; Public school parental  
75 choice.—

76           (2) (a) ~~Beginning by the 2017-2018 school year,~~ As part of  
77 a school district's or charter school's controlled open  
78 enrollment process, and in addition to the existing public  
79 school choice programs provided in s. 1002.20(6)(a), each  
80 district school board or charter school shall allow a parent  
81 from any school district in the state whose child is not subject  
82 to a current expulsion or suspension to enroll his or her child  
83 in and transport his or her child to any public school,  
84 including charter schools, that has not reached capacity in the  
85 district, subject to the maximum class size pursuant to s.  
86 1003.03 and s. 1, Art. IX of the State Constitution. The school  
87 district or charter school shall accept the student, pursuant to  
88 that school district's or charter school's controlled open  
89 enrollment process, and report the student for purposes of the  
90 school district's or charter school's funding pursuant to the  
91 Florida Education Finance Program. A school district or charter  
92 school may provide transportation to students described under  
93 this section.

94           (b) Each school district and charter school capacity  
95 determinations for its schools must be current and must be  
96 identified on the school district and charter school's websites.  
97 In determining the capacity of each district school, the  
98 district school board shall incorporate the specifications,  
99 plans, elements, and commitments contained in the school  
100 district educational facilities plan and the long-term work

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101 programs required under s. 1013.35. Each charter school  
102 governing board shall determine capacity based upon its charter  
103 school contract. Each virtual charter school and each school  
104 district with a contract with an approved virtual instruction  
105 program provider shall determine capacity based upon the  
106 enrollment requirements established under s. 1002.45(1)(e)4.

107 Section 2. Subsections (1) and (7), paragraph (a) of  
108 subsection (10), paragraphs (b) and (f) of subsection (17), and  
109 paragraph (a) of subsection (21) of section 1002.33, Florida  
110 Statutes, are amended to read:

111 1002.33 Charter schools.—

112 (1) AUTHORIZATION.—All charter schools in Florida are  
113 public schools and shall be part of the state's program of  
114 public education. A charter school may be formed by creating a  
115 new school or converting an existing public school to charter  
116 status. A charter school may operate a virtual charter school  
117 pursuant to s. 1002.45(1)(d) to provide online instruction to  
118 students, pursuant to s. 1002.455, in kindergarten through grade  
119 12. The school district in which the student enrolls in the  
120 virtual charter school shall report the student for funding  
121 pursuant to s. 1011.61(1)(c)1.b.(VI), and the home school  
122 district shall not report the student for funding. An existing  
123 charter school that is seeking to become a virtual charter  
124 school must amend its charter or submit a new application  
125 pursuant to subsection (6) to become a virtual charter school. A

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126 virtual charter school is subject to the requirements of this  
127 section; however, a virtual charter school is exempt from  
128 subparagraph (7)(a)13., subsections (18) and (19), paragraph  
129 (20)(c), and s. 1003.03. A public school may not use the term  
130 charter in its name unless it has been approved under this  
131 section.

132 (7) CHARTER.—The terms and conditions for the operation of  
133 a charter school, including a virtual charter school, shall be  
134 set forth by the sponsor and the applicant in a written  
135 contractual agreement, called a charter. The sponsor and the  
136 governing board of the charter school or virtual charter school  
137 shall use the standard charter contract or standard virtual  
138 charter contract, respectively, pursuant to subsection (21),  
139 which shall incorporate the approved application and any addenda  
140 approved with the application. Any term or condition of a  
141 proposed charter contract or proposed virtual charter contract  
142 that differs from the standard charter or virtual charter  
143 contract adopted by rule of the State Board of Education shall  
144 be presumed a limitation on charter school flexibility. The  
145 sponsor may not impose unreasonable rules or regulations that  
146 violate the intent of giving charter schools greater flexibility  
147 to meet educational goals. The charter shall be signed by the  
148 governing board of the charter school and the sponsor, following  
149 a public hearing to ensure community input.

150 (a) The charter shall address and criteria for approval of

151 the charter shall be based on:

152 1. The school's mission, the types of students to be  
153 served, and, for a virtual charter school, the types of students  
154 the school intends to serve who reside outside of the sponsoring  
155 school district, and the ages and grades to be included.

156 2. The focus of the curriculum, the instructional methods  
157 to be used, any distinctive instructional techniques to be  
158 employed, and identification and acquisition of appropriate  
159 technologies needed to improve educational and administrative  
160 performance which include a means for promoting safe, ethical,  
161 and appropriate uses of technology which comply with legal and  
162 professional standards.

163 a. The charter shall ensure that reading is a primary  
164 focus of the curriculum and that resources are provided to  
165 identify and provide specialized instruction for students who  
166 are reading below grade level. The curriculum and instructional  
167 strategies for reading must be consistent with the Next  
168 Generation Sunshine State Standards and grounded in  
169 scientifically based reading research.

170 b. In order to provide students with access to diverse  
171 instructional delivery models, to facilitate the integration of  
172 technology within traditional classroom instruction, and to  
173 provide students with the skills they need to compete in the  
174 21st century economy, the Legislature encourages instructional  
175 methods for blended learning courses consisting of both

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176 traditional classroom and online instructional techniques.  
177 Charter schools may implement blended learning courses which  
178 combine traditional classroom instruction and virtual  
179 instruction. Students in a blended learning course must be full-  
180 time students of the charter school pursuant to s.  
181 1011.61(1)(a)1. Instructional personnel certified pursuant to s.  
182 1012.55 who provide virtual instruction for blended learning  
183 courses may be employees of the charter school or may be under  
184 contract to provide instructional services to charter school  
185 students. At a minimum, such instructional personnel must hold  
186 an active state or school district adjunct certification under  
187 s. 1012.57 for the subject area of the blended learning course.  
188 The funding and performance accountability requirements for  
189 blended learning courses are the same as those for traditional  
190 courses.

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

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

197 b. How these baseline rates will be compared to rates of  
198 academic progress achieved by these same students while  
199 attending the charter school.

200 c. To the extent possible, how these rates of progress



201 will be evaluated and compared with rates of progress of other  
202 closely comparable student populations.

203

204 A district school board is required to provide academic student  
205 performance data to charter schools for each of their students  
206 coming from the district school system, as well as rates of  
207 academic progress of comparable student populations in the  
208 district school system.

209 4. The methods used to identify the educational strengths  
210 and needs of students and how well educational goals and  
211 performance standards are met by students attending the charter  
212 school. The methods shall provide a means for the charter school  
213 to ensure accountability to its constituents by analyzing  
214 student performance data and by evaluating the effectiveness and  
215 efficiency of its major educational programs. Students in  
216 charter schools shall, at a minimum, participate in the  
217 statewide assessment program created under s. 1008.22.

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

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

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

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226           8. The ways by which the school will achieve a  
227 racial/ethnic balance reflective of the community it serves or  
228 within the racial/ethnic range of other nearby public schools or  
229 school districts.

230           9. The financial and administrative management of the  
231 school, including a reasonable demonstration of the professional  
232 experience or competence of those individuals or organizations  
233 applying to operate the charter school or those hired or  
234 retained to perform such professional services and the  
235 description of clearly delineated responsibilities and the  
236 policies and practices needed to effectively manage the charter  
237 school. A description of internal audit procedures and  
238 establishment of controls to ensure that financial resources are  
239 properly managed must be included. Both public sector and  
240 private sector professional experience shall be equally valid in  
241 such a consideration.

242           10. The asset and liability projections required in the  
243 application which are incorporated into the charter and shall be  
244 compared with information provided in the annual report of the  
245 charter school.

246           11. A description of procedures that identify various  
247 risks and provide for a comprehensive approach to reduce the  
248 impact of losses; plans to ensure the safety and security of  
249 students and staff; plans to identify, minimize, and protect  
250 others from violent or disruptive student behavior; and the

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251 manner in which the school will be insured, including whether or  
252 not the school will be required to have liability insurance,  
253 and, if so, the terms and conditions thereof and the amounts of  
254 coverage.

255 12. The term of the charter which shall provide for  
256 cancellation of the charter if insufficient progress has been  
257 made in attaining the student achievement objectives of the  
258 charter and if it is not likely that such objectives can be  
259 achieved before expiration of the charter. The initial term of a  
260 charter shall be for 5 years, excluding 2 planning years. In  
261 order to facilitate access to long-term financial resources for  
262 charter school construction, charter schools that are operated  
263 by a municipality or other public entity as provided by law are  
264 eligible for up to a 15-year charter, subject to approval by the  
265 sponsor. A charter lab school is eligible for a charter for a  
266 term of up to 15 years. In addition, to facilitate access to  
267 long-term financial resources for charter school construction,  
268 charter schools that are operated by a private, not-for-profit,  
269 s. 501(c) (3) status corporation are eligible for up to a 15-year  
270 charter, subject to approval by the sponsor. Such long-term  
271 charters remain subject to annual review and may be terminated  
272 during the term of the charter, but only according to the  
273 provisions set forth in subsection (8).

274 13. The facilities to be used and their location. The  
275 sponsor may not require a charter school to have a certificate

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276 of occupancy or a temporary certificate of occupancy for such a  
277 facility earlier than 15 calendar days before the first day of  
278 school.

279 14. The qualifications to be required of the teachers and  
280 the potential strategies used to recruit, hire, train, and  
281 retain qualified staff to achieve best value.

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

285 16. A timetable for implementing the charter which  
286 addresses the implementation of each element thereof and the  
287 date by which the charter shall be awarded in order to meet this  
288 timetable.

289 17. In the case of an existing public school that is being  
290 converted to charter status, alternative arrangements for  
291 current students who choose not to attend the charter school and  
292 for current teachers who choose not to teach in the charter  
293 school after conversion in accordance with the existing  
294 collective bargaining agreement or district school board rule in  
295 the absence of a collective bargaining agreement. However,  
296 alternative arrangements shall not be required for current  
297 teachers who choose not to teach in a charter lab school, except  
298 as authorized by the employment policies of the state university  
299 which grants the charter to the lab school.

300 18. Full disclosure of the identity of all relatives

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301 employed by the charter school who are related to the charter  
302 school owner, president, chairperson of the governing board of  
303 directors, superintendent, governing board member, principal,  
304 assistant principal, or any other person employed by the charter  
305 school who has equivalent decisionmaking authority. For the  
306 purpose of this subparagraph, the term "relative" means father,  
307 mother, son, daughter, brother, sister, uncle, aunt, first  
308 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
309 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
310 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
311 stepsister, half brother, or half sister.

312 19. Implementation of the activities authorized under s.  
313 1002.331 by the charter school when it satisfies the eligibility  
314 requirements for a high-performing charter school. A high-  
315 performing charter school shall notify its sponsor in writing by  
316 March 1 if it intends to increase enrollment or expand grade  
317 levels the following school year. The written notice shall  
318 specify the amount of the enrollment increase and the grade  
319 levels that will be added, as applicable.

320 (b) The sponsor has 30 days after approval of the  
321 application to provide an initial proposed charter contract to  
322 the charter school. The applicant and the sponsor have 40 days  
323 thereafter to negotiate and notice the charter contract for  
324 final approval by the sponsor unless both parties agree to an  
325 extension. The proposed charter contract shall be provided to

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326 | the charter school at least 7 calendar days before the date of  
327 | the meeting at which the charter is scheduled to be voted upon  
328 | by the sponsor. The Department of Education shall provide  
329 | mediation services for any dispute regarding this section  
330 | subsequent to the approval of a charter application and for any  
331 | dispute relating to the approved charter, except a dispute  
332 | regarding a charter school application denial. If either the  
333 | charter school or the sponsor indicates in writing that the  
334 | party does not desire to settle any dispute arising under this  
335 | section through mediation procedures offered by the Department  
336 | of Education, a charter school may immediately appeal any formal  
337 | or informal decision by the sponsor to an administrative law  
338 | judge appointed by the Division of Administrative Hearings. If  
339 | the Commissioner of Education determines that the dispute cannot  
340 | be settled through mediation, the dispute may also be appealed  
341 | to an administrative law judge appointed by the Division of  
342 | Administrative Hearings. The administrative law judge has final  
343 | order authority to rule on issues of equitable treatment of the  
344 | charter school as a public school, whether proposed provisions  
345 | of the charter violate the intended flexibility granted charter  
346 | schools by statute, or any other matter regarding this section,  
347 | except a dispute regarding charter school application denial, a  
348 | charter termination, or a charter nonrenewal. The administrative  
349 | law judge shall award the prevailing party reasonable attorney  
350 | fees and costs incurred during the mediation process,

351 administrative proceeding, and any appeals, to be paid by the  
352 party against whom the administrative law judge rules.

353 (c)1. A charter may be renewed provided that a program  
354 review demonstrates that the criteria in paragraph (a) have been  
355 successfully accomplished and that none of the grounds for  
356 nonrenewal established by paragraph (8)(a) has been documented.  
357 In order to facilitate long-term financing for charter school  
358 construction, charter schools operating for a minimum of 3 years  
359 and demonstrating exemplary academic programming and fiscal  
360 management are eligible for a 15-year charter renewal. Such  
361 long-term charter is subject to annual review and may be  
362 terminated during the term of the charter.

363 2. The 15-year charter renewal that may be granted  
364 pursuant to subparagraph 1. shall be granted to a charter school  
365 that has received a school grade of "A" or "B" pursuant to s.  
366 1008.34 in 3 of the past 4 years and is not in a state of  
367 financial emergency or deficit position as defined by this  
368 section. Such long-term charter is subject to annual review and  
369 may be terminated during the term of the charter pursuant to  
370 subsection (8).

371 (d) A charter may be modified during its initial term or  
372 any renewal term upon the recommendation of the sponsor or the  
373 charter school's governing board and the approval of both  
374 parties to the agreement. Changes to curriculum which are  
375 consistent with state standards shall be deemed approved unless

376 the sponsor and the Department of Education determine in writing  
377 that the curriculum is inconsistent with state standards.  
378 Modification during any term may include, but is not limited to,  
379 consolidation of multiple charters into a single charter if the  
380 charters are operated under the same governing board, regardless  
381 of the renewal cycle. A charter school that is not subject to a  
382 school improvement plan and that closes as part of a  
383 consolidation shall be reported by the sponsor as a  
384 consolidation.

385 (e) A charter may be terminated by a charter school's  
386 governing board through voluntary closure. The decision to cease  
387 operations must be determined at a public meeting. The governing  
388 board shall notify the parents and sponsor of the public meeting  
389 in writing before the public meeting. The governing board must  
390 notify the sponsor, parents of enrolled students, and the  
391 department in writing within 24 hours after the public meeting  
392 of its determination. The notice shall state the charter  
393 school's intent to continue operations or the reason for the  
394 closure and acknowledge that the governing board agrees to  
395 follow the procedures for dissolution and reversion of public  
396 funds pursuant to paragraphs (8) (d) - (f) and (9) (o).

397 (f) A charter may include a provision requiring the  
398 charter school to be held responsible for all costs associated  
399 with, but not limited to, mediation, damages, and attorney fees  
400 incurred by the district in connection with complaints to the



401 Office of Civil Rights or the Equal Employment Opportunity  
 402 Commission.

403 (10) ELIGIBLE STUDENTS.—

404 (a)1. A charter school may be exempt from the requirements  
 405 of s. 1002.31 if the school is open to any student covered in an  
 406 interdistrict agreement and any student residing in the school  
 407 district in which the charter school is located.

408 2. A virtual charter school when enrolling students shall  
 409 comply with the applicable requirements of s. 1002.31 and with  
 410 the enrollment requirements established under s. 1002.45(1)(e)4.

411 3. A ~~However, in the case of a charter lab school, the~~  
 412 charter lab school shall be open to any student eligible to  
 413 attend the lab school as provided in s. 1002.32 or who resides  
 414 in the school district in which the charter lab school is  
 415 located.

416 4. Any eligible student shall be allowed interdistrict  
 417 transfer to attend a charter school when based on good cause.  
 418 Good cause shall include, but is not limited to, geographic  
 419 proximity to a charter school in a neighboring school district.

420 (17) FUNDING.—Students enrolled in a charter school,  
 421 regardless of the sponsorship, shall be funded as if they are in  
 422 a basic program or a special program, the same as students  
 423 enrolled in other public schools in a school district. Funding  
 424 for a charter lab school shall be as provided in s. 1002.32.

425 (b)1. The basis for the agreement for funding students

426 enrolled in a charter school shall be the sum of the school  
427 district's operating funds from the Florida Education Finance  
428 Program as provided in s. 1011.62 and the General Appropriations  
429 Act, including gross state and local funds, discretionary  
430 lottery funds, and funds from the school district's current  
431 operating discretionary millage levy; divided by total funded  
432 weighted full-time equivalent students in the school district;  
433 and multiplied by the weighted full-time equivalent students for  
434 the charter school. Charter schools whose students or programs  
435 meet the eligibility criteria in law are entitled to their  
436 proportionate share of categorical program funds included in the  
437 total funds available in the Florida Education Finance Program  
438 by the Legislature, including transportation, and the evidence-  
439 based reading allocation, ~~and the Florida digital classrooms~~  
440 ~~allocation~~. Total funding for each charter school shall be  
441 recalculated during the year to reflect the revised calculations  
442 under the Florida Education Finance Program by the state and the  
443 actual weighted full-time equivalent students reported by the  
444 charter school during the full-time equivalent student survey  
445 periods designated by the Commissioner of Education. For charter  
446 schools operated by a not-for-profit or municipal entity, any  
447 unrestricted current and capital assets identified in the  
448 charter school's annual financial audit may be used for other  
449 charter schools operated by the not-for-profit or municipal  
450 entity within the school district. Unrestricted current assets

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451 shall be used in accordance with s. 1011.62, and any  
452 unrestricted capital assets shall be used in accordance with s.  
453 1013.62 (2) .

454 2.a. Students enrolled in a charter school sponsored by a  
455 state university or Florida College System institution pursuant  
456 to paragraph (5)(a) shall be funded as if they are in a basic  
457 program or a special program in the school district. The basis  
458 for funding these students is the sum of the total operating  
459 funds from the Florida Education Finance Program for the school  
460 district in which the school is located as provided in s.  
461 1011.62 and the General Appropriations Act, including gross  
462 state and local funds, discretionary lottery funds, and funds  
463 from each school district's current operating discretionary  
464 millage levy, divided by total funded weighted full-time  
465 equivalent students in the district, and multiplied by the full-  
466 time equivalent membership of the charter school. The Department  
467 of Education shall develop a tool that each state university or  
468 Florida College System institution sponsoring a charter school  
469 shall use for purposes of calculating the funding amount for  
470 each eligible charter school student. The total amount obtained  
471 from the calculation must be appropriated from state funds in  
472 the General Appropriations Act to the charter school.

473 b. Capital outlay funding for a charter school sponsored  
474 by a state university or Florida College System institution  
475 pursuant to paragraph (5)(a) is determined pursuant to s.

476 1013.62 and the General Appropriations Act.

477 (f) Funding for a virtual charter school shall be as  
 478 provided in s. 1002.45(6) ~~s. 1002.45(7)~~.

479 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

480 (a) The Department of Education shall provide information  
 481 to the public, directly and through sponsors, on how to form and  
 482 operate a charter school and how to enroll in a charter school  
 483 once it is created. This information shall include the standard  
 484 application form, standard charter and virtual charter contracts  
 485 ~~contract~~, standard evaluation instrument, and standard charter  
 486 and virtual charter renewal contracts ~~contract~~, which shall  
 487 include the information specified in subsection (7) and shall be  
 488 developed by consulting and negotiating with both sponsors and  
 489 charter schools before implementation. The charter and virtual  
 490 charter contracts and charter renewal and virtual charter  
 491 contracts shall be used by charter school sponsors.

492 Section 3. Paragraph (i) of subsection (2) and subsection  
 493 (4) of section 1002.37, Florida Statutes, are amended to read:

494 1002.37 The Florida Virtual School.—

495 (2) The Florida Virtual School shall be governed by a  
 496 board of trustees comprised of seven members appointed by the  
 497 Governor to 4-year staggered terms. The board of trustees shall  
 498 be a public agency entitled to sovereign immunity pursuant to s.  
 499 768.28, and board members shall be public officers who shall  
 500 bear fiduciary responsibility for the Florida Virtual School.

501 The board of trustees shall have the following powers and  
502 duties:

503 ~~(i) The board of trustees shall establish criteria~~  
504 ~~defining the elements of an approved franchise. The board of~~  
505 ~~trustees may enter into franchise agreements with Florida~~  
506 ~~district school boards and may establish the terms and~~  
507 ~~conditions governing such agreements. The board of trustees~~  
508 ~~shall establish the performance and accountability measures and~~  
509 ~~report the performance of each school district franchise to the~~  
510 ~~Commissioner of Education.~~

511  
512 The Governor shall designate the initial chair of the board of  
513 trustees to serve a term of 4 years. Members of the board of  
514 trustees shall serve without compensation, but may be reimbursed  
515 for per diem and travel expenses pursuant to s. 112.061. The  
516 board of trustees shall be a body corporate with all the powers  
517 of a body corporate and such authority as is needed for the  
518 proper operation and improvement of the Florida Virtual School.  
519 The board of trustees is specifically authorized to adopt rules,  
520 policies, and procedures, consistent with law and rules of the  
521 State Board of Education related to governance, personnel,  
522 budget and finance, administration, programs, curriculum and  
523 instruction, travel and purchasing, technology, students,  
524 contracts and grants, and property as necessary for optimal,  
525 efficient operation of the Florida Virtual School. Tangible

526 personal property owned by the board of trustees shall be  
527 subject to the provisions of chapter 273.

528 ~~(4) School districts operating a virtual school that is an~~  
529 ~~approved franchise of the Florida Virtual School may count full-~~  
530 ~~time equivalent students, as provided in paragraph (3)(a), if~~  
531 ~~such school has been certified as an approved franchise by the~~  
532 ~~Commissioner of Education based on criteria established by the~~  
533 ~~board of trustees pursuant to paragraph (2)(i).~~

534 Section 4. Paragraph (a) of subsection (8) and subsection  
535 (12) of section 1002.394, Florida Statutes, are amended to read:

536 1002.394 The Family Empowerment Scholarship Program.—

537 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

538 (a) The department shall:

539 1. Publish and update, as necessary, information on the  
540 department website about the Family Empowerment Scholarship  
541 Program, including, but not limited to, student eligibility  
542 criteria, parental responsibilities, and relevant data.

543 2. Cross-check ~~before each distribution of funds~~ the list  
544 of participating scholarship students with the public school  
545 enrollment lists ~~before each scholarship payment~~ to avoid  
546 duplication.

547 3. Maintain and publish a list of nationally norm-  
548 referenced tests identified for purposes of satisfying the  
549 testing requirement in subparagraph (9)(c)1. The tests must meet  
550 industry standards of quality in accordance with state board

551 rule.

552 4. Notify eligible nonprofit scholarship-funding  
553 organizations of the deadlines for submitting the verified list  
554 of students determined to be eligible for a scholarship.

555 5. Notify each school district of a parent's participation  
556 in the scholarship program for purposes of paragraph (7) (f).

557 6. Deny or terminate program participation upon a parent's  
558 failure to comply with subsection (10).

559 7. Notify the parent and the organization when a  
560 scholarship account is closed and program funds revert to the  
561 state.

562 8. Notify an eligible nonprofit scholarship-funding  
563 organization of any of the organization's or other  
564 organization's identified students who are receiving  
565 scholarships under this chapter.

566 9. Maintain on its website a list of approved providers as  
567 required by s. 1002.66, eligible postsecondary educational  
568 institutions, eligible private schools, and eligible  
569 organizations and may identify or provide links to lists of  
570 other approved providers.

571 10. Require each organization to verify eligible  
572 expenditures before the distribution of funds for any  
573 expenditures made pursuant to subparagraphs (4) (b) 1. and 2.  
574 Review of expenditures made for services specified in  
575 subparagraphs (4) (b) 3.-15. may be completed after the purchase

576 is made.

577 11. Investigate any written complaint of a violation of  
578 this section by a parent, a student, a private school, a public  
579 school, a school district, an organization, a provider, or  
580 another appropriate party in accordance with the process  
581 established under s. 1002.421.

582 12. Require quarterly reports by an organization, which  
583 must include, at a minimum, the number of students participating  
584 in the program; the demographics of program participants; the  
585 disability category of program participants; the matrix level of  
586 services, if known; the program award amount per student; the  
587 total expenditures for the purposes specified in paragraph  
588 (4)(b); the types of providers of services to students; and any  
589 other information deemed necessary by the department.

590 13. Notify eligible nonprofit scholarship funding  
591 organizations that scholarships may not be awarded in a school  
592 district in which the award will exceed 99 percent of the school  
593 district's share of state funding through the Florida Education  
594 Finance Program as calculated by the department.

595 14. Adjust payments to eligible nonprofit scholarship-  
596 funding organizations and, when the Florida Education Finance  
597 Program is recalculated, adjust the amount of state funds  
598 allocated to school districts through the Florida Education  
599 Finance Program based upon the results of the cross-check  
600 completed pursuant to subparagraph 2.



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601 (12) SCHOLARSHIP FUNDING AND PAYMENT.—

602 (a)1. Scholarships for students determined eligible  
603 pursuant to paragraph (3) (a) are established for up to 18,000  
604 students annually beginning in the 2019-2020 school year.  
605 Beginning in the 2020-2021 school year, the maximum number of  
606 students participating in the scholarship program under this  
607 section shall annually increase by 1.0 percent of the state's  
608 total full-time equivalent student membership ~~public school~~  
609 ~~student enrollment~~. An eligible student who meets any of the  
610 following requirements shall be excluded from the maximum number  
611 of students if the student:

612 ~~a. Received a scholarship pursuant to s. 1002.395 during~~  
613 ~~the previous school year but did not receive a renewal~~  
614 ~~scholarship based solely on the eligible nonprofit scholarship-~~  
615 ~~funding organization's lack of available funds after the~~  
616 ~~organization fully exhausted its efforts to use funds available~~  
617 ~~for awards under ss. 1002.395 and 1002.40(11) (i). Eligible~~  
618 ~~nonprofit scholarship-funding organizations with students who~~  
619 ~~meet the criterion in this subparagraph must annually notify the~~  
620 ~~department in a format and by a date established by the~~  
621 ~~department. The maximum number of scholarships awarded pursuant~~  
622 ~~to this subparagraph shall not exceed 15,000 per school year;~~

623 ~~a.b.~~ Is a dependent child of a member of the United States  
624 Armed Forces, a foster child, or an adopted child; or

625 ~~b.e.~~ Is determined eligible pursuant to subparagraph

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626 (3)(a)1. or subparagraph (3)(a)2. and either spent the prior  
627 school year in attendance at a Florida public school or,  
628 beginning in the 2022-2023 school year, is eligible to enroll in  
629 kindergarten. For purposes of this subparagraph, the term "prior  
630 school year in attendance" means that the student was enrolled  
631 and reported by a school district for funding during either the  
632 preceding October or February full-time equivalent student  
633 membership ~~Florida Education Finance Program~~ surveys in  
634 kindergarten through grade 12, which includes time spent in a  
635 Department of Juvenile Justice commitment program if funded  
636 under the Florida Education Finance Program.

637 2. The scholarship amount provided to a student for any  
638 single school year shall be for tuition and fees for an eligible  
639 private school, not to exceed annual limits, which shall be  
640 determined in accordance with this subparagraph. The calculated  
641 scholarship amount for a participating student shall be based  
642 upon the grade level and school district in which the student  
643 was assigned as 100 percent of the funds per unweighted full-  
644 time equivalent in the Florida Education Finance Program for a  
645 student in the basic program established pursuant to s.  
646 1011.62(1)(c)1., plus a per-full-time equivalent share of funds  
647 for all categorical programs, except for the exceptional student  
648 education guaranteed allocation established pursuant to s.  
649 1011.62(1)(e).

650 3. The amount of the scholarship shall be the calculated

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651 amount or the amount of the private school's tuition and fees,  
652 whichever is less. The amount of any assessment fee required by  
653 the participating private school and any costs to provide a  
654 digital device, including Internet access, if necessary, to the  
655 student may be paid from the total amount of the scholarship.

656 4. A scholarship of \$750 may be awarded to a student who  
657 is determined eligible pursuant to subparagraph (3)(a)1. or  
658 subparagraph (3)(a)2. and enrolled in a Florida public school  
659 that is different from the school to which the student was  
660 assigned or in a lab school as defined in s. 1002.32 if the  
661 school district does not provide the student with transportation  
662 to the school.

663 5. ~~Upon notification from the organization on July 1,~~  
664 ~~September 1, December 1, and February 1 that an application has~~  
665 ~~been approved for the program, the department shall verify that~~  
666 ~~the student is not prohibited from receiving a scholarship~~  
667 ~~pursuant to subsection (6).~~ The organization must provide the  
668 department with the documentation necessary to verify the  
669 student's participation. Upon receiving the documentation  
670 ~~verification~~, the department shall transfer, from state funds  
671 only, the amount calculated pursuant to subparagraph 2. to the  
672 organization for quarterly disbursement to parents of  
673 participating students each school year in which the scholarship  
674 is in force. For a student exiting a Department of Juvenile  
675 Justice commitment program who chooses to participate in the

676 scholarship program, the amount of the Family Empowerment  
677 Scholarship calculated pursuant to subparagraph 2. must be  
678 transferred from the school district in which the student last  
679 attended a public school before commitment to the Department of  
680 Juvenile Justice. When a student enters the scholarship program,  
681 the organization must receive all documentation required for the  
682 student's participation, including the private school's and the  
683 student's fee schedules, at least 30 days before the first  
684 quarterly scholarship payment is made for the student.

685         6. The initial payment shall be made after the  
686 organization's verification of admission acceptance, and  
687 subsequent payments shall be made upon verification of continued  
688 enrollment and attendance at the private school. Payment must be  
689 by individual warrant made payable to the student's parent or by  
690 funds transfer or any other means of payment that the department  
691 deems to be commercially viable or cost-effective. If the  
692 payment is made by warrant, the warrant must be delivered by the  
693 organization to the private school of the parent's choice, and  
694 the parent shall restrictively endorse the warrant to the  
695 private school. An organization shall ensure that the parent to  
696 whom the warrant is made has restrictively endorsed the warrant  
697 to the private school for deposit into the account of the  
698 private school or that the parent has approved a funds transfer  
699 before any scholarship funds are deposited.

700         (b)1. Scholarships for students determined eligible

701 pursuant to paragraph (3) (b) are established for up to 20,000  
 702 students annually beginning in the 2021-2022 school year.  
 703 Beginning in the 2022-2023 school year, the maximum number of  
 704 students participating in the scholarship program under this  
 705 section shall annually increase by 1.0 percent of the state's  
 706 total exceptional student education full-time equivalent student  
 707 membership enrollment, not including gifted students. An  
 708 eligible student who meets any of the following requirements  
 709 shall be excluded from the maximum number of students if the  
 710 student:

711 a. Received specialized instructional services under the  
 712 Voluntary Prekindergarten Education Program pursuant to s.  
 713 1002.66 during the previous school year and the student has a  
 714 current IEP developed by the district local school board in  
 715 accordance with rules of the State Board of Education;

716 b. Is a dependent child of a member of the United States  
 717 Armed Forces, a foster child, or an adopted child;

718 c. Spent the prior school year in attendance at a Florida  
 719 public school or the Florida School for the Deaf and the Blind.  
 720 For purposes of this subparagraph, the term "prior school year  
 721 in attendance" means that the student was enrolled and reported  
 722 by:

723 (I) A school district for funding during either the  
 724 preceding October or February full-time equivalent student  
 725 membership ~~Florida Education Finance Program~~ surveys in

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726 kindergarten through grade 12, which includes time spent in a  
727 Department of Juvenile Justice commitment program if funded  
728 under the Florida Education Finance Program;

729 (II) The Florida School for the Deaf and the Blind during  
730 the preceding October or February full-time equivalent student  
731 membership surveys in kindergarten through grade 12;

732 (III) A school district for funding during the preceding  
733 October or February full-time equivalent student membership  
734 ~~Florida Education Finance Program~~ surveys, was at least 4 years  
735 of age when enrolled and reported, and was eligible for services  
736 under s. 1003.21(1)(e); or

737 (IV) Received a John M. McKay Scholarship for Students  
738 with Disabilities in the 2021-2022 school year.

739 2. For a student who has a Level I to Level III matrix of  
740 services or a diagnosis by a physician or psychologist, the  
741 calculated scholarship amount for a student participating in the  
742 program must be based upon the grade level and school district  
743 in which the student would have been enrolled as the total funds  
744 per unweighted full-time equivalent in the Florida Education  
745 Finance Program for a student in the basic exceptional student  
746 education program pursuant to s. 1011.62(1)(c)1. and (e)1.c.,  
747 plus a per full-time equivalent share of funds for all  
748 categorical programs, as funded in the General Appropriations  
749 Act, except that for the exceptional student education  
750 guaranteed allocation, as provided in s. 1011.62(1)(e)1.c. and

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751 2., the funds must be allocated based on the school district's  
752 average exceptional student education guaranteed allocation  
753 funds per exceptional student education full-time equivalent  
754 student.

755 3. For a student with a Level IV or Level V matrix of  
756 services, the calculated scholarship amount must be based upon  
757 the school district to which the student would have been  
758 assigned as the total funds per full-time equivalent for the  
759 Level IV or Level V exceptional student education program  
760 pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time  
761 equivalent share of funds for all categorical programs, as  
762 funded in the General Appropriations Act.

763 4. For a student who received a Gardiner Scholarship  
764 pursuant to s. 1002.385 in the 2020-2021 school year, the amount  
765 shall be the greater of the amount calculated pursuant to  
766 subparagraph 2. or the amount the student received for the 2020-  
767 2021 school year.

768 5. For a student who received a John M. McKay Scholarship  
769 pursuant to s. 1002.39 in the 2020-2021 school year, the amount  
770 shall be the greater of the amount calculated pursuant to  
771 subparagraph 2. or the amount the student received for the 2020-  
772 2021 school year.

773 ~~6. Upon notification from an organization on July 1,~~  
774 ~~September 1, December 1, and February 1 that an application has~~  
775 ~~been approved for the program, the department shall verify that~~

776 ~~the student is not prohibited from receiving a scholarship~~  
777 ~~pursuant to subsection (6).~~ The organization must provide the  
778 department with the documentation necessary to verify the  
779 student's participation.

780 7. Upon receiving the documentation ~~verification~~, the  
781 department shall release, from state funds only, the student's  
782 scholarship funds to the organization, to be deposited into the  
783 student's account in four equal amounts no later than September  
784 1, November 1, February 1, and April 1 of each school year in  
785 which the scholarship is in force.

786 8. Accrued interest in the student's account is in  
787 addition to, and not part of, the awarded funds. Program funds  
788 include both the awarded funds and accrued interest.

789 9. The organization may develop a system for payment of  
790 benefits by funds transfer, including, but not limited to, debit  
791 cards, electronic payment cards, or any other means of payment  
792 which the department deems to be commercially viable or cost-  
793 effective. A student's scholarship award may not be reduced for  
794 debit card or electronic payment fees. Commodities or services  
795 related to the development of such a system must be procured by  
796 competitive solicitation unless they are purchased from a state  
797 term contract pursuant to s. 287.056.

798 10. Moneys received pursuant to this section do not  
799 constitute taxable income to the qualified student or the parent  
800 of the qualified student.



801 Section 5. Paragraph (d) of subsection (9) of section  
 802 1002.395, Florida Statutes, is amended to read:

803 1002.395 Florida Tax Credit Scholarship Program.—

804 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of  
 805 Education shall:

806 (d) Cross-check the list of participating scholarship  
 807 students with the public school enrollment lists to avoid  
 808 duplication and, when the Florida Education Finance Program is  
 809 recalculated, adjust the amount of state funds allocated to  
 810 school districts through the Florida Education Finance Program  
 811 based upon the results of the cross-check.

812 Section 6. Paragraph (a) of subsection (8) of section  
 813 1002.40, Florida Statutes, is amended to read:

814 1002.40 The Hope Scholarship Program.—

815 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department  
 816 shall:

817 (a) Cross-check the list of participating scholarship  
 818 students with the public school enrollment lists to avoid  
 819 duplication and, when the Florida Education Finance Program is  
 820 recalculated, adjust the amount of state funds allocated to  
 821 school districts through the Florida Education Finance Program  
 822 based upon the results of the cross-check.

823 Section 7. Subsections (6) through (11) of section  
 824 1002.45, Florida Statutes, are renumbered as subsections (5)  
 825 through (10), respectively, and subsections (1) and (2),

826 paragraphs (b), (c), and (d) of subsection (3), subsections (4)  
 827 and (5), and present subsections (6), (7), (8), and (11) of  
 828 section 1002.45, Florida Statutes, are amended, to read:

829 1002.45 Virtual instruction programs.—

830 (1) PROGRAM.—

831 (a) For purposes of this section, the term:

832 1. "Approved virtual instruction program provider" means a  
 833 provider that is approved by the State Board ~~Department~~ of  
 834 Education under subsection (2), the Florida Virtual School, ~~a~~  
 835 ~~franchise of the Florida Virtual School,~~ or a Florida College  
 836 System institution.

837 2. "Department" means the Department of Education.

838 ~~3.2.~~ "Virtual instruction program" means a program of  
 839 instruction provided in an interactive learning environment  
 840 created through technology in which students are separated from  
 841 their teachers by time or space, or both.

842 (b)1. Each school district shall provide at least one  
 843 option for part-time and full-time virtual instruction for  
 844 students residing within the school district. All school  
 845 districts must provide parents with timely written notification  
 846 of at least one open enrollment period for full-time students of  
 847 90 days or more which ends 30 days before the first day of the  
 848 school year. ~~The purpose of the program is to make quality~~  
 849 ~~virtual instruction available to students using online and~~  
 850 ~~distance learning technology in the nontraditional classroom. A~~

851 school district virtual instruction program shall consist of the  
 852 following:

853 ~~a.1.~~ Full-time and part-time virtual instruction for  
 854 students enrolled in kindergarten through grade 12.

855 ~~b.2.~~ Full-time or part-time virtual instruction for  
 856 students enrolled in dropout prevention and academic  
 857 intervention programs under s. 1003.53, Department of Juvenile  
 858 Justice education programs under s. 1003.52, core-curricula  
 859 courses to meet class size requirements under s. 1003.03, or  
 860 Florida College System institutions under this section.

861 2. Each virtual instruction program established under  
 862 paragraph (c) by a school district either directly or through a  
 863 contract with an approved virtual instruction program provider  
 864 shall operate under its own Master School Identification Number  
 865 as prescribed by the department.

866 (c) To provide students residing within the school  
 867 district ~~with~~ the option of participating in virtual instruction  
 868 programs as required by paragraph (b), a school district may:

869 1. ~~Contract with the Florida Virtual School or establish a~~  
 870 ~~franchise of the Florida Virtual School for the provision of a~~  
 871 ~~program under paragraph (b). Using this option is subject to the~~  
 872 ~~requirements of this section and s. 1011.61(1)(c)1.b.(III) and~~  
 873 ~~(IV) and (4). A district may report full-time equivalent student~~  
 874 ~~membership for credit earned by a student who is enrolled in a~~  
 875 ~~virtual education course provided by the district which was~~

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876 ~~completed after the end of the regular school year if the FTE is~~  
877 ~~reported no later than the deadline for amending the final~~  
878 ~~student membership report for that year.~~

879 2. Contract with an approved virtual instruction program  
880 provider under subsection (2) for the provision of a full-time  
881 or part-time program under paragraph (b).

882 3. Enter into an agreement with other school districts to  
883 allow the participation of its students in an approved virtual  
884 instruction program provided by the other school district. The  
885 agreement must indicate a process for the transfer of funds  
886 required by paragraph (6) (b) ~~(7) (a)~~.

887 4. Establish school district operated part-time or full-  
888 time kindergarten through grade 12 virtual instruction programs  
889 ~~under paragraph (b) for students enrolled in the school~~  
890 ~~district. A full-time program shall operate under its own Master~~  
891 ~~School Identification Number.~~

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

894  
895 Contracts under subparagraph 1. or subparagraph 2. may include  
896 multidistrict contractual arrangements ~~that may be~~ executed by a  
897 regional consortium service organization established pursuant to  
898 s. 1001.451 for its member districts. A multidistrict  
899 contractual arrangement or an agreement under subparagraph 3. is  
900 not subject to s. 1001.42(4)(d) and does not require the

901 participating school districts to be contiguous. These  
 902 arrangements may be used to fulfill the requirements of  
 903 paragraph (b).

904 (d) A virtual charter school may provide full-time or  
 905 part-time virtual instruction for students in kindergarten  
 906 through grade 12 residing within the school district sponsoring  
 907 the virtual charter school if the virtual charter school has a  
 908 charter approved pursuant to s. 1002.33. A virtual charter  
 909 school may:

- 910 1. Contract with the Florida Virtual School.
- 911 2. Contract with an approved virtual instruction program  
 912 provider under subsection (2).
- 913 3. Enter into an agreement with a school district to allow  
 914 the participation of the virtual charter school's students in  
 915 the school district's virtual instruction program. The agreement  
 916 must indicate a process for reporting of student enrollment and  
 917 the transfer of funds required by paragraph (6)(b) ~~(7)(a)~~.

918 (e) Each school district shall:

- 919 1. Provide to the department by each October 1, a copy of  
 920 each contract and the amount ~~amounts~~ paid per unweighted full-  
 921 time equivalent virtual student for services procured pursuant  
 922 to subparagraphs (c)1. and 2.
- 923 2. Expend any ~~the~~ difference in the amount of funds per  
 924 unweighted full-time equivalent virtual student allocated to  
 925 ~~provided for a student participating in~~ the school district

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926 ~~virtual instruction program~~ pursuant to subsection ~~(6)-(7)~~ and  
927 the amount price paid per unweighted full-time equivalent  
928 virtual student by the school district for a contract executed  
929 pursuant to subparagraph (c)1. or subparagraph (c)2. on for  
930 acquiring computer and device hardware and associated operating  
931 system software that comply with the requirements of s.  
932 1001.20 (4) (a)1.b.

933 3. Provide to the department ~~and~~ by September 1 of each  
934 year ~~report to the department~~ an itemized list of items acquired  
935 in subparagraph 2 with these funds.

936 4.3. Limit the enrollment of ~~virtual~~ full-time equivalent  
937 virtual students residing outside of the school district  
938 providing the virtual instruction pursuant to paragraph (c) to  
939 no more than 50 percent of the total enrolled ~~virtual~~ full-time  
940 equivalent virtual students residing inside the school district  
941 providing the virtual instruction. This subparagraph applies to  
942 any virtual instruction contract or agreement that is entered  
943 into for the first time after June 30, 2021. However, a school  
944 district may not enroll more ~~virtual~~ full-time equivalent  
945 virtual students residing outside of the school district than  
946 the total number of reported full-time equivalent students  
947 residing inside the school district.

948 (2) PROVIDER QUALIFICATIONS.—

949 (a) The department shall annually publish on its website  
950 ~~online~~ a list of providers approved by the State Board of

951 Education to offer virtual instruction programs. To be approved  
 952 ~~by the department,~~ a virtual instruction program provider must  
 953 document that it:

954 1. Is nonsectarian in its programs, admission policies,  
 955 employment practices, and operations;

956 2. Complies with the antidiscrimination provisions of s.  
 957 1000.05;

958 3. Locates an administrative office or offices in this  
 959 state, requires its administrative staff to be state residents,  
 960 requires all instructional staff to be Florida-certified  
 961 teachers under chapter 1012 and conducts background screenings  
 962 for all employees or contracted personnel, as required by s.  
 963 1012.32, using state and national criminal history records;

964 4. Electronically provides to parents and students  
 965 specific information ~~posted and accessible online~~ that includes,  
 966 but is not limited to, the following teacher-parent and teacher-  
 967 student contact information for each course:

968 a. How to contact the instructor via phone, e-mail, or  
 969 online messaging tools.

970 b. How to contact technical support via phone, e-mail, or  
 971 online messaging tools.

972 c. How to contact the administration office via phone, e-  
 973 mail, or online messaging tools.

974 d. Any requirement for regular contact with the instructor  
 975 for the course and clear expectations for meeting the

976 requirement.

977 e. The requirement that the instructor in each course  
 978 must, at a minimum, conduct one contact with the parent and the  
 979 student each month;

980 5. Possesses prior, successful experience offering virtual  
 981 instruction ~~online~~ courses to elementary, middle, or high school  
 982 students as demonstrated by quantified student learning gains in  
 983 each subject area and grade level provided for consideration as  
 984 an instructional program option. However, for a virtual  
 985 instruction program provider without sufficient prior,  
 986 successful experience offering online courses, the State Board  
 987 of Education ~~department~~ may conditionally approve the virtual  
 988 instruction program provider to offer courses measured pursuant  
 989 to subparagraph (7)(a)2. ~~(8)(a)2.~~ Conditional approval shall be  
 990 valid for 1 school year only and, based on the virtual  
 991 instruction program provider's experience in offering the  
 992 courses, the State Board of Education may ~~department shall~~  
 993 ~~determine whether to~~ grant approval to offer a virtual  
 994 instruction program;

995 6. Is accredited by a regional accrediting association as  
 996 defined by State Board of Education rule;

997 7. Ensures instructional and curricular quality through a  
 998 detailed curriculum and student performance accountability plan  
 999 that addresses every subject and grade level it intends to  
 1000 provide through contract with the school district, including:



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- 1001           a. Courses and programs that meet the standards of the  
 1002 International Association for K-12 Online Learning and the  
 1003 Southern Regional Education Board.
- 1004           b. Instructional content and services that align with, and  
 1005 measure student attainment of, student proficiency in the Next  
 1006 Generation Sunshine State Standards.
- 1007           c. Mechanisms that determine and ensure that a student has  
 1008 satisfied requirements for grade level promotion and high school  
 1009 graduation with a standard diploma, as appropriate;
- 1010           8. Publishes ~~for the general public~~, in accordance with  
 1011 disclosure requirements adopted in rule by the State Board of  
 1012 Education, as part of its application as an approved virtual  
 1013 instruction program a provider and in all contracts negotiated  
 1014 pursuant to this section:
- 1015           a. Information and data about the curriculum of each full-  
 1016 time and part-time virtual instruction program.
- 1017           b. School policies and procedures.
- 1018           c. Certification status and physical location of all  
 1019 administrative and instructional personnel.
- 1020           d. Hours and times of availability of instructional  
 1021 personnel.
- 1022           e. Student-teacher ratios.
- 1023           f. Student completion and promotion rates.
- 1024           g. Student, educator, and school performance  
 1025 accountability outcomes;

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1026           9. If the approved virtual instruction program provider is  
1027 a Florida College System institution, employs instructors who  
1028 meet the certification requirements for instructional staff  
1029 under chapter 1012; and

1030           10. Performs an annual financial audit of its accounts and  
1031 records conducted by an independent auditor who is a certified  
1032 public accountant licensed under chapter 473. The independent  
1033 auditor shall conduct the audit ~~which is~~ in accordance with  
1034 rules adopted by the Auditor General pursuant to s. 11.45 and,  
1035 upon completion of the audit, shall prepare an audit report in  
1036 accordance with such rules. The audit report must include a  
1037 written statement by the approved virtual instruction program  
1038 provider describing any corrective action to be taken in  
1039 response to each of the independent auditor's recommendations  
1040 included in the audit report. The independent auditor shall  
1041 submit the audit report to the State Board of Education and the  
1042 Auditor General no later than 9 months after the end of the  
1043 preceding fiscal year, ~~is conducted in compliance with generally~~  
1044 ~~accepted auditing standards, and includes a report on financial~~  
1045 ~~statements presented in accordance with generally accepted~~  
1046 ~~accounting principles.~~

1047           (b) An approved virtual instruction program provider that  
1048 maintains compliance with all requirements of this section shall  
1049 retain its approved status for a period of ~~during the~~ 3 school  
1050 years after the date of ~~the department's~~ approval by the State

1051 ~~Board of Education under paragraph (a) as long as the provider~~  
 1052 ~~continues to comply with all requirements of this section.~~  
 1053 ~~However, each provider approved by the department for the 2011-~~  
 1054 ~~2012 school year must reapply for approval to provide a part-~~  
 1055 ~~time program for students in grades 9 through 12.~~

1056 (3) VIRTUAL INSTRUCTION PROGRAM REQUIREMENTS.—Each virtual  
 1057 instruction program under this section must:

1058 (b) Offer instruction that is designed to enable a student  
 1059 to gain proficiency in each virtual instruction ~~virtually~~  
 1060 ~~delivered~~ course of study.

1061 (c) Provide each student enrolled in the virtual  
 1062 instruction program with all the necessary instructional  
 1063 materials.

1064 (d) Provide each full-time student enrolled in the virtual  
 1065 instruction program who qualifies for free or reduced-price  
 1066 school lunches under the National School Lunch Act, or who is on  
 1067 the direct certification list, and who does not have a computer  
 1068 or Internet access in his or her home with:

1069 1. All equipment necessary for participants in the virtual  
 1070 instruction program, including, but not limited to, a computer,  
 1071 computer monitor, and printer, if a printer is necessary to  
 1072 participate in the virtual instruction program; and

1073 2. Access to or reimbursement for all Internet services  
 1074 necessary for online delivery of instruction.

1075 (4) CONTRACT REQUIREMENTS.—Each contract with an approved

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1076 virtual instruction program provider must, at minimum:

1077 (a) Set forth a detailed curriculum plan that illustrates  
1078 how students will be provided services and be measured for  
1079 attainment of proficiency in the Next Generation Sunshine State  
1080 Standards for each grade level and subject.

1081 (b) Provide a method for determining that a student has  
1082 satisfied the requirements for graduation in s. 1002.3105(5), s.  
1083 1003.4281, or s. 1003.4282 if the contract is for the provision  
1084 of a full-time virtual instruction program to students in grades  
1085 9 through 12.

1086 (c) Specify a method for resolving conflicts among the  
1087 parties.

1088 (d) Specify authorized reasons for termination of the  
1089 contract.

1090 (e) Require the approved virtual instruction program  
1091 provider to be responsible for all debts of the virtual  
1092 instruction program if the contract is not renewed or is  
1093 terminated.

1094 (f) Require the approved virtual instruction program  
1095 provider to comply with all requirements of this section.

1096 (g) Require the approved virtual instruction program  
1097 provider to submit a concise, uniform, monthly financial  
1098 statement summary sheet in a form prescribed by the department.

1099 (h) Provide the current incoming baseline standard of  
1100 student academic achievement, the outcomes to be achieved, the

1101 method of measurement that will be used, and a detailed  
 1102 description of:  
 1103 1. How the baseline student academic achievement levels  
 1104 and prior rates of academic progress will be established.  
 1105 2. How these baseline rates will be compared to rates of  
 1106 academic progress achieved by the same students while enrolled  
 1107 in the virtual instruction program.  
 1108 3. To the extent possible, how the rates of progress will  
 1109 be evaluated and compared with rates of progress of other  
 1110 closely comparable student populations.  
 1111 (i) Require the approved virtual instruction program  
 1112 provider to annually submit an accountability report that  
 1113 contains demographic information and student achievement  
 1114 performance data, that links baseline student data to the  
 1115 provider performance projections identified in the contract.  
 1116 ~~(5) STUDENT ELIGIBILITY.—A student may enroll in a virtual~~  
 1117 ~~instruction program provided by the school district or by a~~  
 1118 ~~virtual charter school pursuant to s. 1002.455.~~  
 1119 ~~(5)(6)~~ (5) STUDENT PARTICIPATION REQUIREMENTS.—Each student  
 1120 enrolled in the school district's a virtual instruction program  
 1121 authorized pursuant to paragraph (1)(c) or virtual charter  
 1122 school must:  
 1123 (a) Comply with the compulsory attendance requirements of  
 1124 s. 1003.21. Student attendance must be verified by the school  
 1125 district.

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1126 (b) Take statewide assessments pursuant to s. 1008.22.  
1127 Statewide assessments may be administered within the school  
1128 district in which such student resides, or as specified in the  
1129 contract in accordance with s. 1008.24(3). If requested by the  
1130 approved virtual instruction program provider or virtual charter  
1131 school, the district of residence must provide the student with  
1132 access to the district's testing facilities.

1133 ~~(6)-(7)~~ VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER  
1134 SCHOOL FUNDING.—

1135 (a) All virtual instruction programs established pursuant  
1136 to paragraph (1)(c) are subject to the requirements of s.  
1137 1011.61(1)(c)1.b.(III), (IV), (VI) and (4) and the school  
1138 district providing the virtual instruction program shall report  
1139 the full-time equivalent students, in a manner prescribed by the  
1140 department. A school district may report a full-time equivalent  
1141 student for credit earned by a student who is enrolled in a  
1142 virtual instruction course provided by the district which was  
1143 completed after the end of the regular school year if the full-  
1144 time equivalent student is reported no later than the deadline  
1145 for amending the final full-time equivalent student membership  
1146 report for that year ~~Students enrolled in a virtual instruction~~  
1147 ~~program or a virtual charter school shall be funded through the~~  
1148 ~~Florida Education Finance Program as provided in the General~~  
1149 ~~Appropriations Act. However, such funds may not be provided for~~  
1150 ~~the purpose of fulfilling the class size requirements in ss.~~

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1151 ~~1003.03 and 1011.685. The school district providing the virtual~~  
1152 ~~instruction shall report the full-time equivalent students for a~~  
1153 ~~virtual instruction program or a virtual charter school to the~~  
1154 ~~department in a manner prescribed by the department.~~

1155 (b) Students enrolled in a virtual instruction program  
1156 shall be funded in the Florida Education Finance Program as  
1157 provided in the General Appropriations Act. The calculation to  
1158 determine the amount of funds for each student through Florida  
1159 Education Finance Program shall include the sum of the base  
1160 Florida Education Finance Program pursuant to s. 1011.62(1)(s)  
1161 and all categorical programs except for the categorical programs  
1162 established pursuant to ss. 1011.62(1)(f), 1011.62(7),  
1163 1011.62(13), 1011.685, and 1012.71. Students residing outside of  
1164 the school district reporting the full-time equivalent virtual  
1165 student shall be funded from state funds only.

1166 ~~(b) For purposes of a virtual instruction program or a~~  
1167 ~~virtual charter school, "full-time equivalent student" has the~~  
1168 ~~same meaning as provided in s. 1011.61(1)(c)1.b.(III) or (IV).~~

1169 ~~(c) For a student enrolled in a kindergarten through grade~~  
1170 ~~12 virtual instruction program, a "full-time equivalent student"~~  
1171 ~~has the same meaning as provided in s. 1011.61(1)(c)1.b.(III)~~  
1172 ~~and (IV).~~

1173 ~~(d) The full-time equivalent student membership calculated~~  
1174 ~~under this subsection is subject to the requirements in s.~~  
1175 ~~1011.61(4).~~

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1176        ~~(c)(e)~~ A Florida College System institution provider may  
1177 not report students who are served in a virtual instruction  
1178 program for funding under the Florida College System Program  
1179 Fund.

1180        ~~(7)(8)~~ ASSESSMENT AND ACCOUNTABILITY.—

1181        (a) Each approved virtual instruction program provider  
1182 contracted pursuant to ~~under~~ this section must:

1183            1. Participate in the statewide assessment program under  
1184 s. 1008.22 and in the state's education performance  
1185 accountability system under s. 1008.31.

1186            2. Receive a school grade under s. 1008.34 or a school  
1187 improvement rating under s. 1008.341, as applicable. The ~~school~~  
1188 ~~grade or~~ school improvement rating received by each approved  
1189 virtual instruction program provider shall be based upon the  
1190 aggregated assessment scores of all students served by the  
1191 provider statewide. Each approved virtual instruction program  
1192 provider shall receive a district grade pursuant to s. 1008.34  
1193 based upon the aggregated assessment scores of all students  
1194 served by the provider statewide and a separate school grade for  
1195 each school district with which it contracts based upon the  
1196 assessment scores of all students served within the school  
1197 district. The department shall publish the school grade or  
1198 school improvement rating received by each approved virtual  
1199 instruction program provider on its Internet website. The  
1200 department shall develop an evaluation method for providers of



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1201 part-time programs which includes the percentage of students  
1202 making learning gains, the percentage of students successfully  
1203 passing any required end-of-course assessment, the percentage of  
1204 students taking Advanced Placement examinations, and the  
1205 percentage of students scoring 3 or higher on an Advanced  
1206 Placement examination.

1207 (b) The performance of part-time students in grades 9  
1208 through 12 shall not be included for purposes of school grades  
1209 or school improvement ratings under subparagraph (a)2.; however,  
1210 their performance shall be included for school grading or school  
1211 improvement rating purposes by the district nonvirtual school  
1212 providing the student's primary instruction.

1213 (c) An approved virtual instruction program provider that  
1214 receives a school grade of "D" or "F" pursuant to ~~under~~ s.  
1215 1008.34 or a school improvement rating of "Unsatisfactory"  
1216 pursuant to ~~under~~ s. 1008.341 must file a school improvement  
1217 plan with the department for consultation to determine the  
1218 causes for low performance and corrective actions necessary to  
1219 improve performance ~~to develop a plan for correction and~~  
1220 ~~improvement~~.

1221 (d) An approved virtual instruction program provider's  
1222 contract is automatically ~~must be~~ terminated if the provider  
1223 earns two consecutive ~~receives a school grades~~ grade of "D" or  
1224 "F" pursuant to ~~under~~ s. 1008.34 after all school grade appeals  
1225 are final or earns two consecutive a school improvement ratings

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1226 ~~rating~~ of "Unsatisfactory" ~~pursuant to under~~ s. 1008.341 ~~for 2~~  
1227 ~~years during any consecutive 4-year period~~ or has violated any  
1228 qualification requirement pursuant to subsection (2). An  
1229 approved virtual instruction program A provider that has a  
1230 contract terminated under this paragraph may not be considered  
1231 an approved virtual instruction program provider for ~~a period of~~  
1232 at least 1 year after the date upon which the contract was  
1233 terminated and until the State Board of Education ~~department~~  
1234 determines that the virtual instruction program provider is in  
1235 compliance with subsection (2) and has corrected each cause of  
1236 the provider's low performance.

1237 ~~(10)-(11)~~ RULES.—The State Board of Education shall adopt  
1238 rules necessary to administer this section, including rules that  
1239 prescribe disclosure requirements under subsection (2), a  
1240 standard contract that meets the requirements under subsection  
1241 (4), and school district reporting requirements under subsection  
1242 (6) ~~(7)~~.

1243 Section 8. Section 1002.455, Florida Statutes, is amended  
1244 to read:

1245 1002.455 Student eligibility for K-12 virtual  
1246 instruction.—All students, including home education and private  
1247 school students, are eligible to participate in any of the  
1248 following virtual instruction options:

1249 (1) School district operated part-time or full-time  
1250 kindergarten through grade 12 virtual instruction programs

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1251 pursuant to s. 1002.45(1)(c)4. to students within the school  
1252 district ~~under s. 1002.45(1)(b).~~

1253 (2) Part-time or full-time virtual charter school  
1254 instruction authorized pursuant to s. 1002.45(1)(c)5. ~~under s.~~  
1255 ~~1002.33~~ to students within the school district or to students in  
1256 other school districts throughout the state pursuant to s.  
1257 1002.31; however, the school district enrolling the full-time  
1258 equivalent virtual student shall comply with the enrollment  
1259 requirements established under to s. 1002.45(1)(e)4.

1260 (3) Virtual courses offered in the course code directory  
1261 to students within the school district or to students in other  
1262 school districts throughout the state pursuant to s. 1003.498.

1263 (4) Florida Virtual School instructional services  
1264 authorized pursuant to ~~under~~ s. 1002.37.

1265 (5) Virtual instruction provided by a school district  
1266 through a contract with an approved virtual instruction program  
1267 provider pursuant to s. 1002.45(1)(c)2. to students within the  
1268 school district or to students in other school districts  
1269 throughout the state pursuant to s. 1002.31; however the school  
1270 district enrolling the full-time equivalent virtual student  
1271 shall comply with the enrollment requirements established under  
1272 s. 1002.45(1)(e)4.

1273 Section 9. Paragraph (b) of subsection (2) of section  
1274 1003.498, Florida Statutes, is amended to read:

1275 1003.498 School district virtual course offerings.-

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1276 (2) School districts may offer virtual courses for  
1277 students enrolled in the school district. These courses must be  
1278 identified in the course code directory. Students may  
1279 participate in these virtual course offerings pursuant to s.  
1280 1002.455.

1281 (b)1. Any student who is enrolled in a school district may  
1282 register and enroll in an online course offered by any other  
1283 school district in the state. The school district in which the  
1284 student completes the course shall report the student's  
1285 completion of that course for funding pursuant to s.  
1286 1011.61(1)(c)1.b.(VI), and the home school district shall not  
1287 report the student for funding for that course.

1288 2. The full-time equivalent student membership calculated  
1289 under this subsection is subject to the requirements in s.  
1290 1011.61(4). The Department of Education shall establish  
1291 procedures to enable interdistrict coordination for the delivery  
1292 and funding of this online option.

1293 3. Funding for virtual courses shall be as provided in s.  
1294 1002.45(6).

1295 Section 10. Paragraph (a) of subsection (13) of section  
1296 1003.52, Florida Statutes, is amended to read:

1297 1003.52 Educational services in Department of Juvenile  
1298 Justice programs.—

1299 (13) (a) Funding for eligible students enrolled in juvenile  
1300 justice education programs shall be the same as traditional

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1301 students funded in ~~provided through~~ the Florida Education  
1302 Finance Program and as specified ~~provided in s. 1011.62~~ and the  
1303 General Appropriations Act. ~~Funding shall include, at a minimum:~~

1304 1. ~~Weighted program funding or the basic amount for~~  
1305 ~~current operation multiplied by the district cost differential~~  
1306 ~~as provided in s. 1011.62(2);~~

1307 2. ~~The supplemental allocation for juvenile justice~~  
1308 ~~education as provided in s. 1011.62(9);~~

1309 3. ~~A proportionate share of the district's exceptional~~  
1310 ~~student education guaranteed allocation, the supplemental~~  
1311 ~~academic instruction allocation, and the instructional materials~~  
1312 ~~allocation;~~

1313 4. ~~An amount equivalent to the proportionate share of the~~  
1314 ~~state average potential discretionary local effort for~~  
1315 ~~operations, which shall be determined as follows:~~

1316 a. ~~If the district levies the maximum discretionary local~~  
1317 ~~effort and the district's discretionary local effort per FTE is~~  
1318 ~~less than the state average potential discretionary local effort~~  
1319 ~~per FTE, the proportionate share shall include both the~~  
1320 ~~discretionary local effort and the compression supplement per~~  
1321 ~~FTE. If the district's discretionary local effort per FTE is~~  
1322 ~~greater than the state average per FTE, the proportionate share~~  
1323 ~~shall be equal to the state average; or~~

1324 b. ~~If the district does not levy the maximum discretionary~~  
1325 ~~local effort and the district's actual discretionary local~~

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1326 ~~effort per FTE is less than the state average potential~~  
1327 ~~discretionary local effort per FTE, the proportionate share~~  
1328 ~~shall be equal to the district's actual discretionary local~~  
1329 ~~effort per FTE. If the district's actual discretionary local~~  
1330 ~~effort per FTE is greater than the state average per FTE, the~~  
1331 ~~proportionate share shall be equal to the state average~~  
1332 ~~potential local effort per FTE; and~~

1333 ~~5. A proportionate share of the district's proration to~~  
1334 ~~funds available, if necessary.~~

1335 Section 11. Section 1006.12, Florida Statutes, is amended  
1336 to read:

1337 1006.12 Safe-school officers at each public school.—For  
1338 the protection and safety of school personnel, property,  
1339 students, and visitors, each district school board and school  
1340 district superintendent shall partner with law enforcement  
1341 agencies or security agencies to establish or assign one or more  
1342 safe-school officers at each school facility within the  
1343 district, including charter schools. A district school board  
1344 must collaborate with charter school governing boards to  
1345 facilitate charter school access to all safe-school officer  
1346 options available under this section. The school district may  
1347 implement any combination of the options in subsections (1)-(4)  
1348 to best meet the needs of the school district and charter  
1349 schools.

1350 (1) SCHOOL RESOURCE OFFICER.—A school district may

1351 establish school resource officer programs through a cooperative  
1352 agreement with law enforcement agencies.

1353 (a) School resource officers shall undergo criminal  
1354 background checks, drug testing, and a psychological evaluation  
1355 and be certified law enforcement officers, as defined in s.  
1356 943.10(1), who are employed by a law enforcement agency as  
1357 defined in s. 943.10(4). The powers and duties of a law  
1358 enforcement officer shall continue throughout the employee's  
1359 tenure as a school resource officer.

1360 (b) School resource officers shall abide by district  
1361 school board policies and shall consult with and coordinate  
1362 activities through the school principal, but shall be  
1363 responsible to the law enforcement agency in all matters  
1364 relating to employment, subject to agreements between a district  
1365 school board and a law enforcement agency. Activities conducted  
1366 by the school resource officer which are part of the regular  
1367 instructional program of the school shall be under the direction  
1368 of the school principal.

1369 (c) Complete mental health crisis intervention training  
1370 using a curriculum developed by a national organization with  
1371 expertise in mental health crisis intervention. The training  
1372 shall improve officers' knowledge and skills as first responders  
1373 to incidents involving students with emotional disturbance or  
1374 mental illness, including de-escalation skills to ensure student  
1375 and officer safety.

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1376 (2) SCHOOL SAFETY OFFICER.—A school district may  
1377 commission one or more school safety officers for the protection  
1378 and safety of school personnel, property, and students within  
1379 the school district. The district school superintendent may  
1380 recommend, and the district school board may appoint, one or  
1381 more school safety officers.

1382 (a) School safety officers shall undergo criminal  
1383 background checks, drug testing, and a psychological evaluation  
1384 and be law enforcement officers, as defined in s. 943.10(1),  
1385 certified under the provisions of chapter 943 and employed by  
1386 either a law enforcement agency or by the district school board.  
1387 If the officer is employed by the district school board, the  
1388 district school board is the employing agency for purposes of  
1389 chapter 943, and must comply with the provisions of that  
1390 chapter.

1391 (b) A school safety officer has and shall exercise the  
1392 power to make arrests for violations of law on district school  
1393 board property and to arrest persons, whether on or off such  
1394 property, who violate any law on such property under the same  
1395 conditions that deputy sheriffs are authorized to make arrests.  
1396 A school safety officer has the authority to carry weapons when  
1397 performing his or her official duties.

1398 (c) School safety officers must complete mental health  
1399 crisis intervention training using a curriculum developed by a  
1400 national organization with expertise in mental health crisis



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1401 intervention. The training shall improve officers' knowledge and  
1402 skills as first responders to incidents involving students with  
1403 emotional disturbance or mental illness, including de-escalation  
1404 skills to ensure student and officer safety.

1405 (d) A district school board may enter into mutual aid  
1406 agreements with one or more law enforcement agencies as provided  
1407 in chapter 23. A school safety officer's salary may be paid  
1408 jointly by the district school board and the law enforcement  
1409 agency, as mutually agreed to.

1410 (3) SCHOOL GUARDIAN.—At the school district's or the  
1411 charter school governing board's discretion, as applicable,  
1412 pursuant to s. 30.15, a school district or charter school  
1413 governing board may participate in the Coach Aaron Feis Guardian  
1414 Program to meet the requirement of establishing a safe-school  
1415 officer. The following individuals may serve as a school  
1416 guardian, in support of school-sanctioned activities for  
1417 purposes of s. 790.115, upon satisfactory completion of the  
1418 requirements under s. 30.15(1)(k) and certification by a  
1419 sheriff:

1420 (a) A school district employee or personnel, as defined  
1421 under s. 1012.01, or a charter school employee, as provided  
1422 under s. 1002.33(12)(a), who volunteers to serve as a school  
1423 guardian in addition to his or her official job duties; or

1424 (b) An employee of a school district or a charter school  
1425 who is hired for the specific purpose of serving as a school

1426 guardian.

1427 (4) SCHOOL SECURITY GUARD.—A school district or charter  
 1428 school governing board may contract with a security agency as  
 1429 defined in s. 493.6101(18) to employ as a school security guard  
 1430 an individual who holds a Class "D" and Class "G" license  
 1431 pursuant to chapter 493, provided the following training and  
 1432 contractual conditions are met:

1433 (a) An individual who serves as a school security guard,  
 1434 for purposes of satisfying the requirements of this section,  
 1435 must:

1436 1. Demonstrate completion of 144 hours of required  
 1437 training pursuant to s. 30.15(1)(k)2.

1438 2. Pass a psychological evaluation administered by a  
 1439 psychologist licensed under chapter 490 and designated by the  
 1440 Department of Law Enforcement and submit the results of the  
 1441 evaluation to the sheriff's office, school district, or charter  
 1442 school governing board, as applicable. The Department of Law  
 1443 Enforcement is authorized to provide the sheriff's office,  
 1444 school district, or charter school governing board with mental  
 1445 health and substance abuse data for compliance with this  
 1446 paragraph.

1447 3. Submit to and pass an initial drug test and subsequent  
 1448 random drug tests in accordance with the requirements of s.  
 1449 112.0455 and the sheriff's office, school district, or charter  
 1450 school governing board, as applicable.

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1451 4. Successfully complete ongoing training, weapon  
1452 inspection, and firearm qualification on at least an annual  
1453 basis and provide documentation to the sheriff's office, school  
1454 district, or charter school governing board, as applicable.

1455 (b) The contract between a security agency and a school  
1456 district or a charter school governing board regarding  
1457 requirements applicable to school security guards serving in the  
1458 capacity of a safe-school officer for purposes of satisfying the  
1459 requirements of this section shall define the entity or entities  
1460 responsible for training and the responsibilities for  
1461 maintaining records relating to training, inspection, and  
1462 firearm qualification.

1463 (c) School security guards serving in the capacity of a  
1464 safe-school officer pursuant to this subsection are in support  
1465 of school-sanctioned activities for purposes of s. 790.115, and  
1466 must aid in the prevention or abatement of active assailant  
1467 incidents on school premises.

1468 (5) NOTIFICATION.—The school district shall notify the  
1469 county sheriff and the Office of Safe Schools immediately after,  
1470 but no later than 72 hours after:

1471 (a) A safe-school officer is dismissed for misconduct or  
1472 is otherwise disciplined.

1473 (b) A safe-school officer discharges his or her firearm in  
1474 the exercise of the safe-school officer's duties, other than for  
1475 training purposes.

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1476 (6) EXEMPTION.—Any information that would identify whether  
1477 a particular individual has been appointed as a safe-school  
1478 officer pursuant to this section held by a law enforcement  
1479 agency, school district, or charter school is exempt from s.  
1480 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
1481 subsection is subject to the Open Government Sunset Review Act  
1482 in accordance with s. 119.15 and shall stand repealed on October  
1483 2, 2023, unless reviewed and saved from repeal through  
1484 reenactment by the Legislature.

1485  
1486 If a district school board, through its adopted policies,  
1487 procedures, or actions, denies a charter school access to any  
1488 safe-school officer options pursuant to this section, the school  
1489 district must assign a school resource officer or school safety  
1490 officer to the charter school. Under such circumstances, the  
1491 charter school's share of the costs of the school resource  
1492 officer or school safety officer may not exceed the safe school  
1493 allocation funds provided to the charter school pursuant to s.  
1494 1011.62(12) ~~s. 1011.62(13)~~ and shall be retained by the school  
1495 district.

1496 Section 12. Paragraph (a) of subsection (3) of section  
1497 1010.20, Florida Statutes, is amended to read:

1498 1010.20 Cost accounting and reporting for school  
1499 districts.—

1500 (3) PROGRAM EXPENDITURE REQUIREMENTS.—

1501 (a) Each district shall expend at least the percent of the  
 1502 funds generated by each of the programs listed in this section  
 1503 on the aggregate total school costs for such programs:

1504 1. Kindergarten and grades 1, 2, and 3, 90 percent.

1505 2. Grades 4, 5, 6, 7, and 8, 80 percent.

1506 3. Grades 9, 10, 11, and 12, 80 percent.

1507 4. Programs for exceptional students, on an aggregate  
 1508 program basis, 90 percent.

1509 5. Grades 7 through 12 career education programs, on an  
 1510 aggregate program basis, 80 percent.

1511 6. Students-at-risk programs, on an aggregate program  
 1512 basis, 80 percent.

1513 7. Juvenile justice programs, on an aggregate program  
 1514 basis, 95 ~~90~~ percent.

1515 8. Any new program established and funded under s.  
 1516 1011.62(1)(c), that is not included under subparagraphs 1.-7.,  
 1517 on an aggregate basis as appropriate, 80 percent.

1518 Section 13. Subsections (11) through (14) of section  
 1519 1011.62, Florida Statutes, are renumbered as (10) through (13),  
 1520 respectively, subsections (16) through (19) are renumbered as  
 1521 subsections (14) through (17), respectively, and paragraph (s)  
 1522 of subsection (1), paragraph (a) of subsection (4), paragraph  
 1523 (b) of subsection (6), subsection (10), and present subsections  
 1524 (12) and (15) of that section are amended, to read:

1525 1011.62 Funds for operation of schools.—If the annual

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1526 allocation from the Florida Education Finance Program to each  
1527 district for operation of schools is not determined in the  
1528 annual appropriations act or the substantive bill implementing  
1529 the annual appropriations act, it shall be determined as  
1530 follows:

1531 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
1532 OPERATION.—The following procedure shall be followed in  
1533 determining the annual allocation to each district for  
1534 operation:

1535 (s) Determination of the basic amount for current  
1536 operation.—The basic amount for current operation to be included  
1537 in the Florida Education Finance Program for kindergarten  
1538 through grade 12 for each district shall be the product of the  
1539 following:

1540 1. The full-time equivalent student membership in each  
1541 program, multiplied by

1542 2. The cost factor for each program, adjusted for the  
1543 maximum as provided by paragraph (c), multiplied by

1544 3. The district cost differential, multiplied by

1545 4.3. The base student allocation.

1546 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The  
1547 Legislature shall prescribe the aggregate required local effort  
1548 for all school districts collectively as an item in the General  
1549 Appropriations Act for each fiscal year. The amount that each  
1550 district shall provide annually toward the cost of the Florida

1551 Education Finance Program for kindergarten through grade 12  
 1552 programs shall be calculated as follows:

1553 (a) Estimated taxable value calculations.—

1554 1.a. Not later than 2 working days before July 19, the  
 1555 Department of Revenue shall certify to the Commissioner of  
 1556 Education its most recent estimate of the taxable value for  
 1557 school purposes in each school district and the total for all  
 1558 school districts in the state for the current calendar year  
 1559 based on the latest available data obtained from the local  
 1560 property appraisers. The value certified shall be the taxable  
 1561 value for school purposes for that year, and no further  
 1562 adjustments shall be made, except those made pursuant to  
 1563 paragraphs (c) and (d), or an assessment roll change required by  
 1564 final judicial decisions as specified in paragraph (15) (b)  
 1565 ~~(17) (b)~~. Not later than July 19, the Commissioner of Education  
 1566 shall compute a millage rate, rounded to the next highest one  
 1567 one-thousandth of a mill, which, when applied to 96 percent of  
 1568 the estimated state total taxable value for school purposes,  
 1569 would generate the prescribed aggregate required local effort  
 1570 for that year for all districts. The Commissioner of Education  
 1571 shall certify to each district school board the millage rate,  
 1572 computed as prescribed in this subparagraph, as the minimum  
 1573 millage rate necessary to provide the district required local  
 1574 effort for that year.

1575 b. The General Appropriations Act shall direct the

1576 computation of the statewide adjusted aggregate amount for  
 1577 required local effort for all school districts collectively from  
 1578 ad valorem taxes to ensure that no school district's revenue  
 1579 from required local effort millage will produce more than 90  
 1580 percent of the district's total Florida Education Finance  
 1581 Program calculation as calculated and adopted by the  
 1582 Legislature, and the adjustment of the required local effort  
 1583 millage rate of each district that produces more than 90 percent  
 1584 of its total Florida Education Finance Program entitlement to a  
 1585 level that will produce only 90 percent of its total Florida  
 1586 Education Finance Program entitlement in the July calculation.

1587 2. On the same date as the certification in sub-  
 1588 subparagraph 1.a., the Department of Revenue shall certify to  
 1589 the Commissioner of Education for each district:

1590 a. Each year for which the property appraiser has  
 1591 certified the taxable value pursuant to s. 193.122(2) or (3), if  
 1592 applicable, since the prior certification under sub-subparagraph  
 1593 1.a.

1594 b. For each year identified in sub-subparagraph a., the  
 1595 taxable value certified by the appraiser pursuant to s.  
 1596 193.122(2) or (3), if applicable, since the prior certification  
 1597 under sub-subparagraph 1.a. This is the certification that  
 1598 reflects all final administrative actions of the value  
 1599 adjustment board.

1600 (6) CATEGORICAL FUNDS.—



1601 (b) If a district school board finds and declares in a  
 1602 resolution adopted at a regular meeting of the school board that  
 1603 the funds received for any of the following categorical  
 1604 appropriations are urgently needed to maintain school board  
 1605 specified academic classroom instruction or improve school  
 1606 safety, the school board may consider and approve an amendment  
 1607 to the school district operating budget transferring the  
 1608 identified amount of the categorical funds to the appropriate  
 1609 account for expenditure:

1610 1. Funds for student transportation.

1611 2. Funds for evidence-based reading instruction if the  
 1612 required additional hour of instruction beyond the normal school  
 1613 day for each day of the entire school year has been provided for  
 1614 the students in each low-performing elementary school in the  
 1615 district pursuant to paragraph (8)(a).

1616 3. Funds for instructional materials if all instructional  
 1617 material purchases necessary to provide updated materials that  
 1618 are aligned with applicable state standards and course  
 1619 descriptions and that meet statutory requirements of content and  
 1620 learning have been completed for that fiscal year, but no sooner  
 1621 than March 1. Funds available after March 1 may be used to  
 1622 purchase computers and device hardware for student instruction  
 1623 that comply with the requirements of s. 1001.20(4)(a)1.b.

1624 4. Funds for the guaranteed allocation as provided in  
 1625 subparagraph (1)(e)2.

1626           5. Funds for the supplemental academic instruction  
 1627 allocation as provided in paragraph (1)(f).  
 1628           ~~6. Funds for the Florida digital classrooms allocation as~~  
 1629 ~~provided in subsection (10).~~  
 1630           6.7. Funds for the federally connected student supplement  
 1631 as provided in subsection (10) ~~(11)~~.  
 1632           ~~7.8.~~ Funds for class size reduction as provided in s.  
 1633 1011.685.  
 1634           ~~(10) FLORIDA DIGITAL CLASSROOMS ALLOCATION.—~~  
 1635           ~~(a) The Florida digital classrooms allocation is created~~  
 1636 ~~to support the efforts of school districts and schools,~~  
 1637 ~~including charter schools, to integrate technology in classroom~~  
 1638 ~~teaching and learning to ensure students have access to high-~~  
 1639 ~~quality electronic and digital instructional materials and~~  
 1640 ~~resources, and empower classroom teachers to help their students~~  
 1641 ~~succeed. Each school district shall receive a minimum digital~~  
 1642 ~~classrooms allocation in the amount provided in the General~~  
 1643 ~~Appropriations Act. The remaining balance of the digital~~  
 1644 ~~classrooms allocation shall be allocated based on each school~~  
 1645 ~~district's proportionate share of the state's total unweighted~~  
 1646 ~~full-time equivalent student enrollment.~~  
 1647           ~~(b) Funds allocated under this subsection must be used for~~  
 1648 ~~costs associated with:~~  
 1649           ~~1. Acquiring and maintaining the items on the eligible~~  
 1650 ~~services list authorized by the Universal Service Administrative~~

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1651 ~~Company for the Schools and Libraries Program, more commonly~~  
1652 ~~referred to as the federal E-rate program.~~

1653 ~~2. Acquiring computer and device hardware and associated~~  
1654 ~~operating system software that comply with the requirements of~~  
1655 ~~s. 1001.20(4)(a)1.b.~~

1656 ~~3. Providing professional development, including in-state~~  
1657 ~~conference attendance or online coursework, to enhance the use~~  
1658 ~~of technology for digital instructional strategies.~~

1659 ~~(11)-(12)~~ QUALITY ASSURANCE GUARANTEE.—The Legislature may  
1660 annually in the General Appropriations Act determine a  
1661 percentage increase in funds per K-12 unweighted FTE as a  
1662 minimum guarantee to each school district. The guarantee shall  
1663 be calculated from prior year base funding per unweighted FTE  
1664 student which shall include the adjusted FTE dollars as provided  
1665 in subsection (15) ~~(17)~~, quality guarantee funds, and actual  
1666 nonvoted discretionary local effort from taxes. From the base  
1667 funding per unweighted FTE, the increase shall be calculated for  
1668 the current year. The current year funds from which the  
1669 guarantee shall be determined shall include the adjusted FTE  
1670 dollars as provided in subsection (15) ~~(17)~~ and potential  
1671 nonvoted discretionary local effort from taxes. A comparison of  
1672 current year funds per unweighted FTE to prior year funds per  
1673 unweighted FTE shall be computed. For those school districts  
1674 which have less than the legislatively assigned percentage  
1675 increase, funds shall be provided to guarantee the assigned

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1676 percentage increase in funds per unweighted FTE student. Should  
1677 appropriated funds be less than the sum of this calculated  
1678 amount for all districts, the commissioner shall prorate each  
1679 district's allocation. This provision shall be implemented to  
1680 the extent specifically funded.

1681 ~~(15) FUNDING COMPRESSION AND HOLD HARMLESS ALLOCATION. The~~  
1682 ~~Legislature may provide an annual funding compression and hold~~  
1683 ~~harmless allocation in the General Appropriations Act. The~~  
1684 ~~allocation is created to provide additional funding to school~~  
1685 ~~districts if the school district's total funds per FTE in the~~  
1686 ~~prior year were less than the statewide average or if the school~~  
1687 ~~district's district cost differential in the current year is~~  
1688 ~~less than the prior year. The total allocation shall be~~  
1689 ~~distributed to eligible school districts as follows:~~

1690 ~~(a) Using the most recent prior year FEFP calculation for~~  
1691 ~~each eligible school district, subtract the total school~~  
1692 ~~district funds per FTE from the state average funds per FTE, not~~  
1693 ~~including any adjustments made pursuant to paragraph (17)(b).~~  
1694 ~~The resulting funds per FTE difference, or a portion thereof, as~~  
1695 ~~designated in the General Appropriations Act, shall then be~~  
1696 ~~multiplied by the school district's total unweighted FTE.~~

1697 ~~(b) Multiply the absolute value of the difference between~~  
1698 ~~the eligible school district's current year district cost~~  
1699 ~~differential and the prior year district cost differential by a~~  
1700 ~~hold harmless factor as designated in the General Appropriations~~

1701 ~~Act. The result is the district cost differential hold harmless~~  
 1702 ~~index. Multiply the index by the eligible school district's~~  
 1703 ~~weighted FTE and by the base student allocation as designated in~~  
 1704 ~~the General Appropriations Act.~~

1705 ~~(c) For each district, select the greater of the amounts~~  
 1706 ~~calculated in paragraphs (a) and (b) and upon summation, if the~~  
 1707 ~~total amount is greater than the amount included in the General~~  
 1708 ~~Appropriations Act, the allocation shall be prorated to the~~  
 1709 ~~appropriation amount based on each participating school~~  
 1710 ~~district's share.~~

1711  
 1712 ~~This subsection expires July 1, 2022.~~

1713 Section 14. Subsection (1) of section 1011.71, Florida  
 1714 Statutes, is amended to read:

1715 1011.71 District school tax.—

1716 (1) If the district school tax is not provided in the  
 1717 General Appropriations Act or the substantive bill implementing  
 1718 the General Appropriations Act, each district school board  
 1719 desiring to participate in the state allocation of funds for  
 1720 current operation as prescribed by s. 1011.62(15) ~~s. 1011.62(17)~~  
 1721 shall levy on the taxable value for school purposes of the  
 1722 district, exclusive of millage voted under s. 9(b) or s. 12,  
 1723 Art. VII of the State Constitution, a millage rate not to exceed  
 1724 the amount certified by the commissioner as the minimum millage  
 1725 rate necessary to provide the district required local effort for

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1726 the current year, pursuant to s. 1011.62(4)(a)1. In addition to  
1727 the required local effort millage levy, each district school  
1728 board may levy a nonvoted current operating discretionary  
1729 millage. The Legislature shall prescribe annually in the  
1730 appropriations act the maximum amount of millage a district may  
1731 levy.

1732 Section 15. Paragraph (c) of subsection (1) of section  
1733 1012.22, Florida Statutes, is amended to read:

1734 1012.22 Public school personnel; powers and duties of the  
1735 district school board.—The district school board shall:

1736 (1) Designate positions to be filled, prescribe  
1737 qualifications for those positions, and provide for the  
1738 appointment, compensation, promotion, suspension, and dismissal  
1739 of employees as follows, subject to the requirements of this  
1740 chapter:

1741 (c) Compensation and salary schedules.—

1742 1. Definitions.—As used in this paragraph:

1743 a. "Adjustment" means an addition to the base salary  
1744 schedule that is not a bonus and becomes part of the employee's  
1745 permanent base salary and shall be considered compensation under  
1746 s. 121.021(22).

1747 b. "Grandfathered salary schedule" means the salary  
1748 schedule or schedules adopted by a district school board before  
1749 July 1, 2014, pursuant to subparagraph 4.

1750 c. "Instructional personnel" means instructional personnel

1751 as defined in s. 1012.01(2) (a)-(d), excluding substitute  
 1752 teachers.

1753 d. "Performance salary schedule" means the salary schedule  
 1754 or schedules adopted by a district school board pursuant to  
 1755 subparagraph 5.

1756 e. "Salary schedule" means the schedule or schedules used  
 1757 to provide the base salary for district school board personnel.

1758 f. "School administrator" means a school administrator as  
 1759 defined in s. 1012.01(3) (c).

1760 g. "Supplement" means an annual addition to the base  
 1761 salary for the term of the negotiated supplement as long as the  
 1762 employee continues his or her employment for the purpose of the  
 1763 supplement. A supplement does not become part of the employee's  
 1764 continuing base salary but shall be considered compensation  
 1765 under s. 121.021(22).

1766 2. Cost-of-living adjustment.—A district school board may  
 1767 provide a cost-of-living salary adjustment if the adjustment:

1768 a. Does not discriminate among comparable classes of  
 1769 employees based upon the salary schedule under which they are  
 1770 compensated.

1771 b. Does not exceed 50 percent of the annual adjustment  
 1772 provided to instructional personnel rated as effective.

1773 3. Advanced degrees.—A district school board may not use  
 1774 advanced degrees in setting a salary schedule for instructional  
 1775 personnel or school administrators hired on or after July 1,

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1776 2011, unless the advanced degree is held in the individual's  
1777 area of certification and is only a salary supplement.

1778 4. Grandfathered salary schedule.—

1779 a. The district school board shall adopt a salary schedule  
1780 or salary schedules to be used as the basis for paying all  
1781 school employees hired before July 1, 2014. Instructional  
1782 personnel on annual contract as of July 1, 2014, shall be placed  
1783 on the performance salary schedule adopted under subparagraph 5.  
1784 Instructional personnel on continuing contract or professional  
1785 service contract may opt into the performance salary schedule if  
1786 the employee relinquishes such contract and agrees to be  
1787 employed on an annual contract under s. 1012.335. Such an  
1788 employee shall be placed on the performance salary schedule and  
1789 may not return to continuing contract or professional service  
1790 contract status. Any employee who opts into the performance  
1791 salary schedule may not return to the grandfathered salary  
1792 schedule.

1793 b. In determining the grandfathered salary schedule for  
1794 instructional personnel, a district school board must base a  
1795 portion of each employee's compensation upon performance  
1796 demonstrated under s. 1012.34 and shall provide differentiated  
1797 pay for both instructional personnel and school administrators  
1798 based upon district-determined factors, including, but not  
1799 limited to, additional responsibilities, school demographics,  
1800 critical shortage areas, and level of job performance



1801 difficulties.

1802         5. Performance salary schedule.—By July 1, 2014, the  
 1803 district school board shall adopt a performance salary schedule  
 1804 that provides annual salary adjustments for instructional  
 1805 personnel and school administrators based upon performance  
 1806 determined under s. 1012.34. Employees hired on or after July 1,  
 1807 2014, or employees who choose to move from the grandfathered  
 1808 salary schedule to the performance salary schedule shall be  
 1809 compensated pursuant to the performance salary schedule once  
 1810 they have received the appropriate performance evaluation for  
 1811 this purpose.

1812         a. Base salary.—The base salary shall be established as  
 1813 follows:

1814             (I) The base salary for instructional personnel or school  
 1815 administrators who opt into the performance salary schedule  
 1816 shall be the salary paid in the prior year, including  
 1817 adjustments only.

1818             (II) Instructional personnel or school administrators new  
 1819 to the district, returning to the district after a break in  
 1820 service without an authorized leave of absence, or appointed for  
 1821 the first time to a position in the district in the capacity of  
 1822 instructional personnel or school administrator shall be placed  
 1823 on the performance salary schedule. Beginning July 1, 2021, and  
 1824 until such time as the minimum base salary as defined in s.  
 1825 1011.62(14) ~~s. 1011.62(16)~~ equals or exceeds \$47,500, the annual

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1826 | increase to the minimum base salary shall not be less than 150  
1827 | percent of the largest adjustment made to the salary of an  
1828 | employee on the grandfathered salary schedule. Thereafter, the  
1829 | annual increase to the minimum base salary shall not be less  
1830 | than 75 percent of the largest adjustment for an employee on the  
1831 | grandfathered salary schedule.

1832 |       b. Salary adjustments.—Salary adjustments for highly  
1833 | effective or effective performance shall be established as  
1834 | follows:

1835 |           (I) The annual salary adjustment under the performance  
1836 | salary schedule for an employee rated as highly effective must  
1837 | be at least 25 percent greater than the highest annual salary  
1838 | adjustment available to an employee of the same classification  
1839 | through any other salary schedule adopted by the district.

1840 |           (II) The annual salary adjustment under the performance  
1841 | salary schedule for an employee rated as effective must be equal  
1842 | to at least 50 percent and no more than 75 percent of the annual  
1843 | adjustment provided for a highly effective employee of the same  
1844 | classification.

1845 |           (III) A salary schedule shall not provide an annual salary  
1846 | adjustment for an employee who receives a rating other than  
1847 | highly effective or effective for the year.

1848 |       c. Salary supplements.—In addition to the salary  
1849 | adjustments, each district school board shall provide for salary  
1850 | supplements for activities that must include, but are not

1851 limited to:

1852 (I) Assignment to a Title I eligible school.

1853 (II) Assignment to a school that earned a grade of "F" or  
 1854 three consecutive grades of "D" pursuant to s. 1008.34 such that  
 1855 the supplement remains in force for at least 1 year following  
 1856 improved performance in that school.

1857 (III) Certification and teaching in critical teacher  
 1858 shortage areas. Statewide critical teacher shortage areas shall  
 1859 be identified by the State Board of Education under s. 1012.07.  
 1860 However, the district school board may identify other areas of  
 1861 critical shortage within the school district for purposes of  
 1862 this sub-sub-subparagraph and may remove areas identified by the  
 1863 state board which do not apply within the school district.

1864 (IV) Assignment of additional academic responsibilities.  
 1865

1866 If budget constraints in any given year limit a district school  
 1867 board's ability to fully fund all adopted salary schedules, the  
 1868 performance salary schedule shall not be reduced on the basis of  
 1869 total cost or the value of individual awards in a manner that is  
 1870 proportionally greater than reductions to any other salary  
 1871 schedules adopted by the district.

1872 Section 16. Subsection (4) of section 1012.584, Florida  
 1873 Statutes, is amended to read:

1874 1012.584 Continuing education and inservice training for  
 1875 youth mental health awareness and assistance.—

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1876 (4) Each school district shall notify all school personnel  
1877 who have received training pursuant to this section of mental  
1878 health services that are available in the school district, and  
1879 the individual to contact if a student needs services. The term  
1880 "mental health services" includes, but is not limited to,  
1881 community mental health services, health care providers, and  
1882 services provided under ss. 1006.04 and 1011.62(13) ~~1011.62(14)~~.  
1883 Section 17. This act shall take effect July 1, 2022.