

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 5101 PCB PKA 23-01 Education
SPONSOR(S): PreK-12 Appropriations Subcommittee, Tomkow
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: PreK-12 Appropriations Subcommittee	14 Y, 0 N	Bailey	Potvin
1) Appropriations Committee	26 Y, 0 N	Bailey	Pridgeon

SUMMARY ANALYSIS

The bill conforms law to the appropriations provided in HB 5001, the House General Appropriations Act for Fiscal Year 2023-2024 for prekindergarten through grade 12 education. Specifically, the bill:

- Conforms the calculation methodology for funding in the Florida Education Finance Program (FEFP) for the Florida Virtual School and the developmental research schools to changes made by the bill.
- Requires the Department of Education (DOE) to report, as part of the determination of full-time equivalent (FTE) membership, all students who are receiving a Family Empowerment Scholarship (FES) for funding in the FEFP.
- Conforms the calculation methodology for the scholarships awarded for the FES program to the changes made by the bill.
- Repeals the enrollment ceiling on the Group 2 education programs to include: (a) Exceptional Student Education (ESE) Support Level IV (b) ESE Support Level V; (c) English for Speakers of Other Languages (ESOL); and (d) Secondary Career Education.
- Renames the district cost differential (DCD) to the comparable wage factor (CWF) and modifies its application by authorizing the use of the CWF in the calculation of the base FEFP funding only when a school district's CWF is greater than 1.000.
- Repeals the following FEFP categoricals:
 - Funding Compression and Hold Harmless;
 - Sparsity Supplement; and
 - Turnaround Supplemental Services Allocation.
- Repeals the following FEFP categoricals but retains the underlying funding policies:
 - Instructional Materials;
 - Mental Health Assistance Allocation;
 - Reading Instruction Allocation; and
 - Safe Schools Allocation.
- Repeals the Teacher Salary Increase Allocation but retains the requirement of \$47,500 as the minimum base salary for full-time classroom teachers.
- Deletes the inclusion of the Teacher Classroom Supply Assistance categorical in the FEFP and modifies the underlying funding policy.
- Retains the DJJ Supplement Allocation and modifies the eligible uses of the categorical to include uses previously only included in proviso in the General Appropriations Act.
- Retains the ESE Guaranteed Allocation and establishes a calculation methodology in law.
- Retains the State-Funded Discretionary Contribution for the Florida Virtual School and the developmental research schools and modifies the calculation methodology of the contribution.
- Renames the Supplemental Academic Instruction categorical the Supplemental Academic and Support Services categorical and modifies its eligible uses to include the uses previously included in the Turnaround Supplemental Services Allocation.
- Creates the State-Funded Discretionary Supplement and establishes its calculation methodology.
- Requires the DOE to provide a one-time, sign-on bonus to honorably discharged and retired military veterans and retired first responders who commit to joining the teaching profession as full-time classroom teachers.

The bill provides for an effective date of July 1, 2023.

FULL ANALYSIS

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

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I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Florida Education Finance Program

Present Situation

The FEFP is the state's formula to appropriate funds to school districts for kindergarten through grade 12 public school operations, which includes charter schools, and to fund the Family Empowerment Scholarship (FES) program. The FEFP is composed of state and local revenues and takes into account various factors such as the individual educational needs of students, the local property tax base, the costs of educational programs, district cost differentials, and sparsity of student population.¹

State FEFP revenues are derived from the following three sources:²

- General Revenue Fund – comprised of several state taxes and selected fees; the state's sales tax is the primary source of general revenue.
- Educational Enhancement Trust Fund (EETF) – comprised of the net proceeds from the Florida Lottery and the tax proceeds on slot machines in Broward and Miami-Dade counties.
- State School Trust Fund (SSTF) – comprised of revenue from unclaimed property that has escheated to the state.

Local FEFP revenue is derived almost entirely from property taxes levied by Florida's 67 counties, each of which constitutes a school district. To participate in the state allocation of FEFP funds, a school district must levy the millage rate set for its required local effort (RLE) from property taxes.³ The Legislature sets the aggregate RLE amount in the General Appropriations Act (GAA). Each school district's share of this amount is based on the school district's certified property tax valuations, and each school district's required millage rate as established by the Commissioner of Education (commissioner).⁴

In addition to the RLE millage, each school district is authorized to levy a nonvoted current operating discretionary millage.⁵ The Legislature annually prescribes in the GAA the maximum amount of millage a school may levy.⁶ For Fiscal Year 2022-2023, the Legislature prescribed 0.748 as the maximum millage rate.⁷

The DOE is required to distribute state FEFP funds to school districts on or about the 10th and 26th of each month.⁸ For purposes of this distribution, the FEFP is calculated five times throughout the year as follows:⁹

- 1st Calculation (also referred to as the conference calculation) is completed by the Legislature and used to fund the FEFP in the GAA. The July 10th FEFP distribution is based on this calculation.
- 2nd Calculation is completed upon receipt of the certified tax roll from the Department of Revenue. The July 26th through January FEFP distributions are based on this calculation.
- 3rd Calculation is completed upon receipt of school districts' October FTE membership survey. The January through April FEFP distributions are based on this calculation.
- 4th Calculation is completed upon receipt of school districts' February FTE membership survey. The April through June FEFP distributions are based on this calculation.

¹ Florida Department of Education, 2022-23 Funding for Florida School Districts (available at [2022-23 Funding Book \(fldoe.org\)](https://fldoe.org)).

² *Id.*

³ Section 1011.71(1), Florida Statutes.

⁴ Section 1011.62(4), Florida Statutes.

⁵ *Supra*, note 3.

⁶ *Supra*, note 3.

⁷ Fiscal Year 2022-2023 General Appropriations Act, chapter 2022-156, Laws of Florida.

⁸ Section 1011.66, Florida Statutes.

⁹ Section 1011.62(1)(a), Florida Statutes.

- 5th Calculation (also referred to as the final calculation) is completed upon receipt of school districts' June FTE membership survey. Prior year adjustments are completed in the following fiscal year based on a comparison of this final calculation to the 4th calculation.

In addition to the 67 school districts, the Florida Virtual School¹⁰ and the state's developmental research (laboratory) schools¹¹ are funded in the FEFP.

The FEFP is comprised of two main parts: (a) base FEFP funding and (b) categoricals.

The base FEFP funding is derived by multiplying the FTE in each program by the: (a) cost factor for that program, (b) district cost differential, and (c) base student allocation.¹²

Program cost factors assure that each program funded in the FEFP receives an equitable share of funds in relation to its relative cost per student.¹³ Through the annual cost report, school districts report the expenditures for each program.¹⁴ Multiplying the number of FTE students for a program by its cost factor produces "weighted FTE." This calculation weights the FTE to reflect the relative costs of the programs, as represented by the program cost factors.¹⁵

The commissioner is required to annually compute the DCD for each school district.¹⁶ The DCD is used to increase or decrease each school district's base FEFP funding to reflect the relative cost of hiring comparably qualified school personnel across Florida's school districts. To calculate the DCD, the Florida Price Level Index is used which is a comparable wage index. The calculation is based on wage data for hundreds of occupations across Florida's 67 counties collected by the Florida Department of Economic Opportunity's Bureau of Labor Market Statistics as part of the U.S. Bureau of Labor Statistics' Occupational Employment Statistics survey.¹⁷

The base student allocation (BSA) for the FEFP is determined annually by the Legislature¹⁸ and represents the "base" or minimum amount of funds each student generates for the school district. For the Fiscal Year 2022-2023 FEFP, the BSA is \$4,587.40.¹⁹

Based on the 3rd calculation of the Fiscal Year 2022-2023 FEFP, the total base FEFP funding is \$15.0 billion.

The second main part of the FEFP is referred to as categoricals which are individual allocations provided in the FEFP. There are two types of categoricals:

- Categoricals that have either a district- or student-eligibility requirement in order for the school district to receive the funds.
- Categoricals that have a statutorily-established funding policy that directs how the funds must be used.

There are 17 categoricals funded in the Fiscal Year 2022-2023 FEFP.²⁰ The following chart lists the nine categoricals that have either a district- or student-eligibility requirement:

Categorical	Statute	Fiscal Year Established	Eligibility Requirement
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¹⁰ Section 1002.37(3), Florida Statutes.

¹¹ Section 1002.32(9), Florida Statutes.

¹² Section 1011.62(1)(s), Florida Statutes.

¹³ Section 1011.62(1)(c), Florida Statutes.

¹⁴ *Supra*, note 1.

¹⁵ *Supra*, note 1.

¹⁶ Section 1011.62(2), Florida Statutes.

¹⁷ The 2022 Florida Price Level Index, January 31, 2023, Jim Dewey, Director of Economic Analysis, Florida Polytechnic University.

¹⁸ Section 1011.62(1)(b), Florida Statutes.

¹⁹ *Supra*, note 7.

²⁰ *Supra*, note 7.

0.748 Mills Discretionary Compression	s. 1011.62(5)	1999-2000	School districts that levy the full 0.748 mills but generate an amount per unweighted FTE that is less than the state average per unweighted FTE.
DJJ Supplemental Allocation	s. 1011.62(9)	2007-2008	Students enrolled in a juvenile justice education program.
ESE Guaranteed Allocation	s. 1011.62(1)(e)	2000-2001	Students whose level of support is less than Support Levels IV and V and kindergarten through grade 8 gifted students.
Federally-Connected Student Supplement	s. 1011.62(10)	2015-2016	School districts eligible for the federal Impact Aid program.
Funding Compression & Hold Harmless	s. 1011.62(15)	2018-2019 ²¹	School districts whose (a) funds per unweighted FTE in the prior fiscal year were less than the statewide average or (b) DCD in the current year is less than the prior year.
Sparsity Supplement	s. 1011.62(7)	1975-1976	School districts with 30,000 or fewer FTE.
State-Funded Discretionary Contribution	s. 1002.32(9) s. 1002.37(3)(f)	1998-1999	Florida Virtual School and the six developmental research schools in lieu of the discretionary local tax revenue.
Student Transportation	s. 1011.68	1981-1982	Student in kindergarten through grade 12, migrant students, and students in exceptional student programs below kindergarten who are eligible to receive transportation to school.
Turnaround Supplemental Services Allocation	s. 1011.62(17)	2020-2021	District-managed turnaround schools earning two consecutive grades of "D" or "F", district-managed turnaround schools earning a grade of "C" or higher and are no longer in turnaround status, and schools that earn three consecutive grades below a "C".

Based on the 3rd calculation of the Fiscal Year 2022-2023 FEFP, the total for these nine categoricals is \$2.2 billion.

This second chart lists the remaining eight categoricals that are associated with a statutorily-established funding policy:

Categorical	Statute	Fiscal Year Established	Funding Policy
Class Size Reduction Allocation	s. 1003.03	2003-04	Funds provided to assist school districts to maintain required class size maximums.
Instructional Materials	s. 1011.67	1978-1979	Funds provided to purchase instructional materials to include library media materials, science lab materials and supplies, dual enrollment instructional materials, and digital instructional materials for students with disabilities.
Mental Health Assistance Allocation	s. 1011.62(13)	2018-2019	Funds provided to assist school districts to establish or expand school-based mental health care.
Reading Instruction Allocation	s. 1011.62(8)	2004-2005	Funds provided to implement comprehensive system of reading instruction for students enrolled in prekindergarten through grade 12

²¹ Section 6 of the Fiscal Year 2018-2019 Implementing Bill, chapter 2022-156, Laws of Florida, extends the repeal date from July 1, 2022 to July 1, 2023.

Categorical	Statute	Fiscal Year Established	Funding Policy
			programs and certain students who exhibit a substantial deficiency in early literacy.
Safe Schools Allocation	s. 1011.62(12)	1981-1982	Funds provided to assist school districts in compliance with ss. 1006.07 through 1006.12, F.S., with priority given to establishing a school resource officer program pursuant to s. 1006.12, F.S.
Supplemental Academic Instruction	s. 1011.62(1)(f)	1999-2000	Funds provided to school districts as follows: (a) school districts with schools earning a "D" or "F" grade must use to implement intervention and support strategies for school improvement and for salary incentives. For all other schools, funds used for reading instruction, modified curriculum, after-school instruction, tutoring, mentoring, class size reduction, extended school year instruction, summer instruction, dropout prevention programs and other methods of improving student achievement or instruction provided during or beyond the 180-day school year.
Teacher Salary Increase Allocation	s. 1011.62(14)	2019-2020	Funds provided to maintain salary increases previously provided with new funds considered a growth allocation to be used for salary increases in Fiscal Year 2022-2023.
Teacher Classroom Supply Assistance Program	s. 1012.71	1998-1999	Funds provided to eligible full-time classroom teachers to purchase classroom instructional materials and supplies for use in teaching students.

Based on the 3rd calculation of the Fiscal Year 2022-2023 FEFP, the total amount for these eight categoricals is \$5.2 billion.

Effect of the Bill

The bill renames the DCD as the comparable wage factor (CWF) and modifies its application by authorizing the use of the CWF in the calculation of the base FEFP funding only when a school district's CWF is greater than 1.000. The bill also authorizes the application of the modified adjustment to any categorical provided in the FEFP that has a calculation methodology that includes the CWF.

The bill makes the following changes to the categoricals currently funded in the FEFP:

Categorical	Change
Funding Compression & Hold Harmless ²²	Does not extend repeal date.
Sparsity Supplement	Repeals categorical.
Turnaround Supplemental Services Allocation	Repeals categorical but incorporates the eligible uses of this categorical in the modified Supplemental Academic Instruction categorical.

²² *Supra*, note 21.
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Categorical	Change
Instructional Materials Allocation	Repeals categorical but the underlying funding policies are retained.
Mental Health Assistance Allocation	Repeals categorical but creates a new section of law that includes the original underlying funding policy.
Reading Instruction Allocation	Repeals categorical but creates a new section of law that includes the original underlying funding policy.
Safe Schools Allocation	Repeals categorical but the underlying funding policies are retained.
Teacher Salary Increase Allocation	Repeals categorical but retains the requirement of \$47,500 as the minimum base salary for full-time classroom teachers.
Teacher Classroom Supply Assistance Program	Deletes the inclusion of the categorical in the FEFP and modifies the underlying funding policy to: (a) authorize the DOE to administer a competitive procurement through which eligible classroom teachers may purchase classroom materials and supplies; and (b) require if a school does not have a school advisory council, that any unused funds be expended for classroom materials and supplies as determined by the school principal.
DJJ Supplement Allocation	Retains categorical and modifies the eligible uses of categorical funding to include ²³ : (a) payment for the high school equivalency exam fees for juvenile justice students who pass the high school equivalency exam while in a juvenile justice education program, b) industry credentialing testing fees, and (c) costs associated with juvenile justice students enrolled in career and technical education courses that lead to industry-recognized certifications.
ESE Guaranteed Allocation	Retains categorical and establishes a calculation methodology.
State-Funded Discretionary Contribution	Retains categorical and codifies the calculation methodology.
Supplemental Academic Instruction	Renames categorical as the Supplemental Academic and Support Services categorical and modifies: (a) the eligible uses of the categorical to include the uses included in the Turnaround Supplemental Services Allocation; and (b) the calculation methodology for the categorical.
State-Funded Discretionary Supplement	Creates new categorical and establishes its calculation methodology.
Federally Connected Student Supplement	No changes.
Student Transportation	No changes.
0.748 Mills Discretionary Compression	No changes.
Class Size Reduction	No changes.

Group Two Education Programs

²³ These eligible uses have previously been included in proviso associated with the DJJ Supplement Allocation.

Present Situation

There are seven education programs for purposes of determining funding in the FEFP:²⁴

- (1) Basic Programs:
 - Kindergarten and Grades 1 – 3.
 - Grades 4 – 8.
 - Grades 9 – 12.
- (2) Programs for Exceptional Student Education (ESE):
 - Support Level IV.
 - Support Level V.
- (3) Secondary Career Education Programs.
- (4) English for Speakers of Other Languages (ESOL).

As part of its calculation of each school district's maximum total weighted FTE student enrollment, current law establishes separate enrollment ceilings for each of the two program groups:²⁵

- Group 1 – is comprised of basic programs for grades K - 3, grades 4 - 8 and grades 9 – 12.
- Group 2 – is comprised of students in ESE programs Support Levels IV and V, ESOL, and secondary career education programs.

For any calculation of the FEFP, the enrollment ceiling for Group 1 is the actual enrollment for each education program in the program group multiplied by its appropriate program cost factor.²⁶ The result is that there is no “cap” for Group 1 FTE.

However, the enrollment ceiling for Group 2 programs is established based on each school district's appropriated number of FTE in each program. For purposes of funding in the FEFP, the appropriated FTE in each education program is multiplied by the program's cost factor and the resulting weighted FTE, aggregated by the program group, is the Group 2 ceiling. After actual FTE is reported in subsequent FTE surveys, Group 2 FTE in excess of the enrollment ceiling receive a program cost factor of 1.0. A statewide “cap” of 385,530.20 weighted FTE was set for the Group 2 enrollment ceiling for Fiscal Year 2022-2023.²⁷

Effect of the Bill

The bill repeals the statutory requirement that the Group 2 ceiling is set at the appropriated number of Group 2 FTE.

Family Empowerment Scholarship Program

Present Situation

The Family Empowerment Scholarship (FES) program provides children of families in Florida with educational options to achieve success in their education, including children of families with limited financial resources, children of law enforcement and military families, and children with disabilities.²⁸ The FES program includes two types of scholarships with one assisting eligible students to pay for the tuition and fees associated with attendance at a private school or transportation to another public school (FES-Educational Options or EO), and the other providing access to additional education options for a students with a qualifying disability by covering the cost of a variety of approved items,

²⁴ Section 1011.62(1)(c), Florida Statutes.

²⁵ Section 1011.62(1)(d), Florida Statutes.

²⁶ *Id.*

²⁷ *Supra*, note 1.

²⁸ Section 1002.394, Florida Statutes, *See also* Rule 6A-6.0952, F.A.C.

including: contracted services, curriculum, instructional materials, tutoring, specified education programs and specialized services (FES-Unique Abilities or UA).²⁹ Each type of scholarship has certain student eligibility requirements, program requirements, award calculation methodologies, and allowable expenditures.³⁰

FES-EO Eligibility

A student is eligible for a scholarship to attend private school if the student meets the following criteria:³¹

- The student is on the direct certification list (list of children who qualify for the food assistance program, the Temporary Assistance to Needy Families Program, or the Food Distribution on Indian Reservations program) or the student's household income level does not exceed 185 percent of the federal poverty level (FPL) (\$51,337.50³² for a family of four) for the 2022-2023 school year;
- The student is currently placed, or during the previous state fiscal year was placed, in foster care or in out-of-home care;
- The student's household income level does not exceed an adjusted maximum percent of the FPL, which is set at 400 percent of the FPL (\$111,000³³ for a family of four) for the 2022-2023 school year;³⁴
- The student is a sibling of a student who is participating in the FES-EO and the siblings reside in the same household;
- The student is a dependent child of a member of the United States Armed Forces, including a reservist;³⁵ or
- The student is a dependent child of a law enforcement officer.

The FES-EO eligibility continues for a student receiving a scholarship to attend private school until the student returns to a public school, graduates from high school, or turns 21 years old, whichever occurs first, regardless if the student's household income exceeds the federal poverty level cap in subsequent years.³⁶

FES-EO Scholarship Amount

The FES-EO scholarship program is funded through the FEFP with a scholarship awarded by a scholarship-funding organization (SFO).³⁷ The amount of the scholarship is either the calculated amount or the amount of the private school's tuition and fees, whichever is less. The calculated amount is based upon the grade level and school district in which the scholarship student was assigned. The amount is equal to 100 percent of the funds per unweighted FTE in the FEFP for a student in the basic program plus a per-FTE share of all categorical funds, except for the ESE

²⁹ Section 1002.394(3)(a) and (3)(b), Florida Statutes. The John M. McKay Scholarship for Students with Disabilities Program and the Gardiner Scholarship Program were previously offered as two separate scholarships for students with disabilities before the programs were consolidated under the FES-UA. The Gardiner Scholarship was repealed effective July 1, 2021, s. 2, ch. 2021-27 Laws of Florida. The McKay Scholarship was repealed effective July 1, 2022, s. 3, ch. 2021-27, Laws of Florida.

³⁰ *Supra*, note 28.

³¹ Section 1002.394(3)(a)1.- 6., Florida Statutes.

³² Step Up for Students, *2022-2023 Family Empowerment Scholarship for Educational Options Parent Handbook* (July 2022), at 3, available at <https://www.stepupforstudents.org/wp-content/uploads/2022-2023-FES-EO-Parent-Handbook-Final-Draft.pdf>.

³³ *Id.*

³⁴ Section 1002.394(3)(a)3., Florida Statutes. The Federal Poverty Level may be increased by 25 percentage points in the fiscal year following a fiscal year in which more than 5 percent of the allowable scholarships have not been funded. The eligibility for the 2021-2022 school year was set at 375 percent of the FPL.

³⁵ A member of the United States Armed Forces means a member of the Army, Navy, Air Force, Coast Guard, Marine Corps, or Space Force, including a Reservist. Rule 6A-6.0952(2)(f), F.A.C.

³⁶ Section 1002.394(5)(a), Florida Statutes.

³⁷ Section 1002.394(8)(a)2., (11)(a)1., (11)(b)1., and (12)(a), Florida Statutes. The Department of Education must notify the SFO that scholarships may not be awarded in a school district in which the scholarship award will exceed 99 percent of the school district's share of the state FEFP funds as calculated by the department. Section 1002.394(8)(a)13., Florida Statutes.

Guaranteed Allocation, as funded in the General Appropriations Act (GAA).³⁸ The DOE determines the calculated amount of the scholarship, by grade level, per school district and cross-checks scholarship students with public school enrollment to avoid duplication.³⁹

Upon receiving documentation which verifies a student's participation in the scholarship from the SFO, the DOE must transfer scholarship funds to the SFO for disbursement to parents of participating FES-EO students.⁴⁰ Initial scholarship payments are made after the SFO verifies the student's admission acceptance to an eligible private school, with all subsequent scholarship payments occurring upon verification of continued enrollment and attendance at the private school.⁴¹

Upon completion of the FTE membership surveys, the calculated amount of the scholarship is not recalculated when the FEFP is recalculated; rather the calculated scholarship amount is based upon the 1st calculation (GAA conference report) of the FEFP and is continued throughout the fiscal year.

FES-EO Scholarships Funded

For the 2019-2020 school year, a maximum program capacity for FES-EO scholarships was established at 18,000 students. Beginning in Fiscal Year 2020-2021, the maximum number of students participating in the scholarship program increases by one percent of the state's total kindergarten through grade 12 FTE student membership each year.⁴² Beginning with Fiscal Year 2021-2022, the following types of students are excluded from counting against the maximum program cap:⁴³

- Students who are a dependent child of a law enforcement officer or a member of the United States Armed Forces, a foster child, or an adopted child; or
- Students who meet the eligibility requirements of being on the direct certification list or meet household income requirements or students placed in foster care or out-of-home care and either spent the prior school year in attendance at a Florida public school, or beginning in Fiscal Year 2022-2023, is eligible to enroll in kindergarten.

The following chart shows the number of FES-EO scholarships funded since its establishment in Fiscal Year 2019-2020:

Fiscal Year	Authorized Maximum Cap	Total Funded & Included in the Cap	Total Funded & Excluded from Cap	Total Scholarships Funded
2019-2020	18,000	17,820	N/A	17,820
2020-2021	46,889	34,426	N/A	34,426
2021-2022	75,573	53,495	24,226	77,721
2022-2023 (Thru Nov)	104,807	49,789	38,262	88,051

Data Source – Florida Department of Education

FES-UA Eligibility

A parent of a student with a disability may request and receive a scholarship for the purpose of accessing additional education options if the student:⁴⁴

- Is a resident of this state;

³⁸ Section 1002.394(12)(a)2., Florida Statutes. *See also* Step Up For Students, *Income-Based Scholarship Programs Basic Scholarship Amounts for 2022-23*, available at https://www.stepupforstudents.org/wp-content/uploads/Step-Up-For-Students_Income-Based-Scholarship-Amounts.pdf.

³⁹ *Id.*
⁴⁰ Section 1002.394(12)(a)5., F.S. Scholarship payments are made to the SFO on or before September 1, November 1, February 1, and April 1 of each year. Rule 6A-6.0952, F.A.C.

⁴¹ Section 1002.394(12)(a)6., Florida Statutes.

⁴² Section 1002.394(12)(a)1., Florida Statutes.

⁴³ Section 1002.394(12)(a)1.a.-b., Florida Statutes.

⁴⁴ Section 1002.394(3)(b), Florida Statutes.

- Is 3 or 4 years of age on or before September 1 of the year in which the student applies for program participation or is eligible to enroll in kindergarten through grade 12 in a public school in this state;
- Has a qualifying disability as defined in s. 1002.394(2), Florida Statutes; and
- Is the subject of an Individual Education Plan (IEP) written in accordance with rules of the State Board of Education or with the applicable rules of another state or has received a diagnosis of a disability from a physician who is licensed under chapter 458 or chapter 459, a psychologist who is licensed under chapter 490, or a physician who holds an active license issued by another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

FES-UA Scholarship Amount

The FES-UA scholarship program is also funded through the FEFP with a scholarship awarded by a SFO. For a student who has a Level I to Level III matrix of services or a diagnosis by a physician or psychologist, the calculated scholarship amount must be based on the grade level and school district in which the student would have been enrolled. The amount is equal to the total funds per unweighted FTE in the FEFP for a student in the basic exceptional student education program plus a per-FTE share of all categorical funds as funded in the GAA, except that for the ESE guaranteed allocation, the funds must be allocated based on the school district's average ESE guaranteed allocation funds per ESE full-time equivalent student.⁴⁵

For a student with a Support Level IV or Support Level V matrix of services, the calculated amount must be based upon the school district to which the student would have been assigned as the total funds per FTE for the Level IV or Level V ESE program, plus a per-FTE share of all categorical funds as funded in the GAA.⁴⁶

For a student who received a Gardiner Scholarship or a John M. McKay Scholarship in the 2020-2021 school year, the amount shall be the greater of the calculated amount or the amount the student received for the 2020-2021 school year.⁴⁷

FES-UA Scholarships Funded

For the 2021-2022 school year, a maximum program capacity for FES-UA scholarships was established at 20,000 students. For the 2022-2023 school year, the maximum number of FES-UA scholarships is established at 26,500 students.⁴⁸ Beginning with the 2023-2024 school year, and annually thereafter, the maximum number of students participating in the scholarship program annually increases by one percent of the state's total exceptional student education full-time equivalent student membership, not including gifted students.⁴⁹

The maximum program capacity does not include the following students who are excluded:⁵⁰

- Students who received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year;
- Students who are a dependent child of a law enforcement officer or a member of the United States Armed Forces, a foster child, or an adopted child; or
- Students who spent the prior school year in attendance at a Florida public school or received a McKay Scholarship in the 2021-2022 school year.

⁴⁵ Section 1002.394(12)(b)2., Florida Statutes.

⁴⁶ Section 1002.394(12)(b)3., Florida Statutes.

⁴⁷ Section 1002.394(12)(b)4.-5., Florida Statutes.

⁴⁸ Section 1002.394(12)(b)1., F.S.

⁴⁹ Section 1002.394(12)(b)1., F.S.

⁵⁰ Section 1002.394(12)(b)1.a.-c., F.S. *See also* Florida Department of Education, State Board of Education August 18, 2021 Agenda, *Family Empowerment Scholarship Program Presentation*, at 5, available at <https://www.fldoe.org/core/fileparse.php/19998/urlt/6-3.pdf>.

Fiscal Year	Authorized Maximum Cap	Total Funded & Included in the Cap	Total Funded & Excluded from Cap	Total Scholarships Funded
2021-2022	20,000	20,219	5,967	26,186
2022-2023 (Thru Nov)	26,500	26,478	44,040	70,518

Funding Family Empowerment Scholarships in the FEFP

For both the FES-EO and FES-UA scholarships, the SFO must provide to the DOE the documentation necessary to verify the student’s eligible participation in the scholarship program.⁵²

For the FES-EO scholarship program, the DOE transfers, from state FEFP funds only, the amount of the scholarship to the SFO for quarterly disbursement to parents of participating students each school year in which the scholarship is in force. When a student enters the scholarship program, the SFO must receive all documentation required for the student’s participation, including the private school’s and the student’s fee schedule, at least 30 days before the first quarterly scholarship payment is made for the student.⁵³

For the FES-UA scholarship program, the DOE releases, from state FEFP funds only, the student’s scholarship funds to the SFO, to be deposited into the student’s account in four equal amounts no later than September 1, November 1, February 1, and April 1 of each school year in which the scholarship is in force.⁵⁴

Effect of the Bill

The bill amends the calculation methodology of both the FES-EO and FES-UA scholarships as follows:

- For the FES-EO scholarships, the calculated amount is based upon the grade level and school district in which the student was assigned as 100 percent of the funds per unweighted FTE in the FEFP for a student in the basic program established pursuant to s. 1011.62(1)(c)1., F.S., plus a per FTE share of funds for the 0.748 Discretionary Millage Compression Supplement, State-Funded Discretionary Supplement, and the Supplemental Academic and Support Services Allocation.
- For a student who has a Level I to Level III matrix of services or a diagnosis by a physician or psychologist, the calculated FES-UA scholarship amount is based upon the grade level and school district in which the student would have been enrolled as the total funds per unweighted FTE in the FEFP for a student in the basic exceptional student education program pursuant to s. 1011.62(1)(c) and (d), F.S., plus a per-FTE share of funds for the 0.748 Discretionary Millage Compression Supplement, the State-Funded Discretionary Supplement, the Supplemental Academic and Support Services Allocation, and the ESE Guaranteed Allocation.
- For a student who has a Support Level IV or Support Level V matrix of services, the calculated FES-UA scholarship amount is based upon the school district to which the student would have been assigned as the total funds per-FTE for the Level IV or Level V exceptional student education programs pursuant to s. 1011.62(1)(c)2.a.b., F.S., plus a per-FTE share of funds for the 0.748 Discretionary Millage Compression Supplement, the State-Funded Discretionary Supplement, and the Supplemental Academic and Support Services Allocation.

Other

⁵¹ The John M. McKay Scholarship for Students with Disabilities Program and the Gardiner Scholarship Program were previously offered as two separate scholarships for students with disabilities before the programs were consolidated under the FES-UA. The Gardiner Scholarship Program was repealed effective July 1, 2021, s. 2, ch. 2021-27, Laws of Florida. The John M. McKay Scholarship Program was repealed effective July 1, 2022, s. 3, ch. 2021-27, Laws of Florida.

⁵² Sections 1002.394(12)(a)5., and 1002.394(12)(b)7., Florida Statutes.

⁵³ Section 1002.394(12)(a)5., Florida Statutes.

⁵⁴ Section 1002.394(12)(b)7., Florida Statutes.

Recruitment of Heroes Program

Subject to legislative appropriation, the bill requires the DOE to provide a one-time, sign-on bonus to honorably discharged or retired military veterans and retired first responders as defined in s. 112.1815(1), F.S., who commit to joining the teaching profession as full-time classroom teachers. An honorably discharged or retired military veteran or retired first responder may receive an additional bonus for teaching a course in a high-demand teacher need area as identified by the DOE.

To be eligible to receive a sign-on bonus, the bill requires the applicant to provide the following to the DOE:

- Documentation of his or her honorable discharge or retirement.
- Documentation that he or she was not subject to any disciplinary action during the last 5 years of his or her employment as a servicemember in the United States Armed Forces or as a first responder. The term “disciplinary action” includes suspensions, dismissals, and involuntary demotions that were associated with disciplinary actions.
- A copy of his or her professional certificate or temporary certificate issues pursuant to s. 1012.56(7), F.S.
- Documentation that he or she agrees to maintain employment with the school district or charter school for a minimum of two consecutive school years upon receipt of the sign-on bonus. An individual who accepts a sign-on bonus but fails to maintain his or her employment requirement must reimburse the DOE to amount of the sign-on bonus in a manner prescribed by the DOE.

The bill assigns responsibilities to the DOE for purposes of distributing the sign-on bonuses.

A school district that employs an eligible honorably discharged or retired military veteran or retired first responder must provide any necessary information requested by the DOE and notify the eligible honorably discharged or retired military veteran or retired first responder that employment may impact his or her pension from a previous employer.

The bill authorizes the State Board of Education to adopt rules to implement the sign-on bonus program.

B. SECTION DIRECTORY:

- Section 1.** Amending s. 110.1228, F.S., conforming cross-reference.
- Section 2.** Amending s. 420.22, F.S., conforming cross-reference.
- Section 3.** Amending s. 1001.215, F.S., revising the duties of the Just Read, Florida! Office
- Section 4.** Amending s. 1001.26, F.S., requiring the DOE to provide funds to certain public colleges and universities.
- Section 5.** Amending s. 1001.43, F.S., authorizing district school boards to adopt policies for an enrollment fee for specified summer noncredit course and providing fee requirements.
- Section 6.** Amending s. 1002.32, F.S., revising the calculation methodology for funding in the FEFP for developmental research schools to conform with changes made by the bill.
- Section 7.** Amending s. 1002.33, F.S., providing minimum base salary requirements for certain charter school personnel.
- Section 8.** Amending s. 1002.37, F.S., revising the calculation methodology for funding in the FEFP for the Florida Virtual School to conform to changes made by the bill.
- Section 9.** Amending s. 1002.394, F.S., revising the calculation methodology for funding in the FEFP for the FES Program; requiring the DOE to report FES students for funding in the FEFP; prohibiting FES students from being submitted for funding after a specified date; and conforming provisions to change made by the bill.

- Section 10.** Amending s. 1002.45, F.S., conforming provisions and cross-references to changes made by the bill.
- Section 11.** Amending s. 1002.59, F.S., conforming provision and cross-reference to changes made by the bill.
- Section 12.** Amending s. 1002.71, F.S., conforming provision to changes made by the bill.
- Section 13.** Amending s. 1002.84, F.S., conforming provision to changes made by the bill.
- Section 14.** Amending s. 1002.89, F.S., conforming provision to changes made by the bill.
- Section 15.** Amending s. 1003.03, F.S., conforming provision to changes made by the bill.
- Section 16.** Creating s. 1003.4201, F.S., requiring school districts to implement a system of comprehensive reading instruction for specified students that includes a specified plan; providing plan requirements; providing school district and the DOE requirements; and defining the term “evidence-based”.
- Section 17.** Amending s. 1003.4203, F.S., conforming cross-references to changes made by the bill.
- Section 18.** Amending s. 1003.485, F.S., conforming cross-references to changes made by the bill.
- Section 19.** Amending s. 1003.4935, F.S., conforming cross-reference to changes made by the bill.
- Section 20.** Amending s. 1003.621, F.S., conforming provisions and cross-reference to changes made by the bill.
- Section 21.** Amending s. 1004.935, F.S., conforming provision to changes made by the bill.
- Section 22.** Creating s. 1006.041, F.S., requiring school districts to implement a school-based mental health assistance program for specified students that includes a specified plan; and providing plan and school district requirements.
- Section 23.** Amending s. 1006.07, F.S., conforming provision and cross-reference to changes made by the bill.
- Section 24.** Amending s. 1006.12, F.S., revising provisions relating to the provision of safe school officers; conforming provisions to changes made by the bill.
- Section 25.** Amending s. 1006.1493, F.S., requiring school districts to annually report specified information relating to the Florida Safe Schools Assessment Tool to the Office of Safe Schools.
- Section 26.** Amending s. 1006.28, F.S., requiring district school superintendents to annually certify to the Commissioner of Education that their district school boards have approved a comprehensive staff development plans; exempting certain instructional materials from specified procedures; and conforming cross-references.
- Section 27.** Amending s. 1006.40, F.S., revising requirements for the instructional materials allocation and the purchase of instruction materials; and conforming provisions to changes made by the bill.
- Section 28.** Amending s. 1007.271, F.S., requiring school districts to pay for the cost of dual enrollment instructional materials for public high school students who are earning credit toward high school graduation; and conforming cross-references.
- Section 29.** Amending s. 1008.25, F.S., conforming provisions and cross-references to changes made by the bill.
- Section 30.** Amending s. 1008.345, F.S., conforming provision and cross reference to changes made by the bill.
- Section 31.** Amending s. 1008.365 F.S., revising requirements for the Reading Achievement Initiative for Scholastic Excellence Program; and conforming cross-references.
- Section 32.** Amending s. 1008.44, F.S., conforming cross-references.
- Section 33.** Amending s. 1010.20, F.S., conforming cross-references.

- Section 34.** Amending s. 1011.60, F.S., providing minimum base salary requirements for certain classroom teachers.
- Section 35.** Amending s. 1011.61, F.S., revising the definition of the FEFP; and conforming cross-references.
- Section 36.** Amending s. 1011.62, F.S., revising provisions relating to the FEFP; revising the calculation of the annual allocation to each school district and the funding model for the exceptional student education programs; renaming the “district cost differential” as the “comparable wage factor” and revising when the factor is applied; creating the state-funded discretionary contribution and establishing the calculation methodology for the contribution; creating the supplemental academic and support services allocation and the exceptional student education guaranteed allocation and providing for the calculation of each allocation; repealing the determination of sparsity supplement, evidence-based reading instruction, safe schools allocation, mental health assistance allocation, and teacher salary increase allocation; modifying the eligible uses of the calculation of supplemental allocation for juvenile justice education programs; modifying the categorical funds that a school district may use to maintain school board-specified academic classroom instruction or improve school safety; creating the state-funded discretionary supplement and providing for the calculation of the supplement; and conforming provisions and cross-references to changes made by the bill.
- Section 37.** Amending s. 1011.622, F.S., conforming a cross-reference to changes made by the bill.
- Section 38.** Repealing s. 1011.67, F.S., relating to instructional materials.
- Section 39.** Amending s. 1011.68, F.S., conforming a cross-reference to changes made by the bill.
- Section 40.** Amending s. 1011.69, F.S., conforming provision to changes made by the bill.
- Section 41.** Amending s. 1011.71, F.S., conforming a cross-reference to changes made by the bill.
- Section 42.** Amending s. 1011.84, F.S., conforming provisions and cross-reference to changes made by the bill.
- Section 43.** Amending s. 1012.22, F.S., conforming provision and cross-reference to changes made by the bill.
- Section 44.** Amending s. 1012.44, F.S., conforming provision and cross-reference to changes made by the bill.
- Section 45.** Amending s. 1012.584, F.S., conforming provision and cross-reference to changes made by the bill.
- Section 46.** Amending s. 1012.586, F.S., conforming a cross-reference to changes made by the bill.
- Section 47.** Amending s. 1012.71, F.S., revising provisions for the calculation of Florida Teachers Classroom Supply Assistance Program funds; deleting provisions relating to the distribution of program funds; requiring the DOE to administer a competitive procurement through which eligible classroom teachers may purchase classroom materials and supplies; requiring school district to provide certain information to the DOE annually by a specified date; deleting a requirement that classroom teachers sign a specified statement; and revising requirements for unused funds.
- Section 48.** Creating s. 1012.715, F.S., requiring the DOE to provide a one-time sign-on bonus to honorably discharged and retired military veterans and retired first responders who join the teaching profession; providing eligibility criteria; providing for an additional bonus under certain circumstances; providing the DOE and school district responsibilities; and authorizing the State Board of Education to adopt rules.
- Section 49.** Providing an effective date of July 1, 2023.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill conforms statutes to the FEFP proposed by the House of Representatives for Fiscal Year 2023-2024 which includes:

- \$2.1 billion increase in total FEFP funding;
- \$823.9 million in state FEFP funding;
- \$805.7 million in new funds for the base FEFP funding in addition to the \$1.8 billion transferred from nine categoricals to the base FEFP funding;
- \$760.76 increase in the BSA; and
- \$459.11 increase in the statewide average funds per student.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill provides the State Board of Education with rule-making authority for the one-time, sign-on bonus program established in Section 48 of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.