

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

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

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**FINAL HOUSE FLOOR ACTION:** 111 Y's      0 N's      **GOVERNOR'S ACTION:** Approved

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### SUMMARY ANALYSIS

HB 5101 passed the House on May 5, 2023, as amended by the conference committee.

The bill conforms applicable statutes to appropriations provided in the conference report on the General Appropriations Act (GAA) for PreK-12 education for the 2023-2024 fiscal year. Specifically, the bill:

- Conforms the Florida Education Finance Program (FEFP) calculation methodologies for the Florida Virtual School (FLVS), the developmental research (lab) schools, and the Family Empowerment Scholarship (FES) program to changes made by the bill.
- Creates the Florida School for Competitive Academics as a state-supported school for 6<sup>th</sup>-12<sup>th</sup> grade students to provide a rigorous academic curriculum and prepare students for regional, state, and national academic competitions.
- Repeals the weighted enrollment ceiling for the Group 2 education programs which includes the English Students of Other Languages (ESOL) education program.
- Renames the district cost differential (DCD) the comparable wage factor (CWF) and authorizes its application in calculating the base FEFP funding only when a school district's CWF is greater than 1.000.
- Requires the program cost factor for secondary career education programs to be higher than the program cost factor for basic education programs grades 9<sup>th</sup>-12<sup>th</sup>.
- Creates the small district factor as an additional value to full-time equivalent (FTE) students for school districts with fewer than 20,000 FTE students and located in a fiscally constrained county.
- Repeals the following FEFP categoricals:
  - Funding Compression and Hold Harmless Allocation,
  - Sparsity Supplement, and
  - Turnaround Supplemental Services Allocation.
- Repeals the following FEFP categoricals but retains the underlying funding policies:
  - Instructional Materials Allocation,
  - Reading Instruction Allocation, and
  - Teacher Classroom Supply Assistance.
- Renames the Teacher Salary Increase Allocation the Classroom Teacher and Other Instructional Personnel Increase and requires its amount and distribution methodology to be specified in the GAA.
- Retains the DJJ Supplement Allocation and modifies its eligible uses to include uses previously only included in proviso in the GAA.
- Retains the ESE Guaranteed Allocation and establishes its calculation methodology in law.
- Renames the Supplemental Academic Instruction categorical the Educational Enrichment Allocation and modifies: (a) its eligible uses to include the uses previously included in the Turnaround Supplemental Services Allocation and (b) its calculation methodology.
- Creates the Educational Enrollment Stabilization Program to ensure the financial stability of school districts.
- Requires the Department of Education (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.

Because it implements provisions of the Fiscal Year 2023-2024 GAA, the bill has no direct fiscal impact.

The bill was approved by the Governor on June 15, 2023, ch. 2023-245, L.O.F., and will become effective on July 1, 2023.

### I. SUBSTANTIVE INFORMATION

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

**STORAGE NAME:** h5101z1.DOCX

**DATE:** 6/16/2023

## A. EFFECT OF CHANGES:

### Florida Education Finance Program

#### Present Situation

The FEFP is the state's funding model to provide funds to school districts for kindergarten through 12<sup>th</sup> grade public school operations, which includes charter schools, and to fund the 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.<sup>1</sup>

State FEFP revenues are derived from the following three sources:<sup>2</sup>

- 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 – 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 – 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.<sup>3</sup> The Legislature sets the aggregate RLE amount in the 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).<sup>4</sup>

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

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

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

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

<sup>2</sup> *Id.*

<sup>3</sup> Section 1011.71(1), Florida Statutes.

<sup>4</sup> Section 1011.62(4), Florida Statutes.

<sup>5</sup> *Supra*, note 3.

<sup>6</sup> *Supra*, note 3.

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

<sup>8</sup> Section 1011.66, Florida Statutes.

<sup>9</sup> Section 1011.62(1)(a), Florida Statutes.

- 5<sup>th</sup> 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 4<sup>th</sup> calculation.

In addition to the 67 school districts, the FLVS<sup>10</sup> and the state's lab schools<sup>11</sup> 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.<sup>12</sup>

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.<sup>13</sup> Through the annual cost report, school districts report the expenditures for each program.<sup>14</sup> 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.<sup>15</sup>

The commissioner is required to annually compute the DCD for each school district.<sup>16</sup> 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.<sup>17</sup>

The base student allocation (BSA) for the FEFP is determined annually by the Legislature<sup>18</sup> 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.<sup>19</sup>

Based on the 4<sup>th</sup> 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.<sup>20</sup> The following chart lists the nine categoricals that have either a district- or student-eligibility requirement:

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<sup>10</sup> Section 1002.37(3), Florida Statutes.

<sup>11</sup> Section 1002.32(9), Florida Statutes.

<sup>12</sup> Section 1011.62(1)(s), Florida Statutes.

<sup>13</sup> Section 1011.62(1)(c), Florida Statutes.

<sup>14</sup> *Supra*, note 1.

<sup>15</sup> *Supra*, note 1.

<sup>16</sup> Section 1011.62(2), Florida Statutes.

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

<sup>18</sup> Section 1011.62(1)(b), Florida Statutes.

<sup>19</sup> *Supra*, note 7.

<sup>20</sup> *Supra*, note 7.

<b>Categorical</b>	<b>Statute</b>	<b>Fiscal Year Established</b>	<b>Eligibility Requirement</b>
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 <sup>21</sup>	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	The FLVS and the six lab 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 4<sup>th</sup> 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:

<b>Categorical</b>	<b>Statute</b>	<b>Fiscal Year Established</b>	<b>Funding Policy</b>
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.

<sup>21</sup> 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.

<b>Categorical</b>	<b>Statute</b>	<b>Fiscal Year Established</b>	<b>Funding Policy</b>
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 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 4<sup>th</sup> 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 modernizes the FEFP and aligns it with the state's school choice policy. Specifically, 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 Allocation <sup>22</sup>	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 new Educational Enrichment Allocation.
Instructional Materials Allocation	Repeals categorical but retains the underlying funding policies.
Reading Instruction Allocation	Repeals categorical but creates a new section of law that includes the original underlying funding policies.
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.
Mental Health Assistance Allocation	Retains categorical but creates a new section of law that includes the original underlying funding policy.
Teacher Salary Increase Allocation	Renames to the Classroom Teacher and Other Instructional Personnel Increase and modifies the underlying policy.
DJJ Supplement Allocation	Retains categorical and modifies the eligible uses of categorical funding to include <sup>23</sup> : (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.
Safe Schools Allocation	Retains categorical and modifies a requirement.
Supplemental Academic Instruction	Renames as the Educational Enrichment Allocation 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.

<sup>22</sup> *Id.*

<sup>23</sup> These eligible uses have previously been only included in proviso associated with the DJJ Supplement Allocation.

Categorical	Change
State-Funded Discretionary Supplement	Creates new categorical for scholarship students 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.

The bill creates a new State-Funded Discretionary Supplement categorical to fund the nonvoted discretionary millage for operations for students awarded a FES; this categorical is similar to the State-Funded Discretionary Contribution categorical for the FLVS and the lab schools.

The bill creates the new small district factor to provide an additional value per FTE student to each school district with fewer than 20,000 in its FTE student membership and located in a fiscally constrained county. The amount of the additional value is specified in the GAA.

The bill creates the Educational Enrollment Stabilization Program to provide supplemental state funds as needed to maintain the stability of the operations of public schools in each school district and to protect districts, including charter schools, from financial instability as a result of changes in FTE student enrollment throughout the school year. The bill requires the program to be implemented to the extent funds are available.

## Group Two Education Programs

### Present Situation

There are seven education programs for purposes of determining funding in the FEFP:<sup>24</sup>

- (1) Basic Programs:
  - Kindergarten and Grades 1<sup>st</sup>-3<sup>rd</sup>.
  - Grades 4<sup>th</sup>-8<sup>th</sup>.
  - Grades 9<sup>th</sup>-12<sup>th</sup>.
- (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 the 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:<sup>25</sup>

- Group 1 – is comprised of basic programs for grades K-3<sup>rd</sup>, grades 4<sup>th</sup>-8<sup>th</sup>, and grades 9<sup>th</sup>-12<sup>th</sup>.
- 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.<sup>26</sup> The result is that there is no “cap” on Group 1 FTE student membership.

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

<sup>24</sup> Section 1011.62(1)(c), Florida Statutes.

<sup>25</sup> Section 1011.62(1)(d), Florida Statutes.

<sup>26</sup> *Id.*

FTE, aggregated by the program group, is the Group 2 ceiling. After actual FTE students are 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.<sup>27</sup>

Additionally, program cost factors, or weights, are established to ensure that each education program receives an equitable share of FEFP funds relative to its cost per student.<sup>28</sup> Through an annual program cost report, school districts report actual expenditures for each education program. The cost per student of each education is used to produce an index of relative costs, with the cost per student for basic education grades 4<sup>th</sup>-8<sup>th</sup> established as the 1.000 base.<sup>29</sup> Current statute states that the cost factor for secondary career education programs and basic education grades 9<sup>th</sup>-12<sup>th</sup> shall be equal.<sup>30</sup>

### 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.

The bill also requires that the program cost factor for the secondary career education programs must be greater than the program cost factor for the basic education grades 9<sup>th</sup>-12<sup>th</sup>.

## **Family Empowerment Scholarship Program**

### Present Situation

The 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.<sup>31</sup> The FES program includes two types of scholarships:

- FES – Educational Options (FES-EO) - assisting eligible students to pay for the tuition and fees associated with attendance at a private school or transportation to another public school.
- FES – Unique Abilities (FES-UA) - providing access to additional education options for a student with a qualifying disability by covering the cost of a variety of approved items, including: contracted services, curriculum, instructional materials, tutoring, specified education programs and specialized services.<sup>32</sup>

Each type of scholarship has certain student eligibility requirements, program requirements, award calculation methodologies, and allowable expenditures.<sup>33</sup>

### *FES-EO Eligibility*

A student is eligible for a scholarship to attend private school if the student meets the following criteria:<sup>34</sup>

- 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

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<sup>27</sup> *Supra*, note 1.

<sup>28</sup> Section 1011.62(1)(c), Florida Statutes.

<sup>29</sup> *Supra*, note 1.

<sup>30</sup> Section 1011.62(1)(c), Florida Statutes.

<sup>31</sup> Section 1002.394, Florida Statutes, *See also* Rule 6A-6.0952, F.A.C.

<sup>32</sup> 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.

<sup>33</sup> *Supra*, note 30.

<sup>34</sup> Section 1002.394(3)(a)1.- 6., Florida Statutes.



Indian Reservations program) or the student's household income level does not exceed 185 percent of the federal poverty level (FPL) (\$51,337.50<sup>35</sup> 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 (\$111,000<sup>36</sup> for a family of four) for the 2022-2023 school year;<sup>37</sup>
- 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;<sup>38</sup> 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.<sup>39</sup>

### *FES-EO Scholarship Amount*

The FES-EO scholarship program is funded through the FEFP with a scholarship awarded by a scholarship-funding organization (SFO).<sup>40</sup> 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 Guaranteed Allocation, as funded in the General Appropriations Act (GAA).<sup>41</sup> 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.<sup>42</sup>

### *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

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<sup>35</sup> 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>.

<sup>36</sup> *Id.*

<sup>37</sup> 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.

<sup>38</sup> 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.

<sup>39</sup> Section 1002.394(5)(a), Florida Statutes.

<sup>40</sup> 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.

<sup>41</sup> 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>.

<sup>42</sup> *Id.*

through grade 12 FTE student membership each year.<sup>43</sup> Beginning with Fiscal Year 2021-2022, the following types of students are excluded from counting against the maximum program cap:<sup>44</sup>

- 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:

<b>Fiscal Year</b>	<b>Authorized Maximum Cap</b>	<b>Total Funded &amp; Included in the Cap</b>	<b>Total Funded &amp; Excluded from Cap</b>	<b>Total Scholarships Funded</b>
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:<sup>45</sup>

- Is a resident of this state;
- 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), F. S.; 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 chapters 458 or 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.<sup>46</sup>

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

<sup>43</sup> Section 1002.394(12)(a)1., Florida Statutes.

<sup>44</sup> Section 1002.394(12)(a)1.a.-b., Florida Statutes.

<sup>45</sup> Section 1002.394(3)(b), Florida Statutes.

<sup>46</sup> Section 1002.394(12)(b)2., Florida Statutes.

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.<sup>47</sup>

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.<sup>48</sup>

### *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.<sup>49</sup> 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.<sup>50</sup>

The maximum program capacity does not include the following students who are excluded:<sup>51</sup>

- 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.

The following chart shows the number of FES-EO scholarships funded since its establishment in Fiscal Year 2021-2022.<sup>52</sup>

<b>Fiscal Year</b>	<b>Authorized Maximum Cap</b>	<b>Total Funded &amp; Included in the Cap</b>	<b>Total Funded &amp; Excluded from Cap</b>	<b>Total Scholarships Funded</b>
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.<sup>53</sup>

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

<sup>47</sup> Section 1002.394(12)(b)3., Florida Statutes.

<sup>48</sup> Section 1002.394(12)(b)4.-5., Florida Statutes.

<sup>49</sup> Section 1002.394(12)(b)1., F.S.

<sup>50</sup> Section 1002.394(12)(b)1., F.S.

<sup>51</sup> 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>.

<sup>52</sup> 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.

<sup>53</sup> Sections 1002.394(12)(a)5., and 1002.394(12)(b)7., Florida Statutes.

and the student's fee schedule, at least 30 days before the first quarterly scholarship payment is made for the student.<sup>54</sup>

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.<sup>55</sup>

### 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 Educational Enrichment 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 Educational Enrichment 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 Educational Enrichment Allocation.
- For the FES-EO scholarships, requires the amount of the scholarship to be the calculated amount.

## **Florida School for Competitive Academics**

### Present Situation

#### *Background*

Florida's Early Learning-20 Education System Florida's Early Learning-20 education system includes publicly supported and controlled K-12 schools, Florida College System institutions, state universities and other postsecondary educational institutions, other educational institutions, and other educational services as provided or authorized by the Constitution and laws of the state. These include:<sup>56</sup>

- The Voluntary Prekindergarten Education Program and the school readiness program.
- Public K-12 schools, which include charter schools and consist of kindergarten classes; elementary, middle, and high school grades and special classes; virtual instruction programs; workforce education; career centers; adult, part-time, and evening schools, courses, or classes, as authorized by law to be operated under the control of district school boards; and lab schools operated under the control of state universities.

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<sup>54</sup> Section 1002.394(12)(a)5., Florida Statutes.

<sup>55</sup> Section 1002.394(12)(b)7., Florida Statutes.

<sup>56</sup> Section 1000.04, Florida Statutes.

- Public postsecondary educational institutions, which include workforce education; Florida College System institutions; state universities; and all other state-supported postsecondary educational institutions that are authorized and established by law.
- The Florida School for the Deaf and the Blind.<sup>57</sup>
- The Florida Virtual School.<sup>58</sup>

### *Advanced Academic Public Schools in Florida*

Florida offers a number of public school options for academically talented students, to include:

- The **Pine View School**, established in 1969 in Sarasota County, serves intellectually gifted students in grades 2<sup>nd</sup>-12<sup>th</sup>. Its mission is to provide a qualitatively different learning environment that nurtures a passion for intellectual curiosity, encourages risk taking, independence and innovation, and is committed to a tradition of academic excellence and social responsibility. Children are admitted based on a series of tests, recommendations, and other pertinent admissions data. These are reviewed by a committee of teachers and other personnel. The basic curriculum conforms to local and state requirements as expressed in accreditation standards and the officially approved programs of studies.<sup>59</sup>
- **Stanton College Preparatory School** opened in 1981 in Duval County as the district's first magnet school. The school serves grades 9<sup>th</sup>-12<sup>th</sup>, with a mission to provide a rigorous academic program of all advanced academic courses supplemented by philanthropic, artistic, and forensic activities. Stanton consistently ranks first in the county and in the top three in the state for the number of National Merit Semi-Finalists.<sup>60</sup>
- The **School for Advanced Studies (SAS)** is a nationally recognized collegiate high school of excellence, a combined effort between Miami-Dade County Public Schools and Miami Dade College. Students attending the SAS complete their last two years of high school while they obtain a two-year Associate in Arts degree from Miami Dade College. The opportunity for acceleration and enrichment attracts motivated and academically talented students. The SAS provides its students with a rich and rigorous liberal arts education with many of its students specializing in science, technology, engineering, and mathematics (STEM). The SAS was recently recognized by U.S. News and World Report and the "Best High School in Florida" and the "Fifth Best High School in the United States."<sup>61</sup> Admissions is based on a variety of factors including GPA, attendance record, and college placement test scores.<sup>62</sup>
- **Buchholz High School (BHS)** in Alachua county has won 14 national championships in 15 years at the National Mu Alpha Theta<sup>63</sup> Competition. The team broke records by winning a total of 304 trophies, with many of the team members earning first-place awards. The team has taken first place in 32 out of 39 national competitions.<sup>64</sup>

### *Other States Advanced Academic Public Schools*

Other states have public schools that offer specialized advanced academic instruction. The Alabama School of Mathematics and Science was founded in 1989 as a public, residential high school in Mobile, Alabama. While the school is located in Mobile, the recruitment of candidates for the school

<sup>57</sup> Section 1002.36, Florida Statutes.

<sup>58</sup> Section 1002.37, Florida Statutes.

<sup>59</sup> Pine View School, About Pine View School, <https://www.sarasotacountyschools.net/domain/1447> (last visited May 8, 2023).

<sup>60</sup> School for Advanced Studies, *About Us*, [https://sasdreamfactory.org/apps/pages/index.jsp?uREC\\_ID=47938&type=d](https://sasdreamfactory.org/apps/pages/index.jsp?uREC_ID=47938&type=d) (last visited May 8, 2023).

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> Mu Alpha Theta, the National High School and Two-Year College Mathematics Honor Society is dedicated to inspiring a keen interest in mathematics, developing strong scholarship in the subject, and promoting the enjoyment of mathematics in high school and two-year college students. Currently, more than 100,000 students are Mu Alpha Theta members at more than 2,420 schools in the United States and in 23 foreign countries. Mu Alpha Theta, *About Us*, <https://mualphathet.org/about-us> (last visited May 8, 2023).

<sup>64</sup> The Gainesville Sun, Buchholz High School takes home 14th national math championship win in 15 -year span, [Buchholz High math team wins 14th national championship in 15 years \(gainesville.com\)](https://www.gainesville.com/news/buchholz-high-math-team-wins-14th-national-championship-in-15-years) (last visited May 8, 2023).

encompasses the state's 67 counties, serving 10<sup>th</sup>-12<sup>th</sup> grade students. The mission of the school is to provide academically motivated students with exceptional preparations in the fields of math and science, empowering them to improve their community, state, and nation.<sup>65</sup>

The North Carolina School of Science and Mathematics was founded in 1980 as a public, residential school with campuses in Durham and Morganton, North Carolina. In addition, the school offers an online component for admitted 11<sup>th</sup> and 12<sup>th</sup> grade students to supplement their local high school education. The school is part of the University of North Carolina system and is open to 11<sup>th</sup> and 12<sup>th</sup> grade students across North Carolina. The school provides an intellectually stimulating, diverse, inclusive, and collaborative community, which among other criteria, offers challenging programs, with an emphasis in STEM.<sup>66</sup>

### Effect of the Bill

The bill establishes the Florida School for Competitive Academics (FSCA) in Alachua County as a state-supported public school for Florida 6<sup>th</sup>-12<sup>th</sup> grade students and modifies the Florida Early Learning-20 public education system to include the FSCA. The FSCA is to provide a rigorous academic curriculum, and to prepare students for regional, state, and national academic competitions in all areas of study, such as, STEM. The bill authorizes the FSCA to admit 6<sup>th</sup>-12<sup>th</sup> grade student beginning in the 2024-2025 school year.

The bill also establishes the mission of the FSCA to provide students who meet selective admissions requirements an environment that will foster high academic engagement and advanced understanding of subject areas, develop productive work habits, build resiliency, connect students with industry leaders, and promote civic leadership.

To assist in the recruitment of students to the FSCA, the bill requires that the school be included in the school choice online portal that the DOE is required to develop to enable parents to choose the best educational options for their students.

### *Board of Trustees*

The bill provides for a governance structure of the FSCA similar to that of the Florida School for the Deaf and the Blind,<sup>67</sup> which is governed by a seven-member board.

The bill establishes that the FSCA board of trustees will be composed of seven members appointed by the Governor to 4-year terms and confirmed by the Senate. For purposes of staggering terms, four members, including the chair as designated by the Governor, will be appointed to 4-year terms beginning July 1, 2023, and three members will be appointed to 2-year terms beginning July 1, 2023. After the initial 4-year term, the chair will be elected by the board. The bill specifies that no more than one employee of the school may serve on the board of trustees as a member or as chairman. The members of the board of trustees serve without compensation, but may be reimbursed for per diem and travel expenses.

The board of trustees is established as a public agency entitled to sovereign immunity, and the members as public officers who bear fiduciary responsibility for the FSCA. As a corporation, the board of trustees is authorized by the bill to operate and manage the FSCA. Gifts, donations, or bequests to the FSCA are under the jurisdiction of the board of trustees; all other property and assets are under the jurisdiction of the SBE.

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<sup>65</sup> The Alabama School of Math and Science, available at <https://www.asms.net/> (last visited May 8, 2023). See also, ALA. CODE § 16-26A-3 (2016).

<sup>66</sup> North Carolina School of Science and Mathematics, available at <https://www.ncssm.edu/> (last visited May 8, 2023).

<sup>67</sup> Section 1002.36, Florida Statutes.

The bill establishes the powers and authority of the board of trustees, that include:

- Adopting rules, subject to the SBE approval, for the operation of the school that comply with state law.
- Appointing and removing a principal, administrators, teachers, and other employees.
- Determining eligibility of students and procedures for admission.
- Providing for the proper keeping of accounts and records and for budgeting of funds.
- Receiving gifts, donations, and bequests of money or property, real or personal, tangible or intangible, from any person, firm, corporation, or other legal entity for the use and benefit of the school.
- Recommending to the Legislature for the school to become a residential public school.
- Performing every other matter or thing requisite to the proper management, maintenance, support, and control of the school at the highest efficiency economically possible.
- After receiving approval from the Administration Commission, exercising the power of eminent domain in the manner as provided in law.
- Preparing and submitting legislative budget requests for operations and fixed capital outlay to the DOE for review and approval.
- Approving and administering an annual operating budget in accordance with law.
- Requiring all purchases to be in accordance requirements in law, except for purchases made with funds received as gifts, donations, or bequests or funds raised by or belonging to student clubs or student organizations.
- Administering and maintaining personnel programs for all employees of the board of trustees and the FSCA, who shall be school employees, including the personnel.
- Ensuring that the FSCA complies with all applicable laws.
- Adopting a five year master plan that specifies the objectives of the FSCA.

### *Student Records*

The bill requires the board of trustees to provide for the content and custody of student records subject to the law regarding education records in accordance with the Family Educational Rights and Privacy Act (FERPA).<sup>68</sup> The board of trustees must maintain employee records, subject to the law regarding public school personnel files, which include all records, information, data, or materials uniquely applicable to that employee whether maintained in one or more locations.<sup>69</sup>

### *Personnel*

The FSCA board of trustees and all employees and applicants for employment must undergo a Level 2 background screening similar to the requirement for all public school personnel who seek an educator certificate. The bill specifies that an individual may not be employed as an employee or contract personnel of the FSCA or serve as a member of the board of trustees if the individual is on the disqualification list maintained by the DOE.

The bill requires the FSCA board of trustees to administer and maintain personnel programs for all employees, which must include:

- Rules, policies, and procedures related to the appointment, employment, and removal of personnel.
- Compensation, including salaries and fringe benefits, and other conditions of employment for such personnel.
- A requirement that classroom teachers employed by the school must be certified.
- A requirement that each person employed by the board of trustees in an academic, administrative or instructional capacity with the FSCA is entitled to a contract as provided by the rules of the board of trustees.

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<sup>68</sup> Section 1002.22, Florida Statutes.

<sup>69</sup> Section 1012.31, Florida Statutes.

- A requirement that all employees except temporary, seasonal, and student employees may be provided Florida Retirement System benefits from the school through operational costs.

### *Funding*

The bill specifies that the FSCA shall receive state funds for operating purposes as provided for in the GAA. In addition to the funds provided in the GAA, the bill authorizes the FSCA to receive other funds from grants and donations.

### *Audits and Investigations*

The bill requires the Auditor General to conduct audits of the accounts and records of the FSCA as provided in law. In addition, the bill provides for the DOE's Inspector General to conduct investigations at the FSCA as provided in law.

### *Exemption from Statutes*

In order to provide maximum flexibility to the FSCA, the bill provides exemptions from statute in the same manner as provided to charter schools.<sup>70</sup>

The FSCA is exempt from all statutes in chapters 1000-1013, except that FSCA is required to comply with the following statutes:

- Statutes pertaining to the student assessment program and school grading system.
- Statutes pertaining to the provisions of services to students with disabilities.
- Statutes pertaining to civil rights and to the Florida Educational Equity Act.
- Statutes pertaining to student health, safety and welfare.
- Chapter 119, relating to public records.
- Section 286.011 F.S., relating to public meetings and records, public inspection, and criminal and civil penalties.
- Section 943.082(4)(b) F.S., relating to the mobile suspicious activity reporting tool.
- Section 1003.03(1) F.S., relating to class size maximums.
- Section 1003.4282 F.S., relating to requirements for a standard high school diploma.
- Section 1006.07(6)(d) F.S., relating to adopting active assailant response plans.
- Section 1006.07(7) F.S., relating to threat assessment teams.
- Section 1006.07(9) F.S., relating to school environmental safety incident reporting.
- Section 1006.07(10) F.S., relating to reporting of involuntary examinations.
- Section 1006.12 F.S., relating to safe-school officers.
- Section 1006.1493 F.S., relating to the Florida Safe Schools Assessment Tool.
- Section 1012.584 F.S., relating to youth mental health awareness and assistance training.
- Section 1011.61 F.S., relating to instructional hours requirements, but may provide instruction that exceeds the minimum time requirements for the purposes of offering a summer program.

### *Budget*

The bill establishes procedures for the FSCA to prepare and submit legislative budget requests (LBRs) using the same format, procedures, and timelines required for LBR submission of the DOE. The bill requires the FSCA to submit its LBR to the DOE for review and approval. Once approved, the bill requires the commissioner to include the FSCA's LBR in the DOE's submission of its LBR to the SBE, the Governor, and the Legislature.

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<sup>70</sup> Section 1002.33(16), Florida Statutes.



The bill requires the FSCA to submit its fixed capital outlay request to the DOE for review and approval in the same manner as the Florida School for the Deaf and the Blind. Subsequent to the DOE's approval, the FSCA's request must be included within the DOE's public education capital outlay LBR.

The bill requires the FSCA's state funds to be distributed monthly; in payments as nearly equal as possible. Appropriations for textbooks, instructional technology, and school buses may be released and distributed as necessary to serve the instructional programs for students. Transportation of students shall be provided by the FSCA consistent with the requirements of subpart I.E. of chapter 1006 and s. 1012.34, F.S.

The bill creates flexibility in managing the FSCA funds. The bill authorizes that, notwithstanding specified sections of law, and subject to the GAA, funds for the operation of the FSCA must be requested and appropriated within budget entities, program components, program categories, lump sums, or special categories, but may be transferred to traditional categories for expenditure by the board of trustees of the FSCA. The board of trustees must develop an annual operating budget that allocates funds by program component and traditional expenditure category.

The bill exempts the FSCA from preparing a lump-sum plan to implement the special categories, program categories, or lump-sum appropriations, subject to the GAA. Upon request of the board of trustees, the Chief Financial Officer must transfer or reallocate funds to or among accounts established for disbursement purposes. The board of trustees must maintain records to account for the original appropriation.

The bill authorizes the FSCA board of trustees, subject to the GAA, to establish the authorized positions at the school, but may amend such positions within the total funds authorized annually in the GAA.

The bill authorizes all unexpended funds appropriated for the FSCA to be carried forward and included as the balance forward for that fund in the approved operating budget for the following year.

## **Other**

### 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.

#### Salary Incentives or other Strategies for “D” or “F” Schools

To free schools with a school grade of “D” or “F” from contract restrictions that limit the school’s ability to implement programs and strategies needed to improve student performance, the bill allows school districts to adopt salary incentives or other strategies that address the selection, placement, compensation, and expectation of instructional personnel, that are not subject to collective bargaining.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

N/A

### **D. FISCAL COMMENTS:**

The bill conforms applicable statutes to the appropriations provided for PreK-12 education in the conference report on the General Appropriations Act for Fiscal Year 2023-2024.

For the PreK-12 education system, the conference report on the Fiscal Year 2023-2024 GAA provides the following appropriations to implement the applicable provisions of HB 5101:

- \$14.5 billion for the FEFP.
- \$350 million for the Educational Enrollment Stabilization Program.
- \$24 million for the Florida School for Competitive Academics.
- \$10 million for the Heroes in the Classroom Sign-on Bonus.

Additionally, the FEFP appropriated in the conference report on the Fiscal Year 2023-2024 GAA includes:

- Funding for the 117,372.27 new students forecasted to be funded in the FEFP for Fiscal Year 2023-2024; this includes the forecasted new Family Empowerment Scholarship as a result of CS/CS/CS/CS/HB 1.