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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/RE/3R

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Senator Gaetz moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsection (27) of section 1001.42,
Florida Statutes, is redesignated as subsection (28), and a new
subsection (27) is added to that section, to read:

1001.42 Powers and duties of district school board.—The
district school board, acting as a board, shall exercise all
powers and perform all duties listed below:

(27) VISITATION OF SCHOOLS.—Visit the schools, observe the



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12 management and instruction, give suggestions for improvement,
13 and advise citizens with the view of promoting interest in
14 education and improving the school.

15 Section 2. Section 1001.67, Florida Statutes, is created to
16 read:

17 1001.67 Distinguished Florida College System Program.—A
18 collaborative partnership is established between the State Board
19 of Education and the Legislature to recognize the excellence of
20 Florida's highest-performing Florida College system
21 institutions.

22 (1) EXCELLENCE STANDARDS.—The following excellence
23 standards are established for the program:

24 (a) A 150 percent-of-normal-time completion rate of 50
25 percent or higher, as calculated by the Division of Florida
26 Colleges.

27 (b) A 150 percent-of-normal-time completion rate for Pell
28 Grant recipients of 40 percent or higher, as calculated by the
29 Division of Florida Colleges.

30 (c) A retention rate of 70 percent or higher, as calculated
31 by the Division of Florida Colleges.

32 (d) A continuing education, or transfer, rate of 72 percent
33 or higher for students graduating with an associate of arts
34 degree, as reported by the Florida Education and Training
35 Placement Information Program (FETPIP).

36 (e) A licensure passage rate on the National Council
37 Licensure Examination for Registered Nurses (NCLEX-RN) of 90
38 percent or higher for first-time exam takers, as reported by the
39 Board of Nursing.

40 (f) A job placement or continuing education rate of 88



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41 percent or higher for workforce programs, as reported by FETPIP.

42 (g) A time-to-degree for students graduating with an
43 associate of arts degree of 2.25 years or less for first-time-
44 in-college students with accelerated college credits, as
45 reported by the Southern Regional Education Board.

46 (2) DISTINGUISHED COLLEGE DESIGNATION.—The State Board of
47 Education shall designate each Florida College System
48 institution that meets five of the seven standards identified in
49 subsection (1) as a distinguished college.

50 (3) DISTINGUISHED COLLEGE SUPPORT.—A Florida College System
51 institution designated as a distinguished college by the State
52 Board of Education is eligible for funding as specified in the
53 General Appropriations Act.

54 Section 3. Paragraphs (a) and (b) of subsection (6),
55 subsection (16), paragraph (a) of subsection (17), and paragraph
56 (a) of subsection (22) of section 1002.20, Florida Statutes, are
57 amended, and subsection (25) is added to that section, to read:

58 1002.20 K-12 student and parent rights.—Parents of public
59 school students must receive accurate and timely information
60 regarding their child's academic progress and must be informed
61 of ways they can help their child to succeed in school. K-12
62 students and their parents are afforded numerous statutory
63 rights including, but not limited to, the following:

64 (6) EDUCATIONAL CHOICE.—

65 (a) *Public educational school choices.*—Parents of public
66 school students may seek any ~~whatever~~ public educational school
67 choice options that are applicable and available to students
68 throughout the state ~~in their school districts~~. These options
69 may include controlled open enrollment, single-gender programs,



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70 lab schools, virtual instruction programs, charter schools,
71 charter technical career centers, magnet schools, alternative
72 schools, special programs, auditory-oral education programs,
73 advanced placement, dual enrollment, International
74 Baccalaureate, International General Certificate of Secondary
75 Education (pre-AICE), CAPE digital tools, CAPE industry
76 certifications, collegiate high school programs, Advanced
77 International Certificate of Education, early admissions, credit
78 by examination or demonstration of competency, the New World
79 School of the Arts, the Florida School for the Deaf and the
80 Blind, and the Florida Virtual School. These options may also
81 include the public educational school choice options of the
82 Opportunity Scholarship Program and the McKay Scholarships for
83 Students with Disabilities Program.

84 (b) *Private educational school choices.*—Parents of public
85 school students may seek private educational school choice
86 options under certain programs.

87 1. Under the McKay Scholarships for Students with
88 Disabilities Program, the parent of a public school student with
89 a disability may request and receive a McKay Scholarship for the
90 student to attend a private school in accordance with s.
91 1002.39.

92 2. Under the Florida Tax Credit Scholarship Program, the
93 parent of a student who qualifies for free or reduced-price
94 school lunch or who is currently placed, or during the previous
95 state fiscal year was placed, in foster care as defined in s.
96 39.01 may seek a scholarship from an eligible nonprofit
97 scholarship-funding organization in accordance with s. 1002.395.

98 3. Under the Florida Personal Learning Scholarship Accounts



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99 Program, the parent of a student with a qualifying disability
100 may apply for a personal learning scholarship to be used for
101 individual educational needs in accordance with s. 1002.385.

102 (16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT RATING
103 REPORTS; FISCAL TRANSPARENCY.—Parents of public school students
104 have the right ~~are entitled~~ to an easy-to-read report card about
105 the school's grade designation or, if applicable under s.
106 1008.341, the school's improvement rating, and the school's
107 accountability report, including the school financial report as
108 required under s. 1010.215. The school financial report must be
109 provided to the parents and indicate the average amount of money
110 expended per student in the school, which must also be included
111 in the student handbook or a similar publication.

112 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

113 (a) *Eligibility.*—Eligibility requirements for all students
114 participating in high school athletic competition must allow a
115 student to be immediately eligible in the school in which he or
116 she first enrolls each school year, the school in which the
117 student makes himself or herself a candidate for an athletic
118 team by engaging in practice before enrolling, or the school to
119 which the student has transferred ~~with approval of the district~~
120 ~~school board~~, in accordance with ~~the provisions of~~ s.
121 1006.20(2)(a).

122 (22) TRANSPORTATION.—

123 (a) *Transportation to school.*—Public school students shall
124 be provided transportation to school, in accordance with ~~the~~
125 ~~provisions of~~ s. 1006.21(3)(a). Public school students may be
126 provided transportation to school in accordance with the
127 controlled open enrollment provisions of s. 1002.31(2).



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128 (25) FISCAL TRANSPARENCY.—A parent has the right to know
129 the average amount of money estimated to be expended from all
130 local, state, and federal sources for the education of his or
131 her child, including operating and capital outlay expenses. By
132 December 31 of each year, the department shall publish on its
133 website from each school district’s annual financial report,
134 expenditures on a per FTE basis for general, special revenue,
135 debt service, and capital project funds and a total of such
136 expenditures. Fiduciary, enterprise, and internal service funds
137 may not be included. By December 31 of each year, each school
138 district shall publish the school district’s funding information
139 in the same format on its website. With the exception of
140 expenditures from debt service and capital project funds, the
141 same information regarding the specific school shall be made
142 available to students on each school’s website, provided to
143 parents in the school financial report, and published in the
144 student handbook or a similar publication.

145 Section 4. Section 1002.31, Florida Statutes, is amended to
146 read:

147 1002.31 Controlled open enrollment; Public school parental
148 choice.—

149 (1) As used in this section, “controlled open enrollment”
150 means a public education delivery system that allows school
151 districts to make student school assignments using parents’
152 indicated preferential educational ~~school~~ choice as a
153 significant factor.

154 (2) (a) Beginning by the 2017-2018 school year, as part of a
155 school district’s or charter school’s controlled open enrollment
156 process, and in addition to the existing public school choice



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157 programs provided in s. 1002.20(6)(a), each district school
158 board or charter school shall allow a parent from any school
159 district in the state whose child is not subject to a current
160 expulsion or suspension to enroll his or her child in and
161 transport his or her child to any public school, including
162 charter schools, that has not reached capacity in the district,
163 subject to the maximum class size pursuant to s. 1003.03 and s.
164 1, Art. IX of the State Constitution. The school district or
165 charter school shall accept the student, pursuant to that school
166 district's or charter school's controlled open enrollment
167 process, and report the student for purposes of the school
168 district's or charter school's funding pursuant to the Florida
169 Education Finance Program. A school district or charter school
170 may provide transportation to students described under this
171 section.

172 (b) Each school district and charter school capacity
173 determinations for its schools must be current and must be
174 identified on the school district and charter school's websites.
175 In determining the capacity of each district school, the
176 district school board shall incorporate the specifications,
177 plans, elements, and commitments contained in the school
178 district educational facilities plan and the long-term work
179 programs required under s. 1013.35. Each charter school
180 governing board shall determine capacity based upon its charter
181 school contract.

182 (c) Each district school board and charter school governing
183 board must provide preferential treatment in its controlled open
184 enrollment process to all of the following:

185 1. Dependent children of active duty military personnel



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186 whose move resulted from military orders.

187 2. Children who have been relocated due to a foster care
188 placement in a different school zone.

189 3. Children who move due to a court ordered change in
190 custody due to separation or divorce, or the serious illness or
191 death of a custodial parent.

192 4. Students residing in the school district.

193 (d) As part of its controlled open enrollment process, a
194 charter school must provide preferential treatment in its
195 controlled open enrollment participation process to the
196 enrollment limitations pursuant to s. 1002.33(10)(e)1., 2., 5.,
197 6., and 7, and may provide preferential treatment for the
198 enrollment preferences pursuant to s. 1002.33(10)(d)4.b., if
199 such special purposes are identified in the charter agreement.
200 Each charter school shall annually post on its website the
201 application process required to participate in controlled open
202 enrollment, consistent with this section and s. 1002.33.

203 (e) Students residing in the district, including charter
204 school students, may not be displaced by a student from another
205 district seeking enrollment under the controlled open enrollment
206 process.

207 (f) For purposes of continuity of educational choice, a
208 student who transfers pursuant to this section may remain at the
209 school chosen by the parent until the student completes the
210 highest grade level at the school ~~may offer controlled open~~
211 ~~enrollment within the public schools which is in addition to the~~
212 ~~existing choice programs such as virtual instruction programs,~~
213 ~~magnet schools, alternative schools, special programs, advanced~~
214 ~~placement, and dual enrollment.~~



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215 (3) Each district school board ~~offering controlled open~~
216 ~~enrollment~~ shall adopt by rule and post on its website the
217 process required to participate in controlled open enrollment.
218 The process a controlled open enrollment plan which must:
219 (a) Adhere to federal desegregation requirements.
220 (b) Allow ~~Include an application process required to~~
221 ~~participate in controlled open enrollment that allows~~ parents to
222 declare school preferences, including placement of siblings
223 within the same school.
224 (c) Provide a lottery procedure to determine student
225 assignment and establish an appeals process for hardship cases.
226 (d) Afford parents of students in multiple session schools
227 preferred access to controlled open enrollment.
228 (e) Maintain socioeconomic, demographic, and racial
229 balance.
230 (f) Address the availability of transportation.
231 (g) Maintain existing academic eligibility criteria for
232 public school choice programs pursuant to s. 1002.20 (6) (a).
233 (h) Identify schools that have not reached capacity, as
234 determined by the school district.
235 (i) Ensure that each district school board adopts a policy
236 to provide preferential treatment pursuant to paragraph (2) (c).
237 (4) In accordance with the reporting requirements of s.
238 1011.62, each district school board shall annually report the
239 number of students exercising public school choice, by type
240 ~~attending the various types of public schools of choice in the~~
241 ~~district, in accordance with including schools such as virtual~~
242 ~~instruction programs, magnet schools, and public charter~~
243 ~~schools, according to~~ rules adopted by the State Board of



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244 Education.

245 (5) For a school or program that is a public school of
246 choice under this section, the calculation for compliance with
247 maximum class size pursuant to s. 1003.03 is the average number
248 of students at the school level.

249 (6) (a) A school district or charter school may not delay
250 eligibility or otherwise prevent a student participating in
251 controlled open enrollment or a choice program from being
252 immediately eligible to participate in interscholastic and
253 intrascholastic extracurricular activities.

254 (b) A student may not participate in a sport if the student
255 participated in that same sport at another school during that
256 school year, unless the student meets one of the following
257 criteria:

258 1. Dependent children of active duty military personnel
259 whose move resulted from military orders.

260 2. Children who have been relocated due to a foster care
261 placement in a different school zone.

262 3. Children who move due to a court ordered change in
263 custody due to separation or divorce, or the serious illness or
264 death of a custodial parent.

265 4. Authorized for good cause in district or charter school
266 policy.

267 Section 5. Subsection (1), paragraph (a) of subsection (2),
268 paragraphs (a) and (b) of subsection (6), paragraphs (a) and (d)
269 of subsection (7), paragraphs (g), (n), and (p) of subsection
270 (9), paragraph (d) of subsection (10), paragraphs (b) and (e) of
271 subsection (17), paragraph (a) of subsection (18), and paragraph
272 (a) of subsection (20) of section 1002.33, Florida Statutes, are



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273 amended, and a new paragraph (g) is added to subsection (17) of
274 that section, to read:

275 1002.33 Charter schools.—

276 (1) AUTHORIZATION.—Charter schools shall be part of the
277 state's program of public education. All charter schools in
278 Florida are public schools. A charter school may be formed by
279 creating a new school or converting an existing public school to
280 charter status. A charter school may operate a virtual charter
281 school pursuant to s. 1002.45(1)(d) to provide full-time online
282 instruction to eligible students, pursuant to s. 1002.455, in
283 kindergarten through grade 12. An existing A charter school that
284 is seeking to become a virtual charter school must amend its
285 charter or submit a new application pursuant to subsection (6)
286 to become a virtual charter school. A virtual charter school is
287 subject to the requirements of this section; however, a virtual
288 charter school is exempt from subsections (18) and (19),
289 subparagraphs (20)(a)2., 4., 5., and 7., paragraph (20)(c), and
290 s. 1003.03. A public school may not use the term charter in its
291 name unless it has been approved under this section.

292 (2) GUIDING PRINCIPLES; PURPOSE.—

293 (a) Charter schools in Florida shall be guided by the
294 following principles:

295 1. Meet high standards of student achievement while
296 providing parents flexibility to choose among diverse
297 educational opportunities within the state's public school
298 system.

299 2. Promote enhanced academic success and financial
300 efficiency by aligning responsibility with accountability.

301 3. Provide parents with sufficient information on whether



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302 their child is reading at grade level and whether the child
303 gains at least a year's worth of learning for every year spent
304 in the charter school. For a student who exhibits a substantial
305 deficiency in reading, as determined by the charter school, the
306 school shall notify the parent of the deficiency, the intensive
307 interventions and supports used, and the student's progress in
308 accordance with s. 1008.25(5).

309 (6) APPLICATION PROCESS AND REVIEW.—Charter school
310 applications are subject to the following requirements:

311 (a) A person or entity seeking ~~wishing~~ to open a charter
312 school shall prepare and submit an application on a model
313 application form prepared by the Department of Education which:

314 1. Demonstrates how the school will use the guiding
315 principles and meet the statutorily defined purpose of a charter
316 school.

317 2. Provides a detailed curriculum plan that illustrates how
318 students will be provided services to attain the Sunshine State
319 Standards.

320 3. Contains goals and objectives for improving student
321 learning and measuring that improvement. These goals and
322 objectives must indicate how much academic improvement students
323 are expected to show each year, how success will be evaluated,
324 and the specific results to be attained through instruction.

325 4. Describes the reading curriculum and differentiated
326 strategies that will be used for students reading at grade level
327 or higher and a separate curriculum and strategies for students
328 who are reading below grade level. A sponsor shall deny an
329 application ~~a charter~~ if the school does not propose a reading
330 curriculum that is evidence-based and includes explicit,



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331 systematic, and multisensory reading instructional strategies;
332 however, a sponsor may not require the charter school to
333 implement the reading plan adopted by the school district
334 pursuant to s. 1011.62(9) ~~consistent with effective teaching~~
335 ~~strategies that are grounded in scientifically based reading~~
336 ~~research.~~

337 5. Contains an annual financial plan for each year
338 requested by the charter for operation of the school for up to 5
339 years. This plan must contain anticipated fund balances based on
340 revenue projections, a spending plan based on projected revenues
341 and expenses, and a description of controls that will safeguard
342 finances and projected enrollment trends.

343 6. Discloses the name of each applicant, governing board
344 member, and all proposed education services providers; the name
345 and sponsor of any charter school operated by each applicant,
346 each governing board member, and each proposed education
347 services provider that has closed and the reasons for the
348 closure; and the academic and financial history of such charter
349 schools, which the sponsor shall consider in deciding whether to
350 approve or deny the application.

351 ~~7.6.~~ Contains additional information a sponsor may require,
352 which shall be attached as an addendum to the charter school
353 application described in this paragraph.

354 ~~8.7.~~ For the establishment of a virtual charter school,
355 documents that the applicant has contracted with a provider of
356 virtual instruction services pursuant to s. 1002.45(1)(d).

357 (b) A sponsor shall receive and review all applications for
358 a charter school using the ~~an~~ evaluation instrument developed by
359 the Department of Education. A sponsor shall receive and



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360 consider charter school applications received on or before
361 August 1 of each calendar year for charter schools to be opened
362 at the beginning of the school district's next school year, or
363 to be opened at a time agreed to by the applicant and the
364 sponsor. A sponsor may not refuse to receive a charter school
365 application submitted before August 1 and may receive an
366 application submitted later than August 1 if it chooses. In
367 order to facilitate greater collaboration in the application
368 process, an applicant may submit a draft charter school
369 application on or before May 1 with an application fee of \$500.
370 If a draft application is timely submitted, the sponsor shall
371 review and provide feedback as to material deficiencies in the
372 application by July 1. The applicant shall then have until
373 August 1 to resubmit a revised and final application. The
374 sponsor may approve the draft application. Except as provided
375 for a draft application, a sponsor may not charge an applicant
376 for a charter any fee for the processing or consideration of an
377 application, and a sponsor may not base its consideration or
378 approval of a final application upon the promise of future
379 payment of any kind. Before approving or denying any final
380 application, the sponsor shall allow the applicant, upon receipt
381 of written notification, at least 7 calendar days to make
382 technical or nonsubstantive corrections and clarifications,
383 including, but not limited to, corrections of grammatical,
384 typographical, and like errors or missing signatures, if such
385 errors are identified by the sponsor as cause to deny the final
386 application.

387 1. In order to facilitate an accurate budget projection
388 process, a sponsor shall be held harmless for FTE students who



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389 are not included in the FTE projection due to approval of
390 charter school applications after the FTE projection deadline.
391 In a further effort to facilitate an accurate budget projection,
392 within 15 calendar days after receipt of a charter school
393 application, a sponsor shall report to the Department of
394 Education the name of the applicant entity, the proposed charter
395 school location, and its projected FTE.

396 2. In order to ensure fiscal responsibility, an application
397 for a charter school shall include a full accounting of expected
398 assets, a projection of expected sources and amounts of income,
399 including income derived from projected student enrollments and
400 from community support, and an expense projection that includes
401 full accounting of the costs of operation, including start-up
402 costs.

403 3.a. A sponsor shall by a majority vote approve or deny an
404 application no later than 60 calendar days after the application
405 is received, unless the sponsor and the applicant mutually agree
406 in writing to temporarily postpone the vote to a specific date,
407 at which time the sponsor shall by a majority vote approve or
408 deny the application. If the sponsor fails to act on the
409 application, an applicant may appeal to the State Board of
410 Education as provided in paragraph (c). If an application is
411 denied, the sponsor shall, within 10 calendar days after such
412 denial, articulate in writing the specific reasons, based upon
413 good cause, supporting its denial of the ~~charter~~ application and
414 shall provide the letter of denial and supporting documentation
415 to the applicant and to the Department of Education.

416 b. An application submitted by a high-performing charter
417 school identified pursuant to s. 1002.331 may be denied by the



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418 sponsor only if the sponsor demonstrates by clear and convincing
419 evidence that:

420 (I) The application does not materially comply with the
421 requirements in paragraph (a);

422 (II) The charter school proposed in the application does
423 not materially comply with the requirements in paragraphs
424 (9) (a) - (f);

425 (III) The proposed charter school's educational program
426 does not substantially replicate that of the applicant or one of
427 the applicant's high-performing charter schools;

428 (IV) The applicant has made a material misrepresentation or
429 false statement or concealed an essential or material fact
430 during the application process; or

431 (V) The proposed charter school's educational program and
432 financial management practices do not materially comply with the
433 requirements of this section.

434
435 Material noncompliance is a failure to follow requirements or a
436 violation of prohibitions applicable to charter school
437 applications, which failure is quantitatively or qualitatively
438 significant either individually or when aggregated with other
439 noncompliance. An applicant is considered to be replicating a
440 high-performing charter school if the proposed school is
441 substantially similar to at least one of the applicant's high-
442 performing charter schools and the organization or individuals
443 involved in the establishment and operation of the proposed
444 school are significantly involved in the operation of replicated
445 schools.

446 c. If the sponsor denies an application submitted by a



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447 high-performing charter school, the sponsor must, within 10
448 calendar days after such denial, state in writing the specific
449 reasons, based upon the criteria in sub-subparagraph b.,
450 supporting its denial of the application and must provide the
451 letter of denial and supporting documentation to the applicant
452 and to the Department of Education. The applicant may appeal the
453 sponsor's denial of the application directly to the State Board
454 of Education and, if an appeal is filed, must provide a copy of
455 the appeal to the sponsor pursuant to paragraph (c) ~~sub-~~
456 subparagraph ~~(c)3.b.~~

457 4. For budget projection purposes, the sponsor shall report
458 to the Department of Education the approval or denial of an a
459 ~~charter~~ application within 10 calendar days after such approval
460 or denial. In the event of approval, the report to the
461 Department of Education shall include the final projected FTE
462 for the approved charter school.

463 5. Upon approval of an a ~~charter~~ application, the initial
464 startup shall commence with the beginning of the public school
465 calendar for the district in which the charter is granted unless
466 the sponsor allows a waiver of this subparagraph for good cause.

467 (7) CHARTER.—The major issues involving the operation of a
468 charter school shall be considered in advance and written into
469 the charter. The charter shall be signed by the governing board
470 of the charter school and the sponsor, following a public
471 hearing to ensure community input.

472 (a) The charter shall address and criteria for approval of
473 the charter shall be based on:

474 1. The school's mission, the students to be served, and the
475 ages and grades to be included.



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476 2. The focus of the curriculum, the instructional methods
477 to be used, any distinctive instructional techniques to be
478 employed, and identification and acquisition of appropriate
479 technologies needed to improve educational and administrative
480 performance which include a means for promoting safe, ethical,
481 and appropriate uses of technology which comply with legal and
482 professional standards.

483 a. The charter shall ensure that reading is a primary focus
484 of the curriculum and that resources are provided to identify
485 and provide specialized instruction for students who are reading
486 below grade level. The curriculum and instructional strategies
487 for reading must be consistent with the Next Generation Sunshine
488 State Standards and evidence-based ~~grounded in scientifically~~
489 ~~based reading research~~.

490 b. In order to provide students with access to diverse
491 instructional delivery models, to facilitate the integration of
492 technology within traditional classroom instruction, and to
493 provide students with the skills they need to compete in the
494 21st century economy, the Legislature encourages instructional
495 methods for blended learning courses consisting of both
496 traditional classroom and online instructional techniques.
497 Charter schools may implement blended learning courses which
498 combine traditional classroom instruction and virtual
499 instruction. Students in a blended learning course must be full-
500 time students of the charter school and receive the online
501 instruction in a classroom setting at the charter school.
502 Instructional personnel certified pursuant to s. 1012.55 who
503 provide virtual instruction for blended learning courses may be
504 employees of the charter school or may be under contract to



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505 provide instructional services to charter school students. At a
506 minimum, such instructional personnel must hold an active state
507 or school district adjunct certification under s. 1012.57 for
508 the subject area of the blended learning course. The funding and
509 performance accountability requirements for blended learning
510 courses are the same as those for traditional courses.

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

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

517 b. How these baseline rates will be compared to rates of
518 academic progress achieved by these same students while
519 attending the charter school.

520 c. To the extent possible, how these rates of progress will
521 be evaluated and compared with rates of progress of other
522 closely comparable student populations.

523
524 The district school board is required to provide academic
525 student performance data to charter schools for each of their
526 students coming from the district school system, as well as
527 rates of academic progress of comparable student populations in
528 the district school system.

529 4. The methods used to identify the educational strengths
530 and needs of students and how well educational goals and
531 performance standards are met by students attending the charter
532 school. The methods shall provide a means for the charter school
533 to ensure accountability to its constituents by analyzing



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534 student performance data and by evaluating the effectiveness and
535 efficiency of its major educational programs. Students in
536 charter schools shall, at a minimum, participate in the
537 statewide assessment program created under s. 1008.22.

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

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

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

546 8. The ways by which the school will achieve a
547 racial/ethnic balance reflective of the community it serves or
548 within the racial/ethnic range of other public schools in the
549 same school district.

550 9. The financial and administrative management of the
551 school, including a reasonable demonstration of the professional
552 experience or competence of those individuals or organizations
553 applying to operate the charter school or those hired or
554 retained to perform such professional services and the
555 description of clearly delineated responsibilities and the
556 policies and practices needed to effectively manage the charter
557 school. A description of internal audit procedures and
558 establishment of controls to ensure that financial resources are
559 properly managed must be included. Both public sector and
560 private sector professional experience shall be equally valid in
561 such a consideration.

562 10. The asset and liability projections required in the



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563 application which are incorporated into the charter and shall be
564 compared with information provided in the annual report of the
565 charter school.

566 11. A description of procedures that identify various risks
567 and provide for a comprehensive approach to reduce the impact of
568 losses; plans to ensure the safety and security of students and
569 staff; plans to identify, minimize, and protect others from
570 violent or disruptive student behavior; and the manner in which
571 the school will be insured, including whether or not the school
572 will be required to have liability insurance, and, if so, the
573 terms and conditions thereof and the amounts of coverage.

574 12. The term of the charter which shall provide for
575 cancellation of the charter if insufficient progress has been
576 made in attaining the student achievement objectives of the
577 charter and if it is not likely that such objectives can be
578 achieved before expiration of the charter. The initial term of a
579 charter shall be for 4 or 5 years. In order to facilitate access
580 to long-term financial resources for charter school
581 construction, charter schools that are operated by a
582 municipality or other public entity as provided by law are
583 eligible for up to a 15-year charter, subject to approval by the
584 district school board. A charter lab school is eligible for a
585 charter for a term of up to 15 years. In addition, to facilitate
586 access to long-term financial resources for charter school
587 construction, charter schools that are operated by a private,
588 not-for-profit, s. 501(c)(3) status corporation are eligible for
589 up to a 15-year charter, subject to approval by the district
590 school board. Such long-term charters remain subject to annual
591 review and may be terminated during the term of the charter, but



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592 only according to the provisions set forth in subsection (8).

593 13. The facilities to be used and their location. The
594 sponsor may not require a charter school to have a certificate
595 of occupancy or a temporary certificate of occupancy for such a
596 facility earlier than 15 calendar days before the first day of
597 school.

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

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

604 16. A timetable for implementing the charter which
605 addresses the implementation of each element thereof and the
606 date by which the charter shall be awarded in order to meet this
607 timetable.

608 17. In the case of an existing public school that is being
609 converted to charter status, alternative arrangements for
610 current students who choose not to attend the charter school and
611 for current teachers who choose not to teach in the charter
612 school after conversion in accordance with the existing
613 collective bargaining agreement or district school board rule in
614 the absence of a collective bargaining agreement. However,
615 alternative arrangements shall not be required for current
616 teachers who choose not to teach in a charter lab school, except
617 as authorized by the employment policies of the state university
618 which grants the charter to the lab school.

619 18. Full disclosure of the identity of all relatives
620 employed by the charter school who are related to the charter



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621 school owner, president, chairperson of the governing board of
622 directors, superintendent, governing board member, principal,
623 assistant principal, or any other person employed by the charter
624 school who has equivalent decisionmaking authority. For the
625 purpose of this subparagraph, the term "relative" means father,
626 mother, son, daughter, brother, sister, uncle, aunt, first
627 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
628 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
629 stepfather, stepmother, stepson, stepdaughter, stepbrother,
630 stepsister, half brother, or half sister.

631 19. Implementation of the activities authorized under s.
632 1002.331 by the charter school when it satisfies the eligibility
633 requirements for a high-performing charter school. A high-
634 performing charter school shall notify its sponsor in writing by
635 March 1 if it intends to increase enrollment or expand grade
636 levels the following school year. The written notice shall
637 specify the amount of the enrollment increase and the grade
638 levels that will be added, as applicable.

639 (d)1. A charter may be terminated by a charter school's
640 governing board through voluntary closure. The decision to cease
641 operations must be determined at a public meeting. The governing
642 board shall notify the parents and sponsor of the public meeting
643 in writing before the public meeting. The governing board must
644 notify the sponsor, parents of enrolled students, and the
645 department in writing within 24 hours after the public meeting
646 of its determination. The notice shall state the charter
647 school's intent to continue operations or the reason for the
648 closure and acknowledge that the governing board agrees to
649 follow the procedures for dissolution and reversion of public



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650 ~~funds pursuant to paragraphs (8) (e)-(g) and (9) (o) Each charter~~
651 ~~school's governing board must appoint a representative to~~
652 ~~facilitate parental involvement, provide access to information,~~
653 ~~assist parents and others with questions and concerns, and~~
654 ~~resolve disputes. The representative must reside in the school~~
655 ~~district in which the charter school is located and may be a~~
656 ~~governing board member, charter school employee, or individual~~
657 ~~contracted to represent the governing board. If the governing~~
658 ~~board oversees multiple charter schools in the same school~~
659 ~~district, the governing board must appoint a separate individual~~
660 ~~representative for each charter school in the district. The~~
661 ~~representative's contact information must be provided annually~~
662 ~~in writing to parents and posted prominently on the charter~~
663 ~~school's website if a website is maintained by the school. The~~
664 ~~sponsor may not require that governing board members reside in~~
665 ~~the school district in which the charter school is located if~~
666 ~~the charter school complies with this paragraph.~~

667 ~~2. Each charter school's governing board must hold at least~~
668 ~~two public meetings per school year in the school district. The~~
669 ~~meetings must be noticed, open, and accessible to the public,~~
670 ~~and attendees must be provided an opportunity to receive~~
671 ~~information and provide input regarding the charter school's~~
672 ~~operations. The appointed representative and charter school~~
673 ~~principal or director, or his or her equivalent, must be~~
674 ~~physically present at each meeting.~~

675 (9) CHARTER SCHOOL REQUIREMENTS.—

676 (g)1. In order to provide financial information that is
677 comparable to that reported for other public schools, charter
678 schools are to maintain all financial records that constitute



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679 their accounting system:

680 a. In accordance with the accounts and codes prescribed in
681 the most recent issuance of the publication titled "Financial
682 and Program Cost Accounting and Reporting for Florida Schools";
683 or

684 b. At the discretion of the charter school's governing
685 board, a charter school may elect to follow generally accepted
686 accounting standards for not-for-profit organizations, but must
687 reformat this information for reporting according to this
688 paragraph.

689 2. Charter schools shall provide annual financial report
690 and program cost report information in the state-required
691 formats for inclusion in district reporting in compliance with
692 s. 1011.60(1). Charter schools that are operated by a
693 municipality or are a component unit of a parent nonprofit
694 organization may use the accounting system of the municipality
695 or the parent but must reformat this information for reporting
696 according to this paragraph.

697 3. A charter school shall, upon approval of the charter
698 contract, provide the sponsor with a concise, uniform, monthly
699 financial statement summary sheet that contains a balance sheet
700 and a statement of revenue, expenditures, and changes in fund
701 balance. The balance sheet and the statement of revenue,
702 expenditures, and changes in fund balance shall be in the
703 governmental funds format prescribed by the Governmental
704 Accounting Standards Board. A high-performing charter school
705 pursuant to s. 1002.331 may provide a quarterly financial
706 statement in the same format and requirements as the uniform
707 monthly financial statement summary sheet. The sponsor shall



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708 review each monthly or quarterly financial statement to identify
709 the existence of any conditions identified in s. 1002.345(1)(a).

710 4. A charter school shall maintain and provide financial
711 information as required in this paragraph. The financial
712 statement required in subparagraph 3. must be in a form
713 prescribed by the Department of Education.

714 (n)1. The director and a representative of the governing
715 board of a charter school that has earned a grade of "D" or "F"
716 pursuant to s. 1008.34 shall appear before the sponsor to
717 present information concerning each contract component having
718 noted deficiencies. The director and a representative of the
719 governing board shall submit to the sponsor for approval a
720 school improvement plan to raise student performance. Upon
721 approval by the sponsor, the charter school shall begin
722 implementation of the school improvement plan. The department
723 shall offer technical assistance and training to the charter
724 school and its governing board and establish guidelines for
725 developing, submitting, and approving such plans.

726 2.a. If a charter school earns three consecutive grades of
727 "D," two consecutive grades of "D" followed by a grade of "F,"
728 or two nonconsecutive grades of "F" within a 3-year period, the
729 charter school governing board shall choose one of the following
730 corrective actions:

731 (I) Contract for educational services to be provided
732 directly to students, instructional personnel, and school
733 administrators, as prescribed in state board rule;

734 (II) Contract with an outside entity that has a
735 demonstrated record of effectiveness to operate the school;

736 (III) Reorganize the school under a new director or



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737 principal who is authorized to hire new staff; or

738 (IV) Voluntarily close the charter school.

739 b. The charter school must implement the corrective action
740 in the school year following receipt of a third consecutive
741 grade of "D," a grade of "F" following two consecutive grades of
742 "D," or a second nonconsecutive grade of "F" within a 3-year
743 period.

744 c. The sponsor may annually waive a corrective action if it
745 determines that the charter school is likely to improve a letter
746 grade if additional time is provided to implement the
747 intervention and support strategies prescribed by the school
748 improvement plan. Notwithstanding this sub-subparagraph, a
749 charter school that earns a second consecutive grade of "F" is
750 subject to subparagraph 4.

751 d. A charter school is no longer required to implement a
752 corrective action if it improves by at least one letter grade.
753 However, the charter school must continue to implement
754 strategies identified in the school improvement plan. The
755 sponsor must annually review implementation of the school
756 improvement plan to monitor the school's continued improvement
757 pursuant to subparagraph 5.

758 e. A charter school implementing a corrective action that
759 does not improve by at least one letter grade after 2 full
760 school years of implementing the corrective action must select a
761 different corrective action. Implementation of the new
762 corrective action must begin in the school year following the
763 implementation period of the existing corrective action, unless
764 the sponsor determines that the charter school is likely to
765 improve a letter grade if additional time is provided to



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766 implement the existing corrective action. Notwithstanding this
767 sub-subparagraph, a charter school that earns a second
768 consecutive grade of "F" while implementing a corrective action
769 is subject to subparagraph 4.

770 3. A charter school with a grade of "D" or "F" that
771 improves by at least one letter grade must continue to implement
772 the strategies identified in the school improvement plan. The
773 sponsor must annually review implementation of the school
774 improvement plan to monitor the school's continued improvement
775 pursuant to subparagraph 5.

776 4. A charter school's charter contract is automatically
777 terminated if the school earns two consecutive grades of "F"
778 after all school grade appeals are final ~~The sponsor shall~~
779 ~~terminate a charter if the charter school earns two consecutive~~
780 ~~grades of "F" unless:~~

781 a. The charter school is established to turn around the
782 performance of a district public school pursuant to s.
783 1008.33(4)(b)3. Such charter schools shall be governed by s.
784 1008.33;

785 b. The charter school serves a student population the
786 majority of which resides in a school zone served by a district
787 public school that earned a grade of "F" in the year before the
788 charter school opened and the charter school earns at least a
789 grade of "D" in its third year of operation. The exception
790 provided under this sub-subparagraph does not apply to a charter
791 school in its fourth year of operation and thereafter; or

792 c. The state board grants the charter school a waiver of
793 termination. The charter school must request the waiver within
794 15 days after the department's official release of school



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795 grades. The state board may waive termination if the charter
796 school demonstrates that the Learning Gains of its students on
797 statewide assessments are comparable to or better than the
798 Learning Gains of similarly situated students enrolled in nearby
799 district public schools. The waiver is valid for 1 year and may
800 only be granted once. Charter schools that have been in
801 operation for more than 5 years are not eligible for a waiver
802 under this sub-subparagraph.

803
804 The sponsor shall notify the charter school's governing board,
805 the charter school principal, and the department in writing when
806 a charter contract is terminated under this subparagraph. The
807 letter of termination must meet the requirements of paragraph
808 (8) (c). A charter terminated under this subparagraph must follow
809 the procedures for dissolution and reversion of public funds
810 pursuant to paragraphs (8) (e)-(g) and (9) (o).

811 5. The director and a representative of the governing board
812 of a graded charter school that has implemented a school
813 improvement plan under this paragraph shall appear before the
814 sponsor at least once a year to present information regarding
815 the progress of intervention and support strategies implemented
816 by the school pursuant to the school improvement plan and
817 corrective actions, if applicable. The sponsor shall communicate
818 at the meeting, and in writing to the director, the services
819 provided to the school to help the school address its
820 deficiencies.

821 6. Notwithstanding any provision of this paragraph except
822 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter
823 at any time pursuant to subsection (8).



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824 (p)1. Each charter school shall maintain a website that
825 enables the public to obtain information regarding the school;
826 the school's academic performance; the names of the governing
827 board members; the programs at the school; any management
828 companies, service providers, or education management
829 corporations associated with the school; the school's annual
830 budget and its annual independent fiscal audit; the school's
831 grade pursuant to s. 1008.34; and, on a quarterly basis, the
832 minutes of governing board meetings.

833 2. Each charter school's governing board must appoint a
834 representative to facilitate parental involvement, provide
835 access to information, assist parents and others with questions
836 and concerns, and resolve disputes. The representative must
837 reside in the school district in which the charter school is
838 located and may be a governing board member, a charter school
839 employee, or an individual contracted to represent the governing
840 board. If the governing board oversees multiple charter schools
841 in the same school district, the governing board must appoint a
842 separate representative for each charter school in the district.
843 The representative's contact information must be provided
844 annually in writing to parents and posted prominently on the
845 charter school's website. The sponsor may not require governing
846 board members to reside in the school district in which the
847 charter school is located if the charter school complies with
848 this subparagraph.

849 3. Each charter school's governing board must hold at least
850 two public meetings per school year in the school district where
851 the charter school is located. The meetings must be noticed,
852 open, and accessible to the public, and attendees must be



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853 provided an opportunity to receive information and provide input
854 regarding the charter school's operations. The appointed
855 representative and charter school principal or director, or his
856 or her designee, must be physically present at each meeting.
857 Members of the governing board may attend in person or by means
858 of communications media technology used in accordance with rules
859 adopted by the Administration Commission under s. 120.54(5).

860 (10) ELIGIBLE STUDENTS.—

861 (d) A charter school may give enrollment preference to the
862 following student populations:

863 1. Students who are siblings of a student enrolled in the
864 charter school.

865 2. Students who are the children of a member of the
866 governing board of the charter school.

867 3. Students who are the children of an employee of the
868 charter school.

869 4. Students who are the children of:

870 a. An employee of the business partner of a charter school-
871 in-the-workplace established under paragraph (15)(b) or a
872 resident of the municipality in which such charter school is
873 located; or

874 b. A resident or employee of a municipality that operates a
875 charter school-in-a-municipality pursuant to paragraph (15)(c)
876 or allows a charter school to use a school facility or portion
877 of land provided by the municipality for the operation of the
878 charter school.

879 5. Students who have successfully completed a voluntary
880 prekindergarten education program under ss. 1002.51-1002.79
881 provided by the charter school or the charter school's governing



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882 board during the previous year.

883 6. Students who are the children of an active duty member
884 of any branch of the United States Armed Forces.

885 7. Students who attended or are assigned to failing schools
886 pursuant to s. 1002.38(2).

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

892 (b) The basis for the agreement for funding students
893 enrolled in a charter school shall be the sum of the school
894 district's operating funds from the Florida Education Finance
895 Program as provided in s. 1011.62 and the General Appropriations
896 Act, including gross state and local funds, discretionary
897 lottery funds, and funds from the school district's current
898 operating discretionary millage levy; divided by total funded
899 weighted full-time equivalent students in the school district;
900 multiplied by the weighted full-time equivalent students for the
901 charter school. Charter schools whose students or programs meet
902 the eligibility criteria in law are entitled to their
903 proportionate share of categorical program funds included in the
904 total funds available in the Florida Education Finance Program
905 by the Legislature, including transportation, the research-based
906 reading allocation, and the Florida digital classrooms
907 allocation. Total funding for each charter school shall be
908 recalculated during the year to reflect the revised calculations
909 under the Florida Education Finance Program by the state and the
910 actual weighted full-time equivalent students reported by the



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911 charter school during the full-time equivalent student survey
912 periods designated by the Commissioner of Education.

913 (e) District school boards shall make timely and efficient
914 payment and reimbursement to charter schools, including
915 processing paperwork required to access special state and
916 federal funding for which they may be eligible. Payments of
917 funds under paragraph (b) shall be made monthly or twice a
918 month, beginning with the start of the district school board's
919 fiscal year. Each payment shall be one-twelfth, or one twenty-
920 fourth, as applicable, of the total state and local funds
921 described in paragraph (b) and adjusted as set forth therein.
922 For the first 2 years of a charter school's operation, if a
923 minimum of 75 percent of the projected enrollment is entered
924 into the sponsor's student information system by the first day
925 of the current month, the district school board shall may
926 distribute funds to the a charter school for the up to 3 months
927 of July through October based on the projected full-time
928 equivalent student membership of the charter school as submitted
929 in the approved application. If less than 75 percent of the
930 projected enrollment is entered into the sponsor's student
931 information system by the first day of the current month, the
932 sponsor shall base payments on the actual number of student
933 enrollment entered into the sponsor's student information
934 system. Thereafter, the results of full-time equivalent student
935 membership surveys shall be used in adjusting the amount of
936 funds distributed monthly to the charter school for the
937 remainder of the fiscal year. The payments payment shall be
938 issued no later than 10 working days after the district school
939 board receives a distribution of state or federal funds or the



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940 date the payment is due pursuant to this subsection. If a
941 warrant for payment is not issued within 10 working days after
942 receipt of funding by the district school board, the school
943 district shall pay to the charter school, in addition to the
944 amount of the scheduled disbursement, interest at a rate of 1
945 percent per month calculated on a daily basis on the unpaid
946 balance from the expiration of the 10 working days until such
947 time as the warrant is issued. The district school board may not
948 delay payment to a charter school of any portion of the funds
949 provided in paragraph (b) based on the timing of receipt of
950 local funds by the district school board.

951 (g) To be eligible for public education capital outlay
952 (PECO) funds, a charter school must be located in the State of
953 Florida.

954 (18) FACILITIES.—

955 (a) A startup charter school shall utilize facilities which
956 comply with the Florida Building Code pursuant to chapter 553
957 except for the State Requirements for Educational Facilities.
958 Conversion charter schools shall utilize facilities that comply
959 with the State Requirements for Educational Facilities provided
960 that the school district and the charter school have entered
961 into a mutual management plan for the reasonable maintenance of
962 such facilities. The mutual management plan shall contain a
963 provision by which the district school board agrees to maintain
964 charter school facilities in the same manner as its other public
965 schools within the district. Charter schools, with the exception
966 of conversion charter schools, are not required to comply, but
967 may choose to comply, with the State Requirements for
968 Educational Facilities of the Florida Building Code adopted



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969 pursuant to s. 1013.37. The local governing authority shall not
970 adopt or impose any local building requirements or site-
971 development restrictions, such as parking and site-size
972 criteria, that are addressed by and more stringent than those
973 found in the State Requirements for Educational Facilities of
974 the Florida Building Code. ~~Beginning July 1, 2011,~~ A local
975 governing authority must treat charter schools equitably in
976 comparison to similar requirements, restrictions, and site
977 planning processes imposed upon public schools that are not
978 charter schools. The agency having jurisdiction for inspection
979 of a facility and issuance of a certificate of occupancy or use
980 shall be the local municipality or, if in an unincorporated
981 area, the county governing authority. If an official or employee
982 of the local governing authority refuses to comply with this
983 paragraph, the aggrieved school or entity has an immediate right
984 to bring an action in circuit court to enforce its rights by
985 injunction. An aggrieved party that receives injunctive relief
986 may be awarded attorney fees and court costs.

987 (20) SERVICES.—

988 (a)1. A sponsor shall provide certain administrative and
989 educational services to charter schools. These services shall
990 include contract management services; full-time equivalent and
991 data reporting services; exceptional student education
992 administration services; services related to eligibility and
993 reporting duties required to ensure that school lunch services
994 under the federal lunch program, consistent with the needs of
995 the charter school, are provided by the school district at the
996 request of the charter school, that any funds due to the charter
997 school under the federal lunch program be paid to the charter



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998 school as soon as the charter school begins serving food under
999 the federal lunch program, and that the charter school is paid
1000 at the same time and in the same manner under the federal lunch
1001 program as other public schools serviced by the sponsor or the
1002 school district; test administration services, including payment
1003 of the costs of state-required or district-required student
1004 assessments; processing of teacher certificate data services;
1005 and information services, including equal access to student
1006 information systems that are used by public schools in the
1007 district in which the charter school is located. Student
1008 performance data for each student in a charter school,
1009 including, but not limited to, FCAT scores, standardized test
1010 scores, previous public school student report cards, and student
1011 performance measures, shall be provided by the sponsor to a
1012 charter school in the same manner provided to other public
1013 schools in the district.

1014 2. A total administrative fee for the provision of such
1015 services shall be calculated based upon up to 5 percent of the
1016 available funds defined in paragraph (17) (b) for all students,
1017 except that when 75 percent or more of the students enrolled in
1018 the charter school are exceptional students as defined in s.
1019 1003.01(3), the 5 percent of those available funds shall be
1020 calculated based on unweighted full-time equivalent students.
1021 However, a sponsor may only withhold up to a 5-percent
1022 administrative fee for enrollment for up to and including 250
1023 students. For charter schools with a population of 251 or more
1024 students, the difference between the total administrative fee
1025 calculation and the amount of the administrative fee withheld
1026 may only be used for capital outlay purposes specified in s.



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1027 1013.62(3) ~~s. 1013.62(2)~~.

1028 3. For high-performing charter schools, as defined in s.
1029 1002.331 ~~ch. 2011-232~~, a sponsor may withhold a total
1030 administrative fee of up to 2 percent for enrollment up to and
1031 including 250 students per school.

1032 4. In addition, a sponsor may withhold only up to a 5-
1033 percent administrative fee for enrollment for up to and
1034 including 500 students within a system of charter schools which
1035 meets all of the following:

1036 a. Includes both conversion charter schools and
1037 nonconversion charter schools;

1038 b. Has all schools located in the same county;

1039 c. Has a total enrollment exceeding the total enrollment of
1040 at least one school district in the state;

1041 d. Has the same governing board; and

1042 e. Does not contract with a for-profit service provider for
1043 management of school operations.

1044 5. The difference between the total administrative fee
1045 calculation and the amount of the administrative fee withheld
1046 pursuant to subparagraph 4. may be used for instructional and
1047 administrative purposes as well as for capital outlay purposes
1048 specified in s. 1013.62(3) ~~s. 1013.62(2)~~.

1049 6. For a high-performing charter school system that also
1050 meets the requirements in subparagraph 4., a sponsor may
1051 withhold a 2-percent administrative fee for enrollments up to
1052 and including 500 students per system.

1053 7. Sponsors shall not charge charter schools any additional
1054 fees or surcharges for administrative and educational services
1055 in addition to the maximum 5-percent administrative fee withheld



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1056 pursuant to this paragraph.

1057 8. The sponsor of a virtual charter school may withhold a
1058 fee of up to 5 percent. The funds shall be used to cover the
1059 cost of services provided under subparagraph 1. and
1060 implementation of the school district's digital classrooms plan
1061 pursuant to s. 1011.62.

1062 Section 6. Section 1001.66, Florida Statutes, is created to
1063 read:

1064 1001.66 Florida College System Performance-Based
1065 Incentive.-

1066 (1) A Florida College System Performance-Based Incentive
1067 shall be awarded to Florida College System institutions using
1068 performance-based metrics adopted by the State Board of
1069 Education. The performance-based metrics must include retention
1070 rates; program completion and graduation rates; postgraduation
1071 employment, salaries, and continuing education for workforce
1072 education and baccalaureate programs, with wage thresholds that
1073 reflect the added value of the certificate or degree; and
1074 outcome measures appropriate for associate of arts degree
1075 recipients. The state board shall adopt benchmarks to evaluate
1076 each institution's performance on the metrics to measure the
1077 institution's achievement of institutional excellence or need
1078 for improvement and minimum requirements for eligibility to
1079 receive performance funding.

1080 (2) Each fiscal year, the amount of funds available for
1081 allocation to the Florida College System institutions based on
1082 the performance-based funding model shall consist of the state's
1083 investment in performance funding plus institutional investments
1084 consisting of funds to be redistributed from the base funding of



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1085 the Florida College System Program Fund as determined in the
1086 General Appropriations Act. The State Board of Education shall
1087 establish minimum performance funding eligibility thresholds for
1088 the state's investment and the institutional investments. An
1089 institution that fails to meet the minimum state investment
1090 performance funding eligibility threshold is ineligible for a
1091 share of the state's investment in performance funding. The
1092 institutional investment shall be restored for all institutions
1093 eligible for the state's investment under the performance-based
1094 funding model.

1095 (3) (a) Each Florida College System institution's share of
1096 the performance funding shall be calculated based on its
1097 relative performance on the established metrics in conjunction
1098 with the institutional size and scope.

1099 (b) A Florida College System institution that fails to meet
1100 the State Board of Education's minimum institutional investment
1101 performance funding eligibility threshold shall have a portion
1102 of its institutional investment withheld by the state board and
1103 must submit an improvement plan to the state board which
1104 specifies the activities and strategies for improving the
1105 institution's performance. The state board must review and
1106 approve the improvement plan and, if the plan is approved, must
1107 monitor the institution's progress in implementing the
1108 activities and strategies specified in the improvement plan. The
1109 institution shall submit monitoring reports to the state board
1110 by December 31 and May 31 of each year in which an improvement
1111 plan is in place. Beginning in the 2017-2018 fiscal year, the
1112 ability of an institution to submit an improvement plan to the
1113 state board is limited to 1 fiscal year.



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1114 (c) The Commissioner of Education shall withhold
1115 disbursement of the institutional investment until the
1116 monitoring report is approved by the State Board of Education. A
1117 Florida College System institution determined by the state board
1118 to be making satisfactory progress on implementing the
1119 improvement plan shall receive no more than one-half of the
1120 withheld institutional investment in January and the balance of
1121 the withheld institutional investment in June. An institution
1122 that fails to make satisfactory progress may not have its full
1123 institutional investment restored. Any institutional investment
1124 funds that are not restored shall be redistributed in accordance
1125 with the state board's performance-based metrics.

1126 (4) Distributions of performance funding, as provided in
1127 this section, shall be made to each of the Florida College
1128 System institutions listed in the Florida Colleges category in
1129 the General Appropriations Act.

1130 (5) By October 1 of each year, the State Board of Education
1131 shall submit to the Governor, the President of the Senate, and
1132 the Speaker of the House of Representatives a report on the
1133 previous fiscal year's performance funding allocation, which
1134 must reflect the rankings and award distributions.

1135 (6) The State Board of Education shall adopt rules to
1136 administer this section.

1137 Section 7. Section 1001.92, Florida Statutes, is amended to
1138 read:

1139 1001.92 State University System Performance-Based
1140 Incentive.—

1141 (1) A State University System Performance-Based Incentive
1142 shall be awarded to state universities using performance-based



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1143 metrics adopted by the Board of Governors of the State
1144 University System. The performance-based metrics must include
1145 graduation rates;~~;~~ retention rates;~~;~~ postgraduation education
1146 rates;~~;~~ degree production;~~;~~ affordability;~~;~~ postgraduation
1147 employment and salaries, including wage thresholds that reflect
1148 the added value of a baccalaureate degree; access;~~;~~ and other
1149 metrics approved by the board in a formally noticed meeting. The
1150 board shall adopt benchmarks to evaluate each state university's
1151 performance on the metrics to measure the state university's
1152 achievement of institutional excellence or need for improvement
1153 and minimum requirements for eligibility to receive performance
1154 funding.

1155 (2) Each fiscal year, the amount of funds available for
1156 allocation to the state universities based on the performance-
1157 based funding model ~~metrics~~ shall consist of the state's
1158 investment in appropriation for performance funding, ~~including~~
1159 ~~increases in base funding~~ plus institutional investments
1160 consisting of funds deducted from the base funding of each state
1161 university in the State University System~~;~~ in an amount provided
1162 in the General Appropriations Act. The Board of Governors shall
1163 establish minimum performance funding eligibility thresholds for
1164 the state's investment and the institutional investments. A
1165 state university that fails to meet the minimum state investment
1166 performance funding eligibility threshold is ineligible for a
1167 share of the state's investment in performance funding. The
1168 institutional investment shall be restored for each institution
1169 eligible for the state's investment under the performance-based
1170 funding model ~~metrics~~.

1171 (3) (a) A state university that fails to meet the Board of



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1172 Governors' minimum institutional investment performance funding
1173 eligibility threshold shall have ~~a portion of~~ its institutional
1174 investment withheld by the board and must submit an improvement
1175 plan to the board that specifies the activities and strategies
1176 for improving the state university's performance. The board must
1177 review and approve the improvement plan and, if the plan is
1178 approved, must monitor the state university's progress in
1179 implementing the activities and strategies specified in the
1180 improvement plan. The state university shall submit monitoring
1181 reports to the board by December 31 and May 31 of each year in
1182 which an improvement plan is in place. The ability of a state
1183 university to submit an improvement plan to the board is limited
1184 to 1 fiscal year.

1185 (b) The Chancellor of the State University System shall
1186 withhold disbursement of the institutional investment until the
1187 monitoring report is approved by the Board of Governors. A state
1188 university ~~that is~~ determined by the board to be making
1189 satisfactory progress on implementing the improvement plan shall
1190 receive no more than one-half of the withheld institutional
1191 investment in January and the balance of the withheld
1192 institutional investment in June. A state university that fails
1193 to make satisfactory progress may not have its full
1194 institutional investment restored. Any institutional investment
1195 funds that are not restored shall be redistributed in accordance
1196 with the board's performance-based metrics.

1197 (4) Distributions of performance funding, as provided in
1198 this section, shall be made to each of the state universities
1199 listed in the Education and General Activities category in the
1200 General Appropriations Act.



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1201 (5) By October 1 of each year, the Board of Governors shall
1202 submit to the Governor, the President of the Senate, and the
1203 Speaker of the House of Representatives a report on the previous
1204 fiscal year's performance funding allocation which must reflect
1205 the rankings and award distributions.

1206 (6) The Board of Governors shall adopt regulations to
1207 administer this section ~~expires July 1, 2016.~~

1208 Section 8. Subsection (4) of section 1003.4282, Florida
1209 Statutes, is amended to read:

1210 1003.4282 Requirements for a standard high school diploma.-

1211 (4) ONLINE COURSE REQUIREMENT.-At least one course within
1212 the 24 credits required under this section must be completed
1213 through online learning. ~~A school district may not require a~~
1214 ~~student to take the online course outside the school day or in~~
1215 ~~addition to a student's courses for a given semester.~~

1216 (a) An online course taken in grade 6, grade 7, or grade 8
1217 fulfills the ~~this~~ requirement in this subsection. ~~The~~ This
1218 requirement is met through an online course offered by the
1219 Florida Virtual School, a virtual education provider approved by
1220 the State Board of Education, a high school, or an online dual
1221 enrollment course. A student who is enrolled in a full-time or
1222 part-time virtual instruction program under s. 1002.45 meets the
1223 ~~this~~ requirement.

1224 (b) A district school board or a charter school governing
1225 board, as applicable, may offer students the following options
1226 to satisfy the online course requirement in this subsection:

1227 1. Completion of a course in which a student earns a
1228 nationally recognized industry certification in information
1229 technology that is identified on the CAPE Industry Certification



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1230 Funding List pursuant to s. 1008.44 or passage of the
1231 information technology certification examination without
1232 enrollment in or completion of the corresponding course or
1233 courses, as applicable.

1234 2. Passage of an online content assessment, without
1235 enrollment in or completion of the corresponding course or
1236 courses, as applicable, by which the student demonstrates skills
1237 and competency in locating information and applying technology
1238 for instructional purposes.

1239
1240 For purposes of this subsection, a school district may not
1241 require a student to take the online course outside the school
1242 day or in addition to a student's courses for a given semester.

1243 This subsection requirement does not apply to a student who has
1244 an individual education plan under s. 1003.57 which indicates
1245 that an online course would be inappropriate or to an out-of-
1246 state transfer student who is enrolled in a Florida high school
1247 and has 1 academic year or less remaining in high school.

1248 Section 9. Effective July 1, 2016, and upon the expiration
1249 of the amendment to section 1011.62, Florida Statutes, made by
1250 chapter 2015-222, Laws of Florida, paragraph (a) of subsection
1251 (4) of that section is amended, present subsections (13), (14),
1252 and (15) of that section are redesignated as subsections (14),
1253 (15), and (16), respectively, a new subsection (13) is added to
1254 that section, and present subsection (14) of that section is
1255 amended, to read:

1256 1011.62 Funds for operation of schools.—If the annual
1257 allocation from the Florida Education Finance Program to each
1258 district for operation of schools is not determined in the



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1259 annual appropriations act or the substantive bill implementing
1260 the annual appropriations act, it shall be determined as
1261 follows:

1262 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The
1263 Legislature shall prescribe the aggregate required local effort
1264 for all school districts collectively as an item in the General
1265 Appropriations Act for each fiscal year. The amount that each
1266 district shall provide annually toward the cost of the Florida
1267 Education Finance Program for kindergarten through grade 12
1268 programs shall be calculated as follows:

1269 (a) *Estimated taxable value calculations.*—

1270 1.a. Not later than 2 working days before ~~prior to~~ July 19,
1271 the Department of Revenue shall certify to the Commissioner of
1272 Education its most recent estimate of the taxable value for
1273 school purposes in each school district and the total for all
1274 school districts in the state for the current calendar year
1275 based on the latest available data obtained from the local
1276 property appraisers. The value certified shall be the taxable
1277 value for school purposes for that year, and no further
1278 adjustments shall be made, except those made pursuant to
1279 paragraphs (c) and (d), or an assessment roll change required by
1280 final judicial decisions as specified in paragraph (15) (b)
1281 ~~(14) (b)~~. Not later than July 19, the Commissioner of Education
1282 shall compute a millage rate, rounded to the next highest one
1283 one-thousandth of a mill, which, when applied to 96 percent of
1284 the estimated state total taxable value for school purposes,
1285 would generate the prescribed aggregate required local effort
1286 for that year for all districts. The Commissioner of Education
1287 shall certify to each district school board the millage rate,



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1288 computed as prescribed in this subparagraph, as the minimum
1289 millage rate necessary to provide the district required local
1290 effort for that year.

1291 b. The General Appropriations Act shall direct the
1292 computation of the statewide adjusted aggregate amount for
1293 required local effort for all school districts collectively from
1294 ad valorem taxes to ensure that no school district's revenue
1295 from required local effort millage will produce more than 90
1296 percent of the district's total Florida Education Finance
1297 Program calculation as calculated and adopted by the
1298 Legislature, and the adjustment of the required local effort
1299 millage rate of each district that produces more than 90 percent
1300 of its total Florida Education Finance Program entitlement to a
1301 level that will produce only 90 percent of its total Florida
1302 Education Finance Program entitlement in the July calculation.

1303 2. On the same date as the certification in sub-
1304 subparagraph 1.a., the Department of Revenue shall certify to
1305 the Commissioner of Education for each district:

1306 a. Each year for which the property appraiser has certified
1307 the taxable value pursuant to s. 193.122(2) or (3), if
1308 applicable, since the prior certification under sub-subparagraph
1309 1.a.

1310 b. For each year identified in sub-subparagraph a., the
1311 taxable value certified by the appraiser pursuant to s.
1312 193.122(2) or (3), if applicable, since the prior certification
1313 under sub-subparagraph 1.a. This is the certification that
1314 reflects all final administrative actions of the value
1315 adjustment board.

1316 (13) FEDERALLY CONNECTED STUDENT SUPPLEMENT.—The federally



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1317 connected student supplement is created to provide supplemental
1318 funding for school districts to support the education of
1319 students connected with federally owned military installations,
1320 National Aeronautics and Space Administration (NASA) real
1321 property, and Indian lands. To be eligible for this supplement,
1322 the district must be eligible for federal Impact Aid Program
1323 funds under s. 8003 of Title VIII of the Elementary and
1324 Secondary Education Act of 1965. The supplement shall be
1325 allocated annually to each eligible school district in the
1326 amount provided in the General Appropriations Act. The
1327 supplement shall be the sum of the student allocation and an
1328 exempt property allocation.

1329 (a) The student allocation shall be calculated based on the
1330 number of students reported for federal Impact Aid Program
1331 funds, including students with disabilities, who meet one of the
1332 following criteria:

1333 1. The student has a parent who is on active duty in the
1334 uniformed services or is an accredited foreign government
1335 official and military officer. Students with disabilities shall
1336 also be reported separately for this category.

1337 2. The student resides on eligible federally owned Indian
1338 land. Students with disabilities shall also be reported
1339 separately for this category.

1340 3. The student resides with a civilian parent who lives or
1341 works on eligible federal property connected with a military
1342 installation or NASA. The number of these students shall be
1343 multiplied by a factor of 0.5.

1344 (b) The total number of federally connected students
1345 calculated under paragraph (a) shall be multiplied by a



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1346 percentage of the base student allocation as provided in the
1347 General Appropriations Act. The total of the number of students
1348 with disabilities as reported separately under subparagraphs
1349 (a)1. and (a)2. shall be multiplied by an additional percentage
1350 of the base student allocation as provided in the General
1351 Appropriations Act. The base amount and the amount for students
1352 with disabilities shall be summed to provide the student
1353 allocation.

1354 (c) The exempt property allocation shall be equal to the
1355 tax-exempt value of federal impact aid lands reserved as
1356 military installations, real property owned by NASA, or eligible
1357 federally owned Indian lands located in the district, as of
1358 January 1 of the previous year, multiplied by the millage
1359 authorized and levied under s. 1011.71(2).

1360 (14) ~~(13)~~ QUALITY ASSURANCE GUARANTEE.—The Legislature may
1361 annually in the General Appropriations Act determine a
1362 percentage increase in funds per K-12 unweighted FTE as a
1363 minimum guarantee to each school district. The guarantee shall
1364 be calculated from prior year base funding per unweighted FTE
1365 student which shall include the adjusted FTE dollars as provided
1366 in subsection (15) ~~(14)~~, quality guarantee funds, and actual
1367 nonvoted discretionary local effort from taxes. From the base
1368 funding per unweighted FTE, the increase shall be calculated for
1369 the current year. The current year funds from which the
1370 guarantee shall be determined shall include the adjusted FTE
1371 dollars as provided in subsection (15) ~~(14)~~ and potential
1372 nonvoted discretionary local effort from taxes. A comparison of
1373 current year funds per unweighted FTE to prior year funds per
1374 unweighted FTE shall be computed. For those school districts



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1375 which have less than the legislatively assigned percentage
1376 increase, funds shall be provided to guarantee the assigned
1377 percentage increase in funds per unweighted FTE student. Should
1378 appropriated funds be less than the sum of this calculated
1379 amount for all districts, the commissioner shall prorate each
1380 district's allocation. This provision shall be implemented to
1381 the extent specifically funded.

1382 Section 10. Section 1013.62, Florida Statutes, is amended
1383 to read:

1384 1013.62 Charter schools capital outlay funding.-

1385 (1) In each year in which funds are appropriated for
1386 charter school capital outlay purposes, the Commissioner of
1387 Education shall allocate the funds among eligible charter
1388 schools as specified in this section.

1389 (a) To be eligible for a funding allocation, a charter
1390 school must:

1391 1.a. Have been in operation for 3 or more years;

1392 b. Be governed by a governing board established in the
1393 state for 3 or more years which operates both charter schools
1394 and conversion charter schools within the state;

1395 c. Be an expanded feeder chain of a charter school within
1396 the same school district that is currently receiving charter
1397 school capital outlay funds;

1398 d. Have been accredited by the Commission on Schools of the
1399 Southern Association of Colleges and Schools; or

1400 e. Serve students in facilities that are provided by a
1401 business partner for a charter school-in-the-workplace pursuant
1402 to s. 1002.33(15) (b) .

1403 2. Have an annual audit that does not reveal any of the



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1404 financial emergency conditions provided in s. 218.503(1) for the
1405 most recent fiscal year for which such audit results are
1406 available stability for future operation as a charter school.

1407 3. Have satisfactory student achievement based on state
1408 accountability standards applicable to the charter school.

1409 4. Have received final approval from its sponsor pursuant
1410 to s. 1002.33 for operation during that fiscal year.

1411 5. Serve students in facilities that are not provided by
1412 the charter school's sponsor.

1413 ~~(b) The first priority for charter school capital outlay~~
1414 ~~funding is to allocate to charter schools that received funding~~
1415 ~~in the 2005-2006 fiscal year an allocation of the same amount~~
1416 ~~per capital outlay full-time equivalent student, up to the~~
1417 ~~lesser of the actual number of capital outlay full-time~~
1418 ~~equivalent students in the current year, or the capital outlay~~
1419 ~~full-time equivalent students in the 2005-2006 fiscal year.~~
1420 ~~After calculating the first priority, the second priority is to~~
1421 ~~allocate excess funds remaining in the appropriation in an~~
1422 ~~amount equal to the per capital outlay full-time equivalent~~
1423 ~~student amount in the first priority calculation to eligible~~
1424 ~~charter schools not included in the first priority calculation~~
1425 ~~and to schools in the first priority calculation with growth~~
1426 ~~greater than the 2005-2006 capital outlay full-time equivalent~~
1427 ~~students. After calculating the first and second priorities,~~
1428 ~~excess funds remaining in the appropriation must be allocated to~~
1429 ~~all eligible charter schools.~~

1430 ~~(c) A charter school's allocation may not exceed one-~~
1431 ~~fifteenth of the cost per student station specified in s.~~
1432 ~~1013.64(6) (b). Before releasing capital outlay funds to a school~~



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1433 ~~district on behalf of the charter school, the Department of~~
1434 ~~Education must ensure that the district school board and the~~
1435 ~~charter school governing board enter into a written agreement~~
1436 ~~that provides for the reversion of any unencumbered funds and~~
1437 ~~all equipment and property purchased with public education funds~~
1438 ~~to the ownership of the district school board, as provided for~~
1439 ~~in subsection (3) if the school terminates operations. Any funds~~
1440 ~~recovered by the state shall be deposited in the General Revenue~~
1441 ~~Fund.~~

1442 (b)(d) A charter school is not eligible for a funding
1443 allocation if it was created by the conversion of a public
1444 school and operates in facilities provided by the charter
1445 school's sponsor for a nominal fee, or at no charge, or if it is
1446 directly or indirectly operated by the school district.

1447 (c) It is the intent of the Legislature that the public
1448 interest be protected by prohibiting personal financial
1449 enrichment by owners, operators, managers, and other affiliated
1450 parties of charter schools. A charter school is not eligible for
1451 a funding allocation unless the chair of the governing board and
1452 the chief administrative officer of the charter school annually
1453 certify under oath that the funds will be used solely and
1454 exclusively for constructing, renovating, or improving charter
1455 school facilities that are:

1456 1. Owned by a school district, political subdivision of the
1457 state, municipality, Florida College System institution, or
1458 state university;

1459 2. Owned by an organization, qualified as an exempt
1460 organization under s. 501(c)(3) of the Internal Revenue Code,
1461 whose articles of incorporation specify that upon the



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1462 organization's dissolution, the subject property will be
1463 transferred to a school district, political subdivision of the
1464 state, municipality, Florida College System institution, or
1465 state university; or
1466 3. Owned by and leased, at a fair market value in the
1467 school district in which the charter school is located, from a
1468 person or entity that is not an affiliated party of the charter
1469 school. For purposes of this paragraph, the term "affiliated
1470 party of the charter school" means the applicant for the charter
1471 school pursuant to s. 1002.33; the governing board of the
1472 charter school or a member of the governing board; the charter
1473 school owner; the charter school principal; an employee of the
1474 charter school; an independent contractor of the charter school
1475 or the governing board of the charter school; a relative, as
1476 defined in s. 1002.33(24)(a)2., of a charter school governing
1477 board member, a charter school owner, a charter school
1478 principal, a charter school employee, or an independent
1479 contractor of a charter school or charter school governing
1480 board; a subsidiary corporation, a service corporation, an
1481 affiliated corporation, a parent corporation, a limited
1482 liability company, a limited partnership, a trust, a
1483 partnership, or a related party that individually or through one
1484 or more entities that share common ownership or control that
1485 directly or indirectly manages, administers, controls, or
1486 oversees the operation of the charter school; or any person or
1487 entity, individually or through one or more entities that share
1488 common ownership, that directly or indirectly manages,
1489 administers, controls, or oversees the operation of any of the
1490 foregoing.



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1491 (d) The funding allocation for eligible charter schools
1492 shall be calculated as follows:

1493 1. Eligible charter schools shall be grouped into
1494 categories based on their student populations according to the
1495 following criteria:

1496 a. Seventy-five percent or greater who are eligible for
1497 free or reduced-price school lunch.

1498 b. Twenty-five percent or greater with disabilities as
1499 defined in state board rule and consistent with the requirements
1500 of the Individuals with Disabilities Education Act.

1501 2. If an eligible charter school does not meet the criteria
1502 for either category under subparagraph 1., its FTE shall be
1503 provided as the base amount of funding and shall be assigned a
1504 weight of 1.0. An eligible charter school that meets the
1505 criteria under sub-subparagraph 1.a. or sub-subparagraph 1.b.
1506 shall be provided an additional 25 percent above the base
1507 funding amount, and the total FTE shall be multiplied by a
1508 weight of 1.25. An eligible charter school that meets the
1509 criteria under both sub-subparagraphs 1.a. and 1.b. shall be
1510 provided an additional 50 percent above the base funding amount,
1511 and the FTE for that school shall be multiplied by a weight of
1512 1.5.

1513 3. The state appropriation for charter school capital
1514 outlay shall be divided by the total weighted FTE for all
1515 eligible charter schools to determine the base charter school
1516 per weighted FTE allocation amount. The per weighted FTE
1517 allocation amount shall be multiplied by the weighted FTE to
1518 determine each charter school's capital outlay allocation.

1519 ~~(e) Unless otherwise provided in the General Appropriations~~



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1520 ~~Act, the funding allocation for each eligible charter school is~~
1521 ~~determined by multiplying the school's projected student~~
1522 ~~enrollment by one-fifteenth of the cost per student station~~
1523 ~~specified in s. 1013.64(6) (b) for an elementary, middle, or high~~
1524 ~~school, as appropriate. If the funds appropriated are not~~
1525 ~~sufficient, the commissioner shall prorate the available funds~~
1526 ~~among eligible charter schools. However, a charter school or~~
1527 ~~charter lab school may not receive state charter school capital~~
1528 ~~outlay funds greater than the one-fifteenth cost per student~~
1529 ~~station formula if the charter school's combination of state~~
1530 ~~charter school capital outlay funds, capital outlay funds~~
1531 ~~calculated through the reduction in the administrative fee~~
1532 ~~provided in s. 1002.33(20), and capital outlay funds allowed in~~
1533 ~~s. 1002.32(9) (e) and (h) exceeds the one-fifteenth cost per~~
1534 ~~student station formula.~~

1535 (2) (a) ~~(f)~~ The department shall calculate the eligible
1536 charter school funding allocations. Funds shall be allocated
1537 using distributed on the basis of the capital outlay full-time
1538 equivalent membership from by grade level, which is calculated
1539 by averaging the results of the second and third enrollment
1540 surveys and free and reduced-price school lunch data. The
1541 department shall recalculate the allocations periodically based
1542 on the receipt of revised information, on a schedule established
1543 by the Commissioner of Education.

1544 (b) The department of Education shall distribute capital
1545 outlay funds monthly, beginning in the first quarter of the
1546 fiscal year, based on one-twelfth of the amount the department
1547 reasonably expects the charter school to receive during that
1548 fiscal year. The commissioner shall adjust subsequent



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1549 distributions as necessary to reflect each charter school's
1550 recalculated allocation ~~actual student enrollment as reflected~~
1551 ~~in the second and third enrollment surveys. The commissioner~~
1552 ~~shall establish the intervals and procedures for determining the~~
1553 ~~projected and actual student enrollment of eligible charter~~
1554 ~~schools.~~

1555 (3)~~(2)~~ A charter school's governing body may use charter
1556 school capital outlay funds for the following purposes:

1557 (a) Purchase of real property.

1558 (b) Construction of school facilities.

1559 (c) Purchase, lease-purchase, or lease of permanent or
1560 relocatable school facilities.

1561 (d) Purchase of vehicles to transport students to and from
1562 the charter school.

1563 (e) Renovation, repair, and maintenance of school
1564 facilities that the charter school owns or is purchasing through
1565 a lease-purchase or long-term lease of 5 years or longer.

1566 (f) Effective July 1, 2008, purchase, lease-purchase, or
1567 lease of new and replacement equipment, and enterprise resource
1568 software applications that are classified as capital assets in
1569 accordance with definitions of the Governmental Accounting
1570 Standards Board, have a useful life of at least 5 years, and are
1571 used to support schoolwide administration or state-mandated
1572 reporting requirements.

1573 (g) Payment of the cost of premiums for property and
1574 casualty insurance necessary to insure the school facilities.

1575 (h) Purchase, lease-purchase, or lease of driver's
1576 education vehicles; motor vehicles used for the maintenance or
1577 operation of plants and equipment; security vehicles; or



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1578 vehicles used in storing or distributing materials and
1579 equipment.

1580

1581 Conversion charter schools may use capital outlay funds received
1582 through the reduction in the administrative fee provided in s.
1583 1002.33(20) for renovation, repair, and maintenance of school
1584 facilities that are owned by the sponsor.

1585 ~~(4)-(3)~~ (4) ~~If~~ ~~When~~ a charter school is nonrenewed or
1586 terminated, any unencumbered funds and all equipment and
1587 property purchased with district public funds shall revert to
1588 the ownership of the district school board, as provided for in
1589 s. 1002.33(8) (e) and (f). In the case of a charter lab school,
1590 any unencumbered funds and all equipment and property purchased
1591 with university public funds shall revert to the ownership of
1592 the state university that issued the charter. The reversion of
1593 such equipment, property, and furnishings shall focus on
1594 recoverable assets, but not on intangible or irrecoverable costs
1595 such as rental or leasing fees, normal maintenance, and limited
1596 renovations. The reversion of all property secured with public
1597 funds is subject to the complete satisfaction of all lawful
1598 liens or encumbrances. If there are additional local issues such
1599 as the shared use of facilities or partial ownership of
1600 facilities or property, these issues shall be agreed to in the
1601 charter contract prior to the expenditure of funds.

1602 ~~(5)-(4)~~ (5) The Commissioner of Education shall specify
1603 procedures for submitting and approving requests for funding
1604 under this section and procedures for documenting expenditures.

1605 ~~(6)-(5)~~ (6) The annual legislative budget request of the
1606 Department of Education shall include a request for capital



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1607 outlay funding for charter schools. The request shall be based
1608 on the projected number of students to be served in charter
1609 schools who meet the eligibility requirements of this section. ~~A~~
1610 ~~dedicated funding source, if identified in writing by the~~
1611 ~~Commissioner of Education and submitted along with the annual~~
1612 ~~charter school legislative budget request, may be considered an~~
1613 ~~additional source of funding.~~

1614 ~~(6) Unless authorized otherwise by the Legislature,~~
1615 ~~allocation and proration of charter school capital outlay funds~~
1616 ~~shall be made to eligible charter schools by the Commissioner of~~
1617 ~~Education in an amount and in a manner authorized by subsection~~
1618 ~~(1).~~

1619 Section 11. Paragraphs (a) and (b) of subsection (2) and
1620 paragraphs (b) through (e) of subsection (6) of section 1013.64,
1621 Florida Statutes, are amended to read:

1622 1013.64 Funds for comprehensive educational plant needs;
1623 construction cost maximums for school district capital
1624 projects.—Allocations from the Public Education Capital Outlay
1625 and Debt Service Trust Fund to the various boards for capital
1626 outlay projects shall be determined as follows:

1627 (2) (a) The department shall establish, as a part of the
1628 Public Education Capital Outlay and Debt Service Trust Fund, a
1629 separate account, in an amount determined by the Legislature, to
1630 be known as the "Special Facility Construction Account." The
1631 Special Facility Construction Account shall be used to provide
1632 necessary construction funds to school districts which have
1633 urgent construction needs but which lack sufficient resources at
1634 present, and cannot reasonably anticipate sufficient resources
1635 within the period of the next 3 years, for these purposes from



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1636 currently authorized sources of capital outlay revenue. A school
1637 district requesting funding from the Special Facility
1638 Construction Account shall submit one specific construction
1639 project, not to exceed one complete educational plant, to the
1640 Special Facility Construction Committee. A ~~Ne~~ district may not
1641 ~~shall~~ receive funding for more than one approved project in any
1642 3-year period or while any portion of the district's
1643 participation requirement is outstanding. The first year of the
1644 3-year period shall be the first year a district receives an
1645 appropriation. The department shall encourage a construction
1646 program that reduces the average size of schools in the
1647 district. The request must meet the following criteria to be
1648 considered by the committee:

1649 1. The project must be deemed a critical need and must be
1650 recommended for funding by the Special Facility Construction
1651 Committee. Before ~~Prior to~~ developing construction plans for the
1652 proposed facility, the district school board must request a
1653 preapplication review by the Special Facility Construction
1654 Committee or a project review subcommittee convened by the chair
1655 of the committee to include two representatives of the
1656 department and two staff members from school districts not
1657 eligible to participate in the program. A school district may
1658 request a preapplication review at any time; however, if the
1659 district school board seeks inclusion in the department's next
1660 annual capital outlay legislative budget request, the
1661 preapplication review request must be made before February 1.
1662 Within 90 ~~60~~ days after receiving the preapplication review
1663 request, the committee or subcommittee must meet in the school
1664 district to review the project proposal and existing facilities.



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1665 To determine whether the proposed project is a critical need,
1666 the committee or subcommittee shall consider, at a minimum, the
1667 capacity of all existing facilities within the district as
1668 determined by the Florida Inventory of School Houses; the
1669 district's pattern of student growth; the district's existing
1670 and projected capital outlay full-time equivalent student
1671 enrollment as determined by the demographic, revenue, and
1672 education estimating conferences established in s. 216.136
1673 department; the district's existing satisfactory student
1674 stations; the use of all existing district property and
1675 facilities; grade level configurations; and any other
1676 information that may affect the need for the proposed project.

1677 2. The construction project must be recommended in the most
1678 recent survey or survey amendment cooperatively prepared surveys
1679 by the district and the department, and approved by the
1680 department under the rules of the State Board of Education. If a
1681 district employs a consultant in the preparation of a survey or
1682 survey amendment, the consultant may not be employed by or
1683 receive compensation from a third party that designs or
1684 constructs a project recommended by the survey.

1685 3. The construction project must appear on the district's
1686 approved project priority list under the rules of the State
1687 Board of Education.

1688 4. The district must have selected and had approved a site
1689 for the construction project in compliance with s. 1013.36 and
1690 the rules of the State Board of Education.

1691 5. The district shall have developed a district school
1692 board adopted list of facilities that do not exceed the norm for
1693 net square feet occupancy requirements under the State



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1694 Requirements for Educational Facilities, using all possible
1695 programmatic combinations for multiple use of space to obtain
1696 maximum daily use of all spaces within the facility under
1697 consideration.

1698 6. Upon construction, the total cost per student station,
1699 including change orders, must not exceed the cost per student
1700 station as provided in subsection (6) except for cost overruns
1701 created by a disaster as defined in s. 252.34 or an
1702 unforeseeable circumstance beyond the district's control as
1703 determined by the Special Facility Construction Committee.

1704 7. There shall be an agreement signed by the district
1705 school board stating that it will advertise for bids within 30
1706 days of receipt of its encumbrance authorization from the
1707 department.

1708 8. For construction projects for which Special Facilities
1709 Construction Account funding is sought before the 2019-2020
1710 fiscal year, the district shall, at the time of the request and
1711 for a continuing period necessary to meet the district's
1712 participation requirement of 3 years, levy the maximum millage
1713 against its ~~their~~ nonexempt assessed property value as allowed
1714 in s. 1011.71(2) or shall raise an equivalent amount of revenue
1715 from the school capital outlay surtax authorized under s.
1716 212.055(6). Beginning with construction projects for which
1717 Special Facilities Construction Account funding is sought in the
1718 2019-2020 fiscal year, the district shall, for a minimum of 3
1719 years before submitting the request and for a continuing period
1720 necessary to meet its participation requirement, levy the
1721 maximum millage against the district's nonexempt assessed
1722 property value as authorized under s. 1011.71(2) or shall raise



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1723 an equivalent amount of revenue from the school capital outlay
1724 surtax authorized under s. 212.055(6). Any district with a new
1725 or active project, funded under the provisions of this
1726 subsection, shall be required to budget no more than the value
1727 of 1 mill ~~1.5 mills~~ per year to the project until the district's
1728 ~~to satisfy the annual~~ participation requirement relating to the
1729 local discretionary capital improvement millage or the
1730 equivalent amount of revenue from the school capital outlay
1731 surtax is satisfied ~~in the Special Facility Construction~~
1732 ~~Account.~~

1733 9. If a contract has not been signed 90 days after the
1734 advertising of bids, the funding for the specific project shall
1735 revert to the Special Facility New Construction Account to be
1736 reallocated to other projects on the list. However, an
1737 additional 90 days may be granted by the commissioner.

1738 10. The department shall certify the inability of the
1739 district to fund the survey-recommended project over a
1740 continuous 3-year period using projected capital outlay revenue
1741 derived from s. 9(d), Art. XII of the State Constitution, as
1742 amended, paragraph (3)(a) of this section, and s. 1011.71(2).

1743 11. The district shall have on file with the department an
1744 adopted resolution acknowledging its ~~3-year~~ commitment to
1745 satisfy its participation requirement, which is equivalent to ~~of~~
1746 all unencumbered and future revenue acquired from s. 9(d), Art.
1747 XII of the State Constitution, as amended, paragraph (3)(a) of
1748 this section, and s. 1011.71(2), in the year of the initial
1749 appropriation and for the 2 years immediately following the
1750 initial appropriation.

1751 12. Final phase III plans must be certified by the district



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1752 school board as complete and in compliance with the building and
1753 life safety codes before June 1 of the year the application is
1754 made ~~prior to August 1.~~

1755 (b) The Special Facility Construction Committee shall be
1756 composed of the following: two representatives of the Department
1757 of Education, a representative from the Governor's office, a
1758 representative selected annually by the district school boards,
1759 and a representative selected annually by the superintendents. A
1760 representative of the department shall chair the committee.

1761 (6)

1762 (b)1. A district school board may ~~must~~ not use funds from
1763 the following sources: Public Education Capital Outlay and Debt
1764 Service Trust Fund; School District and Community College
1765 District Capital Outlay and Debt Service Trust Fund; Classrooms
1766 First Program funds provided in s. 1013.68; nonvoted 1.5-mill
1767 levy of ad valorem property taxes provided in s. 1011.71(2);
1768 Classrooms for Kids Program funds provided in s. 1013.735;
1769 District Effort Recognition Program funds provided in s.
1770 1013.736; or High Growth District Capital Outlay Assistance
1771 Grant Program funds provided in s. 1013.738 for any new
1772 construction of educational plant space with a total cost per
1773 student station, including change orders, that equals more than:

1774 a. \$17,952 for an elementary school,

1775 b. \$19,386 for a middle school, or

1776 c. \$25,181 for a high school,

1777

1778 (January 2006) as adjusted annually to reflect increases or
1779 decreases in the Consumer Price Index.

1780 2. School districts shall maintain accurate documentation



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1781 related to the costs of all new construction of educational
1782 plant space reported to the Department of Education pursuant to
1783 paragraph (d). The Auditor General shall review the
1784 documentation maintained by the school districts and verify
1785 compliance with the limits under this paragraph during its
1786 scheduled operational audits of the school district. The
1787 department shall make the final determination on district
1788 compliance based on the recommendation of the Auditor General.

1789 3. The Office of Program Policy Analysis and Government
1790 Accountability (OPPAGA), in consultation with the department,
1791 shall:

1792 a. Conduct a study of the cost per student station amounts
1793 using the most recent available information on construction
1794 costs. In this study, the costs per student station should
1795 represent the costs of classroom construction and administrative
1796 offices as well as the supplemental costs of core facilities,
1797 including required media centers, gymnasiums, music rooms,
1798 cafeterias and their associated kitchens and food service areas,
1799 vocational areas, and other defined specialty areas, including
1800 exceptional student education areas. The study must take into
1801 account appropriate cost-effectiveness factors in school
1802 construction and should include input from industry experts.

1803 OPPAGA must provide the results of the study and recommendations
1804 on the cost per student station to the Governor, the President
1805 of the Senate, and the Speaker of the House of Representatives
1806 no later than January 31, 2017.

1807 b. Conduct a study of the State Requirements for Education
1808 Facilities (SREF) to identify current requirements that can be
1809 eliminated or modified in order to decrease the cost of



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1810 construction of educational facilities while ensuring student
1811 safety. OPPAGA must provide the results of the study, and an
1812 overall recommendation as to whether SREF should be retained, to
1813 the Governor, the President of the Senate, and the Speaker of
1814 the House of Representatives no later than January 31, 2017.

1815 4. Effective July 1, 2017, in addition to the funding
1816 sources listed in subparagraph 1., a district school board may
1817 not use funds from any sources for new construction of
1818 educational plant space with a total cost per student station,
1819 including change orders, which equals more than the current
1820 adjusted amounts provided in sub-subparagraphs 1.a.-c. which
1821 shall subsequently be adjusted annually to reflect increases or
1822 decreases in the Consumer Price Index.

1823 5.2. A district school board must not use funds from the
1824 Public Education Capital Outlay and Debt Service Trust Fund or
1825 the School District and Community College District Capital
1826 Outlay and Debt Service Trust Fund for any new construction of
1827 an ancillary plant that exceeds 70 percent of the average cost
1828 per square foot of new construction for all schools.

1829 (c) Except as otherwise provided, new construction
1830 initiated by a district school board on or after July 1, 2017,
1831 may after June 30, 1997, must not exceed the cost per student
1832 station as provided in paragraph (b). A school district that
1833 exceeds the cost per student station provided in paragraph (b),
1834 as determined by the Auditor General, shall be subject to
1835 sanctions. If the Auditor General determines that the cost per
1836 student station overage is de minimus or due to extraordinary
1837 circumstances outside the control of the district, the sanctions
1838 shall not apply. The sanctions are as follows:



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1839 1. The school district shall be ineligible for allocations
1840 from the Public Education Capital Outlay and Debt Service Trust
1841 Fund for the next 3 years in which the school district would
1842 have received allocations had the violation not occurred.

1843 2. The school district shall be subject to the supervision
1844 of a district capital outlay oversight committee. The oversight
1845 committee is authorized to approve all capital outlay
1846 expenditures of the school district, including new construction,
1847 renovations, and remodeling, for 3 fiscal years following the
1848 violation.

1849 a. Each oversight committee shall be composed of the
1850 following:

1851 (I) One appointee of the Commissioner of Education who has
1852 significant financial management, school facilities
1853 construction, or related experience.

1854 (II) One appointee of the office of the state attorney with
1855 jurisdiction over the district.

1856 (III) One appointee of the Chief Financial Officer who is a
1857 licensed certified public accountant.

1858 b. An appointee to the oversight committee may not be
1859 employed by the school district; be a relative, as defined in s.
1860 1002.33(24)(a)2., of any school district employee; or be an
1861 elected official. Each appointee must sign an affidavit
1862 attesting to these conditions and affirming that no conflict of
1863 interest exists in his or her oversight role.

1864 (d) The department shall:

1865 1. Compute for each calendar year the statewide average
1866 construction costs for facilities serving each instructional
1867 level, for relocatable educational facilities, for



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1868 administrative facilities, and for other ancillary and auxiliary
1869 facilities. The department shall compute the statewide average
1870 costs per student station for each instructional level.

1871 2. Annually review the actual completed construction costs
1872 of educational facilities in each school district. For any
1873 school district in which the total actual cost per student
1874 station, including change orders, exceeds the statewide limits
1875 established in paragraph (b), the school district shall report
1876 to the department the actual cost per student station and the
1877 reason for the school district's inability to adhere to the
1878 limits established in paragraph (b). The department shall
1879 collect all such reports and shall provide these reports to the
1880 Auditor General for verification purposes ~~report to the~~
1881 ~~Governor, the President of the Senate, and the Speaker of the~~
1882 ~~House of Representatives by December 31 of each year a summary~~
1883 ~~of each school district's spending in excess of the cost per~~
1884 ~~student station provided in paragraph (b) as reported by the~~
1885 ~~school districts.~~

1886
1887 Cost per student station includes contract costs, legal and
1888 administrative costs, fees of architects and engineers,
1889 furniture and equipment, and site improvement costs. Cost per
1890 student station does not include the cost of purchasing or
1891 leasing the site for the construction or the cost of related
1892 offsite improvements.

1893 ~~(c) The restrictions of this subsection on the cost per~~
1894 ~~student station of new construction do not apply to a project~~
1895 ~~funded entirely from proceeds received by districts through~~
1896 ~~provisions of ss. 212.055 and 1011.73 and s. 9, Art. VII of the~~



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1897 ~~State Constitution, if the school board approves the project by~~
1898 ~~majority vote.~~

1899 Section 12. Paragraph (a) of subsection (3) of section
1900 1002.37, Florida Statutes, is amended to read:

1901 1002.37 The Florida Virtual School.—

1902 (3) Funding for the Florida Virtual School shall be
1903 provided as follows:

1904 (a)1. The calculation of "full-time equivalent student"
1905 shall be as prescribed in s. 1011.61(1)(c)1.b.(V) and is subject
1906 to s. 1011.61(4) ~~For a student in grades 9 through 12, a "full-~~
1907 ~~time equivalent student" is one student who has successfully~~
1908 ~~completed six full-credit courses that count toward the minimum~~
1909 ~~number of credits required for high school graduation. A student~~
1910 ~~who completes fewer than six full-credit courses is a fraction~~
1911 ~~of a full-time equivalent student. Half-credit course~~
1912 ~~completions shall be included in determining a full-time~~
1913 ~~equivalent student.~~

1914 ~~2. For a student in kindergarten through grade 8, a "full-~~
1915 ~~time equivalent student" is one student who has successfully~~
1916 ~~completed six courses or the prescribed level of content that~~
1917 ~~counts toward promotion to the next grade. A student who~~
1918 ~~completes fewer than six courses or the prescribed level of~~
1919 ~~content shall be a fraction of a full-time equivalent student.~~

1920 ~~2.3.~~ For a student in a home education program, funding
1921 shall be provided in accordance with this subsection upon course
1922 completion if the parent verifies, upon enrollment for each
1923 course, that the student is registered with the school district
1924 as a home education student pursuant to s. 1002.41(1)(a).

1925 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~



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1926 ~~equivalent students and associated funding of students enrolled~~
1927 ~~in courses requiring passage of an end-of-course assessment~~
1928 ~~under s. 1003.4282 to earn a standard high school diploma shall~~
1929 ~~be adjusted if the student does not pass the end-of-course~~
1930 ~~assessment. However, no adjustment shall be made for home~~
1931 ~~education program students who choose not to take an end-of-~~
1932 ~~course assessment or for a student who enrolls in a segmented~~
1933 ~~remedial course delivered online.~~

1934
1935 ~~For purposes of this paragraph, the calculation of "full-time~~
1936 ~~equivalent student" shall be as prescribed in s.~~
1937 ~~1011.61(1)(c)1.b.(V) and is subject to the requirements in s.~~
1938 ~~1011.61(4).~~

1939 Section 13. Subsection (4) is added to section 1002.391,
1940 Florida Statutes, to read:

1941 1002.391 Auditory-oral education programs.—

1942 (4) Beginning with the 2017-2018 school year, a school
1943 district shall add four special consideration points to the
1944 calculation of a matrix of services for a student who is deaf
1945 and enrolled in an auditory-oral education program.

1946 Section 14. Paragraphs (c) and (d) of subsection (1),
1947 paragraph (e) of subsection (7), and paragraphs (c) and (d) of
1948 subsection (8) of section 1002.45, Florida Statutes, are amended
1949 to read:

1950 1002.45 Virtual instruction programs.—

1951 (1) PROGRAM.—

1952 (c) To provide students with the option of participating in
1953 virtual instruction programs as required by paragraph (b), a
1954 school district may:



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1955 1. Contract with the Florida Virtual School or establish a
1956 franchise of the Florida Virtual School for the provision of a
1957 program under paragraph (b). Using this option is subject to the
1958 requirements of this section and s. 1011.61(1)(c)1.b.(III) and
1959 (IV) and (4). A district may report full-time equivalent student
1960 membership for credit earned by a student who is enrolled in a
1961 virtual education course provided by the district which was
1962 completed after the end of the regular school year if the FTE is
1963 reported no later than the deadline for amending the final
1964 student membership report for that year.

1965 2. Contract with an approved provider under subsection (2)
1966 for the provision of a full-time or part-time program under
1967 paragraph (b).

1968 3. Enter into an agreement with other school districts to
1969 allow the participation of its students in an approved virtual
1970 instruction program provided by the other school district. The
1971 agreement must indicate a process for the transfer of funds
1972 required by paragraph (7)(e) ~~(7)(f)~~.

1973 4. Establish school district operated part-time or full-
1974 time kindergarten through grade 12 virtual instruction programs
1975 under paragraph (b) for students enrolled in the school
1976 district. A full-time program shall operate under its own Master
1977 School Identification Number.

1978 5. Enter into an agreement with a virtual charter school
1979 authorized by the school district under s. 1002.33.

1980
1981 Contracts under subparagraph 1. or subparagraph 2. may include
1982 multidistrict contractual arrangements that may be executed by a
1983 regional consortium for its member districts. A multidistrict



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1984 contractual arrangement or an agreement under subparagraph 3. is
1985 not subject to s. 1001.42(4)(d) and does not require the
1986 participating school districts to be contiguous. These
1987 arrangements may be used to fulfill the requirements of
1988 paragraph (b).

1989 (d) A virtual charter school may provide full-time virtual
1990 instruction for students in kindergarten through grade 12 if the
1991 virtual charter school has a charter approved pursuant to s.
1992 1002.33 authorizing full-time virtual instruction. A virtual
1993 charter school may:

- 1994 1. Contract with the Florida Virtual School.
1995 2. Contract with an approved provider under subsection (2).
1996 3. Enter into an agreement with a school district to allow
1997 the participation of the virtual charter school's students in
1998 the school district's virtual instruction program. The agreement
1999 must indicate a process for reporting of student enrollment and
2000 the transfer of funds required by paragraph (7)(e) ~~(7)(f)~~.

2001 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
2002 FUNDING.—

2003 ~~(e) Beginning in the 2016-2017 fiscal year, the reported~~
2004 ~~full-time equivalent students and associated funding of students~~
2005 ~~enrolled in courses requiring passage of an end-of-course~~
2006 ~~assessment under s. 1003.4282 to earn a standard high school~~
2007 ~~diploma shall be adjusted if the student does not pass the end-~~
2008 ~~of-course assessment. However, no adjustment shall be made for a~~
2009 ~~student who enrolls in a segmented remedial course delivered~~
2010 ~~online.~~

2011 (8) ASSESSMENT AND ACCOUNTABILITY.—

2012 (c) An approved provider that receives a school grade of



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2013 "D" or "F" under s. 1008.34 or a school improvement rating of
2014 "Unsatisfactory" ~~"Declining"~~ under s. 1008.341 must file a
2015 school improvement plan with the department for consultation to
2016 determine the causes for low performance and to develop a plan
2017 for correction and improvement.

2018 (d) An approved provider's contract must be terminated if
2019 the provider receives a school grade of "D" or "F" under s.
2020 1008.34 or a school improvement rating of "Unsatisfactory"
2021 ~~"Declining"~~ under s. 1008.341 for 2 years during any consecutive
2022 4-year period or has violated any qualification requirement
2023 pursuant to subsection (2). A provider that has a contract
2024 terminated under this paragraph may not be an approved provider
2025 for a period of at least 1 year after the date upon which the
2026 contract was terminated and until the department determines that
2027 the provider is in compliance with subsection (2) and has
2028 corrected each cause of the provider's low performance.

2029 Section 15. Section 1003.3101, Florida Statutes, is created
2030 to read:

2031 1003.3101 Additional educational choice options.—Each
2032 school district board shall establish a transfer process for a
2033 parent to request his or her child be transferred to another
2034 classroom teacher. This section does not give a parent the right
2035 to choose a specific classroom teacher. A school must approve or
2036 deny the transfer within 2 weeks after receiving a request. If a
2037 request for transfer is denied, the school must notify the
2038 parent and specify the reasons for the denial. An explanation of
2039 the transfer process must be made available in the student
2040 handbook or a similar publication.

2041 Section 16. Subsection (3) of section 1003.4295, Florida



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2042 Statutes, is amended to read:

2043 1003.4295 Acceleration options.—

2044 (3) The Credit Acceleration Program (CAP) is created for
2045 the purpose of allowing a student to earn high school credit in
2046 courses required for high school graduation through passage of
2047 an end-of-course assessment Algebra I, Algebra II, geometry,
2048 United States history, or biology if the student passes the
2049 statewide, standardized assessment administered under s.
2050 1008.22, an Advanced Placement Examination, or a College Level
2051 Examination Program (CLEP). Notwithstanding s. 1003.436, a
2052 school district shall award course credit to a student who is
2053 not enrolled in the course, or who has not completed the course,
2054 if the student attains a passing score on the corresponding end-
2055 of-course assessment, Advanced Placement Examination, or CLEP
2056 statewide, standardized assessment. The school district shall
2057 permit a public school or home education student who is not
2058 enrolled in the course, or who has not completed the course, to
2059 take the assessment or examination during the regular
2060 administration of the assessment or examination.

2061 Section 17. Effective June 29, 2016, section 1004.935,
2062 Florida Statutes, is amended to read:

2063 1004.935 Adults with Disabilities Workforce Education ~~Pilot~~
2064 Program.—

2065 (1) The Adults with Disabilities Workforce Education ~~Pilot~~
2066 Program is established in the Department of Education ~~through~~
2067 ~~June 30, 2016,~~ in Hardee, DeSoto, Manatee, and Sarasota Counties
2068 to provide the option of receiving a scholarship for instruction
2069 at private schools for up to 30 students who:

2070 (a) Have a disability;



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2071 (b) Are 22 years of age;

2072 (c) Are receiving instruction from an instructor in a
2073 private school to meet the high school graduation requirements
2074 in s. 1002.3105(5) or s. 1003.4282;

2075 (d) Do not have a standard high school diploma or a special
2076 high school diploma; and

2077 (e) Receive "supported employment services," which means
2078 employment that is located or provided in an integrated work
2079 setting with earnings paid on a commensurate wage basis and for
2080 which continued support is needed for job maintenance.

2081
2082 As used in this section, the term "student with a disability"
2083 includes a student who is documented as having an intellectual
2084 disability; a speech impairment; a language impairment; a
2085 hearing impairment, including deafness; a visual impairment,
2086 including blindness; a dual sensory impairment; an orthopedic
2087 impairment; another health impairment; an emotional or
2088 behavioral disability; a specific learning disability,
2089 including, but not limited to, dyslexia, dyscalculia, or
2090 developmental aphasia; a traumatic brain injury; a developmental
2091 delay; or autism spectrum disorder.

2092 (2) A student participating in the ~~pilot~~ program may
2093 continue to participate in the program until the student
2094 graduates from high school or reaches the age of 40 years,
2095 whichever occurs first.

2096 (3) Supported employment services may be provided at more
2097 than one site.

2098 (4) The provider of supported employment services must be a
2099 nonprofit corporation under s. 501(c)(3) of the Internal Revenue



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2100 Code which serves Hardee County, DeSoto County, Manatee County,
2101 or Sarasota County and must contract with a private school in
2102 this state which meets the requirements in subsection (5).

2103 (5) A private school that participates in the ~~pilot~~ program
2104 may be sectarian or nonsectarian and must:

2105 (a) Be academically accountable for meeting the educational
2106 needs of the student by annually providing to the provider of
2107 supported employment services a written explanation of the
2108 student's progress.

2109 (b) Comply with the antidiscrimination provisions of 42
2110 U.S.C. s. 2000d.

2111 (c) Meet state and local health and safety laws and codes.

2112 (d) Provide to the provider of supported employment
2113 services all documentation required for a student's
2114 participation, including the private school's and student's fee
2115 schedules, at least 30 days before any quarterly scholarship
2116 payment is made for the student. A student is not eligible to
2117 receive a quarterly scholarship payment if the private school
2118 fails to meet this deadline.

2119
2120 The inability of a private school to meet the requirements of
2121 this subsection constitutes a basis for the ineligibility of the
2122 private school to participate in the ~~pilot~~ program.

2123 (6) (a) If the student chooses to participate in the ~~pilot~~
2124 program and is accepted by the provider of supported employment
2125 services, the student must notify the Department of Education of
2126 his or her acceptance into the program 60 days before the first
2127 scholarship payment and before participating in the ~~pilot~~
2128 program in order to be eligible for the scholarship.



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2129 (b) Upon receipt of a scholarship warrant, the student or
2130 parent to whom the warrant is made must restrictively endorse
2131 the warrant to the provider of supported employment services for
2132 deposit into the account of the provider. The student or parent
2133 may not designate any entity or individual associated with the
2134 participating provider of supported employment services as the
2135 student's or parent's attorney in fact to endorse a scholarship
2136 warrant. A participant who fails to comply with this paragraph
2137 forfeits the scholarship.

2138 (7) Funds for the scholarship shall be provided from the
2139 appropriation from the school district's Workforce Development
2140 Fund in the General Appropriations Act for students who reside
2141 in the Hardee County School District, the DeSoto County School
2142 District, the Manatee County School District, or the Sarasota
2143 County School District. ~~During the pilot program,~~ The
2144 scholarship amount granted for an eligible student with a
2145 disability shall be equal to the cost per unit of a full-time
2146 equivalent adult general education student, multiplied by the
2147 adult general education funding factor, and multiplied by the
2148 district cost differential pursuant to the formula required by
2149 s. 1011.80(6)(a) for the district in which the student resides.

2150 (8) Upon notification by the Department of Education that
2151 it has received the required documentation, the Chief Financial
2152 Officer shall make scholarship payments in four equal amounts no
2153 later than September 1, November 1, February 1, and April 1 of
2154 each academic year in which the scholarship is in force. The
2155 initial payment shall be made after the Department of Education
2156 verifies that the student was accepted into the ~~pilot~~ program,
2157 and subsequent payments shall be made upon verification of



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2158 continued participation in the ~~pilot~~ program. Payment must be by
2159 individual warrant made payable to the student or parent and
2160 mailed by the Department of Education to the provider of
2161 supported employment services, and the student or parent shall
2162 restrictively endorse the warrant to the provider of supported
2163 employment services for deposit into the account of that
2164 provider.

2165 (9) Subsequent to each scholarship payment, the Department
2166 of Education shall request from the Department of Financial
2167 Services a sample of endorsed warrants to review and confirm
2168 compliance with endorsement requirements.

2169 Section 18. Subsection (3) and paragraph (a) of subsection
2170 (8) of section 1006.15, Florida Statutes, are amended, and
2171 subsection (9) is added to that section, to read:

2172 1006.15 Student standards for participation in
2173 interscholastic and intrascholastic extracurricular student
2174 activities; regulation.-

2175 (3) (a) As used in this section and s. 1006.20, the term
2176 "eligible to participate" includes, but is not limited to, a
2177 student participating in tryouts, off-season conditioning,
2178 summer workouts, preseason conditioning, in-season practice, or
2179 contests. The term does not mean that a student must be placed
2180 on any specific team for interscholastic or intrascholastic
2181 extracurricular activities. To be eligible to participate in
2182 interscholastic extracurricular student activities, a student
2183 must:

2184 1. Maintain a grade point average of 2.0 or above on a 4.0
2185 scale, or its equivalent, in the previous semester or a
2186 cumulative grade point average of 2.0 or above on a 4.0 scale,



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2187 or its equivalent, in the courses required by s. 1002.3105(5) or
2188 s. 1003.4282.

2189 2. Execute and fulfill the requirements of an academic
2190 performance contract between the student, the district school
2191 board, the appropriate governing association, and the student's
2192 parents, if the student's cumulative grade point average falls
2193 below 2.0, or its equivalent, on a 4.0 scale in the courses
2194 required by s. 1002.3105(5) or s. 1003.4282. At a minimum, the
2195 contract must require that the student attend summer school, or
2196 its graded equivalent, between grades 9 and 10 or grades 10 and
2197 11, as necessary.

2198 3. Have a cumulative grade point average of 2.0 or above on
2199 a 4.0 scale, or its equivalent, in the courses required by s.
2200 1002.3105(5) or s. 1003.4282 during his or her junior or senior
2201 year.

2202 4. Maintain satisfactory conduct, including adherence to
2203 appropriate dress and other codes of student conduct policies
2204 described in s. 1006.07(2). If a student is convicted of, or is
2205 found to have committed, a felony or a delinquent act that would
2206 have been a felony if committed by an adult, regardless of
2207 whether adjudication is withheld, the student's participation in
2208 interscholastic extracurricular activities is contingent upon
2209 established and published district school board policy.

2210 (b) Any student who is exempt from attending a full school
2211 day based on rules adopted by the district school board for
2212 double session schools or programs, experimental schools, or
2213 schools operating under emergency conditions must maintain the
2214 grade point average required by this section and pass each class
2215 for which he or she is enrolled.



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2216 (c) An individual home education student is eligible to
2217 participate at the public school to which the student would be
2218 assigned according to district school board attendance area
2219 policies or which the student could ~~choose to attend pursuant to~~
2220 ~~district or interdistrict controlled open enrollment provisions,~~
2221 or may develop an agreement to participate at a private school,
2222 in the interscholastic extracurricular activities of that
2223 school, provided the following conditions are met:

2224 1. The home education student must meet the requirements of
2225 the home education program pursuant to s. 1002.41.

2226 2. During the period of participation at a school, the home
2227 education student must demonstrate educational progress as
2228 required in paragraph (b) in all subjects taken in the home
2229 education program by a method of evaluation agreed upon by the
2230 parent and the school principal which may include: review of the
2231 student's work by a certified teacher chosen by the parent;
2232 grades earned through correspondence; grades earned in courses
2233 taken at a Florida College System institution, university, or
2234 trade school; standardized test scores above the 35th
2235 percentile; or any other method designated in s. 1002.41.

2236 3. The home education student must meet the same residency
2237 requirements as other students in the school at which he or she
2238 participates.

2239 4. The home education student must meet the same standards
2240 of acceptance, behavior, and performance as required of other
2241 students in extracurricular activities.

2242 5. The student must register with the school his or her
2243 intent to participate in interscholastic extracurricular
2244 activities as a representative of the school before the



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2245 beginning date of the season for the activity in which he or she
2246 wishes to participate. A home education student must be able to
2247 participate in curricular activities if that is a requirement
2248 for an extracurricular activity.

2249 6. A student who transfers from a home education program to
2250 a public school before or during the first grading period of the
2251 school year is academically eligible to participate in
2252 interscholastic extracurricular activities during the first
2253 grading period provided the student has a successful evaluation
2254 from the previous school year, pursuant to subparagraph 2.

2255 7. Any public school or private school student who has been
2256 unable to maintain academic eligibility for participation in
2257 interscholastic extracurricular activities is ineligible to
2258 participate in such activities as a home education student until
2259 the student has successfully completed one grading period in
2260 home education pursuant to subparagraph 2. to become eligible to
2261 participate as a home education student.

2262 (d) An individual charter school student pursuant to s.
2263 1002.33 is eligible to participate at the public school to which
2264 the student would be assigned according to district school board
2265 attendance area policies or which the student could ~~choose to~~
2266 ~~attend, pursuant to district or interdistrict controlled open-~~
2267 ~~enrollment provisions,~~ in any interscholastic extracurricular
2268 activity of that school, unless such activity is provided by the
2269 student's charter school, if the following conditions are met:

2270 1. The charter school student must meet the requirements of
2271 the charter school education program as determined by the
2272 charter school governing board.

2273 2. During the period of participation at a school, the



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2274 charter school student must demonstrate educational progress as
2275 required in paragraph (b).

2276 3. The charter school student must meet the same residency
2277 requirements as other students in the school at which he or she
2278 participates.

2279 4. The charter school student must meet the same standards
2280 of acceptance, behavior, and performance that are required of
2281 other students in extracurricular activities.

2282 5. The charter school student must register with the school
2283 his or her intent to participate in interscholastic
2284 extracurricular activities as a representative of the school
2285 before the beginning date of the season for the activity in
2286 which he or she wishes to participate. A charter school student
2287 must be able to participate in curricular activities if that is
2288 a requirement for an extracurricular activity.

2289 6. A student who transfers from a charter school program to
2290 a traditional public school before or during the first grading
2291 period of the school year is academically eligible to
2292 participate in interscholastic extracurricular activities during
2293 the first grading period if the student has a successful
2294 evaluation from the previous school year, pursuant to
2295 subparagraph 2.

2296 7. Any public school or private school student who has been
2297 unable to maintain academic eligibility for participation in
2298 interscholastic extracurricular activities is ineligible to
2299 participate in such activities as a charter school student until
2300 the student has successfully completed one grading period in a
2301 charter school pursuant to subparagraph 2. to become eligible to
2302 participate as a charter school student.



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2303 (e) A student of the Florida Virtual School full-time
2304 program may participate in any interscholastic extracurricular
2305 activity at the public school to which the student would be
2306 assigned according to district school board attendance area
2307 policies or which the student could ~~choose to attend, pursuant~~
2308 ~~to district or interdistrict controlled open enrollment~~
2309 ~~policies,~~ if the student:

2310 1. During the period of participation in the
2311 interscholastic extracurricular activity, meets the requirements
2312 in paragraph (a).

2313 2. Meets any additional requirements as determined by the
2314 board of trustees of the Florida Virtual School.

2315 3. Meets the same residency requirements as other students
2316 in the school at which he or she participates.

2317 4. Meets the same standards of acceptance, behavior, and
2318 performance that are required of other students in
2319 extracurricular activities.

2320 5. Registers his or her intent to participate in
2321 interscholastic extracurricular activities with the school
2322 before the beginning date of the season for the activity in
2323 which he or she wishes to participate. A Florida Virtual School
2324 student must be able to participate in curricular activities if
2325 that is a requirement for an extracurricular activity.

2326 (f) A student who transfers from the Florida Virtual School
2327 full-time program to a traditional public school before or
2328 during the first grading period of the school year is
2329 academically eligible to participate in interscholastic
2330 extracurricular activities during the first grading period if
2331 the student has a successful evaluation from the previous school



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2332 year pursuant to paragraph (a).

2333 (g) A public school or private school student who has been
2334 unable to maintain academic eligibility for participation in
2335 interscholastic extracurricular activities is ineligible to
2336 participate in such activities as a Florida Virtual School
2337 student until the student successfully completes one grading
2338 period in the Florida Virtual School pursuant to paragraph (a).

2339 (h)1. A school district or charter school may not delay
2340 eligibility or otherwise prevent a student participating in
2341 controlled open enrollment, or a choice program, from being
2342 immediately eligible to participate in interscholastic and
2343 intrascholastic extracurricular activities.

2344 2. A student may not participate in a sport if the student
2345 participated in that same sport at another school during that
2346 school year, unless the student meets one of the following
2347 criteria:

2348 a. Dependent children of active duty military personnel
2349 whose move resulted from military orders.

2350 b. Children who have been relocated due to a foster care
2351 placement in a different school zone.

2352 c. Children who move due to a court ordered change in
2353 custody due to separation or divorce, or the serious illness or
2354 death of a custodial parent.

2355 d. Authorized for good cause in district or charter school
2356 policy.

2357 (8) (a) The Florida High School Athletic Association
2358 (FHSA), in cooperation with each district school board, shall
2359 facilitate a program in which a middle school or high school
2360 student who attends a private school shall be eligible to



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2361 participate in an interscholastic or intrascholastic sport at a
2362 public high school, a public middle school, or a 6-12 public
2363 school that is zoned for the physical address at which the
2364 student resides if:

2365 1. The private school in which the student is enrolled is
2366 not a member of the FHSAA ~~and does not offer an interscholastic~~
2367 ~~or intrascholastic athletic program.~~

2368 2. The private school student meets the guidelines for the
2369 conduct of the program established by the FHSAA's board of
2370 directors and the district school board. At a minimum, such
2371 guidelines shall provide:

2372 a. A deadline for each sport by which the private school
2373 student's parents must register with the public school in
2374 writing their intent for their child to participate at that
2375 school in the sport.

2376 b. Requirements for a private school student to
2377 participate, including, but not limited to, meeting the same
2378 standards of eligibility, acceptance, behavior, educational
2379 progress, and performance which apply to other students
2380 participating in interscholastic or intrascholastic sports at a
2381 public school or FHSAA member private school.

2382 (9) (a) A student who transfers to a school during the
2383 school year may seek to immediately join an existing team if the
2384 roster for the specific interscholastic or intrascholastic
2385 extracurricular activity has not reached the activity's
2386 identified maximum size and if the coach for the activity
2387 determines that the student has the requisite skill and ability
2388 to participate. The FHSAA and school district or charter school
2389 may not declare such a student ineligible because the student



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2390 did not have the opportunity to comply with qualifying
2391 requirements.

2392 (b) A student may not participate in a sport if the student
2393 participated in that same sport at another school during that
2394 school year, unless the student meets one of the following
2395 criteria:

2396 1. Dependent children of active duty military personnel
2397 whose move resulted from military orders.

2398 2. Children who have been relocated due to a foster care
2399 placement in a different school zone.

2400 3. Children who move due to a court ordered change in
2401 custody due to separation or divorce, or the serious illness or
2402 death of a custodial parent.

2403 4. Authorized for good cause in district or charter school
2404 policy.

2405 Section 19. Section 1006.195, Florida Statutes, is created
2406 to read:

2407 1006.195 District school board, charter school authority
2408 and responsibility to establish student eligibility regarding
2409 participation in interscholastic and intrascholastic
2410 extracurricular activities.—Notwithstanding any provision to the
2411 contrary in ss. 1006.15, 1006.18, and 1006.20, regarding student
2412 eligibility to participate in interscholastic and
2413 intrascholastic extracurricular activities:

2414 (1) (a) A district school board must establish, through its
2415 code of student conduct, student eligibility standards and
2416 related student disciplinary actions regarding student
2417 participation in interscholastic and intrascholastic
2418 extracurricular activities. The code of student conduct must



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2419 provide that:

2420 1. A student not currently suspended from interscholastic
2421 or intrascholastic extracurricular activities, or suspended or
2422 expelled from school, pursuant to a district school board's
2423 suspension or expulsion powers provided in law, including ss.
2424 1006.07, 1006.08, and 1006.09, is eligible to participate in
2425 interscholastic and intrascholastic extracurricular activities.

2426 2. A student may not participate in a sport if the student
2427 participated in that same sport at another school during that
2428 school year, unless the student meets the criteria in s.
2429 1006.15(3)(h).

2430 3. A student's eligibility to participate in any
2431 interscholastic or intrascholastic extracurricular activity may
2432 not be affected by any alleged recruiting violation until final
2433 disposition of the allegation pursuant to s. 1006.20(2)(b).

2434 (b) Students who participate in interscholastic and
2435 intrascholastic extracurricular activities for, but are not
2436 enrolled in, a public school pursuant to s. 1006.15(3)(c)-(e)
2437 and (8), are subject to the district school board's code of
2438 student conduct for the limited purpose of establishing and
2439 maintaining the student's eligibility to participate at the
2440 school.

2441 (c) The provisions of this subsection apply to
2442 interscholastic and intrascholastic extracurricular activities
2443 conducted by charter schools and private schools, as applicable,
2444 except that the charter school governing board, or equivalent
2445 private school authority, is responsible for the authority and
2446 responsibility otherwise provided to district school boards.

2447 (2)(a) The Florida High School Athletic Association (FHSAA)



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2448 continues to retain jurisdiction over the following provisions
2449 in s. 1006.20, which may not be implemented in a manner contrary
2450 to this section: membership in the FHSAA; recruiting
2451 prohibitions and violations; student medical evaluations;
2452 investigations; and sanctions for coaches; school eligibility
2453 and forfeiture of contests; student concussions or head
2454 injuries; the sports medical advisory committee; and the general
2455 operational provisions of the FHSAA.

2456 (b) The FHSAA must adopt, and prominently publish, the text
2457 of this section on its website and in its bylaws, rules,
2458 procedures, training and education materials, and all other
2459 governing authority documents by August 1, 2016.

2460 Section 20. Subsection (1) and paragraphs (a), (b), (c),
2461 and (g) of subsection (2) of section 1006.20, Florida Statutes,
2462 are amended to read:

2463 1006.20 Athletics in public K-12 schools.—

2464 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High
2465 School Athletic Association (FHSAA) is designated as the
2466 governing nonprofit organization of athletics in Florida public
2467 schools. If the FHSAA fails to meet the provisions of this
2468 section, the commissioner shall designate a nonprofit
2469 organization to govern athletics with the approval of the State
2470 Board of Education. The FHSAA is not a state agency as defined
2471 in s. 120.52. The FHSAA shall be subject to the provisions of s.
2472 1006.19. A private school that wishes to engage in high school
2473 athletic competition with a public high school may become a
2474 member of the FHSAA. Any high school in the state, including
2475 charter schools, virtual schools, and home education
2476 cooperatives, may become a member of the FHSAA and participate



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2477 in the activities of the FHSAA. However, membership in the FHSAA
2478 is not mandatory for any school. The FHSAA must allow a private
2479 school the option of maintaining full membership in the
2480 association or joining by sport and may not discourage a private
2481 school from simultaneously maintaining membership in another
2482 athletic association. The FHSAA may allow a public school the
2483 option to apply for consideration to join another athletic
2484 association. The FHSAA may not deny or discourage
2485 interscholastic competition between its member schools and non-
2486 FHSAA member Florida schools, including members of another
2487 athletic governing organization, and may not take any
2488 retributory or discriminatory action against any of its member
2489 schools that participate in interscholastic competition with
2490 non-FHSAA member Florida schools. The FHSAA may not unreasonably
2491 withhold its approval of an application to become an affiliate
2492 member of the National Federation of State High School
2493 Associations submitted by any other organization that governs
2494 interscholastic athletic competition in this state. The bylaws
2495 of the FHSAA are the rules by which high school athletic
2496 programs in its member schools, and the students who participate
2497 in them, are governed, unless otherwise specifically provided by
2498 statute. For the purposes of this section, "high school"
2499 includes grades 6 through 12.

2500 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

2501 (a) The FHSAA shall adopt bylaws that, unless specifically
2502 provided by statute, establish eligibility requirements for all
2503 students who participate in high school athletic competition in
2504 its member schools. The bylaws governing residence and transfer
2505 shall allow the student to be immediately eligible in the school



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2506 in which he or she first enrolls each school year or the school
2507 in which the student makes himself or herself a candidate for an
2508 athletic team by engaging in a practice prior to enrolling in
2509 the school. The bylaws shall also allow the student to be
2510 immediately eligible in the school to which the student has
2511 ~~transferred during the school year if the transfer is made by a~~
2512 ~~deadline established by the FHSAA, which may not be prior to the~~
2513 ~~date authorized for the beginning of practice for the sport.~~
2514 ~~These transfers shall be allowed pursuant to the district school~~
2515 ~~board policies in the case of transfer to a public school or~~
2516 ~~pursuant to the private school policies in the case of transfer~~
2517 ~~to a private school.~~ The student shall be eligible in that
2518 school so long as he or she remains enrolled in that school.
2519 Subsequent eligibility shall be determined and enforced through
2520 the FHSAA's bylaws. Requirements governing eligibility and
2521 transfer between member schools shall be applied similarly to
2522 public school students and private school students.

2523 (b) The FHSAA shall adopt bylaws that specifically prohibit
2524 the recruiting of students for athletic purposes. The bylaws
2525 shall prescribe penalties and an appeals process for athletic
2526 recruiting violations.

2527 1. If it is determined that a school has recruited a
2528 student in violation of FHSAA bylaws, the FHSAA may require the
2529 school to participate in a higher classification for the sport
2530 in which the recruited student competes for a minimum of one
2531 classification cycle, in addition to the penalties in
2532 subparagraphs 2. and 3., and any other appropriate fine or ~~and~~
2533 sanction imposed on the school, its coaches, or adult
2534 representatives who violate recruiting rules.



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2535 2. Any recruitment by a school district employee or
2536 contractor in violation of FHSAA bylaws results in escalating
2537 punishments as follows:
2538 a. For a first offense, a \$5,000 forfeiture of pay for the
2539 school district employee or contractor who committed the
2540 violation.
2541 b. For a second offense, suspension without pay for 12
2542 months from coaching, directing, or advertising an
2543 extracurricular activity and a \$5,000 forfeiture of pay for the
2544 school district employee or contractor who committed the
2545 violation.
2546 c. For a third offense, a \$5,000 forfeiture of pay for the
2547 school district employee or contractor who committed the
2548 violation. If the individual who committed the violation holds
2549 an educator certificate, the FHSAA shall also refer the
2550 violation to the department for review pursuant to s. 1012.796
2551 to determine whether probable cause exists, and, if there is a
2552 finding of probable cause, the commissioner shall file a formal
2553 complaint against the individual. If the complaint is upheld,
2554 the individual's educator certificate shall be revoked for 3
2555 years, in addition to any penalties available under s. 1012.796.
2556 Additionally, the department shall revoke any adjunct teaching
2557 certificates issued pursuant to s. 1012.57 and all permissions
2558 under ss. 1012.39 and 1012.43, and the educator is ineligible
2559 for such certificates or permissions for a period of time equal
2560 to the period of revocation of his or her state-issued
2561 certificate.
2562 3. Notwithstanding any other provision of law, a school,
2563 team, or activity shall forfeit all competitions, including



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2564 honors resulting from such competitions, in which a student who
2565 participated in any fashion was recruited in a manner prohibited
2566 pursuant to state law or the FHSAA bylaws.

2567 4. A student may not be declared ineligible based on
2568 violation of recruiting rules unless the student or parent has
2569 falsified any enrollment or eligibility document or accepted any
2570 benefit ~~or any promise of benefit~~ if such benefit is not
2571 generally available to the school's students or family members
2572 or is based in any way on athletic interest, potential, or
2573 performance.

2574 5. A student's eligibility to participate in any
2575 interscholastic or intrascholastic extracurricular activity, as
2576 determined by a district school board pursuant to s.
2577 1006.195(1)(a)3., may not be affected by any alleged recruiting
2578 violation until final disposition of the allegation.

2579 (c) The FHSAA shall adopt bylaws that require all students
2580 participating in interscholastic athletic competition or who are
2581 candidates for an interscholastic athletic team to
2582 satisfactorily pass a medical evaluation each year prior to
2583 participating in interscholastic athletic competition or
2584 engaging in any practice, tryout, workout, or other physical
2585 activity associated with the student's candidacy for an
2586 interscholastic athletic team. Such medical evaluation may be
2587 administered only by a practitioner licensed under chapter 458,
2588 chapter 459, chapter 460, or s. 464.012, and in good standing
2589 with the practitioner's regulatory board. The bylaws shall
2590 establish requirements for eliciting a student's medical history
2591 and performing the medical evaluation required under this
2592 paragraph, which shall include a physical assessment of the



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2593 student's physical capabilities to participate in
2594 interscholastic athletic competition as contained in a uniform
2595 preparticipation physical evaluation and history form. The
2596 evaluation form shall incorporate the recommendations of the
2597 American Heart Association for participation cardiovascular
2598 screening and shall provide a place for the signature of the
2599 practitioner performing the evaluation with an attestation that
2600 each examination procedure listed on the form was performed by
2601 the practitioner or by someone under the direct supervision of
2602 the practitioner. The form shall also contain a place for the
2603 practitioner to indicate if a referral to another practitioner
2604 was made in lieu of completion of a certain examination
2605 procedure. The form shall provide a place for the practitioner
2606 to whom the student was referred to complete the remaining
2607 sections and attest to that portion of the examination. The
2608 preparticipation physical evaluation form shall advise students
2609 to complete a cardiovascular assessment and shall include
2610 information concerning alternative cardiovascular evaluation and
2611 diagnostic tests. Results of such medical evaluation must be
2612 provided to the school. A student is not ~~No student shall be~~
2613 eligible to participate, as provided in s. 1006.15(3), in any
2614 interscholastic athletic competition or engage in any practice,
2615 tryout, workout, or other physical activity associated with the
2616 student's candidacy for an interscholastic athletic team until
2617 the results of the medical evaluation have been received and
2618 approved by the school.

2619 (g) The FHSAA shall adopt bylaws establishing the process
2620 and standards by which FHSAA determinations of eligibility are
2621 made. Such bylaws shall provide that:



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2622 1. Ineligibility must be established by a preponderance of
2623 the clear and convincing evidence;

2624 2. Student athletes, parents, and schools must have notice
2625 of the initiation of any investigation or other inquiry into
2626 eligibility and may present, to the investigator and to the
2627 individual making the eligibility determination, any information
2628 or evidence that is credible, persuasive, and of a kind
2629 reasonably prudent persons rely upon in the conduct of serious
2630 affairs;

2631 3. An investigator may not determine matters of eligibility
2632 but must submit information and evidence to the executive
2633 director or a person designated by the executive director or by
2634 the board of directors for an unbiased and objective
2635 determination of eligibility; and

2636 4. A determination of ineligibility must be made in
2637 writing, setting forth the findings of fact and specific
2638 violation upon which the decision is based.

2639 Section 21. Section 1009.893, Florida Statutes, is amended
2640 to read:

2641 1009.893 Benacquisto Scholarship ~~Florida National Merit~~
2642 ~~Scholar Incentive~~ Program.—

2643 (1) As used in this section, the term:

2644 (a) "Department" means the Department of Education.

2645 (b) "Scholarship Incentive program" means the Benacquisto
2646 Scholarship ~~Florida National Merit Scholar Incentive~~ Program.

2647 (2) The Benacquisto Scholarship ~~Florida National Merit~~
2648 ~~Scholar Incentive~~ Program is created to reward any Florida high
2649 school graduate who receives recognition as a National Merit
2650 Scholar or National Achievement Scholar and who initially



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2651 enrolls in the 2014-2015 academic year or, later, in a
2652 baccalaureate degree program at an eligible Florida public or
2653 independent postsecondary educational institution.

2654 (3) The department shall administer the scholarship
2655 ~~incentive~~ program according to rules and procedures established
2656 by the State Board of Education. The department shall advertise
2657 the availability of the scholarship ~~incentive~~ program and notify
2658 students, teachers, parents, certified school counselors, and
2659 principals or other relevant school administrators of the
2660 criteria.

2661 (4) In order to be eligible for an award under the
2662 scholarship ~~incentive~~ program, a student must:

2663 (a) Be a state resident as determined in s. 1009.40 and
2664 rules of the State Board of Education;

2665 (b) Earn a standard Florida high school diploma or its
2666 equivalent pursuant to s. 1002.3105, s. 1003.4281, s. 1003.4282,
2667 or s. 1003.435 unless:

2668 1. The student completes a home education program according
2669 to s. 1002.41; or

2670 2. The student earns a high school diploma from a non-
2671 Florida school while living with a parent who is on military or
2672 public service assignment out of this state;

2673 (c) Be accepted by and enroll in a Florida public or
2674 independent postsecondary educational institution that is
2675 regionally accredited; and

2676 (d) Be enrolled full-time in a baccalaureate degree program
2677 at an eligible regionally accredited Florida public or
2678 independent postsecondary educational institution during the
2679 fall academic term following high school graduation.



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2680 (5) (a) An eligible student who is a National Merit Scholar
2681 or National Achievement Scholar and who attends a Florida public
2682 postsecondary educational institution shall receive a
2683 scholarship ~~an incentive~~ award equal to the institutional cost
2684 of attendance minus the sum of the student's Florida Bright
2685 Futures Scholarship and National Merit Scholarship or National
2686 Achievement Scholarship.

2687 (b) An eligible student who is a National Merit Scholar or
2688 National Achievement Scholar and who attends a Florida
2689 independent postsecondary educational institution shall receive
2690 a scholarship ~~an incentive~~ award equal to the highest cost of
2691 attendance at a Florida public university, as reported by the
2692 Board of Governors of the State University System, minus the sum
2693 of the student's Florida Bright Futures Scholarship and National
2694 Merit Scholarship or National Achievement Scholarship.

2695 (6) (a) To be eligible for a renewal award, a student must
2696 earn all credits for which he or she was enrolled and maintain a
2697 3.0 or higher grade point average.

2698 (b) A student may receive the scholarship ~~incentive~~ award
2699 for a maximum of 100 percent of the number of credit hours
2700 required to complete a baccalaureate degree program, or until
2701 completion of a baccalaureate degree program, whichever comes
2702 first.

2703 (7) The department shall annually issue awards from the
2704 scholarship ~~incentive~~ program. Before the registration period
2705 each semester, the department shall transmit payment for each
2706 award to the president or director of the postsecondary
2707 educational institution, or his or her representative, except
2708 that the department may withhold payment if the receiving



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2709 institution fails to report or to make refunds to the department
2710 as required in this section.

2711 (a) Each institution shall certify to the department the
2712 eligibility status of each student to receive a disbursement
2713 within 30 days before the end of its regular registration
2714 period, inclusive of a drop and add period. An institution is
2715 not required to reevaluate the student eligibility after the end
2716 of the drop and add period.

2717 (b) An institution that receives funds from the scholarship
2718 ~~incentive~~ program must certify to the department the amount of
2719 funds disbursed to each student and remit to the department any
2720 undisbursed advances within 60 days after the end of regular
2721 registration.

2722 (c) If funds appropriated are not adequate to provide the
2723 maximum allowable award to each eligible student, awards must be
2724 prorated using the same percentage reduction.

2725 (8) Funds from any award within the scholarship ~~incentive~~
2726 program may not be used to pay for remedial coursework or
2727 developmental education.

2728 (9) A student may use an award for a summer term if funds
2729 are available and appropriated by the Legislature.

2730 (10) The department shall allocate funds to the appropriate
2731 institutions and collect and maintain data regarding the
2732 scholarship ~~incentive~~ program within the student financial
2733 assistance database as specified in s. 1009.94.

2734 (11) Section 1009.40(4) does not apply to awards issued
2735 under this section.

2736 (12) A student who receives an award under the scholarship
2737 program shall be known as a Benacquisto Scholar.



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2738 (13) All eligible Florida public or independent
2739 postsecondary educational institutions are encouraged to become,
2740 and all eligible state universities shall become, college
2741 sponsors of the National Merit Scholarship Program.

2742 ~~(14)-(12)~~ The State Board of Education shall adopt rules
2743 necessary to administer this section.

2744 Section 22. Subsection (1) of section 1011.61, Florida
2745 Statutes, is amended to read:

2746 1011.61 Definitions.—Notwithstanding the provisions of s.
2747 1000.21, the following terms are defined as follows for the
2748 purposes of the Florida Education Finance Program:

2749 (1) A “full-time equivalent student” in each program of the
2750 district is defined in terms of full-time students and part-time
2751 students as follows:

2752 (a) A “full-time student” is one student on the membership
2753 roll of one school program or a combination of school programs
2754 listed in s. 1011.62(1)(c) for the school year or the equivalent
2755 for:

2756 1. Instruction in a standard school, comprising not less
2757 than 900 net hours for a student in or at the grade level of 4
2758 through 12, or not less than 720 net hours for a student in or
2759 at the grade level of kindergarten through grade 3 or in an
2760 authorized prekindergarten exceptional program; or

2761 ~~2. Instruction in a double-session school or a school~~
2762 ~~utilizing an experimental school calendar approved by the~~
2763 ~~Department of Education, comprising not less than the equivalent~~
2764 ~~of 810 net hours in grades 4 through 12 or not less than 630 net~~
2765 ~~hours in kindergarten through grade 3; or~~

2766 ~~2.3.~~ Instruction comprising the appropriate number of net



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2767 hours set forth in subparagraph 1. ~~or subparagraph 2.~~ for
2768 students who, within the past year, have moved with their
2769 parents for the purpose of engaging in the farm labor or fish
2770 industries, if a plan furnishing such an extended school day or
2771 week, or a combination thereof, has been approved by the
2772 commissioner. Such plan may be approved to accommodate the needs
2773 of migrant students only or may serve all students in schools
2774 having a high percentage of migrant students. The plan described
2775 in this subparagraph is optional for any school district and is
2776 not mandated by the state.

2777 (b) A "part-time student" is a student on the active
2778 membership roll of a school program or combination of school
2779 programs listed in s. 1011.62(1)(c) who is less than a full-time
2780 student. A student who receives instruction in a school that
2781 operates for less than the minimum term shall generate full-time
2782 equivalent student membership proportional to the amount of
2783 instructional hours provided by the school divided by the
2784 minimum term requirement as provided in s. 1011.60(2).

2785 (c)1. A "full-time equivalent student" is:

2786 a. A full-time student in any one of the programs listed in
2787 s. 1011.62(1)(c); or

2788 b. A combination of full-time or part-time students in any
2789 one of the programs listed in s. 1011.62(1)(c) which is the
2790 equivalent of one full-time student based on the following
2791 calculations:

2792 (I) A full-time student in a combination of programs listed
2793 in s. 1011.62(1)(c) shall be a fraction of a full-time
2794 equivalent membership in each special program equal to the
2795 number of net hours per school year for which he or she is a



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2796 member, divided by the appropriate number of hours set forth in
2797 subparagraph (a)1. ~~or subparagraph (a)2.~~ The difference between
2798 that fraction or sum of fractions and the maximum value as set
2799 forth in subsection (4) for each full-time student is presumed
2800 to be the balance of the student's time not spent in a special
2801 program and shall be recorded as time in the appropriate basic
2802 program.

2803 (II) A prekindergarten student with a disability shall meet
2804 the requirements specified for kindergarten students.

2805 (III) A full-time equivalent student for students in
2806 kindergarten through grade 12 in a full-time virtual instruction
2807 program under s. 1002.45 or a virtual charter school under s.
2808 1002.33 shall consist of six full-credit completions or the
2809 prescribed level of content that counts toward promotion to the
2810 next grade in programs listed in s. 1011.62(1)(c). Credit
2811 completions may be a combination of full-credit courses or half-
2812 credit courses. ~~Beginning in the 2016-2017 fiscal year, the~~
2813 ~~reported full-time equivalent students and associated funding of~~
2814 ~~students enrolled in courses requiring passage of an end-of-~~
2815 ~~course assessment under s. 1003.4282 to earn a standard high~~
2816 ~~school diploma shall be adjusted if the student does not pass~~
2817 ~~the end-of-course assessment. However, no adjustment shall be~~
2818 ~~made for a student who enrolls in a segmented remedial course~~
2819 ~~delivered online.~~

2820 (IV) A full-time equivalent student for students in
2821 kindergarten through grade 12 in a part-time virtual instruction
2822 program under s. 1002.45 shall consist of six full-credit
2823 completions in programs listed in s. 1011.62(1)(c)1. and 3.
2824 Credit completions may be a combination of full-credit courses



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2825 or half-credit courses. ~~Beginning in the 2016-2017 fiscal year,~~
2826 ~~the reported full-time equivalent students and associated~~
2827 ~~funding of students enrolled in courses requiring passage of an~~
2828 ~~end-of-course assessment under s. 1003.4282 to earn a standard~~
2829 ~~high school diploma shall be adjusted if the student does not~~
2830 ~~pass the end-of-course assessment. However, no adjustment shall~~
2831 ~~be made for a student who enrolls in a segmented remedial course~~
2832 ~~delivered online.~~

2833 (V) A Florida Virtual School full-time equivalent student
2834 shall consist of six full-credit completions or the prescribed
2835 level of content that counts toward promotion to the next grade
2836 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
2837 participating in kindergarten through grade 12 part-time virtual
2838 instruction and the programs listed in s. 1011.62(1)(c) for
2839 students participating in kindergarten through grade 12 full-
2840 time virtual instruction. Credit completions may be a
2841 combination of full-credit courses or half-credit courses.

2842 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~
2843 ~~equivalent students and associated funding of students enrolled~~
2844 ~~in courses requiring passage of an end-of-course assessment~~
2845 ~~under s. 1003.4282 to earn a standard high school diploma shall~~
2846 ~~be adjusted if the student does not pass the end-of-course~~
2847 ~~assessment. However, no adjustment shall be made for a student~~
2848 ~~who enrolls in a segmented remedial course delivered online.~~

2849 (VI) Each successfully completed full-credit course earned
2850 through an online course delivered by a district other than the
2851 one in which the student resides shall be calculated as 1/6 FTE.

2852 (VII) A full-time equivalent student for courses requiring
2853 passage of a statewide, standardized end-of-course assessment



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2854 under s. 1003.4282 to earn a standard high school diploma shall
2855 be defined and reported based on the number of instructional
2856 hours as provided in this subsection ~~until the 2016-2017 fiscal~~
2857 ~~year. Beginning in the 2016-2017 fiscal year, the FTE for the~~
2858 ~~course shall be assessment-based and shall be equal to 1/6 FTE.~~
2859 ~~The reported FTE shall be adjusted if the student does not pass~~
2860 ~~the end-of-course assessment. However, no adjustment shall be~~
2861 ~~made for a student who enrolls in a segmented remedial course~~
2862 ~~delivered online.~~

2863 (VIII) For students enrolled in a school district as a
2864 full-time student, the district may report 1/6 FTE for each
2865 student who passes a statewide, standardized end-of-course
2866 assessment without being enrolled in the corresponding course.

2867 2. A student in membership in a program scheduled for more
2868 or less than 180 school days or the equivalent on an hourly
2869 basis as specified by rules of the State Board of Education is a
2870 fraction of a full-time equivalent membership equal to the
2871 number of instructional hours in membership divided by the
2872 appropriate number of hours set forth in subparagraph (a)1. ;
2873 however, for the purposes of this subparagraph, membership in
2874 programs scheduled for more than 180 days is limited to students
2875 enrolled in:

2876 a. Juvenile justice education programs.

2877 b. The Florida Virtual School.

2878 c. Virtual instruction programs and virtual charter schools
2879 for the purpose of course completion and credit recovery
2880 pursuant to ss. 1002.45 and 1003.498. Course completion applies
2881 only to a student who is reported during the second or third
2882 membership surveys and who does not complete a virtual education



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2883 course by the end of the regular school year. The course must be
2884 completed no later than the deadline for amending the final
2885 student enrollment survey for that year. Credit recovery applies
2886 only to a student who has unsuccessfully completed a traditional
2887 or virtual education course during the regular school year and
2888 must re-take the course in order to be eligible to graduate with
2889 the student's class.

2890
2891 The full-time equivalent student enrollment calculated under
2892 this subsection is subject to the requirements in subsection
2893 (4).

2894
2895 The department shall determine and implement an equitable method
2896 of equivalent funding for ~~experimental schools and for~~ schools
2897 operating under emergency conditions, which schools have been
2898 approved by the department to operate for less than the minimum
2899 term as provided in s. 1011.60(2) ~~school day~~.

2900 Section 23. Effective July 1, 2016, and upon the expiration
2901 of the amendment to section 1011.62, Florida Statutes, made by
2902 chapter 2015-222, Laws of Florida, paragraphs (e) and (o) of
2903 subsection (1), paragraph (a) of subsection (4), and present
2904 subsection (13) of that section are amended, present subsections
2905 (13), (14), and (15) of that section are redesignated as
2906 subsections (14), (15), and (16), respectively, and a new
2907 subsection (13) is added to that section, to read:

2908 1011.62 Funds for operation of schools.—If the annual
2909 allocation from the Florida Education Finance Program to each
2910 district for operation of schools is not determined in the
2911 annual appropriations act or the substantive bill implementing



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2912 the annual appropriations act, it shall be determined as
2913 follows:

2914 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
2915 OPERATION.—The following procedure shall be followed in
2916 determining the annual allocation to each district for
2917 operation:

2918 (e) *Funding model for exceptional student education*
2919 *programs.*—

2920 1.a. The funding model uses basic, at-risk, support levels
2921 IV and V for exceptional students and career Florida Education
2922 Finance Program cost factors, and a guaranteed allocation for
2923 exceptional student education programs. Exceptional education
2924 cost factors are determined by using a matrix of services to
2925 document the services that each exceptional student will
2926 receive. The nature and intensity of the services indicated on
2927 the matrix shall be consistent with the services described in
2928 each exceptional student's individual educational plan. The
2929 Department of Education shall review and revise the descriptions
2930 of the services and supports included in the matrix of services
2931 for exceptional students and shall implement those revisions
2932 before the beginning of the 2012-2013 school year.

2933 b. In order to generate funds using one of the two weighted
2934 cost factors, a matrix of services must be completed at the time
2935 of the student's initial placement into an exceptional student
2936 education program and at least once every 3 years by personnel
2937 who have received approved training. Nothing listed in the
2938 matrix shall be construed as limiting the services a school
2939 district must provide in order to ensure that exceptional
2940 students are provided a free, appropriate public education.



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2941 c. Students identified as exceptional, in accordance with
2942 chapter 6A-6, Florida Administrative Code, who do not have a
2943 matrix of services as specified in sub-subparagraph b. shall
2944 generate funds on the basis of full-time-equivalent student
2945 membership in the Florida Education Finance Program at the same
2946 funding level per student as provided for basic students.

2947 Additional funds for these exceptional students will be provided
2948 through the guaranteed allocation designated in subparagraph 2.

2949 2. For students identified as exceptional who do not have a
2950 matrix of services and students who are gifted in grades K
2951 through 8, there is created a guaranteed allocation to provide
2952 these students with a free appropriate public education, in
2953 accordance with s. 1001.42(4)(1) and rules of the State Board of
2954 Education, which shall be allocated initially annually to each
2955 school district in the amount provided in the General
2956 Appropriations Act. These funds shall be supplemental ~~in~~
2957 ~~addition~~ to the funds appropriated for the basic funding level
2958 ~~on the basis of FTE student membership in the Florida Education~~
2959 ~~Finance Program~~, and the amount allocated for each school
2960 district shall ~~not~~ be recalculated once during the year, based
2961 on actual student membership from the October FTE survey. Upon
2962 recalculation, if the generated allocation is greater than the
2963 amount provided in the General Appropriations Act, the total
2964 shall be prorated to the level of the appropriation based on
2965 each district's share of the total recalculated amount. These
2966 funds shall be used to provide special education and related
2967 services for exceptional students and students who are gifted in
2968 grades K through 8. ~~Beginning with the 2007-2008 fiscal year, A~~
2969 district's expenditure of funds from the guaranteed allocation



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2970 for students in grades 9 through 12 who are gifted may not be
2971 greater than the amount expended during the 2006-2007 fiscal
2972 year for gifted students in grades 9 through 12.

2973 (o) *Calculation of additional full-time equivalent*
2974 *membership based on successful completion of a career-themed*
2975 *course pursuant to ss. 1003.491, 1003.492, and 1003.493, or*
2976 *courses with embedded CAPE industry certifications or CAPE*
2977 *Digital Tool certificates, and issuance of industry*
2978 *certification identified on the CAPE Industry Certification*
2979 *Funding List pursuant to rules adopted by the State Board of*
2980 *Education or CAPE Digital Tool certificates pursuant to s.*
2981 *1003.4203.—*

2982 1.a. A value of 0.025 full-time equivalent student
2983 membership shall be calculated for CAPE Digital Tool
2984 certificates earned by students in elementary and middle school
2985 grades.

2986 b. A value of 0.1 or 0.2 full-time equivalent student
2987 membership shall be calculated for each student who completes a
2988 course as defined in s. 1003.493(1)(b) or courses with embedded
2989 CAPE industry certifications and who is issued an industry
2990 certification identified annually on the CAPE Industry
2991 Certification Funding List approved under rules adopted by the
2992 State Board of Education. A value of 0.2 full-time equivalent
2993 membership shall be calculated for each student who is issued a
2994 CAPE industry certification that has a statewide articulation
2995 agreement for college credit approved by the State Board of
2996 Education. For CAPE industry certifications that do not
2997 articulate for college credit, the Department of Education shall
2998 assign a full-time equivalent value of 0.1 for each



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2999 certification. Middle grades students who earn additional FTE
3000 membership for a CAPE Digital Tool certificate pursuant to sub-
3001 subparagraph a. may not use the previously funded examination to
3002 satisfy the requirements for earning an industry certification
3003 under this sub-subparagraph. Additional FTE membership for an
3004 elementary or middle grades student may ~~shall~~ not exceed 0.1 for
3005 certificates or certifications earned within the same fiscal
3006 year. The State Board of Education shall include the assigned
3007 values on the CAPE Industry Certification Funding List under
3008 rules adopted by the state board. Such value shall be added to
3009 the total full-time equivalent student membership for grades 6
3010 through 12 in the subsequent year ~~for courses that were not~~
3011 ~~provided through dual enrollment~~. CAPE industry certifications
3012 earned through dual enrollment must be reported and funded
3013 pursuant to s. 1011.80. However, if a student earns a
3014 certification through a dual enrollment course and the
3015 certification is not a fundable certification on the
3016 postsecondary certification funding list, or the dual enrollment
3017 certification is earned as a result of an agreement between a
3018 school district and a nonpublic postsecondary institution, the
3019 bonus value shall be funded in the same manner as other nondual
3020 enrollment course industry certifications. In such cases, the
3021 school district may provide for an agreement between the high
3022 school and the technical center, or the school district and the
3023 postsecondary institution may enter into an agreement for
3024 equitable distribution of the bonus funds.

3025 c. A value of 0.3 full-time equivalent student membership
3026 shall be calculated for student completion of the courses and
3027 the embedded certifications identified on the CAPE Industry



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3028 Certification Funding List and approved by the commissioner
3029 pursuant to ss. 1003.4203(5) (a) and 1008.44.

3030 d. A value of 0.5 full-time equivalent student membership
3031 shall be calculated for CAPE Acceleration Industry
3032 Certifications that articulate for 15 to 29 college credit
3033 hours, and 1.0 full-time equivalent student membership shall be
3034 calculated for CAPE Acceleration Industry Certifications that
3035 articulate for 30 or more college credit hours pursuant to CAPE
3036 Acceleration Industry Certifications approved by the
3037 commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

3038 2. Each district must allocate at least 80 percent of the
3039 funds provided for CAPE industry certification, in accordance
3040 with this paragraph, to the program that generated the funds.
3041 This allocation may not be used to supplant funds provided for
3042 basic operation of the program.

3043 3. For CAPE industry certifications earned in the 2013-2014
3044 school year and in subsequent years, the school district shall
3045 distribute to each classroom teacher who provided direct
3046 instruction toward the attainment of a CAPE industry
3047 certification that qualified for additional full-time equivalent
3048 membership under subparagraph 1.:

3049 a. A bonus ~~in the amount~~ of \$25 for each student taught by
3050 a teacher who provided instruction in a course that led to the
3051 attainment of a CAPE industry certification on the CAPE Industry
3052 Certification Funding List with a weight of 0.1.

3053 b. A bonus ~~in the amount~~ of \$50 for each student taught by
3054 a teacher who provided instruction in a course that led to the
3055 attainment of a CAPE industry certification on the CAPE Industry
3056 Certification Funding List with a weight of 0.2, ~~0.3, 0.5, and~~



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3057 ~~1.0.~~

3058 c. A bonus of \$75 for each student taught by a teacher who
3059 provided instruction in a course that led to the attainment of a
3060 CAPE industry certification on the CAPE Industry Certification
3061 Funding List with a weight of 0.3.

3062 d. A bonus of \$100 for each student taught by a teacher who
3063 provided instruction in a course that led to the attainment of a
3064 CAPE industry certification on the CAPE Industry Certification
3065 Funding List with a weight of 0.5 or 1.0.

3066
3067 Bonuses awarded pursuant to this paragraph shall be provided to
3068 teachers who are employed by the district in the year in which
3069 the additional FTE membership calculation is included in the
3070 calculation. Bonuses shall be calculated based upon the
3071 associated weight of a CAPE industry certification on the CAPE
3072 Industry Certification Funding List for the year in which the
3073 certification is earned by the student. Any bonus awarded to a
3074 teacher under this paragraph ~~may not exceed \$2,000 in any given~~
3075 ~~school year and~~ is in addition to any regular wage or other
3076 bonus the teacher received or is scheduled to receive.

3077 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The
3078 Legislature shall prescribe the aggregate required local effort
3079 for all school districts collectively as an item in the General
3080 Appropriations Act for each fiscal year. The amount that each
3081 district shall provide annually toward the cost of the Florida
3082 Education Finance Program for kindergarten through grade 12
3083 programs shall be calculated as follows:

3084 (a) *Estimated taxable value calculations.*—

3085 1.a. Not later than 2 working days before ~~prior to~~ July 19,



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3086 the Department of Revenue shall certify to the Commissioner of
3087 Education its most recent estimate of the taxable value for
3088 school purposes in each school district and the total for all
3089 school districts in the state for the current calendar year
3090 based on the latest available data obtained from the local
3091 property appraisers. The value certified shall be the taxable
3092 value for school purposes for that year, and no further
3093 adjustments shall be made, except those made pursuant to
3094 paragraphs (c) and (d), or an assessment roll change required by
3095 final judicial decisions as specified in paragraph (15) (b)
3096 ~~(14) (b)~~. Not later than July 19, the Commissioner of Education
3097 shall compute a millage rate, rounded to the next highest one
3098 one-thousandth of a mill, which, when applied to 96 percent of
3099 the estimated state total taxable value for school purposes,
3100 would generate the prescribed aggregate required local effort
3101 for that year for all districts. The Commissioner of Education
3102 shall certify to each district school board the millage rate,
3103 computed as prescribed in this subparagraph, as the minimum
3104 millage rate necessary to provide the district required local
3105 effort for that year.

3106 b. The General Appropriations Act shall direct the
3107 computation of the statewide adjusted aggregate amount for
3108 required local effort for all school districts collectively from
3109 ad valorem taxes to ensure that no school district's revenue
3110 from required local effort millage will produce more than 90
3111 percent of the district's total Florida Education Finance
3112 Program calculation as calculated and adopted by the
3113 Legislature, and the adjustment of the required local effort
3114 millage rate of each district that produces more than 90 percent



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3115 of its total Florida Education Finance Program entitlement to a
3116 level that will produce only 90 percent of its total Florida
3117 Education Finance Program entitlement in the July calculation.

3118 2. On the same date as the certification in sub-
3119 subparagraph 1.a., the Department of Revenue shall certify to
3120 the Commissioner of Education for each district:

3121 a. Each year for which the property appraiser has certified
3122 the taxable value pursuant to s. 193.122(2) or (3), if
3123 applicable, since the prior certification under sub-subparagraph
3124 1.a.

3125 b. For each year identified in sub-subparagraph a., the
3126 taxable value certified by the appraiser pursuant to s.
3127 193.122(2) or (3), if applicable, since the prior certification
3128 under sub-subparagraph 1.a. This is the certification that
3129 reflects all final administrative actions of the value
3130 adjustment board.

3131 (13) FEDERALLY CONNECTED STUDENT SUPPLEMENT.—The federally
3132 connected student supplement is created to provide supplemental
3133 funding for school districts to support the education of
3134 students connected with federally owned military installations,
3135 National Aeronautics and Space Administration (NASA) real
3136 property, and Indian lands. To be eligible for this supplement,
3137 the district must be eligible for federal Impact Aid Program
3138 funds under s. 8003 of Title VIII of the Elementary and
3139 Secondary Education Act of 1965. The supplement shall be
3140 allocated annually to each eligible school district in the
3141 amount provided in the General Appropriations Act. The
3142 supplement shall be the sum of the student allocation and an
3143 exempt property allocation.



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3144 (a) The student allocation shall be calculated based on the
3145 number of students reported for federal Impact Aid Program
3146 funds, including students with disabilities, who meet one of the
3147 following criteria:

3148 1. The student has a parent who is on active duty in the
3149 uniformed services or is an accredited foreign government
3150 official and military officer. Students with disabilities shall
3151 also be reported separately for this category.

3152 2. The student resides on eligible federally owned Indian
3153 land. Students with disabilities shall also be reported
3154 separately for this category.

3155 3. The student resides with a civilian parent who lives or
3156 works on eligible federal property connected with a military
3157 installation or NASA. The number of these students shall be
3158 multiplied by a factor of 0.5.

3159 (b) The total number of federally connected students
3160 calculated under paragraph (a) shall be multiplied by a
3161 percentage of the base student allocation as provided in the
3162 General Appropriations Act. The total of the number of students
3163 with disabilities as reported separately under subparagraphs
3164 (a)1. and (a)2. shall be multiplied by an additional percentage
3165 of the base student allocation as provided in the General
3166 Appropriations Act. The base amount and the amount for students
3167 with disabilities shall be summed to provide the student
3168 allocation.

3169 (c) The exempt property allocation shall be equal to the
3170 tax-exempt value of federal impact aid lands reserved as
3171 military installations, real property owned by NASA, or eligible
3172 federally owned Indian lands located in the district, as of



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3173 January 1 of the previous year, multiplied by the millage
3174 authorized and levied under s. 1011.71(2).

3175 (14)~~(13)~~ QUALITY ASSURANCE GUARANTEE.—The Legislature may
3176 annually in the General Appropriations Act determine a
3177 percentage increase in funds per K-12 unweighted FTE as a
3178 minimum guarantee to each school district. The guarantee shall
3179 be calculated from prior year base funding per unweighted FTE
3180 student which shall include the adjusted FTE dollars as provided
3181 in subsection (15) ~~(14)~~, quality guarantee funds, and actual
3182 nonvoted discretionary local effort from taxes. From the base
3183 funding per unweighted FTE, the increase shall be calculated for
3184 the current year. The current year funds from which the
3185 guarantee shall be determined shall include the adjusted FTE
3186 dollars as provided in subsection (15) ~~(14)~~ and potential
3187 nonvoted discretionary local effort from taxes. A comparison of
3188 current year funds per unweighted FTE to prior year funds per
3189 unweighted FTE shall be computed. For those school districts
3190 which have less than the legislatively assigned percentage
3191 increase, funds shall be provided to guarantee the assigned
3192 percentage increase in funds per unweighted FTE student. Should
3193 appropriated funds be less than the sum of this calculated
3194 amount for all districts, the commissioner shall prorate each
3195 district's allocation. This provision shall be implemented to
3196 the extent specifically funded.

3197 Section 24. Effective July 1, 2016, and upon the expiration
3198 of the amendment to section 1011.71, Florida Statutes, made by
3199 chapter 2015-222, Laws of Florida, subsection (1) of that
3200 section is amended to read:

3201 1011.71 District school tax.—



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3202 (1) If the district school tax is not provided in the
3203 General Appropriations Act or the substantive bill implementing
3204 the General Appropriations Act, each district school board
3205 desiring to participate in the state allocation of funds for
3206 current operation as prescribed by s. 1011.62(15) ~~s. 1011.62(14)~~
3207 shall levy on the taxable value for school purposes of the
3208 district, exclusive of millage voted under ~~the provisions of s.~~
3209 9(b) or s. 12, Art. VII of the State Constitution, a millage
3210 rate not to exceed the amount certified by the commissioner as
3211 the minimum millage rate necessary to provide the district
3212 required local effort for the current year, pursuant to s.
3213 1011.62(4)(a)1. In addition to the required local effort millage
3214 levy, each district school board may levy a nonvoted current
3215 operating discretionary millage. The Legislature shall prescribe
3216 annually in the appropriations act the maximum amount of millage
3217 a district may levy.

3218 Section 25. Subsection (2) of section 1012.42, Florida
3219 Statutes, is amended to read:

3220 1012.42 Teacher teaching out-of-field.-

3221 (2) NOTIFICATION REQUIREMENTS.-When a teacher in a district
3222 school system is assigned teaching duties in a class dealing
3223 with subject matter that is outside the field in which the
3224 teacher is certified, outside the field that was the applicant's
3225 minor field of study, or outside the field in which the
3226 applicant has demonstrated sufficient subject area expertise, as
3227 determined by district school board policy in the subject area
3228 to be taught, the parents of all students in the class shall be
3229 notified in writing of such assignment, and each school district
3230 shall report out-of-field teachers on the district's website



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3231 within 30 days before the beginning of each semester. A parent
3232 whose student is assigned an out-of-field teacher may request
3233 that his or her child be transferred to an in-field classroom
3234 teacher within the school and grade in which the student is
3235 currently enrolled. The school district must approve or deny the
3236 parent's request and transfer the student to a different
3237 classroom teacher within a reasonable period of time, not to
3238 exceed 2 weeks, if an in-field teacher for that course or grade
3239 level is employed by the school and the transfer does not
3240 violate maximum class size pursuant to s. 1003.03 and s. 1, Art.
3241 IX of the State Constitution. If a request for transfer is
3242 denied, the school must notify the parent and specify the
3243 reasons for the denial. An explanation of the transfer process
3244 must be made available in the student handbook or a similar
3245 publication. This subsection does not provide a parent the right
3246 to choose a specific teacher.

3247 Section 26. Paragraph (b) of subsection (8) of section
3248 1012.56, Florida Statutes, is amended to read:

3249 1012.56 Educator certification requirements.—

3250 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION
3251 COMPETENCY PROGRAM.—

3252 (b)1. Each school district must and a private school or
3253 state-supported ~~state-supported~~ public school, including a
3254 charter school, or a private school may develop and maintain a
3255 system by which members of the instructional staff may
3256 demonstrate mastery of professional preparation and education
3257 competence as required by law. Each program must be based on
3258 classroom application of the Florida Educator Accomplished
3259 Practices and instructional performance and, for public schools,



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3260 must be aligned with the district's or state-supported public
3261 school's evaluation system established ~~approved~~ under s.
3262 1012.34, as applicable.

3263 2. The Commissioner of Education shall determine the
3264 continued approval of programs implemented under this paragraph,
3265 based upon the department's review of performance data. The
3266 department shall review the performance data as a part of the
3267 periodic review of each school district's professional
3268 development system required under s. 1012.98.

3269 Section 27. Section 1012.583, Florida Statutes, is created
3270 to read:

3271 1012.583 Continuing education and inservice training for
3272 youth suicide awareness and prevention.—

3273 (1) Beginning with the 2016-2017 school year, the
3274 Department of Education shall incorporate 2 hours of training in
3275 youth suicide awareness and prevention into existing
3276 requirements for continuing education or inservice training for
3277 instructional personnel in elementary school, middle school, and
3278 high school.

3279 (2) The department, in consultation with the Statewide
3280 Office for Suicide Prevention and suicide prevention experts,
3281 shall develop a list of approved youth suicide awareness and
3282 prevention training materials. The materials:

3283 (a) Must include training on how to identify appropriate
3284 mental health services and how to refer youth and their families
3285 to those services.

3286 (b) May include materials currently being used by a school
3287 district if such materials meet any criteria established by the
3288 department.



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3289 (c) May include programs that instructional personnel can
3290 complete through a self-review of approved youth suicide
3291 awareness and prevention materials.

3292 (3) The training required by this section must be included
3293 in the existing continuing education or inservice training
3294 requirements for instructional personnel and may not add to the
3295 total hours currently required by the department.

3296 (4) A person has no cause of action for any loss or damage
3297 caused by an act or omission resulting from the implementation
3298 of this section or resulting from any training required by this
3299 section unless the loss or damage was caused by willful or
3300 wanton misconduct. This section does not create any new duty of
3301 care or basis of liability.

3302 (5) The State Board of Education may adopt rules to
3303 implement this section.

3304 Section 28. Paragraph (o) is added to subsection (1) of
3305 section 1012.795, Florida Statutes, and subsection (5) of that
3306 section is amended, to read:

3307 1012.795 Education Practices Commission; authority to
3308 discipline.—

3309 (1) The Education Practices Commission may suspend the
3310 educator certificate of any person as defined in s. 1012.01(2)
3311 or (3) for up to 5 years, thereby denying that person the right
3312 to teach or otherwise be employed by a district school board or
3313 public school in any capacity requiring direct contact with
3314 students for that period of time, after which the holder may
3315 return to teaching as provided in subsection (4); may revoke the
3316 educator certificate of any person, thereby denying that person
3317 the right to teach or otherwise be employed by a district school



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3318 board or public school in any capacity requiring direct contact
3319 with students for up to 10 years, with reinstatement subject to
3320 the provisions of subsection (4); may revoke permanently the
3321 educator certificate of any person thereby denying that person
3322 the right to teach or otherwise be employed by a district school
3323 board or public school in any capacity requiring direct contact
3324 with students; may suspend the educator certificate, upon an
3325 order of the court or notice by the Department of Revenue
3326 relating to the payment of child support; or may impose any
3327 other penalty provided by law, if the person:

3328 (o) Has committed a third recruiting offense as determined
3329 by the Florida High School Athletic Association (FHSAA) pursuant
3330 to s. 1006.20(2)(b).

3331 (5) Each district school superintendent and the governing
3332 authority of each university lab school, state-supported school,
3333 ~~or~~ private school, and the FHSAA shall report to the department
3334 the name of any person certified pursuant to this chapter or
3335 employed and qualified pursuant to s. 1012.39:

3336 (a) Who has been convicted of, or who has pled nolo
3337 contendere to, a misdemeanor, felony, or any other criminal
3338 charge, other than a minor traffic infraction;

3339 (b) Who that official has reason to believe has committed
3340 or is found to have committed any act which would be a ground
3341 for revocation or suspension under subsection (1); or

3342 (c) Who has been dismissed or severed from employment
3343 because of conduct involving any immoral, unnatural, or
3344 lascivious act.

3345 Section 29. Subsections (3) and (7) of section 1012.796,
3346 Florida Statutes, are amended to read:



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3347 1012.796 Complaints against teachers and administrators;
3348 procedure; penalties.—

3349 (3) The department staff shall advise the commissioner
3350 concerning the findings of the investigation and of all
3351 referrals by the Florida High School Athletic Association
3352 (FHSAA) pursuant to ss. 1006.20(2)(b) and 1012.795. The
3353 department general counsel or members of that staff shall review
3354 the investigation or the referral and advise the commissioner
3355 concerning probable cause or lack thereof. The determination of
3356 probable cause shall be made by the commissioner. The
3357 commissioner shall provide an opportunity for a conference, if
3358 requested, prior to determining probable cause. The commissioner
3359 may enter into deferred prosecution agreements in lieu of
3360 finding probable cause if, in his or her judgment, such
3361 agreements are in the best interests of the department, the
3362 certificateholder, and the public. Such deferred prosecution
3363 agreements shall become effective when filed with the clerk of
3364 the Education Practices Commission. However, a deferred
3365 prosecution agreement shall not be entered into if there is
3366 probable cause to believe that a felony or an act of moral
3367 turpitude, as defined by rule of the State Board of Education,
3368 has occurred, or for referrals by the FHSAA. Upon finding no
3369 probable cause, the commissioner shall dismiss the complaint.

3370 (7) A panel of the commission shall enter a final order
3371 either dismissing the complaint or imposing one or more of the
3372 following penalties:

3373 (a) Denial of an application for a teaching certificate or
3374 for an administrative or supervisory endorsement on a teaching
3375 certificate. The denial may provide that the applicant may not



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3376 reapply for certification, and that the department may refuse to
3377 consider that applicant's application, for a specified period of
3378 time or permanently.

3379 (b) Revocation or suspension of a certificate.

3380 (c) Imposition of an administrative fine not to exceed
3381 \$2,000 for each count or separate offense.

3382 (d) Placement of the teacher, administrator, or supervisor
3383 on probation for a period of time and subject to such conditions
3384 as the commission may specify, including requiring the certified
3385 teacher, administrator, or supervisor to complete additional
3386 appropriate college courses or work with another certified
3387 educator, with the administrative costs of monitoring the
3388 probation assessed to the educator placed on probation. An
3389 educator who has been placed on probation shall, at a minimum:

3390 1. Immediately notify the investigative office in the
3391 Department of Education upon employment or termination of
3392 employment in the state in any public or private position
3393 requiring a Florida educator's certificate.

3394 2. Have his or her immediate supervisor submit annual
3395 performance reports to the investigative office in the
3396 Department of Education.

3397 3. Pay to the commission within the first 6 months of each
3398 probation year the administrative costs of monitoring probation
3399 assessed to the educator.

3400 4. Violate no law and shall fully comply with all district
3401 school board policies, school rules, and State Board of
3402 Education rules.

3403 5. Satisfactorily perform his or her assigned duties in a
3404 competent, professional manner.



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3405 6. Bear all costs of complying with the terms of a final
3406 order entered by the commission.

3407 (e) Restriction of the authorized scope of practice of the
3408 teacher, administrator, or supervisor.

3409 (f) Reprimand of the teacher, administrator, or supervisor
3410 in writing, with a copy to be placed in the certification file
3411 of such person.

3412 (g) Imposition of an administrative sanction, upon a person
3413 whose teaching certificate has expired, for an act or acts
3414 committed while that person possessed a teaching certificate or
3415 an expired certificate subject to late renewal, which sanction
3416 bars that person from applying for a new certificate for a
3417 period of 10 years or less, or permanently.

3418 (h) Refer the teacher, administrator, or supervisor to the
3419 recovery network program provided in s. 1012.798 under such
3420 terms and conditions as the commission may specify.

3421
3422 The penalties imposed under this subsection are in addition to,
3423 and not in lieu of, the penalties required for a third
3424 recruiting offense pursuant to s. 1006.20(2)(b).

3425 Section 30. Section 1013.385, Florida Statutes, is created
3426 to read:

3427 1013.385 School district construction flexibility.-

3428 (1) A district school board may, with a supermajority vote
3429 at a public meeting that begins no earlier than 5 p.m., adopt a
3430 resolution to implement one or more of the exceptions to the
3431 educational facilities construction requirements provided in
3432 this section. Before voting on the resolution, a district school
3433 board must conduct a cost-benefit analysis prepared according to



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3434 a professionally accepted methodology that describes how each
3435 exception selected by the district school board achieves cost
3436 savings, improves the efficient use of school district
3437 resources, and impacts the life-cycle costs and life span for
3438 each educational facility to be constructed, as applicable, and
3439 demonstrates that implementation of the exception will not
3440 compromise student safety or the quality of student instruction.

3441 The district school board must conduct at least one public
3442 workshop to discuss and receive public comment on the proposed
3443 resolution and cost-benefit analysis, which must begin no
3444 earlier than 5 p.m. and may occur at the same meeting at which
3445 the resolution will be voted upon.

3446 (2) A resolution adopted under this section may propose
3447 implementation of exceptions to requirements of the uniform
3448 statewide building code for the planning and construction of
3449 public educational and ancillary plants adopted pursuant to ss.
3450 553.73 and 1013.37 relating to:

3451 (a) Interior non-load-bearing walls, by approving the use
3452 of fire-rated wood stud walls in new construction or remodeling
3453 for interior non-load-bearing wall assemblies that will not be
3454 exposed to water or located in wet areas.

3455 (b) Walkways, roadways, driveways, and parking areas, by
3456 approving the use of designated, stabilized, and well-drained
3457 gravel or grassed student parking areas.

3458 (c) Standards for relocatables used as classroom space, as
3459 specified in s. 1013.20, by approving construction
3460 specifications for installation of relocatable buildings that do
3461 not have covered walkways leading to the permanent buildings
3462 onsite.



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3463 (d) Site lighting, by approving construction specifications
3464 regarding site lighting that:

3465 1. Do not provide for lighting of gravel or grassed
3466 auxiliary or student parking areas.

3467 2. Provide lighting for walkways, roadways, driveways,
3468 paved parking lots, exterior stairs, ramps, and walkways from
3469 the exterior of the building to a public walkway through
3470 installation of a timer that is set to provide lighting only
3471 during periods when the site is occupied.

3472 3. Allow lighting for building entrances and exits to be
3473 installed with a timer that is set to provide lighting only
3474 during periods in which the building is occupied. The minimum
3475 illumination level at single-door exits may be reduced to no
3476 less than 1 foot-candle.

3477 Section 31. Notwithstanding s. 1002.69(5), Florida
3478 Statutes, for the 2014-2015 and 2015-2016 Voluntary
3479 Prekindergarten Education program years, the office shall not
3480 adopt a kindergarten readiness rate. Any private prekindergarten
3481 provider or public school that was on probation pursuant to s.
3482 1002.67(4)(c), Florida Statutes, for the 2013-2014 program year,
3483 shall remain on probation until the provider or school meets the
3484 minimum rate adopted by the office. This section expires July 1,
3485 2017.

3486 Section 32. Upon becoming a law, subsection (8) of section
3487 1012.33, Florida Statutes, is amended to read:

3488 1012.33 Contracts with instructional staff, supervisors,
3489 and school principals.—

3490 (8) Notwithstanding any other provision of law, a retired
3491 member may interrupt retirement and be reemployed in any public



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3492 school as instructional personnel under a 1-year probationary
3493 contract as defined in s. 1012.335(1). If the retiree
3494 successfully completes the probationary contract, the district
3495 school board may reemploy the retiree under an annual contract
3496 as defined in s. 1012.335(1). The retiree is not eligible for a
3497 professional service contract ~~A member reemployed by the same~~
3498 ~~district from which he or she retired may be employed on a~~
3499 ~~probationary contractual basis as provided in subsection (1).~~

3500 Section 33. Except as otherwise expressly provided in this
3501 act and except for this section, which shall take effect upon
3502 this act becoming law, this act shall take effect July 1, 2016.

3503
3504 ===== T I T L E A M E N D M E N T =====

3505 And the title is amended as follows:

3506 Delete everything before the enacting clause
3507 and insert:

3508 A bill to be entitled
3509 An act relating to education; amending s. 1001.42,
3510 F.S.; revising the duties of a district school board;
3511 creating s. 1001.67, F.S.; establishing a
3512 collaboration between the state board and the
3513 Legislature to designate certain Florida College
3514 System institutions as distinguished colleges;
3515 specifying standards for the designation; requiring
3516 the state board to award the designation to certain
3517 Florida College System institutions; providing that
3518 the designated institutions are eligible for funding
3519 as specified in the General Appropriations Act;
3520 amending s. 1002.20, F.S.; revising public school



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3521 choice options available to students to include CAPE
3522 digital tools, CAPE industry certifications, and
3523 collegiate high school programs; authorizing parents
3524 of public school students to seek private educational
3525 choice options through the Florida Personal Learning
3526 Scholarship Accounts Program under certain
3527 circumstances; revising student eligibility
3528 requirements for participating in high school athletic
3529 competitions; authorizing public schools to provide
3530 transportation to students participating in open
3531 enrollment; providing the right of a parent to know an
3532 estimated amount of money expended for the education
3533 of his or her child; requiring the Department of
3534 Education to annually publish certain financial
3535 information on its website by a specified date;
3536 requiring each school district to publish certain
3537 financial information on its website by a specified
3538 date; requiring certain financial information to be
3539 published on each school's website, provided in the
3540 school financial report, and authorizing the
3541 information to be published in the student handbook or
3542 a similar publication; amending s. 1002.31, F.S.;
3543 requiring each district school board and charter
3544 school governing board to authorize a parent to have
3545 his or her child participate in controlled open
3546 enrollment; requiring the school district to report
3547 the student for purposes of the school district's
3548 funding; authorizing a school district to provide
3549 transportation to such students; requiring that each



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3550 district school board adopt and publish on its website
3551 a controlled open enrollment process; specifying
3552 criteria for the process; prohibiting a school
3553 district from delaying or preventing a student who
3554 participates in controlled open enrollment from being
3555 immediately eligible to participate in certain
3556 activities; amending s. 1002.33, F.S.; making
3557 technical changes relating to requirements for the
3558 creation of a virtual charter school; conforming
3559 cross-references; specifying that a sponsor may not
3560 require a charter school to adopt the sponsor's
3561 reading plan and that charter schools are eligible for
3562 the research-based reading allocation if certain
3563 criteria are met; revising required contents of
3564 charter school applications; conforming provisions
3565 regarding the appeal process for denial of a high-
3566 performing charter school application; requiring an
3567 applicant to provide the sponsor with a copy of an
3568 appeal to an application denial; authorizing a charter
3569 school to defer the opening of its operations for up
3570 to a specified time; requiring the charter school to
3571 provide written notice to certain entities by a
3572 specified date; revising provisions relating to long-
3573 term charters and charter terminations; specifying
3574 notice requirements for voluntary closure of a charter
3575 school; deleting a requirement that students in a
3576 blended learning course receive certain instruction in
3577 a classroom setting; providing that a student may not
3578 be dismissed from a charter school based on his or her



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3579 academic performance; requiring a charter school
3580 applicant to provide monthly financial statements
3581 before opening; requiring a sponsor to review each
3582 financial statement of a charter school to identify
3583 the existence of certain conditions; providing for the
3584 automatic termination of a charter contract if certain
3585 conditions are met; requiring a sponsor to notify
3586 certain parties when a charter contract is terminated
3587 for specific reasons; authorizing governing board
3588 members to hold a certain number of public meetings
3589 and participate in such meetings in person or through
3590 communications media technology; revising charter
3591 school student eligibility requirements; revising
3592 requirements for payments to charter schools; allowing
3593 for the use of certain surpluses and assets by
3594 specific entities for certain educational purposes;
3595 providing for an injunction under certain
3596 circumstances; establishing the administrative fee
3597 that a sponsor may withhold for charter schools
3598 operating in a critical need area; providing an
3599 exemption from certain administrative fees; conforming
3600 cross-references; creating s. 1001.66, F.S.; creating
3601 a Florida College System Performance-Based Incentive
3602 for Florida College System institutions; requiring the
3603 State Board of Education to adopt certain metrics and
3604 benchmarks; providing for funding and allocation of
3605 the incentives; authorizing the state board to
3606 withhold an institution's incentive under certain
3607 circumstances; requiring the Commissioner of Education



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3608 to withhold certain disbursements under certain
3609 circumstances; providing for reporting and rulemaking;
3610 amending s. 1001.92, F.S.; requiring performance-based
3611 metrics to include specified wage thresholds;
3612 requiring the board to establish minimum performance
3613 funding eligibility thresholds; prohibiting a state
3614 university that fails to meet the state's threshold
3615 from eligibility for a share of the state's investment
3616 performance funding; requiring the board to adopt
3617 regulations; deleting an expiration; amending s.
3618 1003.4282, F.S.; revising the online course
3619 requirement; authorizing a district school board or a
3620 charter school governing board to offer certain
3621 additional options to meet the requirement; amending
3622 s. 1011.62, F.S.; creating a federally connected
3623 student supplement for school districts; specifying
3624 eligibility requirements and calculations for
3625 allocations of the supplement; amending s. 1013.62,
3626 F.S.; revising requirements for a charter school to be
3627 eligible for funding appropriated for charter school
3628 capital outlay purposes; deleting provisions relating
3629 to priorities for charter school capital outlay
3630 funding; deleting provisions relating to a charter
3631 school's allocation; providing that a charter school
3632 is not eligible for funding unless it meets certain
3633 requirements; defining the term "affiliated party of
3634 the charter school"; revising the funding allocation
3635 calculation; requiring the Department of Education to
3636 calculate and periodically recalculate, as necessary,



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3637 the eligible charter school funding allocations;
3638 deleting provisions relating to certain duties of the
3639 Commissioner of Education; amending s. 1013.64, F.S.;
3640 providing that a school district may not receive funds
3641 from the Special Facility Construction Account under
3642 certain circumstances; revising the criteria for a
3643 request for funding; authorizing the request for a
3644 preapplication review to take place at any time;
3645 providing exceptions; revising the timeframe for
3646 completion of the review; providing that certain
3647 capital outlay full-time equivalent student enrollment
3648 estimates be determined by specified estimating
3649 conferences; requiring surveys to be cooperatively
3650 prepared by certain entities and approved by the
3651 Department of Education; prohibiting certain
3652 consultants from specified employment and
3653 compensation; providing an exception to prohibiting
3654 the cost per student station from exceeding a certain
3655 amount; requiring a school district to levy the
3656 maximum millage against certain property value under
3657 certain circumstances; reducing the required millage
3658 to be budgeted for a project; requiring certain plans
3659 to be finalized by a specified date; requiring a
3660 representative of the department to chair the Special
3661 Facility Construction Committee; requiring school
3662 districts to maintain accurate documentation related
3663 to specified costs; requiring the Auditor General to
3664 review such documentation; providing that the
3665 department makes final determinations on compliance;



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3666 requiring the Office of Program Policy Analysis and
3667 Government Accountability to conduct a study, in
3668 consultation with the department, on cost per student
3669 station amounts and on the State Requirements for
3670 Education Facilities; requiring reports to the
3671 Governor and the Legislature by a specified date;
3672 prohibiting a district school board from using funds
3673 for specified purposes for certain projects; providing
3674 sanctions for school districts that exceed certain
3675 costs; providing for the creation of a district
3676 capital outlay oversight committee; providing for
3677 membership of the oversight committee; requiring the
3678 department to provide certain reports to the Auditor
3679 General; deleting a provision relating to
3680 applicability of certain restrictions on the cost per
3681 student station of new construction; amending s.
3682 1002.37, F.S.; revising the calculation of "full-time
3683 equivalent student"; conforming a cross-reference;
3684 amending s. 1002.391, F.S.; requiring a school
3685 district to add a specified number of points to the
3686 calculation of a matrix of services for a student who
3687 is deaf and enrolled in an auditory-oral education
3688 program; amending s. 1002.45, F.S.; conforming cross-
3689 references; deleting a provision related to
3690 educational funding for students enrolled in certain
3691 virtual education courses; revising conditions for
3692 termination of a virtual instruction provider's
3693 contract; creating s. 1003.3101, F.S.; requiring each
3694 school district board to establish a classroom teacher



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3695 transfer process for parents, to approve or deny a
3696 transfer request within a certain timeframe, to notify
3697 a parent of a denial, and to post an explanation of
3698 the transfer process in the student handbook or a
3699 similar publication; amending s. 1003.4295, F.S.;
3700 revising the purpose of the Credit Acceleration
3701 Program; requiring students to earn passing scores on
3702 specified assessments and examinations to earn course
3703 credit; amending s. 1004.935, F.S.; deleting the
3704 scheduled termination of the Adults with Disabilities
3705 Workforce Education Pilot Program; changing the name
3706 of the program to the "Adults with Disabilities
3707 Workforce Education Program"; amending s. 1006.15,
3708 F.S.; defining the term "eligible to participate";
3709 conforming provisions to changes made by the act;
3710 prohibiting a school district from delaying or
3711 preventing a student who participates in open
3712 controlled enrollment from being immediately eligible
3713 to participate in certain activities; authorizing a
3714 transfer student to immediately participate in
3715 interscholastic or intrascholastic activities under
3716 certain circumstances; prohibiting a school district
3717 or the Florida High School Athletic Association
3718 (FHSA) from declaring a transfer student ineligible
3719 under certain circumstances; creating s. 1006.195,
3720 F.S.; requiring district school boards to establish in
3721 codes of student conduct eligibility standards and
3722 disciplinary actions relating to students
3723 participating in interscholastic and intrascholastic



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3724 extracurricular activities; providing guidelines and
3725 applicability; requiring the FHSAA to comply with
3726 certain requirements by a specified date; amending s.
3727 1006.20, F.S.; requiring the FHSAA to allow a private
3728 school to maintain full membership in the association
3729 or to join by sport; prohibiting the FHSAA from
3730 discouraging a private school from maintaining
3731 membership in the FHSAA and another athletic
3732 association; authorizing the FHSAA to allow a public
3733 school to apply for consideration to join another
3734 athletic association; specifying penalties for
3735 recruiting violations; requiring a school to forfeit a
3736 competition, including resulting honors, in which a
3737 student who was recruited in a prohibitive manner;
3738 revising circumstances under which a student may be
3739 declared ineligible; requiring student ineligibility
3740 to be established by a preponderance of the evidence;
3741 amending s. 1009.893, F.S.; changing the name of the
3742 "Florida National Merit Scholar Incentive Program" to
3743 the "Benacquisto Scholarship Program"; providing that
3744 a student who receives a scholarship award under the
3745 program will be referred to as a Benacquisto Scholar;
3746 encouraging all eligible Florida public or independent
3747 postsecondary educational institutions, and requiring
3748 all eligible state universities, to become college
3749 sponsors of the National Merit Scholarship Program;
3750 amending s. 1011.61, F.S.; revising the definition of
3751 "full-time equivalent student"; amending s. 1011.62,
3752 F.S.; conforming a cross-reference; revising the



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3753 calculation for certain supplemental funds for
3754 exceptional student education programs; requiring the
3755 funds to be prorated under certain circumstances;
3756 revising the funding of full-time equivalent values
3757 for students who earn CAPE industry certifications
3758 through dual enrollment; deleting a provision
3759 prohibiting a teacher's bonus from exceeding a
3760 specified amount; creating a federally connected
3761 student supplement for school districts; specifying
3762 eligibility requirements and calculations for
3763 allocations of the supplement; amending s. 1011.71,
3764 F.S.; conforming a cross-reference; amending s.
3765 1012.42, F.S.; authorizing a parent of a child whose
3766 teacher is teaching outside the teacher's field to
3767 request that the child be transferred to another
3768 classroom teacher within the school and grade in which
3769 the child is currently enrolled within a specified
3770 timeframe; specifying that a transfer does not provide
3771 a parent the right to choose a specific teacher;
3772 amending s. 1012.56, F.S.; authorizing a charter
3773 school to develop and operate a professional
3774 development certification and education competency
3775 program; creating s. 1012.583, F.S.; requiring the
3776 Department of Education to incorporate training in
3777 youth suicide awareness and prevention into certain
3778 instructional personnel continuing education or
3779 inservice training requirements; requiring the
3780 department, in consultation with the Statewide Office
3781 for Suicide Prevention and suicide prevention experts,



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3782 to develop a list of approved materials for the
3783 training; specifying requirements for training
3784 materials; requiring the training to be included in
3785 the existing continuing education or inservice
3786 training requirements; providing that no cause of
3787 action results from the implementation of this act;
3788 providing for rulemaking; amending ss. 1012.795 and
3789 1012.796, F.S.; conforming provisions to changes made
3790 by the act; creating s. 1013.385, F.S.; providing for
3791 school district construction flexibility; authorizing
3792 exceptions to educational facilities construction
3793 requirements under certain circumstances;
3794 prohibiting the office from adopting a kindergarten
3795 readiness rate for the 2014-2015 and 2015-2016
3796 Voluntary Prekindergarten Education program years;
3797 providing that any private prekindergarten provider or
3798 public school that was on probation for the 2013-2014
3799 program year remains on probation until meeting the
3800 minimum kindergarten readiness rate adopted by the
3801 office; providing for future expiration; amending s.
3802 1012.33, F.S.; revising provisions relating to
3803 reemployment of retirees as instructional personnel on
3804 a contract basis; providing that retirees are not
3805 eligible for a professional service contract;
3806 providing effective dates.