



1                                   A bill to be entitled  
2           An act relating to education; creating s. 212.099,  
3           F.S.; defining terms; authorizing eligible businesses  
4           to receive a tax credit against specified taxes;  
5           requiring eligible businesses to apply to the  
6           Department of Revenue for an allocation; specifying  
7           uses for eligible contributions; requiring the  
8           department to adopt rules; amending s. 212.1831, F.S.;  
9           modifying the calculation of the dealer's collection  
10          allowance under s. 212.12 to include certain  
11          contributions to eligible nonprofit scholarship-  
12          funding organizations; creating s. 212.1832, F.S.;  
13          authorizing certain persons to receive a tax credit  
14          for certain contributions to eligible nonprofit  
15          scholarship-funding organizations for the Hope  
16          Scholarship Program; providing requirements for motor  
17          vehicle dealers; requiring the Department of Revenue  
18          to disregard certain tax credits for specified  
19          purposes; providing that specified provisions apply to  
20          certain provisions; amending s. 213.053, F.S.;  
21          providing definitions; authorizing the Department of  
22          Revenue to provide a list of certain taxpayers to  
23          certain nonprofit scholarship-funding organizations;  
24          amending s. 220.13, F.S.; providing an exception to  
25          the additions to the calculation of adjusted taxable



26 | income for corporate income tax purposes; amending s.  
27 | 220.1875, F.S.; providing a deadline for an eligible  
28 | contribution to be made to an eligible nonprofit  
29 | scholarship-funding organization; determining  
30 | compliance with the requirement to pay tentative taxes  
31 | under ss. 220.222 and 220.32 for tax credits under s.  
32 | 1002.395; amending s. 1001.10, F.S.; revising the  
33 | private schools to which the Department of Education  
34 | is required to provide technical assistance and  
35 | authorized staff; amending s. 1002.33, F.S.; revising  
36 | the charter school application and review process  
37 | relating to the opening of a school; revising the  
38 | criteria for denying high-performing charter school  
39 | system applications; revising the requirements for the  
40 | term of a charter; revising provisions for the  
41 | modification of and the nonrenewal or termination of a  
42 | charter; revising the process for resolving  
43 | contractual disputes; requiring a sponsor to provide  
44 | specified information to the department annually;  
45 | requiring the department to include the information in  
46 | a specified report; amending s. 1002.331, F.S.;  
47 | revising the criteria for designation as a high-  
48 | performing charter school; revising the calculation  
49 | used to determine facility capacity for such charter  
50 | schools; revising the number of schools that can be



51 | established by a high-performing charter school;  
52 | amending s. 1002.333, F.S.; providing for certain  
53 | funds for the Schools of Hope Program to be carried  
54 | forward for a specified number of years; amending s.  
55 | 1002.37, F.S.; providing that certain students shall  
56 | be given priority; requiring school districts to  
57 | provide Florida Virtual School students access to  
58 | certain examinations and assessments and certain  
59 | information; amending s. 1002.385, F.S.; revising  
60 | eligible expenditures for the Gardiner Scholarship  
61 | Program; conforming provisions to changes made by the  
62 | act; amending s. 1002.39, F.S.; conforming provisions  
63 | to changes made by the act; amending s. 1002.395,  
64 | F.S.; revising the requirements for an annual report  
65 | of certain student data for the Florida Tax Credit  
66 | Scholarship Program; providing an application deadline  
67 | for certain tax credits related to nonprofit  
68 | scholarship-funding organizations; extending the carry  
69 | forward period for unused tax credits from 5 years to  
70 | 10 years; providing applicability of the carried  
71 | forward tax credit for purposes of certain taxes;  
72 | removing the requirement for a taxpayer to apply to  
73 | the department for approval of a carry forward tax  
74 | credit; conforming provisions to changes made by the  
75 | act; creating s. 1002.40, F.S.; establishing the Hope



76 Scholarship Program; providing the purpose of the  
77 program; providing definitions; providing eligibility  
78 requirements; prohibiting the payment of a scholarship  
79 under certain circumstances; requiring a school  
80 principal to investigate a report of physical violence  
81 or emotional abuse; requiring a school district to  
82 notify an eligible student's parent of the program;  
83 requiring a school district to provide certain  
84 information relating to the statewide assessment  
85 program; providing requirements and obligations for  
86 eligible private schools; providing department  
87 obligations relating to participating students and  
88 private schools and program requirements; providing  
89 parent and student responsibilities for initial and  
90 continued participation in the program; providing  
91 eligible nonprofit scholarship-funding organization  
92 obligations; providing for the calculation of the  
93 scholarship amount; providing the scholarship amount  
94 for students transferred to certain public schools;  
95 requiring verification of specified information before  
96 a scholarship may be disbursed; providing requirements  
97 for the scholarship payments; providing funds for  
98 administrative expenses for certain nonprofit  
99 scholarship-funding organizations; providing  
100 requirements for administrative expenses; prohibiting



101 an eligible nonprofit scholarship-funding organization  
102 from charging an application fee; providing Auditor  
103 General obligations; providing requirements for  
104 taxpayer elections to contribute to the program;  
105 requiring the Department of Revenue to adopt forms to  
106 administer the program; providing reporting  
107 requirements for eligible nonprofit scholarship-  
108 funding organizations relating to taxpayer  
109 contributions; providing requirements for certain  
110 agents of the Department of Revenue and motor vehicle  
111 dealers; providing penalties; providing for the  
112 restitution of specified funds under certain  
113 circumstances; providing that the state is not liable  
114 for the award or use of program funds; prohibiting  
115 additional regulations for private schools  
116 participating in the program beyond those necessary to  
117 enforce program requirements; requiring the State  
118 Board of Education and the Department of Revenue to  
119 adopt rules to administer the program; creating s.  
120 1002.411, F.S.; establishing reading scholarship  
121 accounts for specified purposes; providing for  
122 eligibility for scholarships; providing for  
123 administration; providing duties of the Department of  
124 Education; providing school district obligations;  
125 specifying options for parents; providing that maximum



126 funding shall be specified in the General  
127 Appropriations Act; providing for payment of funds;  
128 specifying that no state liability arises from the  
129 award or use of such an account; amending s. 1002.421,  
130 F.S.; providing private school requirements for  
131 participation in educational scholarship programs;  
132 providing background screening requirements and  
133 procedures for owners of private schools; providing  
134 that a private school is ineligible to participate in  
135 an educational scholarship program under certain  
136 circumstances; providing department obligations  
137 relating to educational scholarship programs;  
138 providing commissioner authority and responsibilities  
139 for educational scholarship programs; authorizing the  
140 commissioner to deny, suspend, or revoke a private  
141 school's participation in an educational scholarship  
142 program; amending s. 1002.55, F.S.; authorizing an  
143 early learning coalition to refuse to contract with  
144 certain private prekindergarten providers; amending s.  
145 1002.75, F.S.; authorizing an early learning coalition  
146 to refuse to contract with or revoke the eligibility  
147 of certain Voluntary Prekindergarten Education Program  
148 providers; amending s. 1002.88, F.S.; authorizing an  
149 early learning coalition to refuse to contract with or  
150 revoke the eligibility of certain school readiness



151 program providers; amending s. 1003.44, F.S.;

152 requiring each district school board to adopt rules

153 for the display of the official state motto in

154 specified places; amending s. 1003.453, F.S.; revising

155 school wellness policies; providing requirements for

156 instruction in the use of cardiopulmonary

157 resuscitation; amending s. 1003.576, F.S.; requiring a

158 specified IEP system to be used statewide; deleting an

159 obsolete date; amending s. 1006.061, F.S.; revising

160 the applicability of certain child abuse, abandonment,

161 and neglect provisions; amending s. 1006.15, F.S.;

162 revising requirements for participation in

163 extracurricular student activities for certain

164 students; amending s. 1007.271, F.S.; deleting a

165 requirement for a home education student to provide

166 his or her own instructional materials; revising the

167 requirements for home education and private school

168 articulation agreements; amending s. 1008.22, F.S.;

169 requiring certain portions of the English Language

170 Arts assessments to include social studies content;

171 revising the format requirements for certain statewide

172 assessments; requiring published assessment items to

173 be in a format that meets certain criteria; amending

174 s. 1011.62, F.S.; renaming the "supplemental academic

175 instruction categorical fund" as the "supplemental



176 academic instruction allocation"; requiring certain  
177 school districts to use the allocation for specified  
178 purposes; deleting an obsolete date; deleting a  
179 provision authorizing the Florida State University  
180 School to expend specified funds for certain purposes;  
181 prohibiting the award of certain bonuses to teachers  
182 who fail to maintain the security of certain  
183 examinations or violate certain protocols; authorizing  
184 the state board to adopt rules for specified purposes;  
185 conforming provisions to changes made by the act;  
186 revising the research-based reading instruction  
187 allocation; revising the criteria for establishing the  
188 300 lowest-performing elementary schools; providing  
189 requirements for staffing summer reading camps funded  
190 through the allocation; requiring school districts  
191 that meet specified criteria, rather than all school  
192 districts, to submit a comprehensive reading plan for  
193 specified purposes; deleting provisions for the  
194 release or withholding of funds based on a school  
195 district's comprehensive reading plan; revising a  
196 definition; requiring K-12 comprehensive reading plans  
197 to provide for intensive reading interventions that  
198 are delivered by teachers who meet certain criteria  
199 beginning with a specified school year; providing  
200 requirements for such interventions; amending s.





201 1011.6202, F.S.; renaming the "Principal Autonomy  
202 Pilot Program" as the "Principal Autonomy Program";  
203 providing that any school district may apply to  
204 participate in the program; providing that a school  
205 shall retain its exemption from specified laws under  
206 specified circumstances; requiring a designated  
207 leadership team at a participating school to complete  
208 a certain turnaround program; deleting a provision  
209 providing a specified amount of funds to a  
210 participating school district that completes the  
211 turnaround program; providing requirements for such  
212 schools; providing for such schools to participate in  
213 the program; providing requirements for such  
214 participation; specifying that no school district  
215 liability arises from the management of such schools;  
216 deleting a school's authority to renew participation  
217 in the program; deleting reporting requirements;  
218 providing for funding; revising the principal  
219 eligibility criteria for a salary supplement through  
220 the program; amending s. 1011.69, F.S.; authorizing  
221 certain high schools to receive Title I funds;  
222 providing that a school district may withhold Title I  
223 funds for specified purposes; authorizing certain  
224 schools to use Title I funds for specified purposes;  
225 providing an exception for specified funds; amending



226 s. 1011.71, F.S.; prohibiting a school district from  
227 withholding charter school administrative fees under  
228 certain circumstances; amending s. 1012.2315, F.S.;  
229 requiring certain employee organizations to include  
230 specified information in a specified application and  
231 to petition for recertification for specified  
232 purposes; amending s. 1012.28, F.S.; conforming  
233 provisions to changes made by the act; amending s.  
234 1012.315, F.S.; revising the applicability of certain  
235 provisions related to disqualification from employment  
236 for the conviction of specified offenses; amending s.  
237 1012.32, F.S.; requiring a district school board to  
238 reimburse certain costs if it fails to notify a  
239 charter school of the eligibility status of certain  
240 persons; amending s. 1012.562, F.S.; authorizing  
241 charter schools and charter management organizations  
242 to offer school leader preparation programs; amending  
243 s. 1012.586, F.S.; requiring the Department of  
244 Education to consider the award of endorsements for a  
245 teaching certificate to individuals who hold specified  
246 certifications or who complete specified programs that  
247 meet certain criteria in a specified review; amending  
248 s. 1012.731, F.S.; extending eligibility for the  
249 Florida Best and Brightest Teacher Scholarship Program  
250 to school district employees who, in the prior school



251 year, were classroom teachers and met certain  
252 eligibility requirements; amending s. 1012.796, F.S.;  
253 revising the applicability of a requirement that  
254 certain private schools file specified reports with  
255 the department for certain allegations against its  
256 employees; amending s. 1012.98, F.S.; requiring  
257 professional development resources to include sample  
258 course-at-a-glance and unit overview templates;  
259 providing requirements for such templates; amending s.  
260 1013.28, F.S.; requiring school districts to provide  
261 charter schools access to certain property on the same  
262 basis as public schools; prohibiting certain actions  
263 by a charter school without the written permission of  
264 the school district; amending s. 1013.31, F.S.;  
265 authorizing a district to use certain sources of funds  
266 for educational, auxiliary, and ancillary plant  
267 capital outlay purposes without needing a survey  
268 recommendation; amending s. 1013.385, F.S.; providing  
269 additional exceptions to certain building code  
270 regulations for school districts; amending s. 1013.62,  
271 F.S.; revising requirements for charter school capital  
272 outlay funding; requiring each district to certify  
273 certain information to the department by October 1  
274 each year; conforming provisions to changes made by  
275 the act; providing appropriations; providing



276 retroactive applicability; authorizing the Department  
277 of Revenue to adopt emergency rules for specified  
278 purposes; specifying that certain students are exempt  
279 from specified required assessments, grades, and  
280 graduation requirements for the 2017-2018 school year;  
281 specifying that the Marjory Stoneman Douglas High  
282 School shall maintain specified grades and  
283 designations for the 2017-2018 school year; providing  
284 an effective date.

285

286 Be It Enacted by the Legislature of the State of Florida:

287

288 Section 1. Section 212.099, Florida Statutes, is created  
289 to read:

290 212.099 Florida Sales Tax Credit Scholarship Program.—

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

292 (a) "Eligible business" means a tenant or person actually  
293 occupying, using, or entitled to the use of any property from  
294 which the rental or license fee is subject to taxation under s.  
295 212.031.

296 (b) "Eligible contribution" or "contribution" means a  
297 monetary contribution from an eligible business to an eligible  
298 nonprofit scholarship-funding organization to be used pursuant  
299 to s. 1002.385 or s. 1002.395. The eligible business making the  
300 contribution may not designate a specific student as the



301 beneficiary of the contribution.

302 (c) "Eligible nonprofit scholarship-funding organization"  
303 or "organization" has the same meaning as provided in s.  
304 1002.395(2)(f).

305 (2) An eligible business shall be granted a credit against  
306 the tax imposed under s. 212.031 and collected from the eligible  
307 business by a dealer. The credit shall be in an amount equal to  
308 100 percent of an eligible contribution made to an organization.

309 (3) A dealer shall take a credit against the tax imposed  
310 under s. 212.031 in an amount equal to the credit taken by the  
311 eligible business under subsection (2).

312 (4)(a) An eligible business must apply to the department  
313 for an allocation of tax credits under this section. The  
314 eligible business must specify in the application the state  
315 fiscal year during which the contribution will be made, the  
316 organization that will receive the contribution, the planned  
317 amount of the contribution, the address of the property from  
318 which the rental or license fee is subject to taxation under s.  
319 212.031, and the federal employer identification number of the  
320 dealer who collects the tax imposed under s. 212.031 from the  
321 eligible business and who will reduce collection of taxes from  
322 the eligible business pursuant to this section. The department  
323 shall approve allocations of tax credits on a first-come, first-  
324 served basis and shall provide to the eligible business a  
325 separate approval or denial letter for each dealer for which the



326 eligible business applied for an allocation of tax credits.  
327 Within 10 days after approving or denying an application, the  
328 department shall provide a copy of its approval or denial letter  
329 to the organization specified by the eligible business in the  
330 application. An approval letter must include the name and  
331 federal employer identification number of the dealer from whom a  
332 credit under this section can be taken and the amount of tax  
333 credits approved for use with that dealer.

334 (b) Upon receipt of an eligible contribution, the  
335 organization shall provide the eligible business that made the  
336 contribution with a separate certificate of contribution for  
337 each dealer from whom a credit can be taken as approved under  
338 paragraph (a). A certificate of contribution must include the  
339 contributor's name and, if available, federal employer  
340 identification number, the amount contributed, the date of  
341 contribution, the name of the organization, and the name and  
342 federal employer identification number of the dealer.

343 (5) Each dealer that receives from an eligible business a  
344 copy of the department's approval letter and a certificate of  
345 contribution, both of which identify the dealer as the dealer  
346 who collects the tax imposed under s. 212.031 from the eligible  
347 business and who will reduce collection of taxes from the  
348 eligible business pursuant to this section, shall reduce the tax  
349 collected from the eligible business under s. 212.031 by the  
350 total amount of contributions indicated in the certificate of



351 contribution. The reduction may not exceed the amount of credit  
352 allocation approved by the department and may not exceed the  
353 amount of tax that would otherwise be collected from the  
354 eligible business by a dealer when a payment is made under the  
355 rental or license fee arrangement. However, payments by an  
356 eligible business to a dealer may not be reduced before October  
357 1, 2018.

358 (a) If the total amount of credits an eligible business  
359 may take cannot be fully used within any period that a payment  
360 is due under the rental or license fee arrangement because of an  
361 insufficient amount of tax that the dealer would collect from  
362 the eligible business during that period, the unused amount may  
363 be carried forward for a period not to exceed 10 years.

364 (b) A tax credit may not be claimed on an amended return  
365 or through a refund.

366 (c) A dealer that claims a tax credit must file returns  
367 and pay taxes by electronic means under s. 213.755.

368 (d) An eligible business may not convey, assign, or  
369 transfer an approved tax credit or a carryforward tax credit to  
370 another entity unless all of the assets of the eligible business  
371 are conveyed, assigned, or transferred in the same transaction  
372 and the successor business continues the same lease with the  
373 dealer.

374 (e) Within any state fiscal year, an eligible business may  
375 rescind all or part of a tax credit approved under this section.



376 The amount rescinded shall become available for that state  
377 fiscal year to another eligible business as approved by the  
378 department if the business receives notice from the department  
379 that the rescindment has been accepted by the department. Any  
380 amount rescinded under this subsection shall become available to  
381 an eligible business on a first-come, first-served basis based  
382 on tax credit applications received after the date the  
383 rescindment is accepted by the department.

384 (f) Within 10 days after the rescindment of a tax credit  
385 under paragraph (e) of this subsection is accepted by the  
386 department, the department shall notify the eligible nonprofit  
387 scholarship-funding organization specified by the eligible  
388 business. The department shall also include the eligible  
389 nonprofit scholarship-funding organization specified by the  
390 eligible business on all letters or correspondence of  
391 acknowledgment for tax credits under this section.

392 (6) An organization shall report to the department, on or  
393 before the 20th day of each month, the total amount of  
394 contributions received pursuant to subsection (4) in the  
395 preceding calendar month on a form provided by the department.  
396 Such report shall include the amount of contributions received  
397 during that reporting period and the federal employer  
398 identification number of each dealer associated with the  
399 contribution.

400 (7) (a) Eligible contributions may be used to fund the





401 program established under s. 1002.385 if funds appropriated in a  
402 state fiscal year for the program are insufficient to fund  
403 eligible students.

404 (b) If the conditions in paragraph (a) are met, the  
405 organization shall first use eligible contributions received  
406 during a state fiscal year to fund scholarships for students in  
407 the priority set forth in s. 1002.385(12) (d). Remaining  
408 contributions may be used to fund scholarships for students  
409 eligible pursuant to s. 1002.395(3) (b)1. or 2.

410 (c) The organization shall separately account for each  
411 scholarship funded pursuant to this section.

412 (d) Notwithstanding s. 1002.385(6) (b), any funds remaining  
413 from a closed scholarship account funded pursuant to this  
414 section shall be used to fund other scholarships pursuant to s.  
415 1002.385.

416 (e) The organization may, subject to the limitations of s.  
417 1002.395(6) (j)1., use up to 3 percent of eligible contributions  
418 received during the state fiscal year in which such  
419 contributions are collected for administrative expenses.

420 (8) The sum of tax credits that may be approved by the  
421 department in any state fiscal year is \$ 57.5 million.

422 (9) For purposes of the distributions of tax revenue under  
423 s. 212.20, the department shall disregard any tax credits  
424 allowed under this section to ensure that any reduction in tax  
425 revenue received that is attributable to the tax credits results



426 only in a reduction in distributions to the General Revenue  
427 Fund.

428 (10) The department may adopt rules to administer this  
429 section.

430 Section 2. Section 212.1831, Florida Statutes, is amended  
431 to read:

432 212.1831 Credit for contributions to eligible nonprofit  
433 scholarship-funding organizations.—There is allowed a credit of  
434 100 percent of an eligible contribution made to an eligible  
435 nonprofit scholarship-funding organization under s. 1002.395  
436 against any tax imposed by the state and due under this chapter  
437 from a direct pay permit holder as a result of the direct pay  
438 permit held pursuant to s. 212.183. For purposes of the dealer's  
439 credit granted for keeping prescribed records, filing timely tax  
440 returns, and properly accounting and remitting taxes under s.  
441 212.12, the amount of tax due used to calculate the credit shall  
442 include any eligible contribution made to an eligible nonprofit  
443 scholarship-funding organization from a direct pay permit  
444 holder. For purposes of the distributions of tax revenue under  
445 s. 212.20, the department shall disregard any tax credits  
446 allowed under this section to ensure that any reduction in tax  
447 revenue received that is attributable to the tax credits results  
448 only in a reduction in distributions to the General Revenue  
449 Fund. The provisions of s. 1002.395 apply to the credit  
450 authorized by this section.



451 Section 3. Effective upon this act becoming a law, section  
452 212.1832, Florida Statutes, is created to read:

453 212.1832 Credit for contributions to the Hope Scholarship  
454 Program.—

455 (1) The purchaser of a motor vehicle shall be granted a  
456 credit of 100 percent of an eligible contribution made to an  
457 eligible nonprofit scholarship-funding organization under s.  
458 1002.40 against any tax imposed by the state under this chapter  
459 and collected from the purchaser by a dealer, designated agent,  
460 or private tag agent as a result of the purchase or acquisition  
461 of a motor vehicle on or after October 1, 2018, except that a  
462 credit may not exceed the tax that would otherwise be collected  
463 from the purchaser by a dealer, designated agent, or private tag  
464 agent. For purposes of this subsection, the term "purchase" does  
465 not include the lease or rental of a motor vehicle.

466 (2) A dealer shall take a credit against any tax imposed  
467 by the state under this chapter on the purchase of a motor  
468 vehicle in an amount equal to the credit granted to the  
469 purchaser under subsection (1).

470 (3) For purposes of the distributions of tax revenue under  
471 s. 212.20, the department shall disregard any tax credits  
472 allowed under this section to ensure that any reduction in tax  
473 revenue received that is attributable to the tax credits results  
474 only in a reduction in distributions to the General Revenue  
475 Fund. The provisions of s. 1002.40 apply to the credit



476 authorized by this section.

477 Section 4. Effective upon this act becoming a law,  
478 subsection (21) is added to section 213.053, Florida Statutes,  
479 to read:

480 213.053 Confidentiality and information sharing.—

481 (21) (a) For purposes of this subsection, the term:

482 1. "Eligible nonprofit scholarship-funding organization"  
483 means an eligible nonprofit scholarship-funding organization as  
484 defined in s. 1002.395(2) that meets the criteria in s.  
485 1002.395(6) to use up to 3 percent of eligible contributions for  
486 administrative expenses.

487 2. "Taxpayer" has the same meaning as in s. 220.03, unless  
488 disclosure of the taxpayer's name and address would violate any  
489 term of an information-sharing agreement between the department  
490 and an agency of the Federal Government.

491 (b) The department, upon request, shall provide to an  
492 eligible nonprofit scholarship-funding organization that  
493 provides scholarships under s. 1002.395 a list of the 200  
494 taxpayers with the greatest total corporate income or franchise  
495 tax due as reported on the taxpayer's return filed pursuant to  
496 s. 220.22 during the previous calendar year. The list must be in  
497 alphabetical order based on the taxpayer's name and shall  
498 contain the taxpayer's address. The list may not disclose the  
499 amount of tax owed by any taxpayer.

500 (c) An eligible nonprofit scholarship-funding organization



501 may request the list once each calendar year. The department  
502 shall provide the list within 45 days after the request is made.

503 (d) Any taxpayer information contained in the list may be  
504 used by the eligible nonprofit scholarship-funding organization  
505 only to notify the taxpayer of the opportunity to make an  
506 eligible contribution to the Florida Tax Credit Scholarship  
507 Program under s. 1002.395. Any information furnished to an  
508 eligible nonprofit scholarship-funding organization under this  
509 subsection may not be further disclosed by the organization  
510 except as provided in this paragraph.

511 (e) An eligible nonprofit scholarship-funding  
512 organization, its officers, and employees are subject to the  
513 same requirements of confidentiality and the same penalties for  
514 violating confidentiality as the department and its employees.  
515 Breach of confidentiality is a misdemeanor of the first degree,  
516 punishable as provided by s. 775.082 or s. 775.083.

517 Section 5. Subsection (22) is added to section 213.053,  
518 Florida Statutes, as amended by this act, to read:

519 213.053 Confidentiality and information sharing.—

520 (22) (a) The department may provide to an eligible  
521 nonprofit scholarship-funding organization, as defined in s.  
522 1002.40, a dealer's name, address, federal employer  
523 identification number, and information related to differences  
524 between credits taken by the dealer pursuant to s. 212.1832(2)  
525 and amounts remitted to the eligible nonprofit scholarship-



526 funding organization under s. 1002.40(13)(b)3. The eligible  
527 nonprofit scholarship-funding organization may use the  
528 information for purposes of recovering eligible contributions  
529 designated for that organization that were collected by the  
530 dealer but never remitted to the organization.

531 (b) Nothing in this subsection authorizes the disclosure  
532 of information if such disclosure is prohibited by federal law.  
533 An eligible nonprofit scholarship-funding organization is bound  
534 by the same requirements of confidentiality and the same  
535 penalties for a violation of the requirements as the department.

536 Section 6. Paragraph (a) of subsection (1) of section  
537 220.13, Florida Statutes, is amended to read:

538 220.13 "Adjusted federal income" defined.—

539 (1) The term "adjusted federal income" means an amount  
540 equal to the taxpayer's taxable income as defined in subsection  
541 (2), or such taxable income of more than one taxpayer as  
542 provided in s. 220.131, for the taxable year, adjusted as  
543 follows:

544 (a) *Additions.*—There shall be added to such taxable  
545 income:

546 1.a. The amount of any tax upon or measured by income,  
547 excluding taxes based on gross receipts or revenues, paid or  
548 accrued as a liability to the District of Columbia or any state  
549 of the United States which is deductible from gross income in  
550 the computation of taxable income for the taxable year.



551        b. Notwithstanding sub-subparagraph a., if a credit taken  
552 under s. 220.1875 is added to taxable income in a previous  
553 taxable year under subparagraph 11. and is taken as a deduction  
554 for federal tax purposes in the current taxable year, the amount  
555 of the deduction allowed shall not be added to taxable income in  
556 the current year. The exception in this sub-subparagraph is  
557 intended to ensure that the credit under s. 220.1875 is added in  
558 the applicable taxable year and does not result in a duplicate  
559 addition in a subsequent year.

560        2. The amount of interest which is excluded from taxable  
561 income under s. 103(a) of the Internal Revenue Code or any other  
562 federal law, less the associated expenses disallowed in the  
563 computation of taxable income under s. 265 of the Internal  
564 Revenue Code or any other law, excluding 60 percent of any  
565 amounts included in alternative minimum taxable income, as  
566 defined in s. 55(b)(2) of the Internal Revenue Code, if the  
567 taxpayer pays tax under s. 220.11(3).

568        3. In the case of a regulated investment company or real  
569 estate investment trust, an amount equal to the excess of the  
570 net long-term capital gain for the taxable year over the amount  
571 of the capital gain dividends attributable to the taxable year.

572        4. That portion of the wages or salaries paid or incurred  
573 for the taxable year which is equal to the amount of the credit  
574 allowable for the taxable year under s. 220.181. This  
575 subparagraph shall expire on the date specified in s. 290.016



576 for the expiration of the Florida Enterprise Zone Act.

577 5. That portion of the ad valorem school taxes paid or  
578 incurred for the taxable year which is equal to the amount of  
579 the credit allowable for the taxable year under s. 220.182. This  
580 subparagraph shall expire on the date specified in s. 290.016  
581 for the expiration of the Florida Enterprise Zone Act.

582 6. The amount taken as a credit under s. 220.195 which is  
583 deductible from gross income in the computation of taxable  
584 income for the taxable year.

585 7. That portion of assessments to fund a guaranty  
586 association incurred for the taxable year which is equal to the  
587 amount of the credit allowable for the taxable year.

588 8. In the case of a nonprofit corporation which holds a  
589 pari-mutuel permit and which is exempt from federal income tax  
590 as a farmers' cooperative, an amount equal to the excess of the  
591 gross income attributable to the pari-mutuel operations over the  
592 attributable expenses for the taxable year.

593 9. The amount taken as a credit for the taxable year under  
594 s. 220.1895.

595 10. Up to nine percent of the eligible basis of any  
596 designated project which is equal to the credit allowable for  
597 the taxable year under s. 220.185.

598 11. The amount taken as a credit for the taxable year  
599 under s. 220.1875. The addition in this subparagraph is intended  
600 to ensure that the same amount is not allowed for the tax





601 purposes of this state as both a deduction from income and a  
602 credit against the tax. This addition is not intended to result  
603 in adding the same expense back to income more than once.

604 12. The amount taken as a credit for the taxable year  
605 under s. 220.192.

606 13. The amount taken as a credit for the taxable year  
607 under s. 220.193.

608 14. Any portion of a qualified investment, as defined in  
609 s. 288.9913, which is claimed as a deduction by the taxpayer and  
610 taken as a credit against income tax pursuant to s. 288.9916.

611 15. The costs to acquire a tax credit pursuant to s.  
612 288.1254(5) that are deducted from or otherwise reduce federal  
613 taxable income for the taxable year.

614 16. The amount taken as a credit for the taxable year  
615 pursuant to s. 220.194.

616 17. The amount taken as a credit for the taxable year  
617 under s. 220.196. The addition in this subparagraph is intended  
618 to ensure that the same amount is not allowed for the tax  
619 purposes of this state as both a deduction from income and a  
620 credit against the tax. The addition is not intended to result  
621 in adding the same expense back to income more than once.

622 Section 7. Subsection (1) of section 220.1875, Florida  
623 Statutes, is amended, and subsection (4) is added to that  
624 section, to read:

625 220.1875 Credit for contributions to eligible nonprofit



626 scholarship-funding organizations.—

627 (1) There is allowed a credit of 100 percent of an  
628 eligible contribution made to an eligible nonprofit scholarship-  
629 funding organization under s. 1002.395 against any tax due for a  
630 taxable year under this chapter after the application of any  
631 other allowable credits by the taxpayer. An eligible  
632 contribution must be made to an eligible nonprofit scholarship-  
633 funding organization on or before the date the taxpayer is  
634 required to file a return pursuant to s. 220.222. The credit  
635 granted by this section shall be reduced by the difference  
636 between the amount of federal corporate income tax taking into  
637 account the credit granted by this section and the amount of  
638 federal corporate income tax without application of the credit  
639 granted by this section.

640 (4) If a taxpayer applies and is approved for a credit  
641 under s. 1002.395 after timely requesting an extension to file  
642 under s. 220.222(2):

643 (a) The credit does not reduce the amount of tax due for  
644 purposes of the department's determination as to whether the  
645 taxpayer was in compliance with the requirement to pay tentative  
646 taxes under ss. 220.222 and 220.32.

647 (b) The taxpayer's noncompliance with the requirement to  
648 pay tentative taxes shall result in the revocation and  
649 rescindment of any such credit.

650 (c) The taxpayer shall be assessed for any taxes,



651 penalties, or interest due from the taxpayer's noncompliance  
652 with the requirement to pay tentative taxes.

653 Section 8. Subsections (4) and (5) of section 1001.10,  
654 Florida Statutes, are amended, and subsection (8) is added to  
655 that section, to read:

656 1001.10 Commissioner of Education; general powers and  
657 duties.—

658 (4) The Department of Education shall provide technical  
659 assistance to school districts, charter schools, the Florida  
660 School for the Deaf and the Blind, and private schools that  
661 accept scholarship students who participate in a state  
662 scholarship program under chapter 1002 ~~under s. 1002.39 or s.~~  
663 ~~1002.395~~ in the development of policies, procedures, and  
664 training related to employment practices and standards of  
665 ethical conduct for instructional personnel and school  
666 administrators, as defined in s. 1012.01.

667 (5) The Department of Education shall provide authorized  
668 staff of school districts, charter schools, the Florida School  
669 for the Deaf and the Blind, and private schools that accept  
670 scholarship students who participate in a state scholarship  
671 program under chapter 1002 ~~under s. 1002.39 or s. 1002.395~~ with  
672 access to electronic verification of information from the  
673 following employment screening tools:

674 (a) The Professional Practices' Database of Disciplinary  
675 Actions Against Educators; and



676 (b) The Department of Education's Teacher Certification  
677 Database.

678  
679 This subsection does not require the department to provide these  
680 staff with unlimited access to the databases. However, the  
681 department shall provide the staff with access to the data  
682 necessary for performing employment history checks of the  
683 instructional personnel and school administrators included in  
684 the databases.

685 (8) In the event of an emergency situation, the  
686 commissioner may coordinate through the most appropriate means  
687 of communication with local school districts, Florida College  
688 System institutions, and satellite offices of the Division of  
689 Blind Services and the Division of Vocational Rehabilitation to  
690 assess the need for resources and assistance to enable each  
691 school, institution, or satellite office the ability to reopen  
692 as soon as possible after considering the health, safety, and  
693 welfare of students and clients.

694 Section 9. Paragraphs (d) through (g) of subsection (8) of  
695 section 1002.33, Florida Statutes, are redesignated as  
696 paragraphs (c) through (f), respectively, and paragraph (b) of  
697 subsection (6), paragraphs (a), (d), and (e) of subsection (7),  
698 present paragraphs (a), (b), and (c) of subsection (8),  
699 paragraph (n) of subsection (9), paragraph (e) of subsection  
700 (10), and paragraphs (a) and (b) of subsection (20) of that



701 section are amended, to read:

702 1002.33 Charter schools.—

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

705 (b) A sponsor shall receive and review all applications  
706 for a charter school using the evaluation instrument developed  
707 by the Department of Education. A sponsor shall receive and  
708 consider charter school applications received on or before  
709 August 1 of each calendar year for charter schools to be opened  
710 at the beginning of the school district's next school year, or  
711 to be opened at a time agreed to by the applicant and the  
712 sponsor. A sponsor may not refuse to receive a charter school  
713 application submitted before August 1 and may receive an  
714 application submitted later than August 1 if it chooses.  
715 Beginning in 2018 and thereafter, a sponsor shall receive and  
716 consider charter school applications received on or before  
717 February 1 of each calendar year for charter schools to be  
718 opened 18 months later at the beginning of the school district's  
719 school year, or to be opened at a time determined ~~agreed to~~ by  
720 the applicant ~~and the sponsor~~. A sponsor may not refuse to  
721 receive a charter school application submitted before February 1  
722 and may receive an application submitted later than February 1  
723 if it chooses. A sponsor may not charge an applicant for a  
724 charter any fee for the processing or consideration of an  
725 application, and a sponsor may not base its consideration or



726 approval of a final application upon the promise of future  
727 payment of any kind. Before approving or denying any  
728 application, the sponsor shall allow the applicant, upon receipt  
729 of written notification, at least 7 calendar days to make  
730 technical or nonsubstantive corrections and clarifications,  
731 including, but not limited to, corrections of grammatical,  
732 typographical, and like errors or missing signatures, if such  
733 errors are identified by the sponsor as cause to deny the final  
734 application.

735 1. In order to facilitate an accurate budget projection  
736 process, a sponsor shall be held harmless for FTE students who  
737 are not included in the FTE projection due to approval of  
738 charter school applications after the FTE projection deadline.  
739 In a further effort to facilitate an accurate budget projection,  
740 within 15 calendar days after receipt of a charter school  
741 application, a sponsor shall report to the Department of  
742 Education the name of the applicant entity, the proposed charter  
743 school location, and its projected FTE.

744 2. In order to ensure fiscal responsibility, an  
745 application for a charter school shall include a full accounting  
746 of expected assets, a projection of expected sources and amounts  
747 of income, including income derived from projected student  
748 enrollments and from community support, and an expense  
749 projection that includes full accounting of the costs of  
750 operation, including start-up costs.



751           3.a. A sponsor shall by a majority vote approve or deny an  
752 application no later than 90 calendar days after the application  
753 is received, unless the sponsor and the applicant mutually agree  
754 in writing to temporarily postpone the vote to a specific date,  
755 at which time the sponsor shall by a majority vote approve or  
756 deny the application. If the sponsor fails to act on the  
757 application, an applicant may appeal to the State Board of  
758 Education as provided in paragraph (c). If an application is  
759 denied, the sponsor shall, within 10 calendar days after such  
760 denial, articulate in writing the specific reasons, based upon  
761 good cause, supporting its denial of the application and shall  
762 provide the letter of denial and supporting documentation to the  
763 applicant and to the Department of Education.

764           b. An application submitted by a high-performing charter  
765 school identified pursuant to s. 1002.331 or a high-performing  
766 charter school system identified pursuant to s. 1002.332 may be  
767 denied by the sponsor only if the sponsor demonstrates by clear  
768 and convincing evidence that:

769           (I) The application of a high-performing charter school  
770 does not materially comply with the requirements in paragraph  
771 (a) or, for a high-performing charter school system, the  
772 application does not materially comply with s. 1002.332(2)(b);

773           (II) The charter school proposed in the application does  
774 not materially comply with the requirements in paragraphs  
775 (9) (a) - (f);



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

779 (IV) The applicant has made a material misrepresentation  
780 or false statement or concealed an essential or material fact  
781 during the application process; or

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

785  
786 Material noncompliance is a failure to follow requirements or a  
787 violation of prohibitions applicable to charter school  
788 applications, which failure is quantitatively or qualitatively  
789 significant either individually or when aggregated with other  
790 noncompliance. An applicant is considered to be replicating a  
791 high-performing charter school if the proposed school is  
792 substantially similar to at least one of the applicant's high-  
793 performing charter schools and the organization or individuals  
794 involved in the establishment and operation of the proposed  
795 school are significantly involved in the operation of replicated  
796 schools.

797 c. If the sponsor denies an application submitted by a  
798 high-performing charter school or a high-performing charter  
799 school system, the sponsor must, within 10 calendar days after  
800 such denial, state in writing the specific reasons, based upon





801 the criteria in sub-subparagraph b., supporting its denial of  
802 the application and must provide the letter of denial and  
803 supporting documentation to the applicant and to the Department  
804 of Education. The applicant may appeal the sponsor's denial of  
805 the application in accordance with paragraph (c).

806 4. For budget projection purposes, the sponsor shall  
807 report to the Department of Education the approval or denial of  
808 an application within 10 calendar days after such approval or  
809 denial. In the event of approval, the report to the Department  
810 of Education shall include the final projected FTE for the  
811 approved charter school.

812 5. Upon approval of an application, the initial startup  
813 shall commence with the beginning of the public school calendar  
814 for the district in which the charter is granted. A charter  
815 school may defer the opening of the school's operations for up  
816 to 3 ~~2~~ years to provide time for adequate facility planning. The  
817 charter school must provide written notice of such intent to the  
818 sponsor and the parents of enrolled students at least 30  
819 calendar days before the first day of school.

820 (7) CHARTER.—The terms and conditions for the operation of  
821 a charter school shall be set forth by the sponsor and the  
822 applicant in a written contractual agreement, called a charter.  
823 The sponsor and the governing board of the charter school shall  
824 use the standard charter contract pursuant to subsection (21),  
825 which shall incorporate the approved application and any addenda



826 approved with the application. Any term or condition of a  
827 proposed charter contract that differs from the standard charter  
828 contract adopted by rule of the State Board of Education shall  
829 be presumed a limitation on charter school flexibility. The  
830 sponsor may not impose unreasonable rules or regulations that  
831 violate the intent of giving charter schools greater flexibility  
832 to meet educational goals. The charter shall be signed by the  
833 governing board of the charter school and the sponsor, following  
834 a public hearing to ensure community input.

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

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

839 2. The focus of the curriculum, the instructional methods  
840 to be used, any distinctive instructional techniques to be  
841 employed, and identification and acquisition of appropriate  
842 technologies needed to improve educational and administrative  
843 performance which include a means for promoting safe, ethical,  
844 and appropriate uses of technology which comply with legal and  
845 professional standards.

846 a. The charter shall ensure that reading is a primary  
847 focus of the curriculum and that resources are provided to  
848 identify and provide specialized instruction for students who  
849 are reading below grade level. The curriculum and instructional  
850 strategies for reading must be consistent with the Next



851 Generation Sunshine State Standards and grounded in  
852 scientifically based reading research.

853       b. In order to provide students with access to diverse  
854 instructional delivery models, to facilitate the integration of  
855 technology within traditional classroom instruction, and to  
856 provide students with the skills they need to compete in the  
857 21st century economy, the Legislature encourages instructional  
858 methods for blended learning courses consisting of both  
859 traditional classroom and online instructional techniques.  
860 Charter schools may implement blended learning courses which  
861 combine traditional classroom instruction and virtual  
862 instruction. Students in a blended learning course must be full-  
863 time students of the charter school pursuant to s.  
864 1011.61(1)(a)1. Instructional personnel certified pursuant to s.  
865 1012.55 who provide virtual instruction for blended learning  
866 courses may be employees of the charter school or may be under  
867 contract to provide instructional services to charter school  
868 students. At a minimum, such instructional personnel must hold  
869 an active state or school district adjunct certification under  
870 s. 1012.57 for the subject area of the blended learning course.  
871 The funding and performance accountability requirements for  
872 blended learning courses are the same as those for traditional  
873 courses.

874       3. The current incoming baseline standard of student  
875 academic achievement, the outcomes to be achieved, and the



876 method of measurement that will be used. The criteria listed in  
877 this subparagraph shall include a detailed description of:

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

880 b. How these baseline rates will be compared to rates of  
881 academic progress achieved by these same students while  
882 attending the charter school.

883 c. To the extent possible, how these rates of progress  
884 will be evaluated and compared with rates of progress of other  
885 closely comparable student populations.

886

887 The district school board is required to provide academic  
888 student performance data to charter schools for each of their  
889 students coming from the district school system, as well as  
890 rates of academic progress of comparable student populations in  
891 the district school system.

892 4. The methods used to identify the educational strengths  
893 and needs of students and how well educational goals and  
894 performance standards are met by students attending the charter  
895 school. The methods shall provide a means for the charter school  
896 to ensure accountability to its constituents by analyzing  
897 student performance data and by evaluating the effectiveness and  
898 efficiency of its major educational programs. Students in  
899 charter schools shall, at a minimum, participate in the  
900 statewide assessment program created under s. 1008.22.



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

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

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

909           8. The ways by which the school will achieve a  
910 racial/ethnic balance reflective of the community it serves or  
911 within the racial/ethnic range of other public schools in the  
912 same school district.

913           9. The financial and administrative management of the  
914 school, including a reasonable demonstration of the professional  
915 experience or competence of those individuals or organizations  
916 applying to operate the charter school or those hired or  
917 retained to perform such professional services and the  
918 description of clearly delineated responsibilities and the  
919 policies and practices needed to effectively manage the charter  
920 school. A description of internal audit procedures and  
921 establishment of controls to ensure that financial resources are  
922 properly managed must be included. Both public sector and  
923 private sector professional experience shall be equally valid in  
924 such a consideration.

925           10. The asset and liability projections required in the



926 application which are incorporated into the charter and shall be  
927 compared with information provided in the annual report of the  
928 charter school.

929 11. A description of procedures that identify various  
930 risks and provide for a comprehensive approach to reduce the  
931 impact of losses; plans to ensure the safety and security of  
932 students and staff; plans to identify, minimize, and protect  
933 others from violent or disruptive student behavior; and the  
934 manner in which the school will be insured, including whether or  
935 not the school will be required to have liability insurance,  
936 and, if so, the terms and conditions thereof and the amounts of  
937 coverage.

938 12. The term of the charter which shall provide for  
939 cancellation of the charter if insufficient progress has been  
940 made in attaining the student achievement objectives of the  
941 charter and if it is not likely that such objectives can be  
942 achieved before expiration of the charter. The initial term of a  
943 charter shall be for ~~4~~ 5 years, excluding 2 planning years.  
944 In order to facilitate access to long-term financial resources  
945 for charter school construction, charter schools that are  
946 operated by a municipality or other public entity as provided by  
947 law are eligible for up to a 15-year charter, subject to  
948 approval by the district school board. A charter lab school is  
949 eligible for a charter for a term of up to 15 years. In  
950 addition, to facilitate access to long-term financial resources



951 for charter school construction, charter schools that are  
952 operated by a private, not-for-profit, s. 501(c)(3) status  
953 corporation are eligible for up to a 15-year charter, subject to  
954 approval by the district school board. Such long-term charters  
955 remain subject to annual review and may be terminated during the  
956 term of the charter, but only according to the provisions set  
957 forth in subsection (8).

958 13. The facilities to be used and their location. The  
959 sponsor may not require a charter school to have a certificate  
960 of occupancy or a temporary certificate of occupancy for such a  
961 facility earlier than 15 calendar days before the first day of  
962 school.

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

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

969 16. A timetable for implementing the charter which  
970 addresses the implementation of each element thereof and the  
971 date by which the charter shall be awarded in order to meet this  
972 timetable.

973 17. In the case of an existing public school that is being  
974 converted to charter status, alternative arrangements for  
975 current students who choose not to attend the charter school and



976 | for current teachers who choose not to teach in the charter  
977 | school after conversion in accordance with the existing  
978 | collective bargaining agreement or district school board rule in  
979 | the absence of a collective bargaining agreement. However,  
980 | alternative arrangements shall not be required for current  
981 | teachers who choose not to teach in a charter lab school, except  
982 | as authorized by the employment policies of the state university  
983 | which grants the charter to the lab school.

984 |       18. Full disclosure of the identity of all relatives  
985 | employed by the charter school who are related to the charter  
986 | school owner, president, chairperson of the governing board of  
987 | directors, superintendent, governing board member, principal,  
988 | assistant principal, or any other person employed by the charter  
989 | school who has equivalent decisionmaking authority. For the  
990 | purpose of this subparagraph, the term "relative" means father,  
991 | mother, son, daughter, brother, sister, uncle, aunt, first  
992 | cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
993 | law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
994 | stepfather, stepmother, stepson, stepdaughter, stepbrother,  
995 | stepsister, half brother, or half sister.

996 |       19. Implementation of the activities authorized under s.  
997 | 1002.331 by the charter school when it satisfies the eligibility  
998 | requirements for a high-performing charter school. A high-  
999 | performing charter school shall notify its sponsor in writing by  
1000 | March 1 if it intends to increase enrollment or expand grade





1001 levels the following school year. The written notice shall  
1002 specify the amount of the enrollment increase and the grade  
1003 levels that will be added, as applicable.

1004 (d) A charter may be modified during its initial term or  
1005 any renewal term upon the recommendation of the sponsor or the  
1006 charter school's governing board and the approval of both  
1007 parties to the agreement. Modification during any term may  
1008 include, but is not limited to, consolidation of multiple  
1009 charters into a single charter if the charters are operated  
1010 under the same governing board ~~and physically located on the~~  
1011 ~~same campus~~, regardless of the renewal cycle. A charter school  
1012 that is not subject to a school improvement plan and that closes  
1013 as part of a consolidation shall be reported by the school  
1014 district as a consolidation.

1015 (e) A charter may be terminated by a charter school's  
1016 governing board through voluntary closure. The decision to cease  
1017 operations must be determined at a public meeting. The governing  
1018 board shall notify the parents and sponsor of the public meeting  
1019 in writing before the public meeting. The governing board must  
1020 notify the sponsor, parents of enrolled students, and the  
1021 department in writing within 24 hours after the public meeting  
1022 of its determination. The notice shall state the charter  
1023 school's intent to continue operations or the reason for the  
1024 closure and acknowledge that the governing board agrees to  
1025 follow the procedures for dissolution and reversion of public



1026 funds pursuant to paragraphs (8) (d)-(f) and (9) (o) ~~paragraphs~~  
1027 ~~(8) (e)-(g) and (9) (o)~~.

1028 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

1029 (a) The sponsor shall make student academic achievement  
1030 for all students the most important factor when determining  
1031 whether to renew or terminate the charter. The sponsor may also  
1032 choose not to renew or may terminate the charter if the sponsor  
1033 finds that one of the grounds set forth below exists by clear  
1034 and convincing evidence ~~for any of the following grounds:~~

1035 1. Failure to participate in the state's education  
1036 accountability system created in s. 1008.31, as required in this  
1037 section, or failure to meet the requirements for student  
1038 performance stated in the charter.

1039 2. Failure to meet generally accepted standards of fiscal  
1040 management.

1041 3. Material violation of law.

1042 4. Other good cause shown.

1043 (b) At least 90 days before renewing, nonrenewing, or  
1044 terminating a charter, the sponsor shall notify the governing  
1045 board of the school of the proposed action in writing. The  
1046 notice shall state in reasonable detail the grounds for the  
1047 proposed action and stipulate that the school's governing board  
1048 may, within 14 calendar days after receiving the notice, request  
1049 a hearing. The hearing shall be conducted ~~at the sponsor's~~  
1050 ~~election in accordance with one of the following procedures:~~



1051           ~~1. A direct hearing conducted by the sponsor within 60~~  
1052 ~~days after receipt of the request for a hearing. The hearing~~  
1053 ~~shall be conducted in accordance with ss. 120.569 and 120.57.~~  
1054 ~~The sponsor shall decide upon nonrenewal or termination by a~~  
1055 ~~majority vote. The sponsor's decision shall be a final order; or~~

1056           ~~2. A hearing conducted by an administrative law judge~~  
1057 ~~assigned by the Division of Administrative Hearings. The hearing~~  
1058 ~~shall be conducted within 90 ~~60~~ days after receipt of the~~  
1059 ~~request for a hearing and in accordance with chapter 120. The~~  
1060 ~~administrative law judge's final ~~recommended~~ order shall be~~  
1061 ~~submitted to the sponsor. The administrative law judge shall~~  
1062 ~~award the prevailing party reasonable attorney fees and costs~~  
1063 ~~incurred during the administrative proceeding and any appeals A~~  
1064 ~~majority vote by the sponsor shall be required to adopt or~~  
1065 ~~modify the administrative law judge's recommended order. The~~  
1066 ~~sponsor shall issue a final order.~~

1067           ~~(c) The final order shall state the specific reasons for~~  
1068 ~~the sponsor's decision. The sponsor shall provide its final~~  
1069 ~~order to the charter school's governing board and the Department~~  
1070 ~~of Education no later than 10 calendar days after its issuance.~~  
1071 ~~The charter school's governing board may, within 30 calendar~~  
1072 ~~days after receiving the sponsor's final order, appeal the~~  
1073 ~~decision pursuant to s. 120.68.~~

1074           (9) CHARTER SCHOOL REQUIREMENTS.—

1075           (n)1. The director and a representative of the governing



1076 board of a charter school that has earned a grade of "D" or "F"  
1077 pursuant to s. 1008.34 shall appear before the sponsor to  
1078 present information concerning each contract component having  
1079 noted deficiencies. The director and a representative of the  
1080 governing board shall submit to the sponsor for approval a  
1081 school improvement plan to raise student performance. Upon  
1082 approval by the sponsor, the charter school shall begin  
1083 implementation of the school improvement plan. The department  
1084 shall offer technical assistance and training to the charter  
1085 school and its governing board and establish guidelines for  
1086 developing, submitting, and approving such plans.

1087 2.a. If a charter school earns three consecutive grades  
1088 below a "C," the charter school governing board shall choose one  
1089 of the following corrective actions:

1090 (I) Contract for educational services to be provided  
1091 directly to students, instructional personnel, and school  
1092 administrators, as prescribed in state board rule;

1093 (II) Contract with an outside entity that has a  
1094 demonstrated record of effectiveness to operate the school;

1095 (III) Reorganize the school under a new director or  
1096 principal who is authorized to hire new staff; or

1097 (IV) Voluntarily close the charter school.

1098 b. The charter school must implement the corrective action  
1099 in the school year following receipt of a third consecutive  
1100 grade below a "C."



1101 c. The sponsor may annually waive a corrective action if  
1102 it determines that the charter school is likely to improve a  
1103 letter grade if additional time is provided to implement the  
1104 intervention and support strategies prescribed by the school  
1105 improvement plan. Notwithstanding this sub-subparagraph, a  
1106 charter school that earns a second consecutive grade of "F" is  
1107 subject to subparagraph 3.

1108 d. A charter school is no longer required to implement a  
1109 corrective action if it improves to a "C" or higher. However,  
1110 the charter school must continue to implement strategies  
1111 identified in the school improvement plan. The sponsor must  
1112 annually review implementation of the school improvement plan to  
1113 monitor the school's continued improvement pursuant to  
1114 subparagraph 4.

1115 e. A charter school implementing a corrective action that  
1116 does not improve to a "C" or higher after 2 full school years of  
1117 implementing the corrective action must select a different  
1118 corrective action. Implementation of the new corrective action  
1119 must begin in the school year following the implementation  
1120 period of the existing corrective action, unless the sponsor  
1121 determines that the charter school is likely to improve to a "C"  
1122 or higher if additional time is provided to implement the  
1123 existing corrective action. Notwithstanding this sub-  
1124 subparagraph, a charter school that earns a second consecutive  
1125 grade of "F" while implementing a corrective action is subject



1126 to subparagraph 3.

1127 3. A charter school's charter contract is automatically  
1128 terminated if the school earns two consecutive grades of "F"  
1129 after all school grade appeals are final unless:

1130 a. The charter school is established to turn around the  
1131 performance of a district public school pursuant to s.  
1132 1008.33(4)(b)2. Such charter schools shall be governed by s.  
1133 1008.33;

1134 b. The charter school serves a student population the  
1135 majority of which resides in a school zone served by a district  
1136 public school subject to s. 1008.33(4) and the charter school  
1137 earns at least a grade of "D" in its third year of operation.  
1138 The exception provided under this sub-subparagraph does not  
1139 apply to a charter school in its fourth year of operation and  
1140 thereafter; or

1141 c. The state board grants the charter school a waiver of  
1142 termination. The charter school must request the waiver within  
1143 15 days after the department's official release of school  
1144 grades. The state board may waive termination if the charter  
1145 school demonstrates that the Learning Gains of its students on  
1146 statewide assessments are comparable to or better than the  
1147 Learning Gains of similarly situated students enrolled in nearby  
1148 district public schools. The waiver is valid for 1 year and may  
1149 only be granted once. Charter schools that have been in  
1150 operation for more than 5 years are not eligible for a waiver



1151 under this sub-subparagraph.

1152

1153 The sponsor shall notify the charter school's governing board,  
1154 the charter school principal, and the department in writing when  
1155 a charter contract is terminated under this subparagraph. ~~The~~  
1156 ~~letter of termination must meet the requirements of paragraph~~  
1157 ~~(8)(c).~~ A charter terminated under this subparagraph must follow  
1158 the procedures for dissolution and reversion of public funds  
1159 pursuant to paragraphs (8)(d)-(f) and (9)(o) ~~paragraphs (8)(c)-~~  
1160 ~~(g) and (9)(o).~~

1161 4. The director and a representative of the governing  
1162 board of a graded charter school that has implemented a school  
1163 improvement plan under this paragraph shall appear before the  
1164 sponsor at least once a year to present information regarding  
1165 the progress of intervention and support strategies implemented  
1166 by the school pursuant to the school improvement plan and  
1167 corrective actions, if applicable. The sponsor shall communicate  
1168 at the meeting, and in writing to the director, the services  
1169 provided to the school to help the school address its  
1170 deficiencies.

1171 5. Notwithstanding any provision of this paragraph except  
1172 sub-subparagraphs 3.a.-c., the sponsor may terminate the charter  
1173 at any time pursuant to subsection (8).

1174 (10) ELIGIBLE STUDENTS.—

1175 (e) A charter school may limit the enrollment process only



1176 | to target the following student populations:

1177 |       1. Students within specific age groups or grade levels.

1178 |       2. Students considered at risk of dropping out of school  
1179 | or academic failure. Such students shall include exceptional  
1180 | education students.

1181 |       3. Students enrolling in a charter school-in-the-workplace  
1182 | or charter school-in-a-municipality established pursuant to  
1183 | subsection (15).

1184 |       4. Students residing within a reasonable distance of the  
1185 | charter school, as described in paragraph (20)(c). Such students  
1186 | shall be subject to a random lottery and to the racial/ethnic  
1187 | balance provisions described in subparagraph (7)(a)8. or any  
1188 | federal provisions that require a school to achieve a  
1189 | racial/ethnic balance reflective of the community it serves or  
1190 | within the racial/ethnic range of other public schools in the  
1191 | same school district.

1192 |       5. Students who meet reasonable academic, artistic, or  
1193 | other eligibility standards established by the charter school  
1194 | and included in the charter school application and charter or,  
1195 | in the case of existing charter schools, standards that are  
1196 | consistent with the school's mission and purpose. Such standards  
1197 | shall be in accordance with current state law and practice in  
1198 | public schools and may not discriminate against otherwise  
1199 | qualified individuals.

1200 |       6. Students articulating from one charter school to





1201 another pursuant to an articulation agreement between the  
1202 charter schools that has been approved by the sponsor.

1203 7. Students living in a development in which a business  
1204 entity provides the school facility and related property having  
1205 an appraised value of at least \$5 ~~10~~ million to be used as a  
1206 charter school to mitigate the educational impact created by ~~for~~  
1207 the development of new residential dwelling units. Students  
1208 living in the development shall be entitled to no more than 50  
1209 percent of the student stations in the charter school. The  
1210 students who are eligible for enrollment are subject to a random  
1211 lottery, the racial/ethnic balance provisions, or any federal  
1212 provisions, as described in subparagraph 4. The remainder of the  
1213 student stations shall be filled in accordance with subparagraph  
1214 4.

1215 (20) SERVICES.—

1216 (a)1. A sponsor shall provide certain administrative and  
1217 educational services to charter schools. These services shall  
1218 include contract management services; full-time equivalent and  
1219 data reporting services; exceptional student education  
1220 administration services; services related to eligibility and  
1221 reporting duties required to ensure that school lunch services  
1222 under the National School Lunch Program, consistent with the  
1223 needs of the charter school, are provided by the school district  
1224 at the request of the charter school, that any funds due to the  
1225 charter school under the National School Lunch Program be paid



1226 to the charter school as soon as the charter school begins  
1227 serving food under the National School Lunch Program, and that  
1228 the charter school is paid at the same time and in the same  
1229 manner under the National School Lunch Program as other public  
1230 schools serviced by the sponsor or the school district; test  
1231 administration services, including payment of the costs of  
1232 state-required or district-required student assessments;  
1233 processing of teacher certificate data services; and information  
1234 services, including equal access to student information systems  
1235 that are used by public schools in the district in which the  
1236 charter school is located. Student performance data for each  
1237 student in a charter school, including, but not limited to, FCAT  
1238 scores, standardized test scores, previous public school student  
1239 report cards, and student performance measures, shall be  
1240 provided by the sponsor to a charter school in the same manner  
1241 provided to other public schools in the district.

1242 2. A sponsor may withhold an administrative fee for the  
1243 provision of such services which shall be a percentage of the  
1244 available funds defined in paragraph (17)(b) calculated based on  
1245 weighted full-time equivalent students. If the charter school  
1246 serves 75 percent or more exceptional education students as  
1247 defined in s. 1003.01(3), the percentage shall be calculated  
1248 based on unweighted full-time equivalent students. The  
1249 administrative fee shall be calculated as follows:

1250 a. Up to 5 percent for:



1251 (I) Enrollment of up to and including 250 students in a  
1252 charter school as defined in this section.

1253 (II) Enrollment of up to and including 500 students within  
1254 a charter school system which meets all of the following:

1255 (A) Includes conversion charter schools and nonconversion  
1256 charter schools.

1257 (B) Has all of its schools located in the same county.

1258 (C) Has a total enrollment exceeding the total enrollment  
1259 of at least one school district in the state.

1260 (D) Has the same governing board for all of its schools.

1261 (E) Does not contract with a for-profit service provider  
1262 for management of school operations.

1263 (III) Enrollment of up to and including 250 students in a  
1264 virtual charter school.

1265 b. Up to 2 percent for enrollment of up to and including  
1266 250 students in a high-performing charter school as defined in  
1267 s. 1002.331.

1268 3. A sponsor may not charge charter schools any additional  
1269 fees or surcharges for administrative and educational services  
1270 in addition to the maximum percentage of administrative fees  
1271 withheld pursuant to this paragraph.

1272 4. A sponsor shall provide to the department by September  
1273 15 of each year the total amount of funding withheld from  
1274 charter schools pursuant to this subsection for the prior fiscal  
1275 year. The department must include the information in the report



1276 required under sub-sub-subparagraph (5) (b)1.k.III.

1277 (b) If goods and services are made available to the  
1278 charter school through the contract with the school district,  
1279 they shall be provided to the charter school at a rate no  
1280 greater than the district's actual cost unless mutually agreed  
1281 upon by the charter school and the sponsor in a contract  
1282 negotiated separately from the charter. When mediation has  
1283 failed to resolve disputes over contracted services or  
1284 contractual matters not included in the charter, an appeal may  
1285 be made to an administrative law judge appointed by the Division  
1286 of Administrative Hearings. The administrative law judge has  
1287 final order authority to rule on the dispute. The administrative  
1288 law judge shall award the prevailing party reasonable attorney  
1289 fees and costs incurred during the mediation process,  
1290 administrative proceeding, and any appeals, to be paid by the  
1291 party whom the administrative law judge rules against ~~for a~~  
1292 ~~dispute resolution hearing before the Charter School Appeal~~  
1293 ~~Commission.~~ To maximize the use of state funds, school districts  
1294 shall allow charter schools to participate in the sponsor's bulk  
1295 purchasing program if applicable.

1296 Section 10. Subsection (1), paragraph (a) of subsection  
1297 (2), and paragraph (b) of subsection (3) of section 1002.331,  
1298 Florida Statutes, are amended to read:

1299 1002.331 High-performing charter schools.-

1300 (1) A charter school is a high-performing charter school



1301 if it:

1302 (a) Received at least two school grades of "A" and no  
1303 school grade below "B," pursuant to s. 1008.34, during each of  
1304 the previous 3 school years or received at least two consecutive  
1305 school grades of "A" in the most recent 2 school years.

1306 (b) Received an unqualified opinion on each annual  
1307 financial audit required under s. 218.39 in the most recent 3  
1308 fiscal years for which such audits are available.

1309 (c) Did not receive a financial audit that revealed one or  
1310 more of the financial emergency conditions set forth in s.  
1311 218.503(1) in the most recent 3 fiscal years for which such  
1312 audits are available. However, this requirement is deemed met  
1313 for a charter school-in-the-workplace if there is a finding in  
1314 an audit that the school has the monetary resources available to  
1315 cover any reported deficiency or that the deficiency does not  
1316 result in a deteriorating financial condition pursuant to s.  
1317 1002.345(1)(a)3.

1318  
1319 For purposes of determining initial eligibility, the  
1320 requirements of paragraphs (b) and (c) only apply for the most  
1321 recent 2 fiscal years if the charter school earns two  
1322 consecutive grades of "A." A virtual charter school established  
1323 under s. 1002.33 is not eligible for designation as a high-  
1324 performing charter school.

1325 (2) A high-performing charter school is authorized to:



1326 (a) Increase its student enrollment once per school year  
1327 to more than the capacity identified in the charter, but student  
1328 enrollment may not exceed the ~~current-facility~~ capacity of the  
1329 facility at the time the enrollment increase will take effect.  
1330 Facility capacity for purposes of grade level expansion shall  
1331 include any improvements to an existing facility or any new  
1332 facility in which a majority of the students of the high-  
1333 performing charter school will enroll.

1334  
1335 A high-performing charter school shall notify its sponsor in  
1336 writing by March 1 if it intends to increase enrollment or  
1337 expand grade levels the following school year. The written  
1338 notice shall specify the amount of the enrollment increase and  
1339 the grade levels that will be added, as applicable. If a charter  
1340 school notifies the sponsor of its intent to expand, the sponsor  
1341 shall modify the charter within 90 days to include the new  
1342 enrollment maximum and may not make any other changes. The  
1343 sponsor may deny a request to increase the enrollment of a high-  
1344 performing charter school if the commissioner has declassified  
1345 the charter school as high-performing. If a high-performing  
1346 charter school requests to consolidate multiple charters, the  
1347 sponsor shall have 40 days after receipt of that request to  
1348 provide an initial draft charter to the charter school. The  
1349 sponsor and charter school shall have 50 days thereafter to  
1350 negotiate and notice the charter contract for final approval by



1351 the sponsor.

1352 (3)

1353 (b) A high-performing charter school may not establish  
 1354 more than two ~~one~~ charter schools ~~school~~ within the state under  
 1355 paragraph (a) in any year. A subsequent application to establish  
 1356 a charter school under paragraph (a) may not be submitted unless  
 1357 each charter school established in this manner achieves high-  
 1358 performing charter school status. However, a high-performing  
 1359 charter school may establish more than one charter school within  
 1360 the state under paragraph (a) in any year if it operates in the  
 1361 area of a persistently low-performing school and serves students  
 1362 from that school.

1363 Section 11. Paragraph (d) is added to subsection (10) of  
 1364 section 1002.333, Florida Statutes, to read:

1365 1002.333 Persistently low-performing schools.—

1366 (10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program  
 1367 is created within the Department of Education.

1368 (d) Notwithstanding s. 216.301 and pursuant to s. 216.351,  
 1369 funds allocated for the purpose of this subsection which are not  
 1370 disbursed by June 30 of the fiscal year in which the funds are  
 1371 allocated may be carried forward for up to 5 years after the  
 1372 effective date of the original appropriation.

1373 Section 12. Present paragraph (c) of subsection (9) of  
 1374 section 1002.37, Florida Statutes, is amended, and a new  
 1375 paragraph (c) is added to subsection (9) of that section, to



1376 read:

1377 1002.37 The Florida Virtual School.—

1378 (9)

1379 (c) Industry certification examinations, national  
 1380 assessments, and statewide assessments offered by the school  
 1381 district shall be available to all Florida Virtual School  
 1382 students.

1383 (d)~~(e)~~ Unless an alternative testing site is mutually  
 1384 agreed to by the Florida Virtual School and the school district  
 1385 or as contracted under s. 1008.24, all industry certification  
 1386 examinations, national assessments, and statewide assessments  
 1387 must be taken at the school to which the student would be  
 1388 assigned according to district school board attendance areas. A  
 1389 school district must provide the student with access to the  
 1390 school's testing facilities and the date and time of the  
 1391 administration of each examination or assessment.

1392 Section 13. Paragraph (e) of subsection (2), paragraphs  
 1393 (d) and (h) of subsection (5), subsection (8), paragraph (c) of  
 1394 subsection (9), paragraph (a) of subsection (10), and paragraph  
 1395 (a) of subsection (11) of section 1002.385, Florida Statutes,  
 1396 are amended, and paragraph (p) is added to subsection (5) of  
 1397 that section, to read:

1398 1002.385 The Gardiner Scholarship.—

1399 (2) DEFINITIONS.—As used in this section, the term:

1400 (e) "Eligible nonprofit scholarship-funding organization"





1401 or "organization" means a nonprofit scholarship-funding  
1402 organization that is approved pursuant to s. 1002.395(15) ~~s.~~  
1403 ~~1002.395(16)~~.

1404 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must  
1405 be used to meet the individual educational needs of an eligible  
1406 student and may be spent for the following purposes:

1407 (d) ~~Enrollment in, or~~ Tuition or fees associated with  
1408 full-time or part-time enrollment in, a home education program,  
1409 an eligible private school, an eligible postsecondary  
1410 educational institution or a program offered by the  
1411 postsecondary institution, a private tutoring program authorized  
1412 under s. 1002.43, a virtual program offered by a department-  
1413 approved private online provider that meets the provider  
1414 qualifications specified in s. 1002.45(2)(a), the Florida  
1415 Virtual School as a private paying student, or an approved  
1416 online course offered pursuant to s. 1003.499 or s. 1004.0961.

1417 (h) Tuition and fees for part-time tutoring services  
1418 provided by a person who holds a valid Florida educator's  
1419 certificate pursuant to s. 1012.56; a person who holds an  
1420 adjunct teaching certificate pursuant to s. 1012.57; a person  
1421 who has a bachelor's degree or a graduate degree in the subject  
1422 area in which instruction is given; or a person who has  
1423 demonstrated a mastery of subject area knowledge pursuant to s.  
1424 1012.56(5). As used in this paragraph, the term "part-time  
1425 tutoring services" does not qualify as regular school attendance



1426 as defined in s. 1003.01(13)(e).

1427 (p) Tuition or fees associated with enrollment in a  
1428 nationally or internationally recognized research-based training  
1429 program for a child with a neurological disorder or brain  
1430 damage.

1431  
1432 A provider of any services receiving payments pursuant to this  
1433 subsection may not share, refund, or rebate any moneys from the  
1434 Gardiner Scholarship with the parent or participating student in  
1435 any manner. A parent, student, or provider of any services may  
1436 not bill an insurance company, Medicaid, or any other agency for  
1437 the same services that are paid for using Gardiner Scholarship  
1438 funds.

1439 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An  
1440 eligible private school may be sectarian or nonsectarian and  
1441 shall:

1442 (a) Comply with all requirements for private schools  
1443 participating in state school choice scholarship programs  
1444 pursuant to s. 1002.421.

1445 ~~(b) Provide to the organization, upon request, all~~  
1446 ~~documentation required for the student's participation,~~  
1447 ~~including the private school's and student's fee schedules.~~

1448 ~~(c) Be academically accountable to the parent for meeting~~  
1449 ~~the educational needs of the student by:~~

1450 ~~1. At a minimum, annually providing to the parent a~~



1451 ~~written explanation of the student's progress.~~

1452 (b)1.2. Annually administer or make ~~administering or~~  
1453 ~~making~~ provision for students participating in the program in  
1454 grades 3 through 10 to take one of the nationally norm-  
1455 referenced tests identified by the Department of Education or  
1456 the statewide assessments pursuant to s. 1008.22. Students with  
1457 disabilities for whom standardized testing is not appropriate  
1458 are exempt from this requirement. A participating private school  
1459 shall report a student's scores to the parent.

1460 2.3. Administer ~~Cooperating with the scholarship student~~  
1461 ~~whose parent chooses to have the student participate in the~~  
1462 statewide assessments pursuant to s. 1008.22 ~~or,~~ if a private  
1463 school chooses to offer the statewide assessments, ~~administering~~  
1464 ~~the assessments at the school.~~

1465 a. A participating private school may choose to offer and  
1466 administer the statewide assessments to all students who attend  
1467 the private school in grades 3 through 10 and must.

1468 ~~b.~~ ~~A participating private school shall~~ submit a request  
1469 in writing to the Department of Education by March 1 of each  
1470 year in order to administer the statewide assessments in the  
1471 subsequent school year.

1472 ~~(d)~~ ~~Employ or contract with teachers who have regular and~~  
1473 ~~direct contact with each student receiving a scholarship under~~  
1474 ~~this section at the school's physical location.~~

1475 ~~(e)~~ ~~Provide a report from an independent certified public~~



1476 ~~accountant who performs the agreed-upon procedures developed~~  
1477 ~~under s. 1002.395(6)(e) if the private school receives more than~~  
1478 ~~\$250,000 in funds from scholarships awarded under this section~~  
1479 ~~in a state fiscal year. A private school subject to this~~  
1480 ~~paragraph must annually submit the report by September 15 to the~~  
1481 ~~organization that awarded the majority of the school's~~  
1482 ~~scholarship funds. The agreed-upon procedures must be conducted~~  
1483 ~~in accordance with attestation standards established by the~~  
1484 ~~American Institute of Certified Public Accountants.~~

1485  
1486 If a private school fails ~~is unable~~ to meet the requirements of  
1487 this subsection or s. 1002.421 ~~or has consecutive years of~~  
1488 ~~material exceptions listed in the report required under~~  
1489 ~~paragraph (e)~~, the commissioner may determine that the private  
1490 school is ineligible to participate in the scholarship program.

1491 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department  
1492 shall:

1493 (c) Investigate any written complaint of a violation of  
1494 this section by a parent, a student, a private school, a public  
1495 school or a school district, an organization, a provider, or  
1496 another appropriate party in accordance with the process  
1497 established by s. 1002.421 ~~s. 1002.395(9)(f)~~.

1498 (10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

1499 (a) The Commissioner of Education:

1500 1. May suspend or revoke program participation or use of



1501 program funds by the student or participation or eligibility of  
1502 an organization, ~~eligible private school~~, eligible postsecondary  
1503 educational institution, approved provider, or other party for a  
1504 violation of this section.

1505 2. May determine the length of, and conditions for  
1506 lifting, a suspension or revocation specified in this  
1507 subsection.

1508 3. May recover unexpended program funds or withhold  
1509 payment of an equal amount of program funds to recover program  
1510 funds that were not authorized for use.

1511 4. Shall deny or terminate program participation upon a  
1512 parent's forfeiture of a Gardiner Scholarship pursuant to  
1513 subsection (11).

1514 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
1515 PARTICIPATION.—A parent who applies for program participation  
1516 under this section is exercising his or her parental option to  
1517 determine the appropriate placement or the services that best  
1518 meet the needs of his or her child. The scholarship award for a  
1519 student is based on a matrix that assigns the student to support  
1520 Level III services. If a parent receives an IEP and a matrix of  
1521 services from the school district pursuant to subsection (7),  
1522 the amount of the payment shall be adjusted as needed, when the  
1523 school district completes the matrix.

1524 (a) To satisfy or maintain program eligibility, including  
1525 eligibility to receive and spend program payments, the parent



1526 must sign an agreement with the organization and annually submit  
1527 a notarized, sworn compliance statement to the organization to:

1528 1. Affirm that the student is enrolled in a program that  
1529 meets regular school attendance requirements as provided in s.  
1530 1003.01(13)(b)-(d).

1531 2. Affirm that the program funds are used only for  
1532 authorized purposes serving the student's educational needs, as  
1533 described in subsection (5).

1534 3. Affirm that the parent is responsible for the education  
1535 of his or her student by, as applicable:

1536 a. Requiring the student to take an assessment in  
1537 accordance with paragraph (8)(b) ~~paragraph (8)(c)~~;

1538 b. Providing an annual evaluation in accordance with s.  
1539 1002.41(1)(c); or

1540 c. Requiring the child to take any preassessments and  
1541 postassessments selected by the provider if the child is 4 years  
1542 of age and is enrolled in a program provided by an eligible  
1543 Voluntary Prekindergarten Education Program provider. A student  
1544 with disabilities for whom a preassessment and postassessment is  
1545 not appropriate is exempt from this requirement. A participating  
1546 provider shall report a student's scores to the parent.

1547 4. Affirm that the student remains in good standing with  
1548 the provider or school if those options are selected by the  
1549 parent.

1550



1551 A parent who fails to comply with this subsection forfeits the  
1552 Gardiner Scholarship.

1553 Section 14. Subsections (8) through (14) of section  
1554 1002.39, Florida Statutes, are renumbered as subsections (7)  
1555 through (13), respectively, and paragraph (b) of subsection (2),  
1556 paragraph (h) of subsection (3), and present subsections (6),  
1557 (7), and (8) of that section are amended, to read:

1558 1002.39 The John M. McKay Scholarships for Students with  
1559 Disabilities Program.—There is established a program that is  
1560 separate and distinct from the Opportunity Scholarship Program  
1561 and is named the John M. McKay Scholarships for Students with  
1562 Disabilities Program.

1563 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a  
1564 student with a disability may request and receive from the state  
1565 a John M. McKay Scholarship for the child to enroll in and  
1566 attend a private school in accordance with this section if:

1567 (b) The parent has obtained acceptance for admission of  
1568 the student to a private school that is eligible for the program  
1569 under subsection (7) ~~subsection (8)~~ and has requested from the  
1570 department a scholarship at least 60 days before the date of the  
1571 first scholarship payment. The request must be communicated  
1572 directly to the department in a manner that creates a written or  
1573 electronic record of the request and the date of receipt of the  
1574 request. The department must notify the district of the parent's  
1575 intent upon receipt of the parent's request.



1576 (3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is  
1577 not eligible for a John M. McKay Scholarship:

1578 (h) While he or she is not having regular and direct  
1579 contact with his or her private school teachers at the school's  
1580 physical location unless he or she is enrolled in the private  
1581 school's transition-to-work program pursuant to subsection (9)  
1582 ~~subsection (10)~~; or

1583 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department  
1584 shall:

1585 ~~(a) Establish a toll-free hotline that provides parents~~  
1586 ~~and private schools with information on participation in the~~  
1587 ~~John M. McKay Scholarships for Students with Disabilities~~  
1588 ~~Program.~~

1589 ~~(b) Annually verify the eligibility of private schools~~  
1590 ~~that meet the requirements of subsection (8).~~

1591 ~~(c) Establish a process by which individuals may notify~~  
1592 ~~the department of any violation by a parent, private school, or~~  
1593 ~~school district of state laws relating to program participation.~~  
1594 ~~The department shall conduct an inquiry of any written complaint~~  
1595 ~~of a violation of this section, or make a referral to the~~  
1596 ~~appropriate agency for an investigation, if the complaint is~~  
1597 ~~signed by the complainant and is legally sufficient. A complaint~~  
1598 ~~is legally sufficient if it contains ultimate facts that show~~  
1599 ~~that a violation of this section or any rule adopted by the~~  
1600 ~~State Board of Education has occurred. In order to determine~~





1601 ~~legal sufficiency, the department may require supporting~~  
1602 ~~information or documentation from the complainant. A department~~  
1603 ~~inquiry is not subject to the requirements of chapter 120.~~

1604 ~~(d) Require an annual, notarized, sworn compliance~~  
1605 ~~statement by participating private schools certifying compliance~~  
1606 ~~with state laws and shall retain such records.~~

1607 ~~(e) cross-check the list of participating scholarship~~  
1608 ~~students with the public school enrollment lists prior to each~~  
1609 ~~scholarship payment to avoid duplication.~~

1610 ~~(f)1. Conduct random site visits to private schools~~  
1611 ~~participating in the John M. McKay Scholarships for Students~~  
1612 ~~with Disabilities Program. The purpose of the site visits is~~  
1613 ~~solely to verify the information reported by the schools~~  
1614 ~~concerning the enrollment and attendance of students, the~~  
1615 ~~credentials of teachers, background screening of teachers, and~~  
1616 ~~teachers' fingerprinting results, which information is required~~  
1617 ~~by rules of the State Board of Education, subsection (8), and s.~~  
1618 ~~1002.421. The Department of Education may not make more than~~  
1619 ~~three random site visits each year and may not make more than~~  
1620 ~~one random site visit each year to the same private school.~~

1621 ~~2. Annually, by December 15, report to the Governor, the~~  
1622 ~~President of the Senate, and the Speaker of the House of~~  
1623 ~~Representatives the Department of Education's actions with~~  
1624 ~~respect to implementing accountability in the scholarship~~  
1625 ~~program under this section and s. 1002.421, any substantiated~~



1626 ~~allegations or violations of law or rule by an eligible private~~  
1627 ~~school under this program concerning the enrollment and~~  
1628 ~~attendance of students, the credentials of teachers, background~~  
1629 ~~screening of teachers, and teachers' fingerprinting results and~~  
1630 ~~the corrective action taken by the Department of Education.~~

1631 ~~(7) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—~~

1632 ~~(a) The Commissioner of Education:~~

1633 ~~1. Shall deny, suspend, or revoke a private school's~~  
1634 ~~participation in the scholarship program if it is determined~~  
1635 ~~that the private school has failed to comply with the provisions~~  
1636 ~~of this section. However, if the noncompliance is correctable~~  
1637 ~~within a reasonable amount of time and if the health, safety, or~~  
1638 ~~welfare of the students is not threatened, the commissioner may~~  
1639 ~~issue a notice of noncompliance which provides the private~~  
1640 ~~school with a timeframe within which to provide evidence of~~  
1641 ~~compliance before taking action to suspend or revoke the private~~  
1642 ~~school's participation in the scholarship program.~~

1643 ~~2. May deny, suspend, or revoke a private school's~~  
1644 ~~participation in the scholarship program if the commissioner~~  
1645 ~~determines that an owner or operator of the private school is~~  
1646 ~~operating or has operated an educational institution in this~~  
1647 ~~state or in another state or jurisdiction in a manner contrary~~  
1648 ~~to the health, safety, or welfare of the public.~~

1649 ~~a. In making such a determination, the commissioner may~~  
1650 ~~consider factors that include, but are not limited to, acts or~~



1651 ~~omissions by an owner or operator which led to a previous denial~~  
1652 ~~or revocation of participation in an education scholarship~~  
1653 ~~program; an owner's or operator's failure to reimburse the~~  
1654 ~~Department of Education for scholarship funds improperly~~  
1655 ~~received or retained by a school; imposition of a prior criminal~~  
1656 ~~sanction related to an owner's or operator's management or~~  
1657 ~~operation of an educational institution; imposition of a civil~~  
1658 ~~fine or administrative fine, license revocation or suspension,~~  
1659 ~~or program eligibility suspension, termination, or revocation~~  
1660 ~~related to an owner's or operator's management or operation of~~  
1661 ~~an educational institution; or other types of criminal~~  
1662 ~~proceedings in which an owner or operator was found guilty of,~~  
1663 ~~regardless of adjudication, or entered a plea of nolo contendere~~  
1664 ~~or guilty to, any offense involving fraud, deceit, dishonesty,~~  
1665 ~~or moral turpitude.~~

1666 ~~b. For purposes of this subparagraph, the term "owner or~~  
1667 ~~operator" includes an owner, operator, superintendent, or~~  
1668 ~~principal of, or a person who has equivalent decisionmaking~~  
1669 ~~authority over, a private school participating in the~~  
1670 ~~scholarship program.~~

1671 ~~(b) The commissioner's determination is subject to the~~  
1672 ~~following:~~

1673 ~~1. If the commissioner intends to deny, suspend, or revoke~~  
1674 ~~a private school's participation in the scholarship program, the~~  
1675 ~~department shall notify the private school of such proposed~~



1676 ~~action in writing by certified mail and regular mail to the~~  
1677 ~~private school's address of record with the department. The~~  
1678 ~~notification shall include the reasons for the proposed action~~  
1679 ~~and notice of the timelines and procedures set forth in this~~  
1680 ~~paragraph.~~

1681 ~~2. The private school that is adversely affected by the~~  
1682 ~~proposed action shall have 15 days from receipt of the notice of~~  
1683 ~~proposed action to file with the department's agency clerk a~~  
1684 ~~request for a proceeding pursuant to ss. 120.569 and 120.57. If~~  
1685 ~~the private school is entitled to a hearing under s. 120.57(1),~~  
1686 ~~the department shall forward the request to the Division of~~  
1687 ~~Administrative Hearings.~~

1688 ~~3. Upon receipt of a request referred pursuant to this~~  
1689 ~~paragraph, the director of the Division of Administrative~~  
1690 ~~Hearings shall expedite the hearing and assign an administrative~~  
1691 ~~law judge who shall commence a hearing within 30 days after the~~  
1692 ~~receipt of the formal written request by the division and enter~~  
1693 ~~a recommended order within 30 days after the hearing or within~~  
1694 ~~30 days after receipt of the hearing transcript, whichever is~~  
1695 ~~later. Each party shall be allowed 10 days in which to submit~~  
1696 ~~written exceptions to the recommended order. A final order shall~~  
1697 ~~be entered by the agency within 30 days after the entry of a~~  
1698 ~~recommended order. The provisions of this subparagraph may be~~  
1699 ~~waived upon stipulation by all parties.~~

1700 ~~(c) The commissioner may immediately suspend payment of~~



1701 ~~scholarship funds if it is determined that there is probable~~  
1702 ~~cause to believe that there is:~~

1703 ~~1. An imminent threat to the health, safety, or welfare of~~  
1704 ~~the students; or~~

1705 ~~2. Fraudulent activity on the part of the private school.~~  
1706 ~~Notwithstanding s. 1002.22, in incidents of alleged fraudulent~~  
1707 ~~activity pursuant to this section, the Department of Education's~~  
1708 ~~Office of Inspector General is authorized to release personally~~  
1709 ~~identifiable records or reports of students to the following~~  
1710 ~~persons or organizations:~~

1711 ~~a. A court of competent jurisdiction in compliance with an~~  
1712 ~~order of that court or the attorney of record in accordance with~~  
1713 ~~a lawfully issued subpoena, consistent with the Family~~  
1714 ~~Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.~~

1715 ~~b. A person or entity authorized by a court of competent~~  
1716 ~~jurisdiction in compliance with an order of that court or the~~  
1717 ~~attorney of record pursuant to a lawfully issued subpoena,~~  
1718 ~~consistent with the Family Educational Rights and Privacy Act,~~  
1719 ~~20 U.S.C. s. 1232g.~~

1720 ~~c. Any person, entity, or authority issuing a subpoena for~~  
1721 ~~law enforcement purposes when the court or other issuing agency~~  
1722 ~~has ordered that the existence or the contents of the subpoena~~  
1723 ~~or the information furnished in response to the subpoena not be~~  
1724 ~~disclosed, consistent with the Family Educational Rights and~~  
1725 ~~Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.~~



1726  
1727 ~~The commissioner's order suspending payment pursuant to this~~  
1728 ~~paragraph may be appealed pursuant to the same procedures and~~  
1729 ~~timelines as the notice of proposed action set forth in~~  
1730 ~~paragraph (b).~~

1731 (7) ~~(8)~~ PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be  
1732 eligible to participate in the John M. McKay Scholarships for  
1733 Students with Disabilities Program, a private school may be  
1734 sectarian or nonsectarian and must:

1735 (a) Comply with all requirements for private schools  
1736 participating in state school choice scholarship programs  
1737 pursuant to s. 1002.421.

1738 (b) Provide to the department all documentation required  
1739 for a student's participation, including the private school's  
1740 and student's fee schedules, at least 30 days before any  
1741 quarterly scholarship payment is made for the student pursuant  
1742 to paragraph (10) (e) ~~paragraph (11) (e)~~. A student is not  
1743 eligible to receive a quarterly scholarship payment if the  
1744 private school fails to meet this deadline.

1745 ~~(c) Be academically accountable to the parent for meeting~~  
1746 ~~the educational needs of the student by:~~

1747 ~~1. At a minimum, annually providing to the parent a~~  
1748 ~~written explanation of the student's progress.~~

1749 ~~2. Cooperating with the scholarship student whose parent~~  
1750 ~~chooses to participate in the statewide assessments pursuant to~~



1751 ~~s. 1008.22.~~

1752 ~~(d) Maintain in this state a physical location where a~~  
1753 ~~scholarship student regularly attends classes.~~

1754

1755 If ~~The inability of~~ a private school fails to meet the  
1756 requirements of this subsection or s. 1002.421, the commissioner  
1757 may determine that the private school is ineligible ~~shall~~  
1758 ~~constitute a basis for the ineligibility of the private school~~  
1759 to participate in the scholarship program ~~as determined by the~~  
1760 department.

1761 Section 15. Present subsections (12) through (16) of  
1762 section 1002.395, Florida Statutes, are renumbered as  
1763 subsections (11) through (15), respectively, and paragraphs (f)  
1764 and (j) of subsection (2), paragraphs (b), (c), (f), and (g) of  
1765 subsection (5), paragraphs (n), (o), and (p) of subsection (6),  
1766 subsections (8) and (9), and present subsection (11) of that  
1767 section are amended, to read:

1768 1002.395 Florida Tax Credit Scholarship Program.—

1769 (2) DEFINITIONS.—As used in this section, the term:

1770 (f) "Eligible nonprofit scholarship-funding organization"  
1771 means a state university; or an independent college or  
1772 university that is eligible to participate in the William L.  
1773 Boyd, IV, Florida Resident Access Grant Program, located and  
1774 chartered in this state, is not for profit, and is accredited by  
1775 the Commission on Colleges of the Southern Association of



1776 Colleges and Schools; or is a charitable organization that:  
1777       1. Is exempt from federal income tax pursuant to s.  
1778 501(c)(3) of the Internal Revenue Code;  
1779       2. Is a Florida entity formed under chapter 605, chapter  
1780 607, or chapter 617 and whose principal office is located in the  
1781 state; and  
1782       3. Complies with subsections (6) and (15) ~~subsections (6)~~  
1783 ~~and (16)~~.  
1784       (j) "Tax credit cap amount" means the maximum annual tax  
1785 credit amount that the department may approve for ~~in~~ a state  
1786 fiscal year.  
1787       (5) SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS.—  
1788       (b) A taxpayer may submit an application to the department  
1789 for a tax credit or credits under one or more of s. 211.0251, s.  
1790 212.1831, s. 220.1875, s. 561.1211, or s. 624.51055.  
1791       1. The taxpayer shall specify in the application each tax  
1792 for which the taxpayer requests a credit and the applicable  
1793 taxable year for a credit under s. 220.1875 or s. 624.51055 or  
1794 the applicable state fiscal year for a credit under s. 211.0251,  
1795 s. 212.1831, or s. 561.1211. For purposes of s. 220.1875, a  
1796 taxpayer may apply for a credit to be used for a prior taxable  
1797 year before the date the taxpayer is required to file a return  
1798 for that year pursuant to s. 220.222. The department shall  
1799 approve tax credits on a first-come, first-served basis and must  
1800 obtain the division's approval before approving a tax credit





1801 under s. 561.1211.

1802 2. Within 10 days after approving or denying an  
1803 application, the department shall provide a copy of its approval  
1804 or denial letter to the eligible nonprofit scholarship-funding  
1805 organization specified by the taxpayer in the application.

1806 (c) If a tax credit approved under paragraph (b) is not  
1807 fully used within the specified state fiscal year for credits  
1808 under s. 211.0251, s. 212.1831, or s. 561.1211 or against taxes  
1809 due for the specified taxable year for credits under s. 220.1875  
1810 or s. 624.51055 because of insufficient tax liability on the  
1811 part of the taxpayer, the unused amount shall ~~may~~ be carried  
1812 forward for a period not to exceed 10 ~~5~~ years. For purposes of  
1813 s. 220.1875, a credit carried forward may be used in a  
1814 subsequent year after applying the other credits and unused  
1815 carryovers in the order provided in s. 220.02(8). ~~However, any~~  
1816 ~~taxpayer that seeks to carry forward an unused amount of tax~~  
1817 ~~credit must submit an application to the department for approval~~  
1818 ~~of the carryforward tax credit in the year that the taxpayer~~  
1819 ~~intends to use the carryforward. The department must obtain the~~  
1820 ~~division's approval prior to approving the carryforward of a tax~~  
1821 ~~credit under s. 561.1211.~~

1822 (f) Within 10 days after approving or denying an  
1823 ~~application for a carryforward tax credit under paragraph (c),~~  
1824 the conveyance, transfer, or assignment of a tax credit under  
1825 paragraph (d), or the rescindment of a tax credit under



1826 paragraph (e), the department shall provide a copy of its  
1827 approval or denial letter to the eligible nonprofit scholarship-  
1828 funding organization specified by the taxpayer. The department  
1829 shall also include the eligible nonprofit scholarship-funding  
1830 organization specified by the taxpayer on all letters or  
1831 correspondence of acknowledgment for tax credits under s.  
1832 212.1831.

1833 (g) For purposes of calculating the underpayment of  
1834 estimated corporate income taxes pursuant to s. 220.34 and tax  
1835 installment payments for taxes on insurance premiums or  
1836 assessments under s. 624.5092, the final amount due is the  
1837 amount after credits earned under s. 220.1875 or s. 624.51055  
1838 for contributions to eligible nonprofit scholarship-funding  
1839 organizations are deducted.

1840 1. For purposes of determining if a penalty or interest  
1841 shall be imposed for underpayment of estimated corporate income  
1842 tax pursuant to s. 220.34(2)(d)1., a taxpayer may, after earning  
1843 a credit under s. 220.1875, reduce any ~~the following~~ estimated  
1844 payment in that taxable year by the amount of the credit. This  
1845 subparagraph applies to contributions made on or after July 1,  
1846 2014.

1847 2. For purposes of determining if a penalty under s.  
1848 624.5092 shall be imposed, an insurer may, after earning a  
1849 credit under s. 624.51055, reduce the following installment  
1850 payment of 27 percent of the amount of the net tax due as



1851 reported on the return for the preceding year under s.  
1852 624.5092(2)(b) by the amount of the credit. This subparagraph  
1853 applies to contributions made on or after July 1, 2014.

1854 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING  
1855 ORGANIZATIONS.—An eligible nonprofit scholarship-funding  
1856 organization:

1857 (n) Must prepare and submit quarterly reports to the  
1858 Department of Education pursuant to paragraph (9)(i) ~~paragraph~~  
1859 ~~(9)(m)~~. In addition, an eligible nonprofit scholarship-funding  
1860 organization must submit in a timely manner any information  
1861 requested by the Department of Education relating to the  
1862 scholarship program.

1863 (o)1.a. Must participate in the joint development of  
1864 agreed-upon procedures ~~to be performed by an independent~~  
1865 ~~certified public accountant as required under paragraph (8)(c)~~  
1866 ~~if the scholarship-funding organization provided more than~~  
1867 ~~\$250,000 in scholarship funds to an eligible private school~~  
1868 ~~under this section~~ during the 2009-2010 state fiscal year. The  
1869 agreed-upon procedures must uniformly apply to all private  
1870 schools and must determine, at a minimum, whether the private  
1871 school has been verified as eligible by the Department of  
1872 Education under s. 1002.421 ~~paragraph (9)(c)~~; has an adequate  
1873 accounting system, system of financial controls, and process for  
1874 deposit and classification of scholarship funds; and has  
1875 properly expended scholarship funds for education-related



1876 expenses. During the development of the procedures, the  
1877 participating scholarship-funding organizations shall specify  
1878 guidelines governing the materiality of exceptions that may be  
1879 found during the accountant's performance of the procedures. The  
1880 procedures and guidelines shall be provided to private schools  
1881 and the Commissioner of Education by March 15, 2011.

1882 b. Must participate in a joint review of the agreed-upon  
1883 procedures and guidelines developed under sub-subparagraph a.,  
1884 by February of each biennium ~~2013 and biennially thereafter~~, if  
1885 the scholarship-funding organization provided more than \$250,000  
1886 in scholarship funds to an eligible private school under this  
1887 chapter section during the state fiscal year preceding the  
1888 biennial review. If the procedures and guidelines are revised,  
1889 the revisions must be provided to private schools and the  
1890 Commissioner of Education by March 15 of the year in which the  
1891 revisions were completed. The revised agreed-upon procedures  
1892 shall take effect the subsequent school year. For the 2018-2019  
1893 school year only, the joint review of the agreed-upon procedures  
1894 must be completed and the revisions submitted to the  
1895 commissioner no later than September 15, 2018. The revised  
1896 procedures are applicable to the 2018-2019 school year, ~~2013,~~  
1897 ~~and biennially thereafter.~~

1898 c. Must monitor the compliance of a private school with s.  
1899 1002.421(1)(q) ~~paragraph (8)(e)~~ if the scholarship-funding  
1900 organization provided the majority of the scholarship funding to



1901 the school. For each private school subject to s. 1002.421(1)(q)  
1902 ~~paragraph (8)(e)~~, the appropriate scholarship-funding  
1903 organization shall annually notify the Commissioner of Education  
1904 by October 30, ~~2011, and annually thereafter~~ of:

1905 (I) A private school's failure to submit a report required  
1906 under s. 1002.421(1)(q) ~~paragraph (8)(e)~~; or

1907 (II) Any material exceptions set forth in the report  
1908 required under s. 1002.421(1)(q) ~~paragraph (8)(e)~~.

1909 2. Must seek input from the accrediting associations that  
1910 are members of the Florida Association of Academic Nonpublic  
1911 Schools and the Department of Education when jointly developing  
1912 the agreed-upon procedures and guidelines under sub-subparagraph  
1913 1.a. and conducting a review of those procedures and guidelines  
1914 under sub-subparagraph 1.b.

1915 (p) Must maintain the surety bond or letter of credit  
1916 required by subsection (15) ~~subsection (16)~~. The amount of the  
1917 surety bond or letter of credit may be adjusted quarterly to  
1918 equal the actual amount of undisbursed funds based upon  
1919 submission by the organization of a statement from a certified  
1920 public accountant verifying the amount of undisbursed funds. The  
1921 requirements of this paragraph are waived if the cost of  
1922 acquiring a surety bond or letter of credit exceeds the average  
1923 10-year cost of acquiring a surety bond or letter of credit by  
1924 200 percent. The requirements of this paragraph are waived for a  
1925 state university; or an independent college or university which



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1926 is eligible to participate in the William L. Boyd, IV, Florida  
1927 Resident Access Grant Program, located and chartered in this  
1928 state, is not for profit, and is accredited by the Commission on  
1929 Colleges of the Southern Association of Colleges and Schools.

1930  
1931 Information and documentation provided to the Department of  
1932 Education and the Auditor General relating to the identity of a  
1933 taxpayer that provides an eligible contribution under this  
1934 section shall remain confidential at all times in accordance  
1935 with s. 213.053.

1936 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An  
1937 eligible private school may be sectarian or nonsectarian and  
1938 must:

1939 (a) Comply with all requirements for private schools  
1940 participating in state school choice scholarship programs  
1941 pursuant to s. 1002.421.

1942 ~~(b) Provide to the eligible nonprofit scholarship funding~~  
1943 ~~organization, upon request, all documentation required for the~~  
1944 ~~student's participation, including the private school's and~~  
1945 ~~student's fee schedules.~~

1946 ~~(c) Be academically accountable to the parent for meeting~~  
1947 ~~the educational needs of the student by:~~

1948 ~~1. At a minimum, annually providing to the parent a~~  
1949 ~~written explanation of the student's progress.~~

1950 ~~(b)1.2. Annually administer or make administering or~~



1951 ~~making~~ provision for students participating in the scholarship  
1952 program in grades 3 through 10 to take one of the nationally  
1953 norm-referenced tests identified by the Department of Education  
1954 or the statewide assessments pursuant to s. 1008.22. Students  
1955 with disabilities for whom standardized testing is not  
1956 appropriate are exempt from this requirement. A participating  
1957 private school must report a student's scores to the parent. A  
1958 participating private school must annually report by August 15  
1959 the scores of all participating students to a state university  
1960 ~~the Learning System Institute~~ described in paragraph (9) (f)  
1961 ~~paragraph (9) (j)~~.

1962 2.3. Administer ~~Cooperating with the scholarship student~~  
1963 ~~whose parent chooses to have the student participate in the~~  
1964 statewide assessments pursuant to s. 1008.22 ~~or~~, if a private  
1965 school chooses to offer the statewide assessments, ~~administering~~  
1966 ~~the assessments at the school.~~

1967 ~~a.~~ A participating private school may choose to offer and  
1968 administer the statewide assessments to all students who attend  
1969 the private school in grades 3 through 10 and.

1970 ~~b.~~ ~~A participating private school~~ must submit a request in  
1971 writing to the Department of Education by March 1 of each year  
1972 in order to administer the statewide assessments in the  
1973 subsequent school year.

1974 ~~(d) Employ or contract with teachers who have regular and~~  
1975 ~~direct contact with each student receiving a scholarship under~~



1976 | ~~this section at the school's physical location.~~

1977 |       ~~(c) Provide a report from an independent certified public~~  
1978 | ~~accountant who performs the agreed-upon procedures developed~~  
1979 | ~~under paragraph (6) (e) if the private school receives more than~~  
1980 | ~~\$250,000 in funds from scholarships awarded under this section~~  
1981 | ~~in a state fiscal year. A private school subject to this~~  
1982 | ~~paragraph must annually submit the report by September 15 to the~~  
1983 | ~~scholarship funding organization that awarded the majority of~~  
1984 | ~~the school's scholarship funds. The agreed-upon procedures must~~  
1985 | ~~be conducted in accordance with attestation standards~~  
1986 | ~~established by the American Institute of Certified Public~~  
1987 | ~~Accountants.~~

1988 |  
1989 | If a private school fails ~~is unable~~ to meet the requirements of  
1990 | this subsection or s. 1002.421 ~~or has consecutive years of~~  
1991 | ~~material exceptions listed in the report required under~~  
1992 | ~~paragraph (c)~~, the commissioner may determine that the private  
1993 | school is ineligible to participate in the scholarship program  
1994 | ~~as determined by the Department of Education.~~

1995 |       (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of  
1996 | Education shall:

1997 |       (a) Annually submit to the department and division, by  
1998 | March 15, a list of eligible nonprofit scholarship-funding  
1999 | organizations that meet the requirements of paragraph (2) (f).

2000 |       (b) Annually verify the eligibility of nonprofit





2001 scholarship-funding organizations that meet the requirements of  
2002 paragraph (2) (f).

2003 ~~(c) Annually verify the eligibility of private schools~~  
2004 ~~that meet the requirements of subsection (8).~~

2005 (c)(d) Annually verify the eligibility of expenditures as  
2006 provided in paragraph (6) (d) using the audit required by  
2007 paragraph (6) (m) and s. 11.45(2) (l) ~~s. 11.45(2) (k)~~.

2008 ~~(e) Establish a toll-free hotline that provides parents~~  
2009 ~~and private schools with information on participation in the~~  
2010 ~~scholarship program.~~

2011 ~~(f) Establish a process by which individuals may notify~~  
2012 ~~the Department of Education of any violation by a parent,~~  
2013 ~~private school, or school district of state laws relating to~~  
2014 ~~program participation. The Department of Education shall conduct~~  
2015 ~~an inquiry of any written complaint of a violation of this~~  
2016 ~~section, or make a referral to the appropriate agency for an~~  
2017 ~~investigation, if the complaint is signed by the complainant and~~  
2018 ~~is legally sufficient. A complaint is legally sufficient if it~~  
2019 ~~contains ultimate facts that show that a violation of this~~  
2020 ~~section or any rule adopted by the State Board of Education has~~  
2021 ~~occurred. In order to determine legal sufficiency, the~~  
2022 ~~Department of Education may require supporting information or~~  
2023 ~~documentation from the complainant. A department inquiry is not~~  
2024 ~~subject to the requirements of chapter 120.~~

2025 ~~(g) Require an annual, notarized, sworn compliance~~



2026 ~~statement by participating private schools certifying compliance~~  
2027 ~~with state laws and shall retain such records.~~

2028 (d)~~(h)~~ Cross-check the list of participating scholarship  
2029 students with the public school enrollment lists to avoid  
2030 duplication.

2031 (e)~~(i)~~ Maintain a list of nationally norm-referenced tests  
2032 identified for purposes of satisfying the testing requirement in  
2033 subparagraph (8) (b) 1 ~~subparagraph (8) (e) 2~~. The tests must meet  
2034 industry standards of quality in accordance with State Board of  
2035 Education rule.

2036 (f)~~(j)~~ Issue a project grant award to a state university  
2037 ~~the Learning System Institute at the Florida State University,~~  
2038 to which participating private schools must report the scores of  
2039 participating students on the nationally norm-referenced tests  
2040 or the statewide assessments administered by the private school  
2041 in grades 3 through 10. The project term is 2 years, and the  
2042 amount of the project is up to \$250,000 ~~\$500,000~~ per year. The  
2043 project grant award must be reissued in 2-year intervals in  
2044 accordance with this paragraph.

2045 1. The state university ~~Learning System Institute~~ must  
2046 annually report to the Department of Education on the student  
2047 performance of participating students:

2048 a. On a statewide basis. The report shall also include, to  
2049 the extent possible, a comparison of scholarship students'  
2050 performance to the statewide student performance of public



2051 school students with socioeconomic backgrounds similar to those  
2052 of students participating in the scholarship program. To  
2053 minimize costs and reduce time required for the state  
2054 university's ~~Learning System Institute's~~ analysis and  
2055 evaluation, the Department of Education shall coordinate with  
2056 the state university ~~Learning System Institute~~ to provide data  
2057 to the state university ~~Learning System Institute~~ in order to  
2058 conduct analyses of matched students from public school  
2059 assessment data and calculate control group student performance  
2060 using an agreed-upon methodology with the state university  
2061 ~~Learning System Institute~~; and

2062       b. On an individual school basis. The annual report must  
2063 include student performance for each participating private  
2064 school in which at least 51 percent of the total enrolled  
2065 students in the private school participated in the Florida Tax  
2066 Credit Scholarship Program in the prior school year. The report  
2067 shall be according to each participating private school, and for  
2068 participating students, in which there are at least 30  
2069 participating students who have scores for tests administered.  
2070 If the state university ~~Learning System Institute~~ determines  
2071 that the 30-participating-student cell size may be reduced  
2072 without disclosing personally identifiable information, as  
2073 described in 34 C.F.R. s. 99.12, of a participating student, the  
2074 state university ~~Learning System Institute~~ may reduce the  
2075 participating-student cell size, but the cell size must not be



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2076 reduced to less than 10 participating students. The department  
2077 shall provide each private school's prior school year's student  
2078 enrollment information to the state university ~~Learning System~~  
2079 ~~Institute~~ no later than June 15 of each year, or as requested by  
2080 the state university ~~Learning System~~ Institute.

2081 2. The sharing and reporting of student performance data  
2082 under this paragraph must be in accordance with requirements of  
2083 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family  
2084 Educational Rights and Privacy Act, and the applicable rules and  
2085 regulations issued pursuant thereto, and shall be for the sole  
2086 purpose of creating the annual report required by subparagraph  
2087 1. All parties must preserve the confidentiality of such  
2088 information as required by law. The annual report must not  
2089 disaggregate data to a level that will identify individual  
2090 participating schools, except as required under sub-subparagraph  
2091 1.b., or disclose the academic level of individual students.

2092 3. The annual report required by subparagraph 1. shall be  
2093 published by the Department of Education on its website.

2094 (g) ~~(k)~~ Notify an eligible nonprofit scholarship-funding  
2095 organization of any of the organization's identified students  
2096 who are receiving educational scholarships pursuant to chapter  
2097 1002.

2098 (h) ~~(l)~~ Notify an eligible nonprofit scholarship-funding  
2099 organization of any of the organization's identified students  
2100 who are receiving tax credit scholarships from other eligible



2101 nonprofit scholarship-funding organizations.

2102 (i)~~(m)~~ Require quarterly reports by an eligible nonprofit  
2103 scholarship-funding organization regarding the number of  
2104 students participating in the scholarship program, the private  
2105 schools at which the students are enrolled, and other  
2106 information deemed necessary by the Department of Education.

2107 ~~(n)1. Conduct site visits to private schools participating~~  
2108 ~~in the Florida Tax Credit Scholarship Program. The purpose of~~  
2109 ~~the site visits is solely to verify the information reported by~~  
2110 ~~the schools concerning the enrollment and attendance of~~  
2111 ~~students, the credentials of teachers, background screening of~~  
2112 ~~teachers, and teachers' fingerprinting results. The Department~~  
2113 ~~of Education may not make more than seven site visits each year;~~  
2114 ~~however, the department may make additional site visits at any~~  
2115 ~~time to any school that has received a notice of noncompliance~~  
2116 ~~or a notice of proposed action within the previous 2 years.~~

2117 ~~2. Annually, by December 15, report to the Governor, the~~  
2118 ~~President of the Senate, and the Speaker of the House of~~  
2119 ~~Representatives the Department of Education's actions with~~  
2120 ~~respect to implementing accountability in the scholarship~~  
2121 ~~program under this section and s. 1002.421, any substantiated~~  
2122 ~~allegations or violations of law or rule by an eligible private~~  
2123 ~~school under this program concerning the enrollment and~~  
2124 ~~attendance of students, the credentials of teachers, background~~  
2125 ~~screening of teachers, and teachers' fingerprinting results and~~



2126 ~~the corrective action taken by the Department of Education.~~

2127 (j)~~(e)~~ Provide a process to match the direct certification  
2128 list with the scholarship application data submitted by any  
2129 nonprofit scholarship-funding organization eligible to receive  
2130 the 3-percent administrative allowance under paragraph (6)(j).

2131 ~~(p) Upon the request of a participating private school,~~  
2132 ~~provide at no cost to the school the statewide assessments~~  
2133 ~~administered under s. 1008.22 and any related materials for~~  
2134 ~~administering the assessments. Students at a private school may~~  
2135 ~~be assessed using the statewide assessments if the addition of~~  
2136 ~~those students and the school does not cause the state to exceed~~  
2137 ~~its contractual caps for the number of students tested and the~~  
2138 ~~number of testing sites. The state shall provide the same~~  
2139 ~~materials and support to a private school that it provides to a~~  
2140 ~~public school. A private school that chooses to administer~~  
2141 ~~statewide assessments under s. 1008.22 shall follow the~~  
2142 ~~requirements set forth in ss. 1008.22 and 1008.24, rules adopted~~  
2143 ~~by the State Board of Education to implement those sections, and~~  
2144 ~~district-level testing policies established by the district~~  
2145 ~~school board.~~

2146 ~~(11) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—~~

2147 ~~(a)1. The Commissioner of Education shall deny, suspend,~~  
2148 ~~or revoke a private school's participation in the scholarship~~  
2149 ~~program if it is determined that the private school has failed~~  
2150 ~~to comply with the provisions of this section. However, in~~



2151 ~~instances in which the noncompliance is correctable within a~~  
2152 ~~reasonable amount of time and in which the health, safety, or~~  
2153 ~~welfare of the students is not threatened, the commissioner may~~  
2154 ~~issue a notice of noncompliance that shall provide the private~~  
2155 ~~school with a timeframe within which to provide evidence of~~  
2156 ~~compliance prior to taking action to suspend or revoke the~~  
2157 ~~private school's participation in the scholarship program.~~

2158 ~~2. The Commissioner of Education may deny, suspend, or~~  
2159 ~~revoke a private school's participation in the scholarship~~  
2160 ~~program if the commissioner determines that:~~

2161 ~~a. An owner or operator of a private school has exhibited~~  
2162 ~~a previous pattern of failure to comply with this section or s.~~  
2163 ~~1002.421; or~~

2164 ~~b. An owner or operator of the private school is operating~~  
2165 ~~or has operated an educational institution in this state or~~  
2166 ~~another state or jurisdiction in a manner contrary to the~~  
2167 ~~health, safety, or welfare of the public.~~

2168  
2169 ~~In making the determination under this subparagraph, the~~  
2170 ~~commissioner may consider factors that include, but are not~~  
2171 ~~limited to, acts or omissions by an owner or operator that led~~  
2172 ~~to a previous denial or revocation of participation in an~~  
2173 ~~education scholarship program; an owner's or operator's failure~~  
2174 ~~to reimburse the Department of Education or a nonprofit~~  
2175 ~~scholarship-funding organization for scholarship funds~~



2176 ~~improperly received or retained by a school; imposition of a~~  
2177 ~~prior criminal sanction, civil fine, administrative fine,~~  
2178 ~~license revocation or suspension, or program eligibility~~  
2179 ~~suspension, termination, or revocation related to an owner's or~~  
2180 ~~operator's management or operation of an educational~~  
2181 ~~institution; or other types of criminal proceedings in which the~~  
2182 ~~owner or operator was found guilty of, regardless of~~  
2183 ~~adjudication, or entered a plea of nolo contendere or guilty to,~~  
2184 ~~any offense involving fraud, deceit, dishonesty, or moral~~  
2185 ~~turpitude.~~

2186 ~~(b) The commissioner's determination is subject to the~~  
2187 ~~following:~~

2188 ~~1. If the commissioner intends to deny, suspend, or revoke~~  
2189 ~~a private school's participation in the scholarship program, the~~  
2190 ~~Department of Education shall notify the private school of such~~  
2191 ~~proposed action in writing by certified mail and regular mail to~~  
2192 ~~the private school's address of record with the Department of~~  
2193 ~~Education. The notification shall include the reasons for the~~  
2194 ~~proposed action and notice of the timelines and procedures set~~  
2195 ~~forth in this paragraph.~~

2196 ~~2. The private school that is adversely affected by the~~  
2197 ~~proposed action shall have 15 days from receipt of the notice of~~  
2198 ~~proposed action to file with the Department of Education's~~  
2199 ~~agency clerk a request for a proceeding pursuant to ss. 120.569~~  
2200 ~~and 120.57. If the private school is entitled to a hearing under~~





2201 ~~s. 120.57(1), the Department of Education shall forward the~~  
2202 ~~request to the Division of Administrative Hearings.~~

2203 ~~3. Upon receipt of a request referred pursuant to this~~  
2204 ~~paragraph, the director of the Division of Administrative~~  
2205 ~~Hearings shall expedite the hearing and assign an administrative~~  
2206 ~~law judge who shall commence a hearing within 30 days after the~~  
2207 ~~receipt of the formal written request by the division and enter~~  
2208 ~~a recommended order within 30 days after the hearing or within~~  
2209 ~~30 days after receipt of the hearing transcript, whichever is~~  
2210 ~~later. Each party shall be allowed 10 days in which to submit~~  
2211 ~~written exceptions to the recommended order. A final order shall~~  
2212 ~~be entered by the agency within 30 days after the entry of a~~  
2213 ~~recommended order. The provisions of this subparagraph may be~~  
2214 ~~waived upon stipulation by all parties.~~

2215 ~~(c) The commissioner may immediately suspend payment of~~  
2216 ~~scholarship funds if it is determined that there is probable~~  
2217 ~~cause to believe that there is:~~

2218 ~~1. An imminent threat to the health, safety, and welfare~~  
2219 ~~of the students;~~

2220 ~~2. A previous pattern of failure to comply with this~~  
2221 ~~section or s. 1002.421; or~~

2222 ~~3. Fraudulent activity on the part of the private school.~~  
2223 ~~Notwithstanding s. 1002.22, in incidents of alleged fraudulent~~  
2224 ~~activity pursuant to this section, the Department of Education's~~  
2225 ~~Office of Inspector General is authorized to release personally~~



2226 ~~identifiable records or reports of students to the following~~  
2227 ~~persons or organizations:~~

2228 ~~a. A court of competent jurisdiction in compliance with an~~  
2229 ~~order of that court or the attorney of record in accordance with~~  
2230 ~~a lawfully issued subpoena, consistent with the Family~~  
2231 ~~Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.~~

2232 ~~b. A person or entity authorized by a court of competent~~  
2233 ~~jurisdiction in compliance with an order of that court or the~~  
2234 ~~attorney of record pursuant to a lawfully issued subpoena,~~  
2235 ~~consistent with the Family Educational Rights and Privacy Act,~~  
2236 ~~20 U.S.C. s. 1232g.~~

2237 ~~c. Any person, entity, or authority issuing a subpoena for~~  
2238 ~~law enforcement purposes when the court or other issuing agency~~  
2239 ~~has ordered that the existence or the contents of the subpoena~~  
2240 ~~or the information furnished in response to the subpoena not be~~  
2241 ~~disclosed, consistent with the Family Educational Rights and~~  
2242 ~~Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.~~

2243  
2244 ~~The commissioner's order suspending payment pursuant to this~~  
2245 ~~paragraph may be appealed pursuant to the same procedures and~~  
2246 ~~timelines as the notice of proposed action set forth in~~  
2247 ~~paragraph (b).~~

2248 Section 16. Effective upon this act becoming a law,  
2249 section 1002.40, Florida Statutes, is created to read:

2250 1002.40 The Hope Scholarship Program.—



2251 (1) PURPOSE.—The Hope Scholarship Program is established  
2252 to provide the parent of a public school student who was  
2253 subjected to an incident listed in subsection (3) an opportunity  
2254 to transfer the student to another public school or to request a  
2255 scholarship for the student to enroll in and attend an eligible  
2256 private school.

2257 (2) DEFINITIONS.—As used in this section, the term:

2258 (a) "Dealer" has the same meaning as provided in s.  
2259 212.06.

2260 (b) "Department" means the Department of Education.

2261 (c) "Designated agent" has the same meaning as provided in  
2262 s. 212.06(10).

2263 (d) "Eligible contribution" or "contribution" means a  
2264 monetary contribution from a person purchasing a motor vehicle,  
2265 subject to the restrictions provided in this section, to an  
2266 eligible nonprofit scholarship-funding organization. The person  
2267 making the contribution may not designate a specific student as  
2268 the beneficiary of the contribution.

2269 (e) "Eligible nonprofit scholarship-funding organization"  
2270 or "organization" has the same meaning as provided in s.  
2271 1002.395(2)(f).

2272 (f) "Eligible private school" has the same meaning as  
2273 provided in s. 1002.395(2)(g).

2274 (g) "Motor vehicle" has the same meaning as provided in s.  
2275 320.01(1)(a), but does not include a heavy truck, truck tractor,



2276 trailer, or motorcycle.

2277 (h) "Parent" means a resident of this state who is a  
2278 parent, as defined in s. 1000.21, and whose student reported an  
2279 incident in accordance with subsection (6).

2280 (i) "Program" means the Hope Scholarship Program.

2281 (j) "School" means any educational program or activity  
2282 conducted by a public K-12 educational institution, any school-  
2283 related or school-sponsored program or activity, and riding on a  
2284 school bus, as defined in s. 1006.25(1), including waiting at a  
2285 school bus stop.

2286 (k) "Unweighted FTE funding amount" means the statewide  
2287 average total funds per unweighted full-time equivalent funding  
2288 amount that is incorporated by reference in the General  
2289 Appropriations Act, or by a subsequent special appropriations  
2290 act, for the applicable state fiscal year.

2291 (3) PROGRAM ELIGIBILITY.—Beginning with the 2018-2019  
2292 school year, contingent upon available funds, and on a first-  
2293 come, first-served basis, a student enrolled in a Florida public  
2294 school in kindergarten through grade 12 is eligible for a  
2295 scholarship under this program if the student reported an  
2296 incident in accordance with subsection (6). For purposes of this  
2297 section, the term "incident" means battery; harassment; hazing;  
2298 bullying; kidnapping; physical attack; robbery; sexual offenses,  
2299 harassment, assault, or battery; threat or intimidation; or  
2300 fighting at school, as defined by the department in accordance



2301 with s. 1006.09(6).

2302 (4) PROGRAM PROHIBITIONS.—Payment of a scholarship to a  
2303 student enrolled in a private school may not be made if a  
2304 student is:

2305 (a) Enrolled in a public school, including, but not  
2306 limited to, the Florida School for the Deaf and the Blind; the  
2307 College-Preparatory Boarding Academy; a developmental research  
2308 school authorized under s. 1002.32; or a charter school  
2309 authorized under s. 1002.33, s. 1002.331, or s. 1002.332;

2310 (b) Enrolled in a school operating for the purpose of  
2311 providing educational services to youth in the Department of  
2312 Juvenile Justice commitment programs;

2313 (c) Participating in a virtual school, correspondence  
2314 school, or distance learning program that receives state funding  
2315 pursuant to the student's participation unless the participation  
2316 is limited to no more than two courses per school year; or

2317 (d) Receiving any other educational scholarship pursuant  
2318 to this chapter.

2319 (5) TERM OF HOPE SCHOLARSHIP.—For purposes of continuity  
2320 of educational choice, a Hope scholarship shall remain in force  
2321 until the student returns to public school or graduates from  
2322 high school, whichever occurs first. A scholarship student who  
2323 enrolls in a public school or public school program is  
2324 considered to have returned to a public school for the purpose  
2325 of determining the end of the scholarship's term.



2326 (6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.-

2327 (a) Upon receipt of a report of an incident, the school  
2328 principal, or his or her designee, shall provide a copy of the  
2329 report to the parent and investigate the incident to determine  
2330 if the incident must be reported as required by s. 1006.09(6).  
2331 Within 24 hours after receipt of the report, the principal or  
2332 his or her designee shall provide a copy of the report to the  
2333 parent of the alleged offender and to the superintendent. Upon  
2334 conclusion of the investigation or within 15 days after the  
2335 incident was reported, whichever occurs first, the school  
2336 district shall notify the parent of the program and offer the  
2337 parent an opportunity to enroll his or her student in another  
2338 public school that has capacity or to request and receive a  
2339 scholarship to attend an eligible private school, subject to  
2340 available funding. A parent who chooses to enroll his or her  
2341 student in a public school located outside the district in which  
2342 the student resides pursuant to s. 1002.31 shall be eligible for  
2343 a scholarship to transport the student as provided in paragraph  
2344 (11) (b) .

2345 (b) For each student participating in the program in an  
2346 eligible private school who chooses to participate in the  
2347 statewide assessments under s. 1008.22 or the Florida Alternate  
2348 Assessment, the school district in which the student resides  
2349 must notify the student and his or her parent about the  
2350 locations and times to take all statewide assessments.



2351 (7) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An  
2352 eligible private school may be sectarian or nonsectarian and  
2353 shall:

2354 (a) Comply with all requirements for private schools  
2355 participating in state school choice scholarship programs  
2356 pursuant to this section and s. 1002.421.

2357 (b)1. Annually administer or make provision for students  
2358 participating in the program in grades 3 through 10 to take one  
2359 of the nationally norm-referenced tests identified by the  
2360 department or the statewide assessments pursuant to s. 1008.22.  
2361 Students with disabilities for whom standardized testing is not  
2362 appropriate are exempt from this requirement. A participating  
2363 private school shall report a student's scores to his or her  
2364 parent.

2365 2. Administer the statewide assessments pursuant to s.  
2366 1008.22 if a private school chooses to offer the statewide  
2367 assessments. A participating private school may choose to offer  
2368 and administer the statewide assessments to all students who  
2369 attend the private school in grades 3 through 10 and must submit  
2370 a request in writing to the department by March 1 of each year  
2371 in order to administer the statewide assessments in the  
2372 subsequent school year.

2373  
2374 If a private school fails to meet the requirements of this  
2375 subsection or s. 1002.421, the commissioner may determine that



2376 | the private school is ineligible to participate in the program.

2377 | (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department  
2378 | shall:

2379 | (a) Cross-check the list of participating scholarship  
2380 | students with the public school enrollment lists to avoid  
2381 | duplication.

2382 | (b) Maintain a list of nationally norm-referenced tests  
2383 | identified for purposes of satisfying the testing requirement in  
2384 | paragraph (9) (f). The tests must meet industry standards of  
2385 | quality in accordance with State Board of Education rule.

2386 | (c) Require quarterly reports by an eligible nonprofit  
2387 | scholarship-funding organization regarding the number of  
2388 | students participating in the program, the private schools in  
2389 | which the students are enrolled, and other information deemed  
2390 | necessary by the department.

2391 | (d) Contract with an independent entity to provide an  
2392 | annual evaluation of the program by:

2393 | 1. Reviewing the school bullying prevention education  
2394 | program, climate and code of student conduct of each public  
2395 | school from which 10 or more students transferred to another  
2396 | public school or private school using the Hope scholarship to  
2397 | determine areas in the school or school district procedures  
2398 | involving reporting, investigating, and communicating a parent's  
2399 | and student's rights that are in need of improvement. At a  
2400 | minimum, the review must include:





2401        a. An assessment of the investigation time and quality of  
2402 the response of the school and the school district.

2403        b. An assessment of the effectiveness of communication  
2404 procedures with the students involved in an incident, the  
2405 students' parents, and the school and school district personnel.

2406        c. An analysis of school incident and discipline data.

2407        d. The challenges and obstacles relating to implementing  
2408 recommendations from the review.

2409        2. Reviewing the school bullying prevention education  
2410 program, climate and code of student conduct of each public  
2411 school to which a student transferred if the student was from a  
2412 school identified in subparagraph 1. in order to identify best  
2413 practices and make recommendations to a public school at which  
2414 the incidents occurred.

2415        3. Reviewing the performance of participating students  
2416 enrolled in a private school in which at least 51 percent of the  
2417 total enrolled students in the prior school year participated in  
2418 the program and in which there are at least 10 participating  
2419 students who have scores for tests administered.

2420        4. Surveying the parents of participating students to  
2421 determine academic, safety, and school climate satisfaction and  
2422 to identify any challenges to or obstacles in addressing the  
2423 incident or relating to the use of the scholarship.

2424        (9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
2425 PARTICIPATION.—A parent who applies for a Hope scholarship is



2426 exercising his or her parental option to place his or her  
2427 student in an eligible private school.

2428 (a) The parent must select an eligible private school and  
2429 apply for the admission of his or her student.

2430 (b) The parent must inform the student's school district  
2431 when the parent withdraws his or her student to attend an  
2432 eligible private school.

2433 (c) Any student participating in the program must remain  
2434 in attendance throughout the school year unless excused by the  
2435 school for illness or other good cause.

2436 (d) Each parent and each student has an obligation to the  
2437 private school to comply with such school's published policies.

2438 (e) Upon reasonable notice to the department and the  
2439 school district, the parent may remove the student from the  
2440 private school and place the student in a public school in  
2441 accordance with this section.

2442 (f) The parent must ensure that the student participating  
2443 in the program takes the norm-referenced assessment offered by  
2444 the private school. The parent may also choose to have the  
2445 student participate in the statewide assessments pursuant to s.  
2446 1008.22. If the parent requests that the student take the  
2447 statewide assessments pursuant to s. 1008.22 and the private  
2448 school has not chosen to offer and administer the statewide  
2449 assessments, the parent is responsible for transporting the  
2450 student to the assessment site designated by the school



2451 district.

2452 (g) Upon receipt of a scholarship warrant, the parent to  
2453 whom the warrant is made must restrictively endorse the warrant  
2454 to the private school for deposit into the account of such  
2455 school. If payment is made by funds transfer in accordance with  
2456 paragraph (11)(d), the parent must approve each payment before  
2457 the scholarship funds may be deposited. The parent may not  
2458 designate any entity or individual associated with the  
2459 participating private school as the parent's attorney in fact to  
2460 endorse a scholarship warrant or approve a funds transfer. A  
2461 parent who fails to comply with this paragraph forfeits the  
2462 scholarship.

2463 (10) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING  
2464 ORGANIZATIONS.—An eligible nonprofit scholarship-funding  
2465 organization may establish scholarships for eligible students  
2466 by:

2467 (a) Receiving applications and determining student  
2468 eligibility in accordance with the requirements of this section.

2469 (b) Notifying parents of their receipt of a scholarship on  
2470 a first-come, first-served basis, based upon available funds.

2471 (c) Establishing a date by which the parent of a  
2472 participating student must confirm continuing participation in  
2473 the program.

2474 (d) Awarding scholarship funds to eligible students,  
2475 giving priority to renewing students from the previous year.



2476 (e) Preparing and submitting quarterly reports to the  
2477 department pursuant to paragraph (8)(c). In addition, an  
2478 eligible nonprofit scholarship-funding organization must submit  
2479 in a timely manner any information requested by the department  
2480 relating to the program.

2481 (f) Notifying the department of any violation of this  
2482 section.

2483 (11) FUNDING AND PAYMENT.—

2484 (a) The maximum amount awarded to a student enrolled in an  
2485 eligible private school shall be determined as a percentage of  
2486 the unweighted FTE funding amount for that state fiscal year and  
2487 thereafter as follows:

2488 1. Eighty-eight percent for a student enrolled in  
2489 kindergarten through grade 5.

2490 2. Ninety-two percent for a student enrolled in grade 6  
2491 through grade 8.

2492 3. Ninety-six percent for a student enrolled in grade 9  
2493 through grade 12.

2494 (b) The maximum amount awarded to a student enrolled in a  
2495 public school located outside of the district in which the  
2496 student resides shall be \$750.

2497 (c) When a student enters the program, the eligible  
2498 nonprofit scholarship-funding organization must receive all  
2499 documentation required for the student's participation,  
2500 including a copy of the report of the incident received pursuant



2501 to subsection (6) and the private school's and student's fee  
2502 schedules. The initial payment shall be made after verification  
2503 of admission acceptance, and subsequent payments shall be made  
2504 upon verification of continued enrollment and attendance at the  
2505 private school.

2506 (d) Payment of the scholarship by the eligible nonprofit  
2507 scholarship-funding organization may be by individual warrant  
2508 made payable to the student's parent or by funds transfer,  
2509 including, but not limited to, debit cards, electronic payment  
2510 cards, or any other means of payment that the department deems  
2511 to be commercially viable or cost-effective. If payment is made  
2512 by warrant, the warrant must be delivered by the eligible  
2513 nonprofit scholarship-funding organization to the private school  
2514 of the parent's choice, and the parent shall restrictively  
2515 endorse the warrant to the private school. If payments are made  
2516 by funds transfer, the parent must approve each payment before  
2517 the scholarship funds may be deposited. The parent may not  
2518 designate any entity or individual associated with the  
2519 participating private school as the parent's attorney in fact to  
2520 endorse a scholarship warrant or approve a funds transfer.

2521 (e) An eligible nonprofit scholarship-funding organization  
2522 shall obtain verification from the private school of a student's  
2523 continued attendance at the school for each period covered by a  
2524 scholarship payment.

2525 (f) Payment of the scholarship shall be made by the



2526 eligible nonprofit scholarship-funding organization no less  
2527 frequently than on a quarterly basis.

2528 (g) An eligible nonprofit scholarship-funding organization  
2529 may use up to 3 percent of eligible contributions received  
2530 during the state fiscal year in which such contributions are  
2531 collected for administrative expenses if the organization has  
2532 operated as an eligible nonprofit scholarship-funding  
2533 organization for at least the preceding 3 fiscal years and did  
2534 not have any findings of material weakness or material  
2535 noncompliance in its most recent audit under s. 1002.395(6)(m).  
2536 Such administrative expenses must be reasonable and necessary  
2537 for the organization's management and distribution of eligible  
2538 contributions under this section. Funds authorized under this  
2539 paragraph may not be used for lobbying or political activity or  
2540 expenses related to lobbying or political activity. Up to one-  
2541 third of the funds authorized for administrative expenses under  
2542 this paragraph may be used for expenses related to the  
2543 recruitment of contributions. An eligible nonprofit scholarship-  
2544 funding organization may not charge an application fee.

2545 (h) Moneys received pursuant to this section do not  
2546 constitute taxable income to the qualified student or his or her  
2547 parent.

2548 (12) OBLIGATIONS OF THE AUDITOR GENERAL.—

2549 (a) The Auditor General shall conduct an annual  
2550 operational audit of accounts and records of each organization



2551 that participates in the program. As part of this audit, the  
2552 Auditor General shall verify, at a minimum, the total number of  
2553 students served and transmit that information to the department.  
2554 The Auditor General shall provide the commissioner with a copy  
2555 of each annual operational audit performed pursuant to this  
2556 paragraph within 10 days after the audit is finalized.

2557 (b) The Auditor General shall notify the department of any  
2558 organization that fails to comply with a request for  
2559 information.

2560 (13) SCHOLARSHIP FUNDING TAX CREDITS.—

2561 (a) A tax credit is available under s. 212.1832(1) for use  
2562 by a person that makes an eligible contribution. Each eligible  
2563 contribution is limited to a single payment of \$105 per motor  
2564 vehicle purchased at the time of purchase of a motor vehicle or  
2565 a single payment of \$105 per motor vehicle purchased at the time  
2566 of registration of a motor vehicle that was not purchased from a  
2567 dealer, except that a contribution may not exceed the state tax  
2568 imposed under chapter 212 that would otherwise be collected from  
2569 the purchaser by a dealer, designated agent, or private tag  
2570 agent. Payments of contributions shall be made to a dealer at  
2571 the time of purchase of a motor vehicle or to a designated agent  
2572 or private tag agent at the time of registration of a motor  
2573 vehicle that was not purchased from a dealer. An eligible  
2574 contribution shall be accompanied by a contribution election  
2575 form provided by the Department of Revenue. The form shall



2576 include, at a minimum, the following brief description of the  
2577 Hope Scholarship Program: "THE HOPE SCHOLARSHIP PROGRAM PROVIDES  
2578 A PUBLIC SCHOOL STUDENT WHO WAS SUBJECTED TO AN INCIDENT OF  
2579 VIOLENCE OR BULLYING AT SCHOOL THE OPPORTUNITY TO APPLY FOR A  
2580 SCHOLARSHIP TO ATTEND AN ELIGIBLE PRIVATE SCHOOL RATHER THAN  
2581 REMAIN IN AN UNSAFE SCHOOL ENVIRONMENT." The form shall also  
2582 include, at a minimum, a section allowing the consumer to  
2583 designate, from all participating scholarship funding  
2584 organizations, which organization will receive his or her  
2585 donation. For purposes of this subsection, the term "purchase"  
2586 does not include the lease or rental of a motor vehicle.

2587 (b) A dealer, designated agent, or private tag agent  
2588 shall:

2589 1. Provide the purchaser the contribution election form,  
2590 as provided by the Department of Revenue, at the time of  
2591 purchase of a motor vehicle or at the time of registration of a  
2592 motor vehicle that was not purchased from a dealer.

2593 2. Collect eligible contributions.

2594 3. Using a form provided by the Department of Revenue,  
2595 which shall include the dealer's or agent's federal employer  
2596 identification number, remit to an organization no later than  
2597 the date the return filed pursuant to s. 212.11 is due the total  
2598 amount of contributions made to that organization and collected  
2599 during the preceding reporting period. Using the same form, the  
2600 dealer or agent shall also report this information to the





2601 Department of Revenue no later than the date the return filed  
2602 pursuant to s. 212.11 is due.

2603 4. Report to the Department of Revenue on each return  
2604 filed pursuant to s. 212.11 the total amount of credits granted  
2605 under s. 212.1832 for the preceding reporting period.

2606 (c) An organization shall report to the Department of  
2607 Revenue, on or before the 20th day of each month, the total  
2608 amount of contributions received pursuant to paragraph (b) in  
2609 the preceding calendar month on a form provided by the  
2610 Department of Revenue. Such report shall include:

2611 1. The federal employer identification number of each  
2612 designated agent, private tag agent, or dealer who remitted  
2613 contributions to the organization during that reporting period.

2614 2. The amount of contributions received from each  
2615 designated agent, private tag agent, or dealer during that  
2616 reporting period.

2617 (d) A person who, with the intent to unlawfully deprive or  
2618 defraud the program of its moneys or the use or benefit thereof,  
2619 fails to remit a contribution collected under this section is  
2620 guilty of theft, punishable as follows:

2621 1. If the total amount stolen is less than \$300, the  
2622 offense is a misdemeanor of the second degree, punishable as  
2623 provided in s. 775.082 or s. 775.083. Upon a second conviction,  
2624 the offender is guilty of a misdemeanor of the first degree,  
2625 punishable as provided in s. 775.082 or s. 775.083. Upon a third



2626 or subsequent conviction, the offender is guilty of a felony of  
2627 the third degree, punishable as provided in s. 775.082, s.  
2628 775.083, or s. 775.084.

2629 2. If the total amount stolen is \$300 or more, but less  
2630 than \$20,000, the offense is a felony of the third degree,  
2631 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2632 3. If the total amount stolen is \$20,000 or more, but less  
2633 than \$100,000, the offense is a felony of the second degree,  
2634 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2635 4. If the total amount stolen is \$100,000 or more, the  
2636 offense is a felony of the first degree, punishable as provided  
2637 in s. 775.082, s. 775.083, or s. 775.084.

2638 (e) A person convicted of an offense under paragraph (d)  
2639 shall be ordered by the sentencing judge to make restitution to  
2640 the organization in the amount that was stolen from the program.

2641 (f) Upon a finding that a dealer failed to remit a  
2642 contribution under subparagraph (b)3. for which the dealer  
2643 claimed a credit pursuant to s. 212.1832(2), the Department of  
2644 Revenue shall notify the affected organizations of the dealer's  
2645 name, address, federal employer identification number, and  
2646 information related to differences between credits taken by the  
2647 dealer pursuant to s. 212.1832(2) and amounts remitted to the  
2648 eligible nonprofit scholarship-funding organization under  
2649 subparagraph (b)3.

2650 (g) Any dealer, designated agent, private tag agent, or



2651 organization that fails to timely submit reports to the  
2652 Department of Revenue as required in paragraphs (b) and (c) is  
2653 subject to a penalty of \$1,000 for every month, or part thereof,  
2654 the report is not provided, up to a maximum amount of \$10,000.  
2655 Such penalty shall be collected by the Department of Revenue and  
2656 shall be transferred into the General Revenue Fund. Such penalty  
2657 must be settled or compromised if it is determined by the  
2658 Department of Revenue that the noncompliance is due to  
2659 reasonable cause and not due to willful negligence, willful  
2660 neglect, or fraud.

2661 (14) LIABILITY.—The state is not liable for the award of  
2662 or any use of awarded funds under this section.

2663 (15) SCOPE OF AUTHORITY.—This section does not expand the  
2664 regulatory authority of this state, its officers, or any school  
2665 district to impose additional regulation on participating  
2666 private schools beyond those reasonably necessary to enforce  
2667 requirements expressly set forth in this section.

2668 (16) RULES.—The State Board of Education shall adopt rules  
2669 to administer this section, except the Department of Revenue  
2670 shall adopt rules to administer subsection (13).

2671 Section 17. Section 1002.411, Florida Statutes, is created  
2672 to read:

2673 1002.411 Reading scholarship accounts.—

2674 (1) READING SCHOLARSHIP ACCOUNTS.—Reading scholarship  
2675 accounts are established to provide educational options for



2676 students.

2677 (2) ELIGIBILITY.—Contingent upon available funds, and on a  
2678 first-come, first-served basis, each student in grades 3 through  
2679 5 who is enrolled in a Florida public school is eligible for a  
2680 reading scholarship account if the student scored below a Level  
2681 3 on the grade 3 or grade 4 statewide, standardized English  
2682 Language Arts (ELA) assessment in the prior school year. An  
2683 eligible student who is classified as an English Language  
2684 Learner and is enrolled in a program or receiving services that  
2685 are specifically designed to meet the instructional needs of  
2686 English Language Learner students shall receive priority.

2687 (3) PARENT AND STUDENT RESPONSIBILITIES FOR  
2688 PARTICIPATION.—

2689 (a) For an eligible student to receive a reading  
2690 scholarship account, the student's parent must:

2691 1. Submit an application to an eligible nonprofit  
2692 scholarship-funding organization by the deadline established by  
2693 such organization; and

2694 2. Submit eligible expenses to the eligible nonprofit  
2695 scholarship-funding organization for reimbursement of qualifying  
2696 expenditures, which may include:

2697 a. Instructional materials.

2698 b. Curriculum. As used in this sub-subparagraph, the term  
2699 "curriculum" means a complete course of study for a particular  
2700 content area or grade level, including any required supplemental



2701 materials and associated online instruction.

2702 c. Tuition and fees for part-time tutoring services  
2703 provided by a person who holds a valid Florida educator's  
2704 certificate pursuant to s. 1012.56; a person who holds a  
2705 baccalaureate or graduate degree in the subject area; a person  
2706 who holds an adjunct teaching certificate pursuant to s.  
2707 1012.57; or a person who has demonstrated a mastery of subject  
2708 area knowledge pursuant to s. 1012.56(5).

2709 d. Fees for summer education programs designed to improve  
2710 reading or literacy skills.

2711 e. Fees for after-school education programs designed to  
2712 improve reading or literacy skills.

2713  
2714 A provider of any services receiving payments pursuant to this  
2715 subparagraph may not share any moneys from the reading  
2716 scholarship with, or provide a refund or rebate of any moneys  
2717 from such scholarship to, the parent or participating student in  
2718 any manner. A parent, student, or provider of any services may  
2719 not bill an insurance company, Medicaid, or any other agency for  
2720 the same services that are paid for using reading scholarship  
2721 funds.

2722 (b) The parent is responsible for the payment of all  
2723 eligible expenses in excess of the amount in the account in  
2724 accordance with the terms agreed to between the parent and any  
2725 providers and may not receive any refund or rebate of any



2726 expenditures made in accordance with paragraph (a).

2727 (4) ADMINISTRATION.—An eligible nonprofit scholarship-  
2728 funding organization participating in the Florida Tax Credit  
2729 Scholarship Program established by s. 1002.395 may establish  
2730 reading scholarship accounts for eligible students in accordance  
2731 with the requirements of eligible nonprofit scholarship-funding  
2732 organizations under this chapter.

2733 (5) DEPARTMENT OBLIGATIONS.—The department shall have the  
2734 same duties imposed by this chapter upon the department  
2735 regarding oversight of scholarship programs administered by an  
2736 eligible nonprofit scholarship-funding organization.

2737 (6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—By  
2738 September 30, the school district shall notify the parent of  
2739 each student in grades 3 through 5 who scored below a level 3 on  
2740 the statewide, standardized ELA assessment in the prior school  
2741 year of the process to request and receive a reading  
2742 scholarship, subject to available funds.

2743 (7) ACCOUNT FUNDING AND PAYMENT.—

2744 (a) For the 2018-2019 school year, the amount of the  
2745 scholarship shall be \$500 per eligible student. Thereafter, the  
2746 maximum amount granted for an eligible student shall be provided  
2747 in the General Appropriations Act.

2748 (b) One hundred percent of the funds appropriated for the  
2749 reading scholarship accounts shall be released to the department  
2750 at the beginning of the first quarter of each fiscal year.



2751 (c) Upon notification from the eligible nonprofit  
2752 scholarship-funding organization that a student has been  
2753 determined eligible for a reading scholarship, the department  
2754 shall release the student's scholarship funds to such  
2755 organization to be deposited into the student's account.

2756 (d) Accrued interest in the student's account is in  
2757 addition to, and not part of, the awarded funds. Account funds  
2758 include both the awarded funds and accrued interest.

2759 (e) The eligible nonprofit scholarship-funding  
2760 organization may develop a system for payment of scholarship  
2761 funds by funds transfer, including, but not limited to, debit  
2762 cards, electronic payment cards, or any other means of payment  
2763 that the department deems to be commercially viable or cost-  
2764 effective. A student's scholarship award may not be reduced for  
2765 debit card or electronic payment fees. Commodities or services  
2766 related to the development of such a system shall be procured by  
2767 competitive solicitation unless they are purchased from a state  
2768 term contract pursuant to s. 287.056.

2769 (f) Payment of the scholarship shall be made by the  
2770 eligible nonprofit scholarship-funding organization no less  
2771 frequently than on a quarterly basis.

2772 (g) In addition to funds appropriated for scholarships and  
2773 subject to a separate, specific legislative appropriation, an  
2774 organization may receive an amount equivalent to not more than 3  
2775 percent of the amount of each scholarship from state funds for



2776 administrative expenses if the organization has operated as a  
2777 nonprofit entity for at least the preceding 3 fiscal years and  
2778 did not have any findings of material weakness or material  
2779 noncompliance in its most recent audit under s. 1002.395. Such  
2780 administrative expenses must be reasonable and necessary for the  
2781 organization's management and distribution of scholarships under  
2782 this section. Funds authorized under this paragraph may not be  
2783 used for lobbying or political activity or expenses related to  
2784 lobbying or political activity. An organization may not charge  
2785 an application fee for a scholarship. Administrative expenses  
2786 may not be deducted from funds appropriated for scholarships.

2787 (h) Moneys received pursuant to this section do not  
2788 constitute taxable income to the qualified student or his or her  
2789 parent.

2790 (i) A student's scholarship account must be closed and any  
2791 remaining funds shall revert to the state after:

2792 1. Denial or revocation of scholarship eligibility by the  
2793 commissioner for fraud or abuse, including, but not limited to,  
2794 the student or student's parent accepting any payment, refund,  
2795 or rebate, in any manner, from a provider of any services  
2796 received pursuant to subsection (3); or

2797 2. Three consecutive fiscal years in which an account has  
2798 been inactive.

2799 (8) LIABILITY.—No liability shall arise on the part of the  
2800 state based on the award or use of a reading scholarship





2801 account.

2802 Section 18. Section 1002.421, Florida Statutes, is amended  
2803 to read:

2804 1002.421 ~~Accountability of private schools participating~~  
2805 ~~in~~ State school choice scholarship program accountability and  
2806 oversight programs.—

2807 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A Florida  
2808 private school participating in ~~the Florida Tax Credit~~  
2809 ~~Scholarship Program established pursuant to s. 1002.395 or an~~  
2810 educational scholarship program established pursuant to this  
2811 chapter must be a private school as defined in s. 1002.01(2) in  
2812 this state, be registered, and be in compliance ~~comply~~ with all  
2813 requirements of this section in addition to private school  
2814 requirements outlined in s. 1002.42, specific requirements  
2815 identified within respective scholarship program laws, and other  
2816 provisions of Florida law that apply to private schools, and  
2817 must:—

2818 ~~(2) A private school participating in a scholarship~~  
2819 ~~program must be a Florida private school as defined in s.~~  
2820 ~~1002.01(2), must be registered in accordance with s. 1002.42,~~  
2821 ~~and must:~~

2822 (a) Comply with the antidiscrimination provisions of 42  
2823 U.S.C. s. 2000d.

2824 (b) Notify the department of its intent to participate in  
2825 a scholarship program.



2826 (c) Notify the department of any change in the school's  
2827 name, school director, mailing address, or physical location  
2828 within 15 days after the change.

2829 (d) Provide to the department or scholarship-funding  
2830 organization all documentation required for a student's  
2831 participation, including the private school's and student's  
2832 individual fee schedule, and ~~Complete student enrollment and~~  
2833 ~~attendance verification requirements, including use of an online~~  
2834 ~~attendance verification~~ as required by the department or  
2835 scholarship-funding organization form, prior to scholarship  
2836 payment.

2837 (e) Annually complete and submit to the department a  
2838 notarized scholarship compliance statement certifying that all  
2839 school employees and contracted personnel with direct student  
2840 contact have undergone background screening pursuant to s.  
2841 943.0542 and have met the screening standards as provided in s.  
2842 435.04.

2843 (f) Demonstrate fiscal soundness and accountability by:  
2844 1. Being in operation for at least 3 school years or  
2845 obtaining a surety bond or letter of credit for the amount equal  
2846 to the scholarship funds for any quarter and filing the surety  
2847 bond or letter of credit with the department.  
2848 2. Requiring the parent of each scholarship student to  
2849 personally restrictively endorse the scholarship warrant to the  
2850 school or to approve a funds transfer before any funds are



2851 deposited for a student. The school may not act as attorney in  
2852 fact for the parent of a scholarship student under the authority  
2853 of a power of attorney executed by such parent, or under any  
2854 other authority, to endorse a scholarship warrant or approve a  
2855 funds transfer ~~warrants~~ on behalf of such parent.

2856 (g) Meet applicable state and local health, safety, and  
2857 welfare laws, codes, and rules, including:

- 2858 1. Firesafety.  
2859 2. Building safety.

2860 (h) Employ or contract with teachers who hold  
2861 baccalaureate or higher degrees, have at least 3 years of  
2862 teaching experience in public or private schools, or have  
2863 special skills, knowledge, or expertise that qualifies them to  
2864 provide instruction in subjects taught.

2865 (i) Maintain a physical location in the state at which  
2866 each student has regular and direct contact with teachers.

2867 (j) Publish on the school's website, or provide in a  
2868 written format, information for parents regarding the school,  
2869 including, but not limited to, programs, services, and the  
2870 qualifications of classroom teachers.

2871 (k) At a minimum, provide the parent of each scholarship  
2872 student with a written explanation of the student's progress on  
2873 a quarterly basis.

2874 (l) Cooperate with a student whose parent chooses to  
2875 participate in the statewide assessments pursuant to s. 1008.22.



2876            (m) ~~(i)~~ Require each employee and contracted personnel with  
2877 direct student contact, upon employment or engagement to provide  
2878 services, to undergo a state and national background screening,  
2879 pursuant to s. 943.0542, by electronically filing with the  
2880 Department of Law Enforcement a complete set of fingerprints  
2881 taken by an authorized law enforcement agency or an employee of  
2882 the private school, a school district, or a private company who  
2883 is trained to take fingerprints and deny employment to or  
2884 terminate an employee if he or she fails to meet the screening  
2885 standards under s. 435.04. Results of the screening shall be  
2886 provided to the participating private school. For purposes of  
2887 this paragraph:

2888            1. An "employee or contracted personnel with direct  
2889 student contact" means any employee or contracted personnel who  
2890 has unsupervised access to a scholarship student for whom the  
2891 private school is responsible.

2892            2. The costs of fingerprinting and the background check  
2893 shall not be borne by the state.

2894            3. Continued employment of an employee or contracted  
2895 personnel after notification that he or she has failed the  
2896 background screening under this paragraph shall cause a private  
2897 school to be ineligible for participation in a scholarship  
2898 program.

2899            4. An employee or contracted personnel holding a valid  
2900 Florida teaching certificate who has been fingerprinted pursuant



2901 to s. 1012.32 is not required to comply with the provisions of  
2902 this paragraph.

2903 5.~~(3)(a)~~ All fingerprints submitted to the Department of  
2904 Law Enforcement as required by this section shall be retained by  
2905 the Department of Law Enforcement in a manner provided by rule  
2906 and entered in the statewide automated biometric identification  
2907 system authorized by s. 943.05(2)(b). Such fingerprints shall  
2908 thereafter be available for all purposes and uses authorized for  
2909 arrest fingerprints entered in the statewide automated biometric  
2910 identification system pursuant to s. 943.051.

2911 6.~~(b)~~ The Department of Law Enforcement shall search all  
2912 arrest fingerprints received under s. 943.051 against the  
2913 fingerprints retained in the statewide automated biometric  
2914 identification system under subparagraph 5 ~~paragraph (a)~~. Any  
2915 arrest record that is identified with the retained fingerprints  
2916 of a person subject to the background screening under this  
2917 section shall be reported to the employing school with which the  
2918 person is affiliated. Each private school participating in a  
2919 scholarship program is required to participate in this search  
2920 process by informing the Department of Law Enforcement of any  
2921 change in the employment or contractual status of its personnel  
2922 whose fingerprints are retained under subparagraph 5 ~~paragraph~~  
2923 ~~(a)~~. The Department of Law Enforcement shall adopt a rule  
2924 setting the amount of the annual fee to be imposed upon each  
2925 private school for performing these searches and establishing



2926 | the procedures for the retention of private school employee and  
2927 | contracted personnel fingerprints and the dissemination of  
2928 | search results. The fee may be borne by the private school or  
2929 | the person fingerprinted.

2930 |       7.(e) Employees and contracted personnel whose  
2931 | fingerprints are not retained by the Department of Law  
2932 | Enforcement under subparagraphs 5. and 6. ~~paragraphs (a) and (b)~~  
2933 | are required to be refingerprinted and must meet state and  
2934 | national background screening requirements upon reemployment or  
2935 | reengagement to provide services in order to comply with the  
2936 | requirements of this section.

2937 |       8.(d) Every 5 years following employment or engagement to  
2938 | provide services with a private school, employees or contracted  
2939 | personnel required to be screened under this section must meet  
2940 | screening standards under s. 435.04, at which time the private  
2941 | school shall request the Department of Law Enforcement to  
2942 | forward the fingerprints to the Federal Bureau of Investigation  
2943 | for national processing. If the fingerprints of employees or  
2944 | contracted personnel are not retained by the Department of Law  
2945 | Enforcement under subparagraph 5. ~~paragraph (a)~~, employees and  
2946 | contracted personnel must electronically file a complete set of  
2947 | fingerprints with the Department of Law Enforcement. Upon  
2948 | submission of fingerprints for this purpose, the private school  
2949 | shall request that the Department of Law Enforcement forward the  
2950 | fingerprints to the Federal Bureau of Investigation for national



2951 processing, and the fingerprints shall be retained by the  
2952 Department of Law Enforcement under subparagraph 5 paragraph  
2953 ~~(a)~~.

2954 ~~(4) A private school that accepts scholarship students~~  
2955 ~~under s. 1002.39 or s. 1002.395 must:~~

2956 ~~(a) Disqualify instructional personnel and school~~  
2957 ~~administrators, as defined in s. 1012.01, from employment in any~~  
2958 ~~position that requires direct contact with students if the~~  
2959 ~~personnel or administrators are ineligible for such employment~~  
2960 ~~under s. 1012.315.~~

2961 (n) ~~(b)~~ Adopt policies establishing standards of ethical  
2962 conduct for instructional personnel and school administrators.  
2963 The policies must require all instructional personnel and school  
2964 administrators, as defined in s. 1012.01, to complete training  
2965 on the standards; establish the duty of instructional personnel  
2966 and school administrators to report, and procedures for  
2967 reporting, alleged misconduct by other instructional personnel  
2968 and school administrators which affects the health, safety, or  
2969 welfare of a student; and include an explanation of the  
2970 liability protections provided under ss. 39.203 and 768.095. A  
2971 private school, or any of its employees, may not enter into a  
2972 confidentiality agreement regarding terminated or dismissed  
2973 instructional personnel or school administrators, or personnel  
2974 or administrators who resign in lieu of termination, based in  
2975 whole or in part on misconduct that affects the health, safety,



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2976 or welfare of a student, and may not provide the instructional  
2977 personnel or school administrators with employment references or  
2978 discuss the personnel's or administrators' performance with  
2979 prospective employers in another educational setting, without  
2980 disclosing the personnel's or administrators' misconduct. Any  
2981 part of an agreement or contract that has the purpose or effect  
2982 of concealing misconduct by instructional personnel or school  
2983 administrators which affects the health, safety, or welfare of a  
2984 student is void, is contrary to public policy, and may not be  
2985 enforced.

2986 (o)~~(e)~~ Before employing instructional personnel or school  
2987 administrators in any position that requires direct contact with  
2988 students, conduct employment history checks of each of the  
2989 personnel's or administrators' previous employers, screen the  
2990 personnel or administrators through use of the educator  
2991 screening tools described in s. 1001.10(5), and document the  
2992 findings. If unable to contact a previous employer, the private  
2993 school must document efforts to contact the employer.

2994 (p) Require each owner or operator of the private school,  
2995 prior to employment or engagement to provide services, to  
2996 undergo level 2 background screening as provided under chapter  
2997 435. For purposes of this paragraph, the term "owner or  
2998 operator" means an owner, operator, superintendent, or principal  
2999 of, or a person with equivalent decisionmaking authority over, a  
3000 private school participating in a scholarship program





3001 established pursuant to this chapter. The fingerprints for the  
3002 background screening must be electronically submitted to the  
3003 Department of Law Enforcement and may be taken by an authorized  
3004 law enforcement agency or a private company who is trained to  
3005 take fingerprints. However, the complete set of fingerprints of  
3006 an owner or operator may not be taken by the owner or operator.  
3007 The owner or operator shall provide a copy of the results of the  
3008 state and national criminal history check to the Department of  
3009 Education. The cost of the background screening may be borne by  
3010 the owner or operator.

3011 1. Every 5 years following employment or engagement to  
3012 provide services, each owner or operator must meet level 2  
3013 screening standards as described in s. 435.04, at which time the  
3014 owner or operator shall request the Department of Law  
3015 Enforcement to forward the fingerprints to the Federal Bureau of  
3016 Investigation for level 2 screening. If the fingerprints of an  
3017 owner or operator are not retained by the Department of Law  
3018 Enforcement under subparagraph 2., the owner or operator must  
3019 electronically file a complete set of fingerprints with the  
3020 Department of Law Enforcement. Upon submission of fingerprints  
3021 for this purpose, the owner or operator shall request that the  
3022 Department of Law Enforcement forward the fingerprints to the  
3023 Federal Bureau of Investigation for level 2 screening, and the  
3024 fingerprints shall be retained by the Department of Law  
3025 Enforcement under subparagraph 2.



3026        2. Fingerprints submitted to the Department of Law  
3027 Enforcement as required by this paragraph must be retained by  
3028 the Department of Law Enforcement in a manner approved by rule  
3029 and entered in the statewide automated biometric identification  
3030 system authorized by s. 943.05(2)(b). The fingerprints must  
3031 thereafter be available for all purposes and uses authorized for  
3032 arrest fingerprints entered in the statewide automated biometric  
3033 identification system pursuant to s. 943.051.

3034        3. The Department of Law Enforcement shall search all  
3035 arrest fingerprints received under s. 943.051 against the  
3036 fingerprints retained in the statewide automated biometric  
3037 identification system under subparagraph 2. Any arrest record  
3038 that is identified with an owner's or operator's fingerprints  
3039 must be reported to the owner or operator, who must report to  
3040 the Department of Education. Any costs associated with the  
3041 search shall be borne by the owner or operator.

3042        4. An owner or operator who fails the level 2 background  
3043 screening is not eligible to participate in a scholarship  
3044 program under this chapter.

3045        5. In addition to the offenses listed in s. 435.04, a  
3046 person required to undergo background screening pursuant to this  
3047 part or authorizing statutes may not have an arrest awaiting  
3048 final disposition for, must not have been found guilty of, or  
3049 entered a plea of nolo contendere to, regardless of  
3050 adjudication, and must not have been adjudicated delinquent for,



3051 and the record must not have been sealed or expunged for, any of  
3052 the following offenses or any similar offense of another  
3053 jurisdiction:

3054 a. Any authorizing statutes, if the offense was a felony.

3055 b. This chapter, if the offense was a felony.

3056 c. Section 409.920, relating to Medicaid provider fraud.

3057 d. Section 409.9201, relating to Medicaid fraud.

3058 e. Section 741.28, relating to domestic violence.

3059 f. Section 817.034, relating to fraudulent acts through

3060 mail, wire, radio, electromagnetic, photoelectronic, or

3061 photooptical systems.

3062 g. Section 817.234, relating to false and fraudulent

3063 insurance claims.

3064 h. Section 817.505, relating to patient brokering.

3065 i. Section 817.568, relating to criminal use of personal

3066 identification information.

3067 j. Section 817.60, relating to obtaining a credit card

3068 through fraudulent means.

3069 k. Section 817.61, relating to fraudulent use of credit

3070 cards, if the offense was a felony.

3071 l. Section 831.01, relating to forgery.

3072 m. Section 831.02, relating to uttering forged

3073 instruments.

3074 n. Section 831.07, relating to forging bank bills, checks,

3075 drafts, or promissory notes.



3076 o. Section 831.09, relating to uttering forged bank bills,  
3077 checks, drafts, or promissory notes.

3078 p. Section 831.30, relating to fraud in obtaining  
3079 medicinal drugs.

3080 q. Section 831.31, relating to the sale, manufacture,  
3081 delivery, or possession with the intent to sell, manufacture, or  
3082 deliver any counterfeit controlled substance, if the offense was  
3083 a felony.

3084 6. At least 30 calendar days before a transfer of  
3085 ownership of a private school, the owner or operator shall  
3086 notify the parent of each scholarship student.

3087 7. The owner or operator of a private school that has been  
3088 deemed ineligible to participate in a scholarship program  
3089 pursuant to this chapter may not transfer ownership or  
3090 management authority of the school to a relative in order to  
3091 participate in a scholarship program as the same school or a new  
3092 school. For purposes of this subparagraph, the term "relative"  
3093 means father, mother, son, daughter, grandfather, grandmother,  
3094 brother, sister, uncle, aunt, cousin, nephew, niece, husband,  
3095 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,  
3096 brother-in-law, sister-in-law, stepfather, stepmother, stepson,  
3097 stepdaughter, stepbrother, stepsister, half-brother, or half-  
3098 sister.

3099 (q) Provide a report from an independent certified public  
3100 accountant who performs the agreed-upon procedures developed



3101 pursuant to s. 1002.395(6)(o) if the private school receives  
3102 more than \$250,000 in funds from scholarships awarded under this  
3103 chapter in a state fiscal year. A private school subject to this  
3104 subsection must annually submit the report by September 15 to  
3105 the scholarship-funding organization that awarded the majority  
3106 of the school's scholarship funds. However, a school that  
3107 receives more than \$250,000 in scholarship funds only through  
3108 the John M. McKay Scholarship for Students with Disabilities  
3109 Program pursuant to s. 1002.39 must submit the annual report by  
3110 September 15 to the department. The agreed-upon procedures must  
3111 be conducted in accordance with attestation standards  
3112 established by the American Institute of Certified Public  
3113 Accountants.

3114  
3115 The department shall suspend the payment of funds ~~under ss.~~  
3116 ~~1002.39 and 1002.395~~ to a private school that knowingly fails to  
3117 comply with this subsection, and shall prohibit the school from  
3118 enrolling new scholarship students, for 1 fiscal year and until  
3119 the school complies.

3120 ~~(5)~~ If ~~The inability of~~ a private school fails to meet the  
3121 requirements of this subsection or has consecutive years of  
3122 material exceptions listed in the report required under  
3123 paragraph (q), the commissioner may determine that the private  
3124 school is ineligible ~~section shall constitute a basis for the~~  
3125 ~~ineligibility of the private school to participate in a~~



3126 | scholarship program ~~as determined by the department.~~  
3127 |       (2) DEPARTMENT OF EDUCATION OBLIGATIONS.—  
3128 |       (a) The Department of Education shall:  
3129 |           1. Annually verify the eligibility of private schools that  
3130 | meet the requirements of this section, specific requirements  
3131 | identified within respective scholarship program laws, and other  
3132 | provisions of state law that apply to private schools.  
3133 |           2. Establish a toll-free hotline that provides parents and  
3134 | private schools with information on participation in the  
3135 | scholarship programs.  
3136 |           3. Establish a process by which individuals may notify the  
3137 | department of any violation by a parent, private school, or  
3138 | school district of state laws relating to program participation.  
3139 | If the department has reasonable cause to believe that a  
3140 | violation of this section or any rule adopted by the State Board  
3141 | of Education has occurred, it shall conduct an inquiry or make a  
3142 | referral to the appropriate agency for an investigation. A  
3143 | department inquiry is not subject to the requirements of chapter  
3144 | 120.  
3145 |           4. Require an annual, notarized, sworn compliance  
3146 | statement from participating private schools certifying  
3147 | compliance with state laws, and retain such records.  
3148 |           5. Coordinate with the entities conducting the health  
3149 | inspection for a private school to obtain copies of the  
3150 | inspection reports.



3151 6. Conduct site visits to private schools entering a  
3152 scholarship program for the first time. Beginning with the 2019-  
3153 2020 school year, a private school is not eligible to receive  
3154 scholarship payments until a satisfactory site visit has been  
3155 conducted and the school is in compliance with all other  
3156 requirements of this section.

3157 7. Coordinate with the State Fire Marshal to obtain access  
3158 to fire inspection reports for private schools. The authority  
3159 conducting the fire safety inspection shall certify to the State  
3160 Fire Marshal that the annual inspection has been completed and  
3161 that the school is in full compliance. The certification shall  
3162 be made electronically or by such other means as directed by the  
3163 State Fire Marshal.

3164 8. Upon the request of a participating private school  
3165 authorized to administer statewide assessments, provide at no  
3166 cost to the school the statewide assessments administered under  
3167 s. 1008.22 and any related materials for administering the  
3168 assessments. Students at a private school may be assessed using  
3169 the statewide assessments if the addition of those students and  
3170 the school does not cause the state to exceed its contractual  
3171 caps for the number of students tested and the number of testing  
3172 sites. The state shall provide the same materials and support to  
3173 a private school that it provides to a public school. A private  
3174 school that chooses to administer statewide assessments under s.  
3175 1008.22 shall follow the requirements set forth in ss. 1008.22



3176 and 1008.24, rules adopted by the State Board of Education to  
3177 implement those sections, and district-level testing policies  
3178 established by the district school board.

3179 (b) The department may conduct site visits to any private  
3180 school participating in a scholarship program pursuant to this  
3181 chapter that has received a complaint about a violation of state  
3182 law or state board rule pursuant to subparagraph (a)3. or has  
3183 received a notice of noncompliance or a notice of proposed  
3184 action within the previous 2 years.

3185 (c) Annually, by December 15, the department shall report  
3186 to the Governor, the President of the Senate, and the Speaker of  
3187 the House of Representatives its actions in implementing  
3188 accountability in the scholarship programs under this section,  
3189 any substantiated allegations or violations of law or rule by an  
3190 eligible private school under this section, and the corrective  
3191 action taken.

3192 (3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.-  
3193 The Commissioner of Education:

3194 (a) Shall deny, suspend, or revoke a private school's  
3195 participation in a scholarship program if it is determined that  
3196 the private school has failed to comply with this section or  
3197 exhibits a previous pattern of failure to comply. However, if  
3198 the noncompliance is correctable within a reasonable amount of  
3199 time, not to exceed 45 days, and if the health, safety, or  
3200 welfare of the students is not threatened, the commissioner may





3201 issue a notice of noncompliance which provides the private  
3202 school with a timeframe within which to provide evidence of  
3203 compliance before taking action to suspend or revoke the private  
3204 school's participation in the scholarship program.

3205 (b) May deny, suspend, or revoke a private school's  
3206 participation in a scholarship program if the commissioner  
3207 determines that an owner or operator of the private school is  
3208 operating or has operated an educational institution in this  
3209 state or in another state or jurisdiction in a manner contrary  
3210 to the health, safety, or welfare of the public or if the owner  
3211 or operator has exhibited a previous pattern of failure to  
3212 comply with this section or specific requirements identified  
3213 within respective scholarship program laws. For purposes of this  
3214 subsection, the term "owner or operator" has the same meaning as  
3215 provided in paragraph (1) (p).

3216 (c)1. In making such a determination, may consider factors  
3217 that include, but are not limited to, acts or omissions by an  
3218 owner or operator which led to a previous denial, suspension, or  
3219 revocation of participation in a state or federal education  
3220 scholarship program; an owner's or operator's failure to  
3221 reimburse the department or scholarship-funding organization for  
3222 scholarship funds improperly received or retained by a school;  
3223 the imposition of a prior criminal sanction related to an  
3224 owner's or operator's management or operation of an educational  
3225 institution; the imposition of a civil fine or administrative



3226 fine, license revocation or suspension, or program eligibility  
3227 suspension, termination, or revocation related to an owner's or  
3228 operator's management or operation of an educational  
3229 institution; or other types of criminal proceedings in which an  
3230 owner or operator was found guilty of, regardless of  
3231 adjudication, or entered a plea of nolo contendere or guilty to,  
3232 any offense involving fraud, deceit, dishonesty, or moral  
3233 turpitude.

3234 2. The commissioner's determination is subject to the  
3235 following:

3236 a. If the commissioner intends to deny, suspend, or revoke  
3237 a private school's participation in the scholarship program, the  
3238 department shall notify the private school of such proposed  
3239 action in writing by certified mail and regular mail to the  
3240 private school's address of record with the department. The  
3241 notification shall include the reasons for the proposed action  
3242 and notice of the timelines and procedures set forth in this  
3243 paragraph.

3244 b. The private school that is adversely affected by the  
3245 proposed action shall have 15 days after receipt of the notice  
3246 of proposed action to file with the department's agency clerk a  
3247 request for a proceeding pursuant to ss. 120.569 and 120.57. If  
3248 the private school is entitled to a hearing under s. 120.57(1),  
3249 the department shall forward the request to the Division of  
3250 Administrative Hearings.



3251 c. Upon receipt of a request referred pursuant to this  
3252 subparagraph, the director of the Division of Administrative  
3253 Hearings shall expedite the hearing and assign an administrative  
3254 law judge who shall commence a hearing within 30 days after the  
3255 receipt of the formal written request by the division and enter  
3256 a recommended order within 30 days after the hearing or within  
3257 30 days after receipt of the hearing transcript, whichever is  
3258 later. Each party shall be allowed 10 days in which to submit  
3259 written exceptions to the recommended order. A final order shall  
3260 be entered by the agency within 30 days after the entry of a  
3261 recommended order. The provisions of this sub-subparagraph may  
3262 be waived upon stipulation by all parties.

3263 (d) May immediately suspend payment of scholarship funds  
3264 if it is determined that there is probable cause to believe that  
3265 there is:

3266 1. An imminent threat to the health, safety, or welfare of  
3267 the students;

3268 2. A previous pattern of failure to comply with this  
3269 section; or

3270 3. Fraudulent activity on the part of the private school.  
3271 Notwithstanding s. 1002.22, in incidents of alleged fraudulent  
3272 activity pursuant to this section, the department's Office of  
3273 Inspector General is authorized to release personally  
3274 identifiable records or reports of students to the following  
3275 persons or organizations:



3276 a. A court of competent jurisdiction in compliance with an  
3277 order of that court or the attorney of record in accordance with  
3278 a lawfully issued subpoena, consistent with the Family  
3279 Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

3280 b. A person or entity authorized by a court of competent  
3281 jurisdiction in compliance with an order of that court or the  
3282 attorney of record pursuant to a lawfully issued subpoena,  
3283 consistent with the Family Educational Rights and Privacy Act,  
3284 20 U.S.C. s. 1232g.

3285 c. Any person, entity, or authority issuing a subpoena for  
3286 law enforcement purposes when the court or other issuing agency  
3287 has ordered that the existence or the contents of the subpoena  
3288 or the information furnished in response to the subpoena not be  
3289 disclosed, consistent with the Family Educational Rights and  
3290 Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

3291  
3292 The commissioner's order suspending payment pursuant to this  
3293 paragraph may be appealed pursuant to the same procedures and  
3294 timelines as the notice of proposed action set forth in  
3295 subparagraph (c)2.

3296 (4)-(6) The inclusion of eligible private schools within  
3297 options available to Florida public school students does not  
3298 expand the regulatory authority of the state, its officers, or  
3299 any school district to impose any additional regulation of  
3300 private schools beyond those reasonably necessary to enforce



3301 requirements expressly set forth in this section.

3302 (5)~~(7)~~ The State Board of Education shall adopt rules  
3303 pursuant to ss. 120.536(1) and 120.54 to administer this  
3304 section, including rules to establish a deadline for private  
3305 school applications for participation and timelines for the  
3306 department to conduct site visits.

3307 Section 19. Subsection (5) of section 1002.55, Florida  
3308 Statutes, is amended to read:

3309 1002.55 School-year prekindergarten program delivered by  
3310 private prekindergarten providers.—

3311 (5) (a) Notwithstanding paragraph (3) (b), a private  
3312 prekindergarten provider may not participate in the Voluntary  
3313 Prekindergarten Education Program if the provider has child  
3314 disciplinary policies that do not prohibit children from being  
3315 subjected to discipline that is severe, humiliating,  
3316 frightening, or associated with food, rest, toileting, spanking,  
3317 or any other form of physical punishment as provided in s.  
3318 402.305(12).

3319 (b) Notwithstanding any other provision of law, if a  
3320 private prekindergarten provider has been cited for a class I  
3321 violation, as defined by rule, the coalition may refuse to  
3322 contract with the provider.

3323 Section 20. Paragraph (c) of subsection (3) of section  
3324 1002.75, Florida Statutes, is amended to read:

3325 1002.75 Office of Early Learning; powers and duties.—



3326 (3) The Office of Early Learning shall adopt, in  
3327 consultation with and subject to approval by the department,  
3328 procedures governing the administration of the Voluntary  
3329 Prekindergarten Education Program by the early learning  
3330 coalitions and school districts for:

3331 (c) Removing a private prekindergarten provider or public  
3332 school from eligibility to deliver the program due to the  
3333 provider's or school's remaining on probation beyond the time  
3334 permitted under s. 1002.67. Notwithstanding any other provision  
3335 of law, if a private prekindergarten provider has been cited for  
3336 a class I violation, as defined by rule, the coalition may  
3337 refuse to contract with the provider or revoke the provider's  
3338 eligibility to deliver the Voluntary Prekindergarten Education  
3339 Program.

3340 Section 21. Subsection (2) of section 1002.88, Florida  
3341 Statutes, is amended to read:

3342 1002.88 School readiness program provider standards;  
3343 eligibility to deliver the school readiness program.—

3344 (2) (a) If a school readiness program provider fails or  
3345 refuses to comply with this part or any contractual obligation  
3346 of the statewide provider contract under s. 1002.82(2)(m), the  
3347 coalition may revoke the provider's eligibility to deliver the  
3348 school readiness program or receive state or federal funds under  
3349 this chapter for a period of 5 years.

3350 (b) Notwithstanding any other provision of law, if a



3351 school readiness program provider has been cited for a class I  
3352 violation, as defined by rule, the coalition may refuse to  
3353 contract with the provider or revoke the provider's eligibility  
3354 to deliver the school readiness program.

3355 Section 22. Subsection (4) is added to section 1003.44,  
3356 Florida Statutes, to read:

3357 1003.44 Patriotic programs; rules.—

3358 (4) Each district school board shall adopt rules to  
3359 require, in all of the schools of the district and in each  
3360 building used by the district school board, the display of the  
3361 state motto, "In God We Trust," designated under s. 15.0301, in  
3362 a conspicuous place.

3363 Section 23. Subsection (3) of section 1003.453, Florida  
3364 Statutes, is amended to read:

3365 1003.453 School wellness and physical education policies;  
3366 nutrition guidelines.—

3367 (3) School districts are encouraged to provide basic  
3368 training in first aid, including cardiopulmonary resuscitation,  
3369 for all students, beginning in grade 6 and every 2 years  
3370 thereafter. Instruction in the use of cardiopulmonary  
3371 resuscitation must be based on a nationally recognized program  
3372 that uses the most current evidence-based emergency  
3373 cardiovascular care guidelines. The instruction must allow  
3374 students to practice the psychomotor skills associated with  
3375 performing cardiopulmonary resuscitation and use an automated



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3376 external defibrillator when a school district has the equipment  
3377 necessary to perform the instruction. Private and public  
3378 partnerships for providing training or necessary funding are  
3379 encouraged.

3380 Section 24. Section 1003.576, Florida Statutes, is amended  
3381 to read:

3382 1003.576 Individual education plans for exceptional  
3383 students.—The Department of Education must develop and have an  
3384 operating electronic IEP system in place for ~~potential~~ statewide  
3385 use ~~no later than July 1, 2007~~. The statewide system shall be  
3386 developed collaboratively with school districts and must include  
3387 input from school districts currently developing or operating  
3388 electronic IEP systems.

3389 Section 25. Section 1006.061, Florida Statutes, is amended  
3390 to read:

3391 1006.061 Child abuse, abandonment, and neglect policy.—  
3392 Each district school board, charter school, and private school  
3393 that accepts scholarship students who participate in a state  
3394 scholarship program under chapter 1002 ~~under s. 1002.39 or s.~~  
3395 ~~1002.395~~ shall:

3396 (1) Post in a prominent place in each school a notice  
3397 that, pursuant to chapter 39, all employees and agents of the  
3398 district school board, charter school, or private school have an  
3399 affirmative duty to report all actual or suspected cases of  
3400 child abuse, abandonment, or neglect; have immunity from





3401 liability if they report such cases in good faith; and have a  
3402 duty to comply with child protective investigations and all  
3403 other provisions of law relating to child abuse, abandonment,  
3404 and neglect. The notice shall also include the statewide toll-  
3405 free telephone number of the central abuse hotline.

3406 (2) Post in a prominent place at each school site and on  
3407 each school's Internet website, if available, the policies and  
3408 procedures for reporting alleged misconduct by instructional  
3409 personnel or school administrators which affects the health,  
3410 safety, or welfare of a student; the contact person to whom the  
3411 report is made; and the penalties imposed on instructional  
3412 personnel or school administrators who fail to report suspected  
3413 or actual child abuse or alleged misconduct by other  
3414 instructional personnel or school administrators.

3415 (3) Require the principal of the charter school or private  
3416 school, or the district school superintendent, or the  
3417 superintendent's designee, at the request of the Department of  
3418 Children and Families, to act as a liaison to the Department of  
3419 Children and Families and the child protection team, as defined  
3420 in s. 39.01, when in a case of suspected child abuse,  
3421 abandonment, or neglect or an unlawful sexual offense involving  
3422 a child the case is referred to such a team; except that this  
3423 does not relieve or restrict the Department of Children and  
3424 Families from discharging its duty and responsibility under the  
3425 law to investigate and report every suspected or actual case of



3426 child abuse, abandonment, or neglect or unlawful sexual offense  
3427 involving a child.

3428 (4) (a) Post in a prominent place in a clearly visible  
3429 location and public area of the school which is readily  
3430 accessible to and widely used by students a sign in English and  
3431 Spanish that contains:

3432 1. The statewide toll-free telephone number of the central  
3433 abuse hotline as provided in chapter 39;

3434 2. Instructions to call 911 for emergencies; and

3435 3. Directions for accessing the Department of Children and  
3436 Families Internet website for more information on reporting  
3437 abuse, neglect, and exploitation.

3438 (b) The information in paragraph (a) must be put on at  
3439 least one poster in each school, on a sheet that measures at  
3440 least 11 inches by 17 inches, produced in large print, and  
3441 placed at student eye level for easy viewing.

3442

3443 The Department of Education shall develop, and publish on the  
3444 department's Internet website, sample notices suitable for  
3445 posting in accordance with subsections (1), (2), and (4).

3446 Section 26. Paragraphs (c), (d), and (e) of subsection (3)  
3447 of section 1006.15, Florida Statutes, are amended to read:

3448 1006.15 Student standards for participation in  
3449 interscholastic and intrascholastic extracurricular student  
3450 activities; regulation.-



3451 (3)

3452 (c) An individual home education student is eligible to  
3453 participate at the public school to which the student would be  
3454 assigned according to district school board attendance area  
3455 policies or which the student could choose to attend pursuant to  
3456 s. 1002.31, or may develop an agreement to participate at a  
3457 private school, in the interscholastic extracurricular  
3458 activities of that school, provided the following conditions are  
3459 met:

3460 1. The home education student must meet the requirements  
3461 of the home education program pursuant to s. 1002.41.

3462 2. During the period of participation at a school, the  
3463 home education student must demonstrate educational progress as  
3464 required in paragraph (b) in all subjects taken in the home  
3465 education program by a method of evaluation agreed upon by the  
3466 parent and the school principal which may include: review of the  
3467 student's work by a certified teacher chosen by the parent;  
3468 grades earned through correspondence; grades earned in courses  
3469 taken at a Florida College System institution, university, or  
3470 trade school; standardized test scores above the 35th  
3471 percentile; or any other method designated in s. 1002.41.

3472 3. The home education student must meet the same residency  
3473 requirements as other students in the school at which he or she  
3474 participates.

3475 4. The home education student must meet the same standards



3476 of acceptance, behavior, and performance as required of other  
3477 students in extracurricular activities.

3478 5. The student must register with the school his or her  
3479 intent to participate in interscholastic extracurricular  
3480 activities as a representative of the school before  
3481 participation ~~the beginning date of the season for the activity~~  
3482 ~~in which he or she wishes to participate~~. A home education  
3483 student must be able to participate in curricular activities if  
3484 that is a requirement for an extracurricular activity.

3485 6. A student who transfers from a home education program  
3486 to a public school before or during the first grading period of  
3487 the school year is academically eligible to participate in  
3488 interscholastic extracurricular activities during the first  
3489 grading period provided the student has a successful evaluation  
3490 from the previous school year, pursuant to subparagraph 2.

3491 7. Any public school or private school student who has  
3492 been unable to maintain academic eligibility for participation  
3493 in interscholastic extracurricular activities is ineligible to  
3494 participate in such activities as a home education student until  
3495 the student has successfully completed one grading period in  
3496 home education pursuant to subparagraph 2. to become eligible to  
3497 participate as a home education student.

3498 (d) An individual charter school student pursuant to s.  
3499 1002.33 is eligible to participate at the public school to which  
3500 the student would be assigned according to district school board



3501 attendance area policies or which the student could attend in  
3502 any interscholastic extracurricular activity of that school,  
3503 unless such activity is provided by the student's charter  
3504 school, if the following conditions are met:

3505 1. The charter school student must meet the requirements  
3506 of the charter school education program as determined by the  
3507 charter school governing board.

3508 2. During the period of participation at a school, the  
3509 charter school student must demonstrate educational progress as  
3510 required in paragraph (b).

3511 3. The charter school student must meet the same residency  
3512 requirements as other students in the school at which he or she  
3513 participates.

3514 4. The charter school student must meet the same standards  
3515 of acceptance, behavior, and performance that are required of  
3516 other students in extracurricular activities.

3517 5. The charter school student must register with the  
3518 school his or her intent to participate in interscholastic  
3519 extracurricular activities as a representative of the school  
3520 before participation ~~the beginning date of the season for the~~  
3521 ~~activity in which he or she wishes to participate~~. A charter  
3522 school student must be able to participate in curricular  
3523 activities if that is a requirement for an extracurricular  
3524 activity.

3525 6. A student who transfers from a charter school program



3526 | to a traditional public school before or during the first  
3527 | grading period of the school year is academically eligible to  
3528 | participate in interscholastic extracurricular activities during  
3529 | the first grading period if the student has a successful  
3530 | evaluation from the previous school year, pursuant to  
3531 | subparagraph 2.

3532 |         7. Any public school or private school student who has  
3533 | been unable to maintain academic eligibility for participation  
3534 | in interscholastic extracurricular activities is ineligible to  
3535 | participate in such activities as a charter school student until  
3536 | the student has successfully completed one grading period in a  
3537 | charter school pursuant to subparagraph 2. to become eligible to  
3538 | participate as a charter school student.

3539 |         (e) A student of the Florida Virtual School full-time  
3540 | program may participate in any interscholastic extracurricular  
3541 | activity at the public school to which the student would be  
3542 | assigned according to district school board attendance area  
3543 | policies or which the student could choose to attend pursuant to  
3544 | s. 1002.31 if the student:

3545 |             1. During the period of participation in the  
3546 | interscholastic extracurricular activity, meets the requirements  
3547 | in paragraph (a).

3548 |             2. Meets any additional requirements as determined by the  
3549 | board of trustees of the Florida Virtual School.

3550 |             3. Meets the same residency requirements as other students



3551 in the school at which he or she participates.

3552 4. Meets the same standards of acceptance, behavior, and  
3553 performance that are required of other students in  
3554 extracurricular activities.

3555 5. Registers his or her intent to participate in  
3556 interscholastic extracurricular activities with the school  
3557 before participation ~~the beginning date of the season for the~~  
3558 ~~activity in which he or she wishes to participate.~~ A Florida  
3559 Virtual school student must be able to participate in curricular  
3560 activities if that is a requirement for an extracurricular  
3561 activity.

3562 Section 27. Subsections (3) and (13) and paragraph (b) of  
3563 subsection (24) of section 1007.271, Florida Statutes, are  
3564 amended to read:

3565 1007.271 Dual enrollment programs.—

3566 (3) Student eligibility requirements for initial  
3567 enrollment in college credit dual enrollment courses must  
3568 include a 3.0 unweighted high school grade point average and the  
3569 minimum score on a common placement test adopted by the State  
3570 Board of Education which indicates that the student is ready for  
3571 college-level coursework. Student eligibility requirements for  
3572 continued enrollment in college credit dual enrollment courses  
3573 must include the maintenance of a 3.0 unweighted high school  
3574 grade point average and the minimum postsecondary grade point  
3575 average established by the postsecondary institution. Regardless



3576 | of meeting student eligibility requirements for continued  
3577 | enrollment, a student may lose the opportunity to participate in  
3578 | a dual enrollment course if the student is disruptive to the  
3579 | learning process such that the progress of other students or the  
3580 | efficient administration of the course is hindered. Student  
3581 | eligibility requirements for initial and continued enrollment in  
3582 | career certificate dual enrollment courses must include a 2.0  
3583 | unweighted high school grade point average. Exceptions to the  
3584 | required grade point averages may be granted on an individual  
3585 | student basis if the educational entities agree and the terms of  
3586 | the agreement are contained within the dual enrollment  
3587 | articulation agreement established pursuant to subsection (21).  
3588 | Florida College System institution boards of trustees may  
3589 | establish additional initial student eligibility requirements,  
3590 | which shall be included in the dual enrollment articulation  
3591 | agreement, to ensure student readiness for postsecondary  
3592 | instruction. Additional requirements included in the agreement  
3593 | may not arbitrarily prohibit students who have demonstrated the  
3594 | ability to master advanced courses from participating in dual  
3595 | enrollment courses or limit the number of dual enrollment  
3596 | courses in which a student may enroll based solely upon  
3597 | enrollment by the student at an independent postsecondary  
3598 | institution.

3599 |       (13) (a) The dual enrollment program for a home education  
3600 | student, including, but not limited to, students with





3601 disabilities, consists of the enrollment of an eligible home  
3602 education secondary student in a postsecondary course creditable  
3603 toward an associate degree, a career certificate, or a  
3604 baccalaureate degree. To participate in the dual enrollment  
3605 program, an eligible home education secondary student must:

3606 1. Provide proof of enrollment in a home education program  
3607 pursuant to s. 1002.41.

3608 2. Be responsible for his or her own ~~instructional~~  
3609 ~~materials and~~ transportation unless provided for in the  
3610 articulation agreement.

3611 3. Sign a home education articulation agreement pursuant  
3612 to paragraph (b).

3613 (b) Each public postsecondary institution eligible to  
3614 participate in the dual enrollment program pursuant to s.  
3615 1011.62(1)(i) must enter into a home education articulation  
3616 agreement with each home education student seeking enrollment in  
3617 a dual enrollment course and the student's parent. By August 1  
3618 of each year, the eligible postsecondary institution shall  
3619 complete and submit the home education articulation agreement to  
3620 the Department of Education. The home education articulation  
3621 agreement must include, at a minimum:

3622 1. A delineation of courses and programs available to  
3623 dually enrolled home education students. Courses and programs  
3624 may be added, revised, or deleted at any time by the  
3625 postsecondary institution. Any course or program limitations may



3626 | not exceed the limitations for other dually enrolled students.

3627 |       2. The initial and continued eligibility requirements for  
3628 | home education student participation, not to exceed those  
3629 | required of other dually enrolled students. A high school grade  
3630 | point average may not be required for home education students  
3631 | who meet the minimum score on a common placement test adopted by  
3632 | the State Board of Education which indicates that the student is  
3633 | ready for college-level coursework; however, home education  
3634 | student eligibility requirements for continued enrollment in  
3635 | dual enrollment courses must include the maintenance of the  
3636 | minimum postsecondary grade point average established by the  
3637 | postsecondary institution.

3638 |       3. The student's responsibilities for providing his or her  
3639 | own ~~instructional materials and~~ transportation.

3640 |       4. A copy of the statement on transfer guarantees  
3641 | developed by the Department of Education under subsection (15).

3642 |       (24)

3643 |       (b) Each public postsecondary institution eligible to  
3644 | participate in the dual enrollment program pursuant to s.  
3645 | 1011.62(1)(i) must enter into a private school articulation  
3646 | agreement with each eligible private school in its geographic  
3647 | service area seeking to offer dual enrollment courses to its  
3648 | students, including, but not limited to, students with  
3649 | disabilities. By August 1 of each year, the eligible  
3650 | postsecondary institution shall complete and submit the private



3651 school articulation agreement to the Department of Education.  
3652 The private school articulation agreement must include, at a  
3653 minimum:

3654 1. A delineation of courses and programs available to the  
3655 private school student. The postsecondary institution may add,  
3656 revise, or delete courses and programs at any time.

3657 2. The initial and continued eligibility requirements for  
3658 private school student participation, not to exceed those  
3659 required of other dual enrollment students.

3660 3. The student's responsibilities for providing his or her  
3661 own instructional materials and transportation.

3662 4. A provision clarifying that the private school will  
3663 award appropriate credit toward high school completion for the  
3664 postsecondary course under the dual enrollment program.

3665 5. A provision expressing that costs associated with  
3666 tuition and fees, including registration, and laboratory fees,  
3667 will not be passed along to the student.

3668 ~~6. A provision stating whether the private school will~~  
3669 ~~compensate the postsecondary institution for the standard~~  
3670 ~~tuition rate per credit hour for each dual enrollment course~~  
3671 ~~taken by its students.~~

3672 Section 28. Paragraph (a) of subsection (3) and paragraph  
3673 (a) of subsection (8) of section 1008.22, Florida Statutes, are  
3674 amended to read:

3675 1008.22 Student assessment program for public schools.—



3676 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The  
3677 Commissioner of Education shall design and implement a  
3678 statewide, standardized assessment program aligned to the core  
3679 curricular content established in the Next Generation Sunshine  
3680 State Standards. The commissioner also must develop or select  
3681 and implement a common battery of assessment tools that will be  
3682 used in all juvenile justice education programs in the state.  
3683 These tools must accurately measure the core curricular content  
3684 established in the Next Generation Sunshine State Standards.  
3685 Participation in the assessment program is mandatory for all  
3686 school districts and all students attending public schools,  
3687 including adult students seeking a standard high school diploma  
3688 under s. 1003.4282 and students in Department of Juvenile  
3689 Justice education programs, except as otherwise provided by law.  
3690 If a student does not participate in the assessment program, the  
3691 school district must notify the student's parent and provide the  
3692 parent with information regarding the implications of such  
3693 nonparticipation. The statewide, standardized assessment program  
3694 shall be designed and implemented as follows:

3695 (a) *Statewide, standardized comprehensive assessments.*—The  
3696 statewide, standardized Reading assessment shall be administered  
3697 annually in grades 3 through 10. The statewide, standardized  
3698 Writing assessment shall be administered annually at least once  
3699 at the elementary, middle, and high school levels. When the  
3700 Reading and Writing assessments are replaced by English Language



3701 Arts (ELA) assessments, ELA assessments shall be administered to  
3702 students in grades 3 through 10. Retake opportunities for the  
3703 grade 10 Reading assessment or, upon implementation, the grade  
3704 10 ELA assessment must be provided. Students taking the ELA  
3705 assessments shall not take the statewide, standardized  
3706 assessments in Reading or Writing. Reading passages and writing  
3707 prompts for ELA assessments shall incorporate grade-level core  
3708 curricula content from social studies ~~be administered online.~~  
3709 The statewide, standardized Mathematics assessments shall be  
3710 administered annually in grades 3 through 8. Students taking a  
3711 revised Mathematics assessment shall not take the discontinued  
3712 assessment. The statewide, standardized Science assessment shall  
3713 be administered annually at least once at the elementary and  
3714 middle grades levels. In order to earn a standard high school  
3715 diploma, a student who has not earned a passing score on the  
3716 grade 10 Reading assessment or, upon implementation, the grade  
3717 10 ELA assessment must earn a passing score on the assessment  
3718 retake or earn a concordant score as authorized under subsection  
3719 (9).

3720 (8) PUBLICATION OF ASSESSMENTS.—To promote transparency in  
3721 the statewide assessment program, in any procurement for the ELA  
3722 assessment in grades 3 through 10 and the mathematics assessment  
3723 in grades 3 through 8, the Department of Education shall solicit  
3724 cost proposals for publication of the state assessments on its  
3725 website in accordance with this subsection.



3726 (a) The department shall publish each assessment  
 3727 administered under paragraph (3) (a) and subparagraph (3) (b)1.,  
 3728 excluding assessment retakes, at least once on a triennial basis  
 3729 pursuant to a schedule determined by the Commissioner of  
 3730 Education. Each assessment, when published, must have been  
 3731 administered during the most recent school year and be in a  
 3732 format that facilitates the sharing of assessment items.

3733 Section 29. Paragraphs (f), (o), and (t) of subsection  
 3734 (1), paragraph (b) of subsection (6), and paragraphs (a), (c),  
 3735 and (d) of subsection (9) of section 1011.62, Florida Statutes,  
 3736 are amended to read:

3737 1011.62 Funds for operation of schools.—If the annual  
 3738 allocation from the Florida Education Finance Program to each  
 3739 district for operation of schools is not determined in the  
 3740 annual appropriations act or the substantive bill implementing  
 3741 the annual appropriations act, it shall be determined as  
 3742 follows:

3743 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
 3744 OPERATION.—The following procedure shall be followed in  
 3745 determining the annual allocation to each district for  
 3746 operation:

3747 (f) *Supplemental academic instruction allocation;*  
 3748 ~~*categorical fund.*~~—

3749 1. There is created the supplemental academic instruction  
 3750 allocation ~~a categorical fund~~ to provide supplemental academic



3751 instruction to students in kindergarten through grade 12. ~~This~~  
3752 ~~paragraph may be cited as the "Supplemental Academic Instruction~~  
3753 ~~Categorical Fund."~~

3754       2. The supplemental academic instruction allocation shall  
3755 be provided annually in the Florida Education Finance Program as  
3756 specified in the General Appropriations Act. These funds are  
3757 ~~eategorical fund is~~ in addition to the funds appropriated on the  
3758 basis of FTE student membership in the Florida Education Finance  
3759 Program and shall be included in the total potential funds of  
3760 each district. Beginning with the 2018-2019 fiscal year, These  
3761 ~~funds shall be used to provide supplemental academic instruction~~  
3762 ~~to students enrolled in the K-12 program.~~ each school district  
3763 that has a school earning a grade of "D" or "F" pursuant to s.  
3764 1008.34 must use that school's portion of the supplemental  
3765 academic instruction allocation to implement intervention and  
3766 support strategies for school improvement pursuant to s. 1008.33  
3767 and for salary incentives pursuant to s. 1012.2315(3) or salary  
3768 supplements pursuant to s. 1012.22(1)(c)5.c. that are provided  
3769 through a memorandum of understanding between the collective  
3770 bargaining agent and the school board that addresses the  
3771 selection, placement, and expectations of instructional  
3772 personnel and school administrators. Each school district that  
3773 has one or more of the 300 lowest-performing elementary schools  
3774 based on a 3-year average of the state reading assessment data  
3775 must use that school's portion of the allocation to provide an



3776 additional hour per day of intensive reading for the students in  
3777 the school. The additional hour may be provided within the  
3778 school day. Students enrolled in these schools who earned a  
3779 level 4 or level 5 score on the statewide, standardized English  
3780 Language Arts assessment for the previous school year may  
3781 participate in the extra hour of instruction. For all other  
3782 schools, the school district's use of the supplemental academic  
3783 instruction allocation ~~one or more of the 300 lowest-performing~~  
3784 elementary schools based on the state reading assessment for the  
3785 prior year shall use these funds, together with the funds  
3786 provided in the district's research-based reading instruction  
3787 allocation and other available funds, to provide an additional  
3788 hour of instruction beyond the normal school day for each day of  
3789 the entire school year for intensive reading instruction for the  
3790 students in each of these schools. This additional hour of  
3791 instruction must be provided by teachers or reading specialists  
3792 who have demonstrated effectiveness in teaching reading or by a  
3793 K-5 mentoring reading program that is supervised by a teacher  
3794 who is effective at teaching reading. Students enrolled in these  
3795 schools who have level 5 assessment scores may participate in  
3796 the additional hour of instruction on an optional basis.  
3797 Exceptional student education centers shall not be included in  
3798 the 300 schools. The designation of the 300 lowest-performing  
3799 elementary schools must be based on the state reading assessment  
3800 for the prior year. After this requirement has been met,





3801 ~~supplemental instruction strategies~~ may include, but is ~~are~~ not  
3802 limited to, ~~the~~ use of a modified curriculum, reading  
3803 instruction, after-school instruction, tutoring, mentoring, a  
3804 reduction in class size, extended school year, intensive skills  
3805 development in summer school, dropout prevention programs as  
3806 defined in ss. 1003.52 and 1003.53(1)(a), (b), and (c), and  
3807 other methods of improving student achievement. Supplemental  
3808 academic instruction may be provided to a student in any manner  
3809 and at any time during or beyond the regular 180-day term  
3810 identified by the school as being the most effective and  
3811 efficient way to best help that student progress from grade to  
3812 grade and to graduate.

3813 3. ~~Categorical funds for supplemental academic instruction~~  
3814 ~~shall be provided annually in the Florida Education Finance~~  
3815 ~~Program as specified in the General Appropriations Act. These~~  
3816 ~~funds shall be provided as a supplement to the funds~~  
3817 ~~appropriated for the basic funding level and shall be included~~  
3818 ~~in the total funds of each district. The supplemental academic~~  
3819 instruction allocation shall consist of a base amount that has a  
3820 workload adjustment based on changes in unweighted FTE. ~~In~~  
3821 ~~addition, districts that have elementary schools included in the~~  
3822 ~~300 lowest-performing schools designation shall be allocated~~  
3823 ~~additional funds to assist those districts in providing~~  
3824 ~~intensive reading instruction to students in those schools. The~~  
3825 ~~amount provided shall be based on each district's level of per-~~



3826 ~~student funding in the reading instruction allocation and the~~  
3827 ~~supplemental academic instruction categorical fund and on the~~  
3828 ~~total FTE for each of the schools. The supplemental academic~~  
3829 ~~instruction allocation categorical funding shall be recalculated~~  
3830 ~~during the fiscal year following an updated designation of the~~  
3831 ~~300 lowest-performing elementary schools and shall be based on~~  
3832 ~~actual student membership from the FTE surveys. Upon~~  
3833 ~~recalculation of funding for the supplemental academic~~  
3834 ~~instruction allocation categorical fund, if the total allocation~~  
3835 ~~is greater than the amount provided in the General~~  
3836 ~~Appropriations Act, the allocation shall be prorated to the~~  
3837 ~~level provided to support the appropriation, based on each~~  
3838 ~~district's share of the total.~~

3839 4. ~~Effective with the 1999-2000 fiscal year,~~ Funding on  
3840 the basis of FTE membership beyond the 180-day regular term  
3841 shall be provided in the FEFP only for students enrolled in  
3842 juvenile justice education programs or in education programs for  
3843 juveniles placed in secure facilities or programs under s.  
3844 985.19. Funding for instruction beyond the regular 180-day  
3845 school year for all other K-12 students shall be provided  
3846 through the supplemental academic instruction allocation and  
3847 other state, federal, and local fund sources with ample  
3848 flexibility for schools to provide supplemental instruction to  
3849 assist students in progressing from grade to grade and  
3850 graduating.



3851 ~~5. The Florida State University School, as a lab school,~~  
3852 ~~is authorized to expend from its FEFP or Lottery Enhancement~~  
3853 ~~Trust Fund allocation the cost to the student of remediation in~~  
3854 ~~reading, writing, or mathematics for any graduate who requires~~  
3855 ~~remediation at a postsecondary educational institution.~~

3856 ~~6. Beginning in the 1999-2000 school year, dropout~~  
3857 ~~prevention programs as defined in ss. 1003.52, 1003.53(1)(a),~~  
3858 ~~(b), and (c), and 1003.54 shall be included in group 1 programs~~  
3859 ~~under subparagraph (d)3.~~

3860 *(o) Calculation of additional full-time equivalent*  
3861 *membership based on successful completion of a career-themed*  
3862 *course pursuant to ss. 1003.491, 1003.492, and 1003.493, or*  
3863 *courses with embedded CAPE industry certifications or CAPE*  
3864 *Digital Tool certificates, and issuance of industry*  
3865 *certification identified on the CAPE Industry Certification*  
3866 *Funding List pursuant to rules adopted by the State Board of*  
3867 *Education or CAPE Digital Tool certificates pursuant to s.*  
3868 *1003.4203.—*

3869 1.a. A value of 0.025 full-time equivalent student  
3870 membership shall be calculated for CAPE Digital Tool  
3871 certificates earned by students in elementary and middle school  
3872 grades.

3873 b. A value of 0.1 or 0.2 full-time equivalent student  
3874 membership shall be calculated for each student who completes a  
3875 course as defined in s. 1003.493(1)(b) or courses with embedded



3876 CAPE industry certifications and who is issued an industry  
3877 certification identified annually on the CAPE Industry  
3878 Certification Funding List approved under rules adopted by the  
3879 State Board of Education. A value of 0.2 full-time equivalent  
3880 membership shall be calculated for each student who is issued a  
3881 CAPE industry certification that has a statewide articulation  
3882 agreement for college credit approved by the State Board of  
3883 Education. For CAPE industry certifications that do not  
3884 articulate for college credit, the Department of Education shall  
3885 assign a full-time equivalent value of 0.1 for each  
3886 certification. Middle grades students who earn additional FTE  
3887 membership for a CAPE Digital Tool certificate pursuant to sub-  
3888 subparagraph a. may not use the previously funded examination to  
3889 satisfy the requirements for earning an industry certification  
3890 under this sub-subparagraph. Additional FTE membership for an  
3891 elementary or middle grades student may not exceed 0.1 for  
3892 certificates or certifications earned within the same fiscal  
3893 year. The State Board of Education shall include the assigned  
3894 values on the CAPE Industry Certification Funding List under  
3895 rules adopted by the state board. Such value shall be added to  
3896 the total full-time equivalent student membership for grades 6  
3897 through 12 in the subsequent year. CAPE industry certifications  
3898 earned through dual enrollment must be reported and funded  
3899 pursuant to s. 1011.80. However, if a student earns a  
3900 certification through a dual enrollment course and the



3901 certification is not a fundable certification on the  
3902 postsecondary certification funding list, or the dual enrollment  
3903 certification is earned as a result of an agreement between a  
3904 school district and a nonpublic postsecondary institution, the  
3905 bonus value shall be funded in the same manner as other nondual  
3906 enrollment course industry certifications. In such cases, the  
3907 school district may provide for an agreement between the high  
3908 school and the technical center, or the school district and the  
3909 postsecondary institution may enter into an agreement for  
3910 equitable distribution of the bonus funds.

3911 c. A value of 0.3 full-time equivalent student membership  
3912 shall be calculated for student completion of the courses and  
3913 the embedded certifications identified on the CAPE Industry  
3914 Certification Funding List and approved by the commissioner  
3915 pursuant to ss. 1003.4203(5) (a) and 1008.44.

3916 d. A value of 0.5 full-time equivalent student membership  
3917 shall be calculated for CAPE Acceleration Industry  
3918 Certifications that articulate for 15 to 29 college credit  
3919 hours, and 1.0 full-time equivalent student membership shall be  
3920 calculated for CAPE Acceleration Industry Certifications that  
3921 articulate for 30 or more college credit hours pursuant to CAPE  
3922 Acceleration Industry Certifications approved by the  
3923 commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

3924 2. Each district must allocate at least 80 percent of the  
3925 funds provided for CAPE industry certification, in accordance



3926 | with this paragraph, to the program that generated the funds.  
3927 | This allocation may not be used to supplant funds provided for  
3928 | basic operation of the program.

3929 |         3. For CAPE industry certifications earned in the 2013-  
3930 | 2014 school year and in subsequent years, the school district  
3931 | shall distribute to each classroom teacher who provided direct  
3932 | instruction toward the attainment of a CAPE industry  
3933 | certification that qualified for additional full-time equivalent  
3934 | membership under subparagraph 1.:

3935 |             a. A bonus of \$25 for each student taught by a teacher who  
3936 | provided instruction in a course that led to the attainment of a  
3937 | CAPE industry certification on the CAPE Industry Certification  
3938 | Funding List with a weight of 0.1.

3939 |             b. A bonus of \$50 for each student taught by a teacher who  
3940 | provided instruction in a course that led to the attainment of a  
3941 | CAPE industry certification on the CAPE Industry Certification  
3942 | Funding List with a weight of 0.2.

3943 |             c. A bonus of \$75 for each student taught by a teacher who  
3944 | provided instruction in a course that led to the attainment of a  
3945 | CAPE industry certification on the CAPE Industry Certification  
3946 | Funding List with a weight of 0.3.

3947 |             d. A bonus of \$100 for each student taught by a teacher  
3948 | who provided instruction in a course that led to the attainment  
3949 | of a CAPE industry certification on the CAPE Industry  
3950 | Certification Funding List with a weight of 0.5 or 1.0.



3951  
3952 Bonuses awarded pursuant to this paragraph shall be provided to  
3953 teachers who are employed by the district in the year in which  
3954 the additional FTE membership calculation is included in the  
3955 calculation. Bonuses shall be calculated based upon the  
3956 associated weight of a CAPE industry certification on the CAPE  
3957 Industry Certification Funding List for the year in which the  
3958 certification is earned by the student. Any bonus awarded to a  
3959 teacher pursuant to ~~under~~ this paragraph is in addition to any  
3960 regular wage or other bonus the teacher received or is scheduled  
3961 to receive. A bonus may not be awarded to a teacher who fails to  
3962 maintain the security of any CAPE industry certification  
3963 examination or who otherwise violates the security or  
3964 administration protocol of any assessment instrument that may  
3965 result in a bonus being awarded to the teacher under this  
3966 paragraph.

3967 (t) *Computation for funding through the Florida Education*  
3968 *Finance Program.*—The State Board of Education may adopt rules  
3969 establishing programs, industry certifications, and courses for  
3970 which the student may earn credit toward high school graduation  
3971 and the criteria under which a student's industry certification  
3972 or grade may be rescinded.

3973 (6) CATEGORICAL FUNDS.—

3974 (b) If a district school board finds and declares in a  
3975 resolution adopted at a regular meeting of the school board that



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3976 the funds received for any of the following categorical  
3977 appropriations are urgently needed to maintain school board  
3978 specified academic classroom instruction or improve school  
3979 safety, the school board may consider and approve an amendment  
3980 to the school district operating budget transferring the  
3981 identified amount of the categorical funds to the appropriate  
3982 account for expenditure:

3983 1. Funds for student transportation.

3984 ~~2. Funds for safe schools.~~

3985 ~~3. Funds for supplemental academic instruction if the~~  
3986 ~~required additional hour of instruction beyond the normal school~~  
3987 ~~day for each day of the entire school year has been provided for~~  
3988 ~~the students in each low-performing elementary school in the~~  
3989 ~~district pursuant to paragraph (1)(f).~~

3990 2.4. Funds for research-based reading instruction if the  
3991 required additional hour of instruction beyond the normal school  
3992 day for each day of the entire school year has been provided for  
3993 the students in each low-performing elementary school in the  
3994 district pursuant to paragraph (9)(a).

3995 ~~3.5.~~ Funds for instructional materials if all  
3996 instructional material purchases necessary to provide updated  
3997 materials that are aligned with applicable state standards and  
3998 course descriptions and that meet statutory requirements of  
3999 content and learning have been completed for that fiscal year,  
4000 but no sooner than March 1. Funds available after March 1 may be





4001 used to purchase hardware for student instruction.

4002 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

4003 (a) The research-based reading instruction allocation is

4004 created to provide comprehensive reading instruction to students

4005 in kindergarten through grade 12. Each school district that has

4006 one or more of the 300 lowest-performing elementary schools

4007 based on a 3-year average of the state reading assessment data

4008 must use the school's portion of the allocation to provide ~~shall~~

4009 ~~give priority to providing~~ an additional hour per day of

4010 intensive reading instruction ~~beyond the normal school day for~~

4011 ~~each day of the entire school year~~ for the students in each

4012 school. The additional hour may be provided within the school

4013 day. ~~The designation of the 300 lowest-performing elementary~~

4014 ~~schools must be based on the state reading assessment for the~~

4015 ~~prior year.~~ Students enrolled in these schools who earned a have

4016 level 4 or level 5 score on the statewide, standardized English

4017 Language Arts assessment for the previous school year ~~scores~~ may

4018 participate in the additional hour of instruction ~~on an optional~~

4019 ~~basis.~~ Exceptional student education centers may not be included

4020 in the 300 schools. The intensive reading instruction delivered

4021 in this additional hour ~~and for other students~~ shall include:

4022 research-based reading instruction that has been proven to

4023 accelerate progress of students exhibiting a reading deficiency;

4024 differentiated instruction based on screening, diagnostic,

4025 progress monitoring, or student assessment data to meet



4026 students' specific reading needs; explicit and systematic  
4027 reading strategies to develop phonemic awareness, phonics,  
4028 fluency, vocabulary, and comprehension, with more extensive  
4029 opportunities for guided practice, error correction, and  
4030 feedback; and the integration of social studies, science, and  
4031 mathematics-text reading, text discussion, and writing in  
4032 response to reading.

4033 (c) Funds allocated under this subsection must be used to  
4034 provide a system of comprehensive reading instruction to  
4035 students enrolled in the K-12 programs, which may include the  
4036 following:

4037 1. ~~The provision of~~ An additional hour per day of  
4038 intensive reading instruction to students in the 300 lowest-  
4039 performing elementary schools by teachers and reading  
4040 specialists who have demonstrated effectiveness in teaching  
4041 reading as required in paragraph (a).

4042 2. Kindergarten through grade 5 reading intervention  
4043 teachers to provide intensive intervention during the school day  
4044 and in the required extra hour for students identified as having  
4045 a reading deficiency.

4046 3. ~~The provision of~~ Highly qualified reading coaches to  
4047 specifically support teachers in making instructional decisions  
4048 based on student data, and improve teacher delivery of effective  
4049 reading instruction, intervention, and reading in the content  
4050 areas based on student need.



4051 4. Professional development for school district teachers  
4052 in scientifically based reading instruction, including  
4053 strategies to teach reading in content areas and with an  
4054 emphasis on technical and informational text, to help school  
4055 district teachers earn a certification or an endorsement in  
4056 reading.

4057 5. ~~The provision of~~ Summer reading camps, using only  
4058 teachers or other district personnel who are certified or  
4059 endorsed in reading consistent with s. 1008.25(7)(b)3., for all  
4060 students in kindergarten through grade 2 who demonstrate a  
4061 reading deficiency as determined by district and state  
4062 assessments, and students in grades 3 through 5 who score at  
4063 Level 1 on the statewide, standardized ~~reading assessment or,~~  
4064 ~~upon implementation, the~~ English Language Arts assessment.

4065 6. ~~The provision of~~ Supplemental instructional materials  
4066 that are grounded in scientifically based reading research as  
4067 identified by the Just Read, Florida! Office pursuant to s.  
4068 1001.215(8).

4069 7. ~~The provision of~~ Intensive interventions for students  
4070 in kindergarten through grade 12 who have been identified as  
4071 having a reading deficiency or who are reading below grade level  
4072 as determined by the statewide, standardized English Language  
4073 Arts assessment.

4074 (d)1. Annually, by a date determined by the Department of  
4075 Education but before May 1, school districts shall submit a K-12



4076 comprehensive reading plan for the specific use of the research-  
4077 based reading instruction allocation in the format prescribed by  
4078 the department for review and approval by the Just Read,  
4079 Florida! Office created pursuant to s. 1001.215. The plan  
4080 annually submitted by school districts shall be deemed approved  
4081 unless the department rejects the plan on or before June 1. If a  
4082 school district and the Just Read, Florida! Office cannot reach  
4083 agreement on the contents of the plan, the school district may  
4084 appeal to the State Board of Education for resolution. School  
4085 districts shall be allowed reasonable flexibility in designing  
4086 their plans and shall be encouraged to offer reading  
4087 intervention through innovative methods, including career  
4088 academies. The plan format shall be developed with input from  
4089 school district personnel, including teachers and principals,  
4090 and shall provide for ~~allow courses in core, career, and~~  
4091 ~~alternative programs that deliver~~ intensive reading  
4092 interventions ~~remediation~~ through integrated curricula, provided  
4093 that, beginning with the 2020-2021 school year, the  
4094 interventions are delivered by a teacher who is certified or  
4095 endorsed in reading. Such interventions must incorporate  
4096 strategies identified by the Just Read, Florida! Office pursuant  
4097 to s. 1001.215(8) ~~deemed highly qualified to teach reading or~~  
4098 ~~working toward that status.~~ No later than July 1 annually, the  
4099 department shall release the school district's allocation of  
4100 appropriated funds to those districts having approved plans. A



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4101 school district that spends 100 percent of this allocation on  
4102 its approved plan shall be deemed to have been in compliance  
4103 with the plan. The department may withhold funds upon a  
4104 determination that reading instruction allocation funds are not  
4105 being used to implement the approved plan. The department shall  
4106 monitor and track the implementation of each district plan,  
4107 including conducting site visits and collecting specific data on  
4108 expenditures and reading improvement results. By February 1 of  
4109 each year, the department shall report its findings to the  
4110 Legislature.

4111 2. Each school district that has a school designated as  
4112 one of the 300 lowest-performing elementary schools as specified  
4113 in paragraph (a) shall specifically delineate in the  
4114 comprehensive reading plan, or in an addendum to the  
4115 comprehensive reading plan, the implementation design and  
4116 reading intervention strategies that will be used for the  
4117 required additional hour of reading instruction. The term  
4118 "reading intervention" includes evidence-based strategies  
4119 frequently used to remediate reading deficiencies and also  
4120 includes individual instruction, tutoring, mentoring, or the use  
4121 of technology that targets specific reading skills and  
4122 abilities.

4123 Section 30. Section 1011.6202, Florida Statutes, is  
4124 amended to read:

4125 1011.6202 Principal Autonomy ~~Pilot~~ Program Initiative.—The



4126 Principal Autonomy ~~Pilot~~ Program Initiative is created within  
4127 the Department of Education. The purpose of the ~~pilot~~ program is  
4128 to provide a ~~the~~ highly effective principal of a participating  
4129 school with increased autonomy and authority to operate his or  
4130 her school, as well as other schools, in a way that produces  
4131 significant improvements in student achievement and school  
4132 management while complying with constitutional requirements. The  
4133 State Board of Education may, upon approval of a principal  
4134 autonomy proposal, enter into a performance contract with the ~~up~~  
4135 ~~to seven~~ district school board ~~boards~~ for participation in the  
4136 ~~pilot~~ program.

4137 (1) PARTICIPATING SCHOOL DISTRICTS.—Beginning with the  
4138 2018-2019 school year, contingent upon available funds, and on a  
4139 first-come, first-served basis, a ~~The~~ district school board  
4140 ~~boards in Broward, Duval, Jefferson, Madison, Palm Beach,~~  
4141 ~~Pinellas, and Seminole Counties~~ may submit, no later than  
4142 December 1, to the state board for approval a principal autonomy  
4143 proposal that exchanges statutory and rule exemptions for an  
4144 agreement to meet performance goals established in the proposal.  
4145 If approved by the state board, the ~~each of these~~ school  
4146 district is ~~districts shall be~~ eligible to participate in the  
4147 ~~pilot~~ program for 3 years. ~~At the end of the 3 years, the~~  
4148 ~~performance of all participating schools in the school district~~  
4149 ~~shall be evaluated.~~

4150 (2) PRINCIPAL AUTONOMY PROPOSAL.—



4151 (a) To participate in the ~~pilot~~ program, a school district  
4152 must:

4153 1. Identify three schools that received at least two  
4154 school grades of "D" or "F" pursuant to s. 1008.34 during the  
4155 previous 3 school years.

4156 2. Identify three principals who have earned a highly  
4157 effective rating on the prior year's performance evaluation  
4158 pursuant to s. 1012.34, one of whom shall be assigned to each of  
4159 the participating schools.

4160 3. Describe the current financial and administrative  
4161 management of each participating school; identify the areas in  
4162 which each school principal will have increased fiscal and  
4163 administrative autonomy, including the authority and  
4164 responsibilities provided in s. 1012.28(8); and identify the  
4165 areas in which each participating school will continue to follow  
4166 district school board fiscal and administrative policies.

4167 4. Explain the methods used to identify the educational  
4168 strengths and needs of the participating school's students and  
4169 identify how student achievement can be improved.

4170 5. Establish performance goals for student achievement, as  
4171 defined in s. 1008.34(1), and explain how the increased autonomy  
4172 of principals will help participating schools improve student  
4173 achievement and school management.

4174 6. Provide each participating school's mission and a  
4175 description of its student population.



4176 (b) The state board shall establish criteria, which must  
4177 include the criteria listed in paragraph (a), for the approval  
4178 of a principal autonomy proposal.

4179 (c) A district school board must submit its principal  
4180 autonomy proposal to the state board for approval by December 1  
4181 in order to begin participation in the subsequent school year.  
4182 By February 28 of the school year in which the proposal is  
4183 submitted, the state board shall notify the district school  
4184 board in writing whether the proposal is approved.

4185 (3) EXEMPTION FROM LAWS.—

4186 (a) With the exception of those laws listed in paragraph  
4187 (b), a participating school or a school operated by a principal  
4188 pursuant to subsection (5) is exempt from the provisions of  
4189 chapters 1000-1013 and rules of the state board that implement  
4190 those exempt provisions.

4191 (b) A participating school or a school operated by a  
4192 principal pursuant to subsection (5) shall comply with the  
4193 provisions of chapters 1000-1013, and rules of the state board  
4194 that implement those provisions, pertaining to the following:

4195 1. Those laws relating to the election and compensation of  
4196 district school board members, the election or appointment and  
4197 compensation of district school superintendents, public meetings  
4198 and public records requirements, financial disclosure, and  
4199 conflicts of interest.

4200 2. Those laws relating to the student assessment program





4201 and school grading system, including chapter 1008.

4202       3. Those laws relating to the provision of services to  
4203 students with disabilities.

4204       4. Those laws relating to civil rights, including s.  
4205 1000.05, relating to discrimination.

4206       5. Those laws relating to student health, safety, and  
4207 welfare.

4208       6. Section 1001.42(4)(f), relating to the uniform opening  
4209 date for public schools.

4210       7. Section 1003.03, governing maximum class size, except  
4211 that the calculation for compliance pursuant to s. 1003.03 is  
4212 the average at the school level for a participating school.

4213       8. Sections 1012.22(1)(c) and 1012.27(2), relating to  
4214 compensation and salary schedules.

4215       9. Section 1012.33(5), relating to workforce reductions  
4216 for annual contracts for instructional personnel. This  
4217 subparagraph does not apply to at-will employees.

4218       10. Section 1012.335, relating to annual contracts for  
4219 instructional personnel hired on or after July 1, 2011. This  
4220 subparagraph does not apply to at-will employees.

4221       11. Section 1012.34, relating to personnel evaluation  
4222 procedures and criteria.

4223       12. Those laws pertaining to educational facilities,  
4224 including chapter 1013, except that s. 1013.20, relating to  
4225 covered walkways for relocatables, and s. 1013.21, relating to



4226 the use of relocatable facilities exceeding 20 years of age, are  
4227 eligible for exemption.

4228 13. Those laws pertaining to participating school  
4229 districts, including this section and ss. 1011.69(2) and  
4230 1012.28(8).

4231 (c) A school shall remain exempt, as provided in this  
4232 subsection, beyond the term of the program so long as the school  
4233 receives no grade lower than a "B."

4234 (4) PROFESSIONAL DEVELOPMENT.—Each participating school  
4235 district shall require that the principal of each participating  
4236 school and a designated leadership team selected by the  
4237 principal of the participating school, a three-member leadership  
4238 team from each participating school, and district personnel  
4239 working with each participating school complete a nationally  
4240 recognized school turnaround program which focuses on improving  
4241 leadership, instructional infrastructure, talent management, and  
4242 differentiated support and accountability. The required  
4243 personnel must enroll in the nationally recognized school  
4244 turnaround program upon acceptance into the ~~pilot~~ program. ~~Each~~  
4245 ~~participating school district shall receive \$100,000 from the~~  
4246 ~~department for participation in the nationally recognized school~~  
4247 ~~turnaround program.~~

4248 (5) DISTRICT INNOVATION ACADEMIES AND ZONES.—To encourage  
4249 further innovation and expand the reach of highly effective  
4250 principals trained pursuant to subsection (4) district school



4251 boards may authorize these principals to manage multiple schools  
4252 within a zone. A zone may include the school at which the  
4253 principal is assigned, persistently low-performing schools,  
4254 feeder pattern schools, or a group of schools identified by the  
4255 school district. The principal may allocate resources and  
4256 personnel between the schools under his or her administration.

4257 (6)~~(5)~~ TERM OF PARTICIPATION.—The state board shall  
4258 authorize a school district to participate in the ~~pilot~~ program  
4259 for a period of 3 years commencing with approval of the  
4260 principal autonomy proposal. ~~Authorization to participate in the~~  
4261 ~~pilot program may be renewed upon action of the state board.~~ The  
4262 state board may revoke authorization to participate in the ~~pilot~~  
4263 program if the school district fails to meet the requirements of  
4264 this section during the 3-year period.

4265 ~~(6) REPORTING. Each participating school district shall~~  
4266 ~~submit an annual report to the state board. The state board~~  
4267 ~~shall annually report on the implementation of the Principal~~  
4268 ~~Autonomy Pilot Program Initiative. Upon completion of the pilot~~  
4269 ~~program's first 3-year term, the Commissioner of Education shall~~  
4270 ~~submit to the President of the Senate and the Speaker of the~~  
4271 ~~House of Representatives by December 1 a full evaluation of the~~  
4272 ~~effectiveness of the pilot program.~~

4273 (7) FUNDING.—Subject to an annual appropriation, The  
4274 Legislature shall provide an appropriation to the department  
4275 shall fund for the costs of the ~~pilot~~ program to include the,



4276 ~~including~~ administrative ~~costs~~ and enrollment costs for the  
4277 nationally recognized school turnaround program required in  
4278 subsection (4), and an ~~additional~~ amount not to exceed ~~of~~  
4279 \$10,000 for each participating principal in each participating  
4280 district as an annual salary supplement for 3 years, ~~a fund for~~  
4281 ~~the principal's school to be used at the principal's discretion,~~  
4282 ~~or both, as determined by the district.~~ To be eligible for a  
4283 salary supplement under this subsection, a participating  
4284 principal must:

4285 (a) Be rated "highly effective" as determined by the  
4286 principal's performance evaluation under s. 1012.34;

4287 (b) Be transferred to a school that earned a grade of "F"  
4288 or two ~~three~~ consecutive grades of "D" pursuant to s. 1008.34,  
4289 or manage, pursuant to subsection (5), a persistently low-  
4290 performing school and provided additional authority and  
4291 responsibilities pursuant to s. 1012.28(8); and

4292 (c) Have implemented a turnaround option under s. 1008.33  
4293 ~~s. 1008.33(4)~~ at a school as the school's principal. The  
4294 turnaround option must have resulted in the school improving by  
4295 at least one letter grade while he or she was serving as the  
4296 school's principal.

4297 (8) RULEMAKING.—The State Board of Education shall adopt  
4298 rules to administer this section.

4299 Section 31. Subsection (5) of section 1011.69, Florida  
4300 Statutes, is amended to read:



4301           1011.69 Equity in School-Level Funding Act.—

4302           (5) After providing Title I, Part A, Basic funds to

4303 schools above the 75 percent poverty threshold, which may

4304 include high schools above the 50 percent threshold as permitted

4305 by federal law, school districts shall provide any remaining

4306 Title I, Part A, Basic funds directly to all eligible schools as

4307 provided in this subsection. For purposes of this subsection, an

4308 eligible school is a school that is eligible to receive Title I

4309 funds, including a charter school. The threshold for identifying

4310 eligible schools may not exceed the threshold established by a

4311 school district for the 2016-2017 school year or the statewide

4312 percentage of economically disadvantaged students, as determined

4313 annually.

4314           (a) Prior to the allocation of Title I funds to eligible

4315 schools, a school district may withhold funds only as follows:

4316           1. One percent for parent involvement, in addition to the

4317 one percent the district must reserve under federal law for

4318 allocations to eligible schools for parent involvement;

4319           2. A necessary and reasonable amount for administration,

4320 which includes the district's indirect cost rate, not to exceed

4321 a total of 10 ~~&~~ percent; ~~and~~

4322           3. A reasonable and necessary amount to provide:

4323           a. Homeless programs;

4324           b. Delinquent and neglected programs;

4325           c. Prekindergarten programs and activities;



4326 d. Private school equitable services; ~~and~~  
 4327 e. Transportation for foster care children to their school  
 4328 of origin or choice programs; and-

4329 4. A necessary and reasonable amount, not to exceed 1  
 4330 percent, for eligible schools to provide educational services in  
 4331 accordance with the approved Title I plan.

4332 (b) All remaining Title I funds shall be distributed to  
 4333 all eligible schools in accordance with federal law and  
 4334 regulation. An eligible school may use funds under this  
 4335 subsection to participate in discretionary educational services  
 4336 provided by the school district. Any funds provided by an  
 4337 eligible school to participate in discretionary educational  
 4338 services provided by the school district are not subject to the  
 4339 requirements of this subsection.

4340 (c) Any funds carried forward by the school district are  
 4341 not subject to the requirements of this subsection.

4342 Section 32. Subsection (2) of section 1011.71, Florida  
 4343 Statutes, is amended to read:

4344 1011.71 District school tax.—

4345 (2) In addition to the maximum millage levy as provided in  
 4346 subsection (1), each school board may levy not more than 1.5  
 4347 mills against the taxable value for school purposes for charter  
 4348 schools pursuant to s. 1013.62(1) and (3) ~~s. 1013.62(3)~~ and for  
 4349 district schools to fund:

4350 (a) New construction and remodeling projects, as set forth



4351 in s. 1013.64(6)(b) ~~s. 1013.64(3)(d) and (6)(b)~~ and included in  
4352 the district's educational plant survey pursuant to s. 1013.31,  
4353 without regard to prioritization, sites and site improvement or  
4354 expansion to new sites, existing sites, auxiliary facilities,  
4355 athletic facilities, or ancillary facilities.

4356 (b) Maintenance, renovation, and repair of existing school  
4357 plants or of leased facilities to correct deficiencies pursuant  
4358 to s. 1013.15(2).

4359 (c) The purchase, lease-purchase, or lease of school  
4360 buses.

4361 (d) The purchase, lease-purchase, or lease of new and  
4362 replacement equipment; computer and device hardware and  
4363 operating system software necessary for gaining access to or  
4364 enhancing the use of electronic and digital instructional  
4365 content and resources; and enterprise resource software  
4366 applications that are classified as capital assets in accordance  
4367 with definitions of the Governmental Accounting Standards Board,  
4368 have a useful life of at least 5 years, and are used to support  
4369 districtwide administration or state-mandated reporting  
4370 requirements. Enterprise resource software may be acquired by  
4371 annual license fees, maintenance fees, or lease agreements.

4372 (e) Payments for educational facilities and sites due  
4373 under a lease-purchase agreement entered into by a district  
4374 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not  
4375 exceeding, in the aggregate, an amount equal to three-fourths of



4376 | the proceeds from the millage levied by a district school board  
4377 | pursuant to this subsection. The three-fourths limit is waived  
4378 | for lease-purchase agreements entered into before June 30, 2009,  
4379 | by a district school board pursuant to this paragraph. If  
4380 | payments under lease-purchase agreements in the aggregate,  
4381 | including lease-purchase agreements entered into before June 30,  
4382 | 2009, exceed three-fourths of the proceeds from the millage  
4383 | levied pursuant to this subsection, the district school board  
4384 | may not withhold the administrative fees authorized by s.  
4385 | 1002.33(20) from any charter school operating in the school  
4386 | district.

4387 |       (f) Payment of loans approved pursuant to ss. 1011.14 and  
4388 | 1011.15.

4389 |       (g) Payment of costs directly related to complying with  
4390 | state and federal environmental statutes, rules, and regulations  
4391 | governing school facilities.

4392 |       (h) Payment of costs of leasing relocatable educational  
4393 | facilities, of renting or leasing educational facilities and  
4394 | sites pursuant to s. 1013.15(2), or of renting or leasing  
4395 | buildings or space within existing buildings pursuant to s.  
4396 | 1013.15(4).

4397 |       (i) Payment of the cost of school buses when a school  
4398 | district contracts with a private entity to provide student  
4399 | transportation services if the district meets the requirements  
4400 | of this paragraph.





4401           1. The district's contract must require that the private  
4402 entity purchase, lease-purchase, or lease, and operate and  
4403 maintain, one or more school buses of a specific type and size  
4404 that meet the requirements of s. 1006.25.

4405           2. Each such school bus must be used for the daily  
4406 transportation of public school students in the manner required  
4407 by the school district.

4408           3. Annual payment for each such school bus may not exceed  
4409 10 percent of the purchase price of the state pool bid.

4410           4. The proposed expenditure of the funds for this purpose  
4411 must have been included in the district school board's notice of  
4412 proposed tax for school capital outlay as provided in s.  
4413 200.065(10).

4414           (j) Payment of the cost of the opening day collection for  
4415 the library media center of a new school.

4416           (k) Payout of sick leave and annual leave accrued as of  
4417 June 30, 2017, by individuals who are no longer employed by a  
4418 school district that transfers to a charter school operator all  
4419 day-to-day classroom instruction responsibility for all full-  
4420 time equivalent students funded under s. 1011.62. This paragraph  
4421 expires July 1, 2018.

4422           Section 33. Subsection (4) of section 1012.2315, Florida  
4423 Statutes, is amended to read:

4424           1012.2315 Assignment of teachers.—

4425           (4) COLLECTIVE BARGAINING.—



4426        (a) Notwithstanding provisions of chapter 447 relating to  
4427 district school board collective bargaining, collective  
4428 bargaining provisions may not preclude a school district from  
4429 providing incentives to high-quality teachers and assigning such  
4430 teachers to low-performing schools.

4431        (b) Before the start of the 2019-2020 school year, each  
4432 school district and the certified collective bargaining unit for  
4433 instructional personnel shall negotiate a memorandum of  
4434 understanding that addresses the selection, placement, and  
4435 expectations of instructional personnel and provides school  
4436 principals with the autonomy described in s. 1012.28(8).

4437        (c)1. In addition to the provisions under s. 447.305(2),  
4438 an employee organization that has been certified as the  
4439 bargaining agent for a unit of instructional personnel as  
4440 defined in s. 1012.01(2) must include for each such certified  
4441 bargaining unit the following information in its application for  
4442 renewal of registration:

4443        a. The number of employees in the bargaining unit who are  
4444 eligible for representation by the employee organization.

4445        b. The number of employees who are represented by the  
4446 employee organization, specifying the number of members who pay  
4447 dues and the number of members who do not pay dues.

4448        2. Notwithstanding the provisions of chapter 447 relating  
4449 to collective bargaining, an employee organization whose dues  
4450 paying membership is less than 50 percent of the employees



4451 eligible for representation in the unit, as identified in  
4452 subparagraph 1., must petition the Public Employees Relations  
4453 Commission pursuant to s. 447.307(2) and (3) for recertification  
4454 as the exclusive representative of all employees in the unit  
4455 within 1 month after the date on which the organization applies  
4456 for renewal of registration pursuant to s. 447.305(2). The  
4457 certification of an employee organization that does not comply  
4458 with this paragraph is revoked.

4459 Section 34. Subsection (8) of section 1012.28, Florida  
4460 Statutes, is amended to read:

4461 1012.28 Public school personnel; duties of school  
4462 principals.—

4463 (8) The principal of a school participating in the  
4464 Principal Autonomy ~~Pilot~~ Program Initiative under s. 1011.6202  
4465 has the following additional authority and responsibilities:

4466 (a) In addition to the authority provided in subsection  
4467 (6), the authority to select qualified instructional personnel  
4468 for placement or to refuse to accept the placement or transfer  
4469 of instructional personnel by the district school  
4470 superintendent. Placement of instructional personnel at a  
4471 participating school in a participating school district does not  
4472 affect the employee's status as a school district employee.

4473 (b) The authority to deploy financial resources to school  
4474 programs at the principal's discretion to help improve student  
4475 achievement, as defined in s. 1008.34(1), and meet performance



4476 goals identified in the principal autonomy proposal submitted  
4477 pursuant to s. 1011.6202.

4478 (c) To annually provide to the district school  
4479 superintendent and the district school board a budget for the  
4480 operation of the participating school that identifies how funds  
4481 provided pursuant to s. 1011.69(2) are allocated. ~~The school~~  
4482 ~~district shall include the budget in the annual report provided~~  
4483 ~~to the State Board of Education pursuant to s. 1011.6202(6).~~

4484 Section 35. Section 1012.315, Florida Statutes, is amended  
4485 to read:

4486 1012.315 Disqualification from employment.—A person is  
4487 ineligible for educator certification, and instructional  
4488 personnel and school administrators, as defined in s. 1012.01,  
4489 are ineligible for employment in any position that requires  
4490 direct contact with students in a district school system,  
4491 charter school, or private school that accepts scholarship  
4492 students who participate in a state scholarship program under  
4493 chapter 1002 ~~under s. 1002.39 or s. 1002.395~~, if the person,  
4494 instructional personnel, or school administrator has been  
4495 convicted of:

4496 (1) Any felony offense prohibited under any of the  
4497 following statutes:

4498 (a) Section 393.135, relating to sexual misconduct with  
4499 certain developmentally disabled clients and reporting of such  
4500 sexual misconduct.



4501 (b) Section 394.4593, relating to sexual misconduct with  
4502 certain mental health patients and reporting of such sexual  
4503 misconduct.

4504 (c) Section 415.111, relating to adult abuse, neglect, or  
4505 exploitation of aged persons or disabled adults.

4506 (d) Section 782.04, relating to murder.

4507 (e) Section 782.07, relating to manslaughter, aggravated  
4508 manslaughter of an elderly person or disabled adult, aggravated  
4509 manslaughter of a child, or aggravated manslaughter of an  
4510 officer, a firefighter, an emergency medical technician, or a  
4511 paramedic.

4512 (f) Section 784.021, relating to aggravated assault.

4513 (g) Section 784.045, relating to aggravated battery.

4514 (h) Section 784.075, relating to battery on a detention or  
4515 commitment facility staff member or a juvenile probation  
4516 officer.

4517 (i) Section 787.01, relating to kidnapping.

4518 (j) Section 787.02, relating to false imprisonment.

4519 (k) Section 787.025, relating to luring or enticing a  
4520 child.

4521 (l) Section 787.04(2), relating to leading, taking,  
4522 enticing, or removing a minor beyond the state limits, or  
4523 concealing the location of a minor, with criminal intent pending  
4524 custody proceedings.

4525 (m) Section 787.04(3), relating to leading, taking,



4526 enticing, or removing a minor beyond the state limits, or  
4527 concealing the location of a minor, with criminal intent pending  
4528 dependency proceedings or proceedings concerning alleged abuse  
4529 or neglect of a minor.

4530 (n) Section 790.115(1), relating to exhibiting firearms or  
4531 weapons at a school-sponsored event, on school property, or  
4532 within 1,000 feet of a school.

4533 (o) Section 790.115(2)(b), relating to possessing an  
4534 electric weapon or device, destructive device, or other weapon  
4535 at a school-sponsored event or on school property.

4536 (p) Section 794.011, relating to sexual battery.

4537 (q) Former s. 794.041, relating to sexual activity with or  
4538 solicitation of a child by a person in familial or custodial  
4539 authority.

4540 (r) Section 794.05, relating to unlawful sexual activity  
4541 with certain minors.

4542 (s) Section 794.08, relating to female genital mutilation.

4543 (t) Chapter 796, relating to prostitution.

4544 (u) Chapter 800, relating to lewdness and indecent  
4545 exposure.

4546 (v) Section 806.01, relating to arson.

4547 (w) Section 810.14, relating to voyeurism.

4548 (x) Section 810.145, relating to video voyeurism.

4549 (y) Section 812.014(6), relating to coordinating the  
4550 commission of theft in excess of \$3,000.



- 4551           (z) Section 812.0145, relating to theft from persons 65
- 4552 years of age or older.
- 4553           (aa) Section 812.019, relating to dealing in stolen
- 4554 property.
- 4555           (bb) Section 812.13, relating to robbery.
- 4556           (cc) Section 812.131, relating to robbery by sudden
- 4557 snatching.
- 4558           (dd) Section 812.133, relating to carjacking.
- 4559           (ee) Section 812.135, relating to home-invasion robbery.
- 4560           (ff) Section 817.563, relating to fraudulent sale of
- 4561 controlled substances.
- 4562           (gg) Section 825.102, relating to abuse, aggravated abuse,
- 4563 or neglect of an elderly person or disabled adult.
- 4564           (hh) Section 825.103, relating to exploitation of an
- 4565 elderly person or disabled adult.
- 4566           (ii) Section 825.1025, relating to lewd or lascivious
- 4567 offenses committed upon or in the presence of an elderly person
- 4568 or disabled person.
- 4569           (jj) Section 826.04, relating to incest.
- 4570           (kk) Section 827.03, relating to child abuse, aggravated
- 4571 child abuse, or neglect of a child.
- 4572           (ll) Section 827.04, relating to contributing to the
- 4573 delinquency or dependency of a child.
- 4574           (mm) Section 827.071, relating to sexual performance by a
- 4575 child.



4576 (nn) Section 843.01, relating to resisting arrest with  
4577 violence.

4578 (oo) Chapter 847, relating to obscenity.

4579 (pp) Section 874.05, relating to causing, encouraging,  
4580 soliciting, or recruiting another to join a criminal street  
4581 gang.

4582 (qq) Chapter 893, relating to drug abuse prevention and  
4583 control, if the offense was a felony of the second degree or  
4584 greater severity.

4585 (rr) Section 916.1075, relating to sexual misconduct with  
4586 certain forensic clients and reporting of such sexual  
4587 misconduct.

4588 (ss) Section 944.47, relating to introduction, removal, or  
4589 possession of contraband at a correctional facility.

4590 (tt) Section 985.701, relating to sexual misconduct in  
4591 juvenile justice programs.

4592 (uu) Section 985.711, relating to introduction, removal,  
4593 or possession of contraband at a juvenile detention facility or  
4594 commitment program.

4595 (2) Any misdemeanor offense prohibited under any of the  
4596 following statutes:

4597 (a) Section 784.03, relating to battery, if the victim of  
4598 the offense was a minor.

4599 (b) Section 787.025, relating to luring or enticing a  
4600 child.





4601 (3) Any criminal act committed in another state or under  
4602 federal law which, if committed in this state, constitutes an  
4603 offense prohibited under any statute listed in subsection (1) or  
4604 subsection (2).

4605 (4) Any delinquent act committed in this state or any  
4606 delinquent or criminal act committed in another state or under  
4607 federal law which, if committed in this state, qualifies an  
4608 individual for inclusion on the Registered Juvenile Sex Offender  
4609 List under s. 943.0435(1)(h)1.d.

4610 Section 36. Subsection (2) of section 1012.32, Florida  
4611 Statutes, is amended to read:

4612 1012.32 Qualifications of personnel.—

4613 (2)(a) Instructional and noninstructional personnel who  
4614 are hired or contracted to fill positions that require direct  
4615 contact with students in any district school system or  
4616 university lab school must, upon employment or engagement to  
4617 provide services, undergo background screening as required under  
4618 s. 1012.465 or s. 1012.56, whichever is applicable.

4619 (b) Instructional and noninstructional personnel who are  
4620 hired or contracted to fill positions in any charter school and  
4621 members of the governing board of any charter school, in  
4622 compliance with s. 1002.33(12)(g), must, upon employment,  
4623 engagement of services, or appointment, undergo background  
4624 screening as required under s. 1012.465 or s. 1012.56, whichever  
4625 is applicable, by filing with the district school board for the



4626 school district in which the charter school is located a  
4627 complete set of fingerprints taken by an authorized law  
4628 enforcement agency or an employee of the school or school  
4629 district who is trained to take fingerprints.

4630 (c) Instructional and noninstructional personnel who are  
4631 hired or contracted to fill positions that require direct  
4632 contact with students in an alternative school that operates  
4633 under contract with a district school system must, upon  
4634 employment or engagement to provide services, undergo background  
4635 screening as required under s. 1012.465 or s. 1012.56, whichever  
4636 is applicable, by filing with the district school board for the  
4637 school district to which the alternative school is under  
4638 contract a complete set of fingerprints taken by an authorized  
4639 law enforcement agency or an employee of the school or school  
4640 district who is trained to take fingerprints.

4641 (d) Student teachers and persons participating in a field  
4642 experience pursuant to s. 1004.04(5) or s. 1004.85 in any  
4643 district school system, lab school, or charter school must, upon  
4644 engagement to provide services, undergo background screening as  
4645 required under s. 1012.56.

4646  
4647 Fingerprints shall be submitted to the Department of Law  
4648 Enforcement for statewide criminal and juvenile records checks  
4649 and to the Federal Bureau of Investigation for federal criminal  
4650 records checks. A person subject to this subsection who is found



4651 | ineligible for employment under s. 1012.315, or otherwise found  
4652 | through background screening to have been convicted of any crime  
4653 | involving moral turpitude as defined by rule of the State Board  
4654 | of Education, shall not be employed, engaged to provide  
4655 | services, or serve in any position that requires direct contact  
4656 | with students. Probationary persons subject to this subsection  
4657 | terminated because of their criminal record have the right to  
4658 | appeal such decisions. The cost of the background screening may  
4659 | be borne by the district school board, the charter school, the  
4660 | employee, the contractor, or a person subject to this  
4661 | subsection. A district school board shall reimburse a charter  
4662 | school the cost of background screening if it does not notify  
4663 | the charter school of the eligibility of a governing board  
4664 | members or instructional or noninstructional personnel within  
4665 | the earlier of 14 days after receipt of the background screening  
4666 | results from the Florida Department of Law Enforcement or 30  
4667 | days of submission of fingerprints by the governing board member  
4668 | or instructional or noninstructional personnel.

4669 |       Section 37. Section 1012.562, Florida Statutes, is amended  
4670 | to read:

4671 |       1012.562 Public accountability and state approval of  
4672 | school leader preparation programs.—The Department of Education  
4673 | shall establish a process for the approval of Level I and Level  
4674 | II school leader preparation programs that will enable aspiring  
4675 | school leaders to obtain their certificate in educational



4676 leadership under s. 1012.56. School leader preparation programs  
4677 must be competency-based, aligned to the principal leadership  
4678 standards adopted by the state board, and open to individuals  
4679 employed by public schools, including charter schools and  
4680 virtual schools. Level I programs ~~may be offered by school~~  
4681 ~~districts or postsecondary institutions~~ and lead to initial  
4682 certification in educational leadership for the purpose of  
4683 preparing individuals to serve as school administrators. Level  
4684 II programs ~~may be offered by school districts~~, build upon Level  
4685 I training, and lead to renewal certification as a school  
4686 principal.

4687 (1) PURPOSE.—The purpose of school leader preparation  
4688 programs are to:

4689 (a) Increase the supply of effective school leaders in the  
4690 public schools of this state.

4691 (b) Produce school leaders who are prepared to lead the  
4692 state's diverse student population in meeting high standards for  
4693 academic achievement.

4694 (c) Enable school leaders to facilitate the development  
4695 and retention of effective and highly effective classroom  
4696 teachers.

4697 (d) Produce leaders with the competencies and skills  
4698 necessary to achieve the state's education goals.

4699 (e) Sustain the state system of school improvement and  
4700 education accountability.



4701 (2) LEVEL I PROGRAMS.—

4702 (a) Initial approval of a Level I program shall be for a  
4703 period of 5 years. A postsecondary institution, or ~~or~~ school  
4704 district, charter school, or charter management organization may  
4705 submit to the department in a format prescribed by the  
4706 department an application to establish a Level I school leader  
4707 preparation program. To be approved, a Level I program must:

4708 1. Provide competency-based training aligned to the  
4709 principal leadership standards adopted by the State Board of  
4710 Education.

4711 2. If the program is provided by a postsecondary  
4712 institution, partner with at least one school district.

4713 3. Describe the qualifications that will be used to  
4714 determine program admission standards, including a candidate's  
4715 instructional expertise and leadership potential.

4716 4. Describe how the training provided through the program  
4717 will be aligned to the personnel evaluation criteria under s.  
4718 1012.34.

4719 (b) Renewal of a Level I program's approval shall be for a  
4720 period of 5 years and shall be based upon evidence of the  
4721 program's continued ability to meet the requirements of  
4722 paragraph (a). A postsecondary institution or school district  
4723 must submit an institutional program evaluation plan in a format  
4724 prescribed by the department for a Level I program to be  
4725 considered for renewal. The plan must include:



4726           1. The percentage of personnel who complete the program  
4727 and are placed in school leadership positions in public schools  
4728 within the state.

4729           2. Results from the personnel evaluations required under  
4730 s. 1012.34 for personnel who complete the program.

4731           3. The passage rate of personnel who complete the program  
4732 on the Florida Education Leadership Examination.

4733           4. The impact personnel who complete the program have on  
4734 student learning as measured by the formulas developed by the  
4735 commissioner pursuant to s. 1012.34(7).

4736           5. Strategies for continuous improvement of the program.

4737           6. Strategies for involving personnel who complete the  
4738 program, other school personnel, community agencies, business  
4739 representatives, and other stakeholders in the program  
4740 evaluation process.

4741           7. Additional data included at the discretion of the  
4742 postsecondary institution or school district.

4743           (c) A Level I program must guarantee the high quality of  
4744 personnel who complete the program for the first 2 years after  
4745 program completion or the person's initial certification as a  
4746 school leader, whichever occurs first. If a person who completed  
4747 the program is evaluated at less than highly effective or  
4748 effective under s. 1012.34 and the person's employer requests  
4749 additional training, the Level I program must provide additional  
4750 training at no cost to the person or his or her employer. The



4751 training must include the creation of an individualized plan  
4752 agreed to by the employer that includes specific learning  
4753 outcomes. The Level I program is not responsible for the  
4754 person's employment contract with his or her employer.

4755 (3) LEVEL II PROGRAMS.—Initial approval and subsequent  
4756 renewal of a Level II program shall be for a period of 5 years.  
4757 A school district, charter school, or charter management  
4758 organization may submit to the department in a format prescribed  
4759 by the department an application to establish a Level II school  
4760 leader preparation program or for program renewal. To be  
4761 approved or renewed, a Level II program must:

4762 (a) Demonstrate that personnel accepted into the Level II  
4763 program have:

4764 1. Obtained their certificate in educational leadership  
4765 under s. 1012.56.

4766 2. Earned a highly effective or effective designation  
4767 under s. 1012.34.

4768 3. Satisfactorily performed instructional leadership  
4769 responsibilities as measured by the evaluation system in s.  
4770 1012.34.

4771 (b) Demonstrate that the Level II program:

4772 1. Provides competency-based training aligned to the  
4773 principal leadership standards adopted by the State Board of  
4774 Education.

4775 2. Provides training aligned to the personnel evaluation



4776 criteria under s. 1012.34 and professional development program  
4777 in s. 1012.986.

4778 3. Provides individualized instruction using a customized  
4779 learning plan for each person enrolled in the program that is  
4780 based on data from self-assessment, selection, and appraisal  
4781 instruments.

4782 4. Conducts program evaluations and implements program  
4783 improvements using input from personnel who completed the  
4784 program and employers and data gathered pursuant to paragraph  
4785 (2) (b).

4786 (c) Gather and monitor the data specified in paragraph  
4787 (2) (b).

4788 (4) RULES.—The State Board of Education shall adopt rules  
4789 to administer this section.

4790 Section 38. Paragraph (b) of subsection (1) of section  
4791 1012.586, Florida Statutes, is amended to read:

4792 1012.586 Additions or changes to certificates; duplicate  
4793 certificates.—A school district may process via a Department of  
4794 Education website certificates for the following applications of  
4795 public school employees:

4796 (1) Addition of a subject coverage or endorsement to a  
4797 valid Florida certificate on the basis of the completion of the  
4798 appropriate subject area testing requirements of s.  
4799 1012.56(5) (a) or the completion of the requirements of an  
4800 approved school district program or the inservice components for





4801 an endorsement.

4802 (b) By July 1, 2018, and at least once every 5 years  
4803 thereafter, the department shall conduct a review of existing  
4804 subject coverage or endorsement requirements in the elementary,  
4805 reading, and exceptional student educational areas. The review  
4806 must include reciprocity requirements for out-of-state  
4807 certificates and requirements for demonstrating competency in  
4808 the reading instruction professional development topics listed  
4809 in s. 1012.98(4)(b)11. The review must also consider the award  
4810 of an endorsement to an individual who holds a certificate  
4811 issued by an internationally recognized organization that  
4812 establishes standards for providing evidence-based interventions  
4813 to struggling readers or who completes a postsecondary program  
4814 that is accredited by such organization. Any such certificate or  
4815 program must require an individual who completes the certificate  
4816 or program to demonstrate competence in reading intervention  
4817 strategies through clinical experience. At the conclusion of  
4818 each review, the department shall recommend to the state board  
4819 changes to the subject coverage or endorsement requirements  
4820 based upon any identified instruction or intervention strategies  
4821 proven to improve student reading performance. This paragraph  
4822 does not authorize the state board to establish any new  
4823 certification subject coverage.

4824  
4825 The employing school district shall charge the employee a fee



4826 | not to exceed the amount charged by the Department of Education  
4827 | for such services. Each district school board shall retain a  
4828 | portion of the fee as defined in the rules of the State Board of  
4829 | Education. The portion sent to the department shall be used for  
4830 | maintenance of the technology system, the web application, and  
4831 | posting and mailing of the certificate.

4832 |       Section 39. Paragraph (b) of subsection (3) of section  
4833 | 1012.731, Florida Statutes, is amended to read:

4834 |       1012.731 The Florida Best and Brightest Teacher  
4835 | Scholarship Program.—

4836 |       (3)

4837 |       (b)1. In order to demonstrate eligibility for an award, an  
4838 | eligible classroom teacher must submit to the school district,  
4839 | no later than November 1, an official record of his or her  
4840 | qualifying assessment score and, beginning with the 2020-2021  
4841 | school year, an official transcript demonstrating that he or she  
4842 | graduated cum laude or higher with a baccalaureate degree, if  
4843 | applicable. Once a classroom teacher is deemed eligible by the  
4844 | school district, the teacher shall remain eligible as long as he  
4845 | or she remains employed by the school district as a classroom  
4846 | teacher at the time of the award and receives an annual  
4847 | performance evaluation rating of highly effective pursuant to s.  
4848 | 1012.34 or is evaluated as highly effective based on a  
4849 | commissioner-approved student learning growth formula pursuant  
4850 | to s. 1012.34(8) for the 2019-2020 school year or thereafter.



4851           2. A school district employee who is no longer a classroom  
4852 teacher may receive an award if the employee was a classroom  
4853 teacher in the prior school year, was rated highly effective,  
4854 and met the requirements of this section as a classroom teacher.

4855           Section 40. Paragraph (e) of subsection (1) of section  
4856 1012.796, Florida Statutes, is amended to read:

4857           1012.796 Complaints against teachers and administrators;  
4858 procedure; penalties.-

4859           (1)

4860           (e) If allegations arise against an employee who is  
4861 certified under s. 1012.56 and employed in an educator-  
4862 certificated position in any public school, charter school or  
4863 governing board thereof, or private school that accepts  
4864 scholarship students who participate in a state scholarship  
4865 program under chapter 1002 ~~under s. 1002.39 or s. 1002.395~~, the  
4866 school shall file in writing with the department a legally  
4867 sufficient complaint within 30 days after the date on which the  
4868 subject matter of the complaint came to the attention of the  
4869 school. A complaint is legally sufficient if it contains  
4870 ultimate facts that show a violation has occurred as provided in  
4871 s. 1012.795 and defined by rule of the State Board of Education.  
4872 The school shall include all known information relating to the  
4873 complaint with the filing of the complaint. This paragraph does  
4874 not limit or restrict the power and duty of the department to  
4875 investigate complaints, regardless of the school's untimely



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4876 filing, or failure to file, complaints and followup reports.

4877 Section 41. Subsection (11) of section 1012.98, Florida  
4878 Statutes, is amended to read:

4879 1012.98 School Community Professional Development Act.—

4880 (11) The department shall disseminate to the school  
4881 community proven model professional development programs that  
4882 have demonstrated success in increasing rigorous and relevant  
4883 content, increasing student achievement and engagement, meeting  
4884 identified student needs, and providing effective mentorship  
4885 activities to new teachers and training to teacher mentors. The  
4886 methods of dissemination must include a web-based statewide  
4887 performance-support system including a database of exemplary  
4888 professional development activities, a listing of available  
4889 professional development resources, training programs, and  
4890 available technical assistance. Professional development  
4891 resources must include sample course-at-a-glance and unit  
4892 overview templates that school districts may use when developing  
4893 curriculum. The templates must provide an organized structure  
4894 for addressing the Florida Standards, grade-level expectations,  
4895 evidence outcomes, and 21st century skills that build to  
4896 students' mastery of the standards at each grade level. Each  
4897 template must support teaching to greater intellectual depth and  
4898 emphasize transfer and application of concepts, content, and  
4899 skills. At a minimum, each template must:

4900 (a) Provide course or year-long sequencing of concept-



4901 based unit overviews based on the Florida Standards.

4902 (b) Describe the knowledge and vocabulary necessary for

4903 comprehension.

4904 (c) Promote the instructional shifts required within the

4905 Florida Standards.

4906 (d) Illustrate the interdependence of grade level

4907 expectations within and across content areas within a grade.

4908 Section 42. Paragraph (a) of subsection (2) of section

4909 1013.28, Florida Statutes, is amended to read:

4910 1013.28 Disposal of property.—

4911 (2) TANGIBLE PERSONAL PROPERTY.—

4912 (a) Tangible personal property that has been properly

4913 classified as surplus by a district school board or Florida

4914 College System institution board of trustees shall be disposed

4915 of in accordance with the procedure established by chapter 274.

4916 However, the provisions of chapter 274 shall not be applicable

4917 to a motor vehicle used in driver education to which title is

4918 obtained for a token amount from an automobile dealer or

4919 manufacturer. In such cases, the disposal of the vehicle shall

4920 be as prescribed in the contractual agreement between the

4921 automotive agency or manufacturer and the board. Tangible

4922 personal property that has been properly classified as surplus,

4923 marked for disposal, or otherwise unused by a district school

4924 board shall be provided for a charter school's use on the same

4925 basis as it is made available to other public schools in the



4926 district. A charter school receiving property from the school  
4927 district may not sell or dispose of such property without the  
4928 written permission of the school district.

4929 Section 43. Present paragraphs (a) through (d) of  
4930 subsection (1) of section 1013.31, Florida Statutes, are  
4931 redesignated as paragraphs (b) through (e), respectively, and a  
4932 new paragraph (a) is added to that subsection, to read:

4933 1013.31 Educational plant survey; localized need  
4934 assessment; PECO project funding.—

4935 (1) At least every 5 years, each board shall arrange for  
4936 an educational plant survey, to aid in formulating plans for  
4937 housing the educational program and student population, faculty,  
4938 administrators, staff, and auxiliary and ancillary services of  
4939 the district or campus, including consideration of the local  
4940 comprehensive plan. The Department of Education shall document  
4941 the need for additional career and adult education programs and  
4942 the continuation of existing programs before facility  
4943 construction or renovation related to career or adult education  
4944 may be included in the educational plant survey of a school  
4945 district or Florida College System institution that delivers  
4946 career or adult education programs. Information used by the  
4947 Department of Education to establish facility needs must  
4948 include, but need not be limited to, labor market data, needs  
4949 analysis, and information submitted by the school district or  
4950 Florida College System institution.



4951 (a) Educational plant survey and localized need assessment  
4952 for capital outlay purposes.—A district may only use funds from  
4953 the following sources for educational, auxiliary, and ancillary  
4954 plant capital outlay purposes without needing a survey  
4955 recommendation:

4956 1. The local capital outlay improvement fund, consisting  
4957 of funds that come from and are a part of the district's basic  
4958 operating budget;

4959 2. If a board decides to build an educational, auxiliary,  
4960 or ancillary facility without a survey recommendation and the  
4961 taxpayers approve a bond referendum, the voted bond referendum;

4962 3. One-half cent sales surtax revenue;

4963 4. One cent local governmental surtax revenue;

4964 5. Impact fees; and

4965 6. Private gifts or donations.

4966 Section 44. Paragraph (e) is added to subsection (2) of  
4967 section 1013.385, Florida Statutes, to read:

4968 1013.385 School district construction flexibility.—

4969 (2) A resolution adopted under this section may propose  
4970 implementation of exceptions to requirements of the uniform  
4971 statewide building code for the planning and construction of  
4972 public educational and ancillary plants adopted pursuant to ss.  
4973 553.73 and 1013.37 relating to:

4974 (e) Any other provisions that limit the ability of a  
4975 school to operate in a facility on the same basis as a charter



4976 school pursuant to s. 1002.33(18) so long as the regional  
4977 planning council determines that there is sufficient shelter  
4978 capacity within the school district as documented in the  
4979 Statewide Emergency Shelter Plan.

4980 Section 45. Subsections (1), (3), and (5) of section  
4981 1013.62, Florida Statutes, are amended to read:

4982 1013.62 Charter schools capital outlay funding.—

4983 (1) For the 2018-2019 fiscal year, charter school capital  
4984 outlay funding shall consist of ~~revenue resulting from the~~  
4985 ~~discretionary millage authorized in s. 1011.71(2) and state~~  
4986 ~~funds when such funds are~~ appropriated in the 2018-2019 General  
4987 Appropriations Act. Beginning in fiscal year 2019-2020, charter  
4988 school capital outlay funding shall consist of state funds when  
4989 such funds are appropriated in the General Appropriations Act  
4990 and revenue resulting from the discretionary millage authorized  
4991 in s. 1011.71(2) if the amount of state funds appropriated for  
4992 charter school capital outlay in any fiscal year is less than  
4993 the average charter school capital outlay funds per unweighted  
4994 full-time equivalent student for the 2018-2019 fiscal year,  
4995 multiplied by the estimated number of charter school students  
4996 for the applicable fiscal year, and adjusted by changes in the  
4997 Consumer Price Index issued by the United States Department of  
4998 Labor from the previous fiscal year. Nothing in this subsection  
4999 prohibits a school district from distributing to charter schools  
5000 funds resulting from the discretionary millage authorized in s.





5001 1011.71(2).

5002 (a) To be eligible to receive capital outlay funds, a  
5003 charter school must:

5004 1.a. Have been in operation for 2 or more years;

5005 b. Be governed by a governing board established in the  
5006 state for 2 or more years which operates both charter schools  
5007 and conversion charter schools within the state;

5008 c. Be an expanded feeder chain of a charter school within  
5009 the same school district that is currently receiving charter  
5010 school capital outlay funds;

5011 d. Have been accredited by a regional accrediting  
5012 association as defined by State Board of Education rule; or

5013 e. Serve students in facilities that are provided by a  
5014 business partner for a charter school-in-the-workplace pursuant  
5015 to s. 1002.33(15)(b).

5016 2. Have an annual audit that does not reveal any of the  
5017 financial emergency conditions provided in s. 218.503(1) for the  
5018 most recent fiscal year for which such audit results are  
5019 available.

5020 3. Have satisfactory student achievement based on state  
5021 accountability standards applicable to the charter school.

5022 4. Have received final approval from its sponsor pursuant  
5023 to s. 1002.33 for operation during that fiscal year.

5024 5. Serve students in facilities that are not provided by  
5025 the charter school's sponsor.



5026 (b) A charter school is not eligible to receive capital  
5027 outlay funds if it was created by the conversion of a public  
5028 school and operates in facilities provided by the charter  
5029 school's sponsor for a nominal fee, or at no charge, or if it is  
5030 directly or indirectly operated by the school district.

5031 (3) If the school board levies the discretionary millage  
5032 authorized in s. 1011.71(2), and the state funds appropriated  
5033 for charter school capital outlay in any fiscal year are less  
5034 than the average charter school capital outlay funds per  
5035 unweighted full-time equivalent student for the 2018-2019 fiscal  
5036 year, multiplied by the estimated number of charter school  
5037 students for the applicable fiscal year, and adjusted by changes  
5038 in the Consumer Price Index issued by the United States  
5039 Department of Labor from the previous fiscal year, the  
5040 department shall use the following calculation methodology to  
5041 determine the amount of revenue that a school district must  
5042 distribute to each eligible charter school:

5043 (a) Reduce the total discretionary millage revenue by the  
5044 school district's annual debt service obligation incurred as of  
5045 March 1, 2017, which has not been subsequently retired, and any  
5046 amount of participation requirement pursuant to s.  
5047 1013.64(2)(a)8. that is being satisfied by revenues raised by  
5048 the discretionary millage.

5049 (b) Divide the school district's adjusted discretionary  
5050 millage revenue by the district's total capital outlay full-time



5051 equivalent membership and the total number of unweighted full-  
5052 time equivalent students of each eligible charter school to  
5053 determine a capital outlay allocation per full-time equivalent  
5054 student.

5055 (c) Multiply the capital outlay allocation per full-time  
5056 equivalent student by the total number of full-time equivalent  
5057 students of each eligible charter school to determine the  
5058 capital outlay allocation for each charter school.

5059 (d) If applicable, reduce the capital outlay allocation  
5060 identified in paragraph (c) by the total amount of state funds  
5061 allocated to each eligible charter school in subsection (2) to  
5062 determine the maximum calculated capital outlay allocation.

5063 (e) School districts shall distribute capital outlay funds  
5064 to charter schools no later than February 1 of each year, as  
5065 required by this subsection, based on the amount of funds  
5066 received by the district school board, ~~beginning on February 1,~~  
5067 ~~2018, for the 2017-2018 fiscal year.~~ School districts shall  
5068 distribute any remaining capital outlay funds, as required by  
5069 this subsection, upon the receipt of such funds until the total  
5070 amount calculated pursuant to this subsection is distributed.

5071  
5072 By October 1 of each year, each school district shall certify to  
5073 the department the amount of debt service and participation  
5074 requirement that complies with the requirement of paragraph (a)  
5075 and can be reduced from the total discretionary millage revenue.



5076 | The Auditor General shall verify compliance with the  
5077 | requirements of paragraph (a) and s. 1011.71(2)(e) during  
5078 | scheduled operational audits of school districts.

5079 | (5) If a charter school is nonrenewed or terminated, any  
5080 | unencumbered funds and all equipment and property purchased with  
5081 | district public funds shall revert to the ownership of the  
5082 | district school board, as provided for in s. 1002.33(8)(d) and  
5083 | (e) ~~s. 1002.33(8)(e) and (f)~~. In the case of a charter lab  
5084 | school, any unencumbered funds and all equipment and property  
5085 | purchased with university public funds shall revert to the  
5086 | ownership of the state university that issued the charter. The  
5087 | reversion of such equipment, property, and furnishings shall  
5088 | focus on recoverable assets, but not on intangible or  
5089 | irrecoverable costs such as rental or leasing fees, normal  
5090 | maintenance, and limited renovations. The reversion of all  
5091 | property secured with public funds is subject to the complete  
5092 | satisfaction of all lawful liens or encumbrances. If there are  
5093 | additional local issues such as the shared use of facilities or  
5094 | partial ownership of facilities or property, these issues shall  
5095 | be agreed to in the charter contract prior to the expenditure of  
5096 | funds.

5097 | Section 46. For the 2018-2019 fiscal year, the sum of  
5098 | \$13,750,000 in recurring funds from the General Revenue Fund and  
5099 | the sum of \$100,000 in nonrecurring funds from the General  
5100 | Revenue Fund are appropriated to the Department of Education to



5101 implement this act, except as provided in this section. Of the  
5102 recurring funds, \$9,700,000 shall be used to fund reading  
5103 scholarship accounts pursuant to s. 1002.411, Florida Statutes,  
5104 \$300,000 shall be provided as an administrative fee pursuant to  
5105 s. 1002.411(7)(g), Florida Statutes, \$2,000,000 shall be used to  
5106 implement the provisions of s. 1002.40(8), Florida Statutes,  
5107 \$950,000 shall be used to implement the additional oversight  
5108 requirements pursuant to s. 1002.421, Florida Statutes, \$250,000  
5109 shall be used to issue a competitive grant award pursuant to s.  
5110 1002.395(9), Florida Statutes, and \$550,000 shall be used for  
5111 instructional materials pursuant to s. 1007.271(13), Florida  
5112 Statutes. Of the nonrecurring funds, and contingent upon HB 1279  
5113 or similar legislation in the 2018 regular session or an  
5114 extension thereof becoming law, \$100,000 shall be used to  
5115 implement the provisions of s. 1011.051(2)(b), Florida Statutes,  
5116 as provided in HB 1279.

5117 Section 47. For the 2017-2018 fiscal year, the sum of  
5118 \$150,000 in nonrecurring funds from the General Revenue Fund are  
5119 appropriated to the Department of Revenue to implement the  
5120 creation of s. 212.099, Florida Statutes, by this act.

5121 Section 48. The amendments made by this act to ss. 220.13,  
5122 220.1875, and 1002.395, Florida Statutes, apply to taxable years  
5123 beginning on or after January 1, 2018.

5124 Section 49. (1) The Department of Revenue is authorized,  
5125 and all conditions are deemed to be met, to adopt emergency



5126 rules pursuant to s. 120.54(4), Florida Statutes, for the  
5127 purpose of administering the provisions of this act.

5128 (2) Notwithstanding any other provision of law, emergency  
5129 rules adopted pursuant to subsection (1) are effective for 6  
5130 months after adoption and may be renewed during the pendency of  
5131 procedures to adopt permanent rules addressing the subject of  
5132 the emergency rules.

5133 (3) This section shall take effect upon this act becoming  
5134 a law and shall expire January 1, 2022.

5135 Section 50. For the 2017-2018 school year, students  
5136 enrolled in Marjory Stoneman Douglas High School are exempt from  
5137 taking the statewide standardized assessments administered  
5138 pursuant to s. 1008.22, Florida Statutes, and the use of  
5139 assessment results for course grades pursuant to s. 1003.4282,  
5140 Florida Statutes; however, the school shall administer industry  
5141 certification assessments, national assessments, and statewide  
5142 standardized assessments for any student who chooses to take the  
5143 assessment. Students who are in the 2017-2018 graduating class  
5144 are exempt from the minimum hours of instruction requirement of  
5145 s. 1003.436, Florida Statutes, and from being required to use  
5146 certain assessments to earn a standard high school diploma  
5147 pursuant to s. 1003.4282, Florida Statutes, and to earn standard  
5148 high school diploma designations pursuant to s. 1003.4285,  
5149 Florida Statutes. Notwithstanding s. 1008.34, Florida Statutes,  
5150 the school grade of "A" earned by Marjory Stoneman Douglas High



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5151 | School for the 2016-2017 school year shall be used for the 2017-  
5152 | 2018 school year to maintain eligibility for designation as a  
5153 | School of Excellence pursuant to s. 1003.631, Florida Statutes,  
5154 | and award of school recognition pursuant to s. 1008.36, Florida  
5155 | Statutes.

5156 |       Section 51. Except as otherwise expressly provided in this  
5157 | act and except for this section, which shall take effect upon  
5158 | this act becoming a law, this act shall take effect July 1,  
5159 | 2018.