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1
 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

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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

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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

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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

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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

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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

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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

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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.

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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

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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

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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

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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

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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

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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

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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.

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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

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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

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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.

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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

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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

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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-

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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.

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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

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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

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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

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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,

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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

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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

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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

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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.

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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);

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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

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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

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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

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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

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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.

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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

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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

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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

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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

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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

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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:~~

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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

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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."

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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

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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

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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)(e).~~ 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)(e)-~~
 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

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- 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

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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

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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:

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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

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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

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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:

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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

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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

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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"

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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

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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~~

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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~~

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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

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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

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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 |

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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.

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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~~

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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~~

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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~~

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1651 ~~emissions 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~~

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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~~

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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 ~~e. 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.~~

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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~~

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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

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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

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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

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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

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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)(e)~~
 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)(e)~~; 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

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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)(g) ~~paragraph (8)(e)~~ if the scholarship-funding
 1900 organization provided the majority of the scholarship funding to

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1901 the school. For each private school subject to s. 1002.421(1)(g)
 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)(g) ~~paragraph (8)(e)~~; or

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

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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~~

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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) (c) 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

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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~~

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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) (c) 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

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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

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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~~

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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~~

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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~~

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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~~

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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~~

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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 ~~e. 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.—

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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,

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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

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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.

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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.

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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

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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:

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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

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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

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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.

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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.

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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

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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

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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.

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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

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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.

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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

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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

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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

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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

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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.

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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,

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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.

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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

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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~~

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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.

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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

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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

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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

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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.

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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:

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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

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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.—

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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

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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

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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

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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.—

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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

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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

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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

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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

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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

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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

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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

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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

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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.—

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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

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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.

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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

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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

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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,~~

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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-~~

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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 FEFPP 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.

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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

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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

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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

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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.

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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

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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

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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.

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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

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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

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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.—

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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.

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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

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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

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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

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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~~r~~

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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:

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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;

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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

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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

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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.

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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.—

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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

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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

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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.

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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,

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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.

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- 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.

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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.

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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

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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

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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

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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.

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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:

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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

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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

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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

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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

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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.

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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-

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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

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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.

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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

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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.

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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.

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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

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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.

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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

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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

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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.