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## COMMITTEE MEETING EXPANDED AGENDA

### EDUCATION

**Senator Diaz, Chair**

**Senator Montford, Vice Chair**

### MEETING DATE:

Monday, February 17, 2020

### TIME:

1:30—3:30 p.m.

### PLACE:

*Pat Thomas Committee Room, 412 Knott Building*

### MEMBERS:

Senator Diaz, Chair; Senator Montford, Vice Chair; Senators Baxley, Berman, Cruz, Perry, Simmons, and Stargel

### TAB BILL NO. and INTRODUCER

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<td>Postsecondary Fee Exemptions; Deleting an exemption from specified tuition and fees for students enrolled in approved apprenticeship programs at specified institutions, etc.</td>
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<td>2 <strong>SB 1412</strong> Powell (Identical H 1101, Compare H 357, H 439, S 642)</td>
<td>Internship Tax Credit Program; Creating the &quot;Florida Internship Tax Credit Program&quot;; providing a credit against the corporate income tax to a taxpayer employing a degree-seeking student intern if certain criteria are met; specifying the amount of the credit; specifying a limit on the credit claimed per taxable year, etc.</td>
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<td>3 <strong>SB 1498</strong> Baxley (Compare CS/H 7079)</td>
<td>School Turnaround; Revising the criteria for schools that are deemed to be in need of intervention and support; providing that a school district may request to change a turnaround option after the first year of implementation; providing new requirements for schools that complete a district-managed turnaround plan and do not improve; authorizing the State Board of Education to revoke a turnaround plan when the school district has failed to follow the terms or meet the requirements of its approved plan, etc.</td>
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<td>SB 1650 Simmons (Compare CS/H 81, CS/S 190)</td>
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Other Related Meeting Documents
I. Summary:

SB 1322 removes the tuition and fee exemption for students in approved apprenticeship programs that partner with school districts, Florida College System institutions, and state universities for the instructional portion of a program.

The bill has no impact on state expenditures, and an indeterminate impact on state revenue.

The bill takes effect on July 1, 2020.

II. Present Situation:

Tuition and Fees

Tuition is the basic fee charged to a student for instruction provided by a public postsecondary educational institution in this state.\(^1\) In addition to tuition, Florida law authorizes district school boards, and Florida College System (FCS) institution and state university boards of trustees to establish fees.\(^2\) Fees may include, but are not limited to, out-of-state, financial aid, capital improvement, technology, activity and service, athletic, and health fees. Additionally, students may be assessed certain usage fees, fines, and surcharges.\(^3\) All postsecondary workforce education, FCS institution, and state university students are charged fees except students who are exempt from fees or students whose fees are waived.\(^4\)

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\(^1\) Section 1009.01(1), F.S. Tuition for workforce education programs leading to a career certificate or an applied technology diploma is $2.33 per contact hour. Section 1009.22(3)(c), F.S. Tuition at a Florida College System institution is $71.98 per credit hour, and $91.79 per credit hour for baccalaureate degree programs. Section 1009.23(3)(a), F.S. Tuition at a state university is $105.07 per credit hour. Section 1009.24(4)(a), F.S.

\(^2\) Sections 1009.22, 1009.23, and 1009.24, F.S.

\(^3\) Sections 1009.22(9), 1009.23(12)(a), 1009.24(14) and 1009.286, F.S.

\(^4\) Sections 1009.22(2), 1009.23(2)(a), and 1009.24(2), F.S.
Fee Exemptions

Florida law specifies a number of exemptions from the payment of tuition and fees, including laboratory fees, for students at a school district that provides workforce education programs, an FCS institution, or a state university. One such exemption is for students who are enrolled in an approved apprenticeship program.

Apprenticeship Programs

It is the intent of the state for apprenticeship programs to provide educational opportunities for its residents so that they can be trained for trades, occupations, and professions suited to their abilities, and benefit from the valuable training opportunities developed when on-the-job training is combined with academic-related classroom experiences.

An apprenticeship program is an organized course of instruction, registered and approved by the Department of Education (DOE), which contains all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices. The apprenticeship program sponsor operates and registers an approved apprenticeship program. A sponsor may be a committee, a group of employers, an employer, or a group of employees, or any combination thereof.

Sponsors may elect to provide classroom instruction privately, or partner with a local educational agency, such as a school district or FCS institution, to provide related and

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5 Tuition and fee exemptions include students in dual enrollment programs, children in foster care or who were adopted, students in welfare transition programs, homeless students, and specified child protection and child welfare personnel in certain degree programs. Section 1009.25(1), F.S.
6 Students enrolled in registered apprenticeship programs offered through school districts and FCS institutions may be assessed user fees and fines as specified in s. 1009.22(9), F.S., which may include, but are not limited to, parking fees and fines, library fees and fines, fees and fines relating to facilities and equipment use or damage, access or identification card fees, photocopying, transcript fees, or diploma fees. Florida Department of Education, 2019 Agency Legislative Bill Analysis of HB 6035 (Oct. 31, 2019), at 2. The exemption does not apply to non-apprenticeship program related courses; only courses identified in the Standards of Apprenticeship documentation for the program, as required by rule 6A-23.004, F.A.C., are exempt. Id.
7 Section 446.011, F.S.
8 Approval and registration of apprenticeship programs is detailed in rule 6A-23.003, F.A.C., based on standards established in rule 6A-23.004, F.A.C.
9 Section 446.021(6), F.S. An “apprentice” is a person at least 16 years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of journeyman craftsmen, which should be combined with properly coordinated studies of technical and supplementary subjects. Section 446.021(2), F.S.
10 Rule 65A-23.002(21), F.A.C.
11 Section 446.071(2), F.S.
12 Many programs have internal training funds that may come from a variety of sources, including training fees assessed to members in joint (or union) programs. Florida Department of Education, 2019 Agency Legislative Bill Analysis of HB 6035 (Oct. 31, 2019), at 2.
13 Though not defined in the U.S. Department of Labor federal regulations governing registered apprenticeship programs, the U.S. Department of Education regulations define a local educational agency as a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency having administrative control and direction of a vocational education program. 34 C.F.R. s. 400.4.
supplemental classroom instruction. The extent or amount of related instruction provided by educational institution varies depending on the apprenticeship program.

The administration and supervision of related and supplemental instruction for apprentices, coordination of such instruction with job experiences, and selection and training of teachers and coordinators for such instruction is the responsibility of the appropriate career education institution. School districts and FCS institutions locally negotiate fees for services with the sponsor for costs such as curriculum development, instructors, facilities, and documentation. These types of costs may be charged to the apprenticeship program, but not to the apprentice enrolled in the school district or FCS institution program.

Workforce education programs specified in law include registered apprenticeship programs. This provides school districts and FCS institutions authority to offer registered apprenticeship through their educational programs and to spend their state operating funds for the support of these programs.

Generally, operating funds for school district postsecondary workforce education programs and FCS institutions are generated by student tuition and fees and by state funds. School district workforce education state operating funds are provided in the General Appropriations Act (GAA) through the Workforce Development Funds category. FCS institution state operating funds are provided annually in the GAA through the FCS Program Fund category. Apprenticeship programs are supported by state operating funds, tuition and fee revenue from other programs, and any contributions by sponsors. State operating funds cover the cost of classroom instruction, but may not reflect actual school district and FCS institution program enrollments. In addition, school districts and FCS institutions incur administrative costs for apprenticeship programs that are not included in the funding provided for instruction. In 2017-2018, apprenticeship program instructional costs in school districts and FCS institutions were approximately $21 million, and administrative costs were almost $1.8 million.

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14 Section 446.051(2), F.S. “Related instruction” means an organized and systematic form of instruction designed to provide the apprentice with knowledge of the theoretical subjects related to a specific trade or occupation. Section 446.021(9), F.S.
16 Section 446.051(1), F.S.
18 Section 1011.80(1), F.S.
20 For fee-exempt students, state funding is 100 percent of the average cost of instruction. Section 1011.80(6)(c), F.S.
22 Appropriations to the FCS Program Fund are based on a number of factors, including student enrollment. Section 1011.84(3)(b), F.S. Changes in current and projected student enrollment is reported in the State Board of Education legislative budget request. Section 1011.84(1)(a) and (3)(a), F.S.
School districts and FCS institutions may supplement funding for workforce education with funds provided in the GAA for student completion of specified industry certifications.\(^{24}\)

In 2018-2019, there were 228 apprenticeship programs registered with the DOE. Approximately 40 percent of such programs partnered with a school district or FCS institution for the required technical and supplemental instruction.\(^ {25}\) During that school year, there were 10,681 students enrolled in a school district apprenticeship program, and 2,798 students enrolled in an FCS apprenticeship program.\(^ {26}\)

### III. Effect of Proposed Changes:

The bill modifies s. 1009.25, F.S., to remove the tuition and fee exemption for students enrolled in a registered apprenticeship program that is partnering with a school district, Florida College System institution, or state university for the portions of the apprenticeship program that are delivered by the educational institution.

However, the bill does not adopt a fee structure for registered apprenticeship programs. The current level of $2.33 per contact hour is designated for programs leading to a career certificate or an applied technology diploma. Instruction as a part of an apprenticeship program may not lead toward either credential. Therefore, it is unclear if the existing tuition and fees for workforce education programs will apply to apprenticeship program instruction.

Apprenticeship program sponsors who partner with an educational institution often use the tuition and fee exemption as a recruitment tool for potential apprentices. If the tuition and fee exemption is removed, such sponsors may end the partnership with school districts and FCS institutions in favor of seeking alternate providers of related technical and supplemental instruction, or simply provide their own instruction.\(^ {27}\)

However, removing the tuition and fee exemption may assist in the expansion of apprenticeship programs because the institutions may be able to recover costs associated with instruction.\(^ {28}\) A recent report by a Florida Apprenticeship Catalyst Workgroup (workgroup) found that while there is some funding for the local education agency through state reimbursement for classroom hour attendance as with any student, there is no recovery of tuition for apprenticeship programs. Postsecondary institutions may use funding for their existing workforce programs provided by the state to allocate toward apprenticeship tuition. As this may reduce funding for other longstanding workforce training commitments, there is very little benefit to an education institution for offering apprenticeship programs.\(^ {29}\) The workgroup recommended the removal of the exemption for tuition and fees for students enrolled in apprenticeship programs.\(^ {30}\)

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24 Sections 1011.80(7)(b), F.S. and 1011.81(2), F.S.
26 Id.
27 Id. at 4.
28 Id.
30 Id. at 6.
The bill takes effect on July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:
   None.

B. Public Records/Open Meetings Issues:
   None.

C. Trust Funds Restrictions:
   None.

D. State Tax or Fee Increases:
   Article VII, s. 19, of the State Constitution requires that a new state tax or fee, as well as a raise in a state tax or fee, must be approved by two-thirds of the membership of each house of the Legislature and must be contained in a separate bill that contains no other subject. Article VII, s. 19(d)(1), of the State Constitution defines “fee” to mean “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.” Article VII, s. 19(d)(2), of the State Constitution includes in the definition of “raise” a decrease or elimination of a state tax or fee exemption or credit.

   The bill amends s. 1009.25, F.S., to eliminate a tuition and fee exemption for students in approved apprenticeship programs specified in law at public postsecondary institutions that provide the related technical instruction. As such, the State Constitution may require that the elimination of the tuition and fee exemption be passed by a two-thirds vote of the membership of each house of the Legislature. The bill contains no other subject.

E. Other Constitutional Issues:
   None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:
   None.

B. Private Sector Impact:
   There may be an increase in expenses for the student apprentices as a result of tuition and fees charges by a school district or Florida College System (FCS) institution that provides
the instruction portion of an apprenticeship program. The increased costs to the student are indeterminate at this time.\textsuperscript{31}

C. Government Sector Impact:

Revenues to school districts, FCS institutions, and state universities that provide the instructional portion of an apprenticeship program may increase as a result of tuition and fees paid to the institutions by the student apprentice. The financial impact is indeterminate at this time.\textsuperscript{32}

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1009.25 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

\textsuperscript{31} Florida Department of Education, 2019 Agency Legislative Bill Analysis of HB 6035 (Oct. 31, 2019), at 5.

\textsuperscript{32} Id. at 4.
A bill to be entitled An act relating to postsecondary fee exemptions; amending s. 1009.25, F.S.; deleting an exemption from specified tuition and fees for students enrolled in approved apprenticeship programs at specified institutions; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1) of section 1009.25, Florida Statutes, is amended to read:

1009.25 Fee exemptions.—
(1) The following students are exempt from the payment of tuition and fees, including lab fees, at a school district that provides workforce education programs, Florida College System institution, or state university:
(b) A student enrolled in an approved apprenticeship program, as defined in s. 446.021.

Section 2. This act shall take effect July 1, 2020.
The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT
(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1412
INTRODUCER: Senator Powell
SUBJECT: Internship Tax Credit Program
DATE: February 14, 2020

I. Summary:

SB 1412 creates the “Florida Internship Tax Credit Program” to authorize a tax credit of $2,000 for each degree-seeking student intern employed by a corporation, up to a maximum of $10,000 in any taxable year, beginning in taxable years on or after January 1, 2021. The bill also provides a definition of a degree-seeking student intern, responsibilities for postsecondary educational institutions and the Department of Revenue, and an authorization to carry forward any unused portion of a tax credit.

The bill does not have an impact on state revenues in 2020-2021, but is estimated to have a recurring impact of approximately $14 million.

The bill takes effect on July 1, 2020.

II. Present Situation:

Internships

The National Association of Colleges and Employers (NACE) defines an internship as “a form of experiential learning that integrates knowledge and theory learned in the classroom with practical application and skill development in a professional setting. Internships give students the opportunity to gain valuable applied experience and make connections in professional fields they are considering for career paths; and give employers the opportunity to guide and evaluate talent.”

NACE further defines criteria to determine if an experience is a legitimate internship:\(^2\)
- The experience must be an extension of the classroom: a learning experience that provides for applying the knowledge gained in the classroom. It must not be simply to advance the operations of the employer or be the work that a regular employee would routinely perform.
- The skills or knowledge learned must be transferable to other employment settings.
- The experience has a defined beginning and end, and a job description with desired qualifications.
- There are clearly defined learning objectives or goals related to the professional goals of the student’s academic coursework.
- There is supervision by a professional with expertise and educational or professional background in the field of the experience.
- There is routine feedback by the experienced supervisor.
- There are resources, equipment, and facilities provided by the host employer that support learning objectives/goals.

Internships are typically one-time work or service experiences related to the student’s major or career goal. The internship plan generally involves students working in professional settings under the supervision and monitoring of practicing professionals. Internships can be paid\(^3\) or unpaid,\(^4\) and the student may or may not receive academic credit for performing the internship.\(^5\)

**Florida’s Corporate Income Tax**

It is the intent of the Legislature to subject corporations\(^6\) and other entities to taxation for the privilege of conducting business, deriving income, or existing within this state.\(^7\)

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\(^4\) The U.S. Department of Labor (USDOL) provides information to help determine whether or not interns and students are considered employees entitled to minimum wages and overtime pay under the Fair Labor Standards Act. That test requires courts to analyze the “economic reality” of the intern’s relationship with his or her employer to evaluate whether the internship is primarily for the economic benefit of the employer or primarily for the educational benefit of the intern. USDOL, U.S. Wage and Hour Division, *Fact Sheet #71: Internship Programs Under the Fair Labor Standards Act* (updated Jan. 2018), available at [https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/whdfs71.pdf](https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/whdfs71.pdf).


\(^6\) “Corporation” includes all domestic corporations; foreign corporations qualified to do business in this state or actually doing business in this state; specified corporations included in chapters 605, 609, 617, 618, 621, 622, and 623; foreign corporations not for profit carrying on their activities in this state; and all other organizations, associations, legal entities, and artificial persons created by or pursuant to the statutes of this state, the United States, or any other state, territory, possession, or jurisdiction. The term “corporation” does not include proprietorships; partnerships of any type; limited liability companies that are taxable as partnerships for federal income tax purposes; state or public fairs or expositions, under chapter 616; estates of decedents or incompetents; testamentary trusts; or private trusts. Section 220.03(1)(e), F.S.

\(^7\) Section 220.02(1), F.S.
Certain corporations doing business in Florida must pay a tax of 5.5 percent on income earned in Florida. The calculation of Florida corporate income tax starts with a corporation’s federal taxable income. Taxable income earned by corporations operating in more than one state is taxed in Florida on an apportioned basis using a formula based 25 percent on property, 25 percent on payroll, and 50 percent on sales. Income that is apportioned to Florida using this formula is then subject to the Florida income tax. The first $50,000 of net income is exempt, effective with tax years beginning January 1, 2013.

The Revenue Estimating Conference estimates 2020-2021 fiscal year gross corporate income tax collections of approximately $2.76 billion.

**Corporate Tax Credits**

Florida offers tax credits, refunds, and other incentives against the Florida corporate income tax liability to promote business development and job creation within the state. Such incentives related to employment include:

- **The Rural and Urban Job Tax Credit Programs**, which provide an incentive for eligible businesses, located within designated rural counties and urban areas, to create new jobs, valued at $100,000 in 2019-2020.
- **Subtraction for Florida Employees Included in Calculation of Federal Employment Credits**, which authorizes a deduction for the amount of wages and salaries paid to Florida employees for the taxable year for which no deduction is allowed under the Internal Revenue Code, valued at $17.4 million in 2019-2020.
- **Enterprise Zone Jobs Tax Credit**, which provides a credit of wages paid to new eligible employees who are residents of a Florida enterprise zone, valued at $700,000 in 2019-2020.

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9 Section 220.12, F.S.
10 Tax Handbook-2020, supra note 8. See also s. 220.15, F.S.
11 Id. See also s. 220.14, F.S.
14 Sections 220.1895 and 212.098, F.S., and ss. 220.1895 and 212.097, F.S.
16 Section 220.13(1)(b)3, F.S.
18 Section 220.181, F.S.
Credits against either the corporate income tax or the franchise tax are applied in an order established in law.\textsuperscript{20} There is presently no credit available against corporate income tax for employing degree-seeking student interns.\textsuperscript{21}

## III. Effect of Proposed Changes:

The bill creates s. 220.198, F.S., to establish the “Florida Internship Tax Credit Program,” which authorizes a tax credit of $2,000 for each degree-seeking student intern employed by a corporation, up to a maximum of $10,000 in any taxable year, beginning in taxable years on or after January 1, 2021. The bill also provides a definition of a degree-seeking student intern, responsibilities for postsecondary educational institutions and the Department of Revenue (DOR), and an authorization to carry forward any unused portion of a tax credit.

The bill defines a “degree-seeking student intern” as a person who is enrolled as a degree-seeking student at a state university, a Florida College System institution, a career center operated by a school district, or a charter technical career center.

The bill authorizes a taxpayer\textsuperscript{22} credit against the corporate income tax established in chapter 200, F.S., in the amount of $2,000 per degree-seeking student intern employed by the taxpayer, subject to documentation by the state university, FCS institution, career center operated by a school district, or charter technical career center regarding the degree-seeking student’s enrollment status.\textsuperscript{23} The bill establishes a maximum credit of $10,000 in any taxable year, and authorizes a taxpayer to carry forward any unused portion of a tax credit for up to two taxable years.

Finally, the bill requires the DOR to adopt rules governing the manner and form of applications for the tax credit and establishing qualification requirements for the tax credit. The rule may need to specify requirements not in the bill, such as timelines for approval of tax credits, and what entity receives the documentation of the student’s enrollment status.

\textsuperscript{20} Section 220.02(8), F.S. The credits are applied in the following order: those enumerated in s. 631.828,\textsuperscript{20} those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 220.195, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19, those enumerated in s. 220.185, those enumerated in s. 220.1899, those enumerated in s. 220.193, those enumerated in s. 288.9916, those enumerated in s. 220.189, those enumerated in s. 220.194, and those enumerated in s. 220.196. \textit{Id.}

\textsuperscript{21} United States Department of Revenue, 2020 Agency Legislative Bill Analysis of SB 1412 (Jan. 24, 2020), at 2.

\textsuperscript{22} “Taxpayer” means any corporation subject to the tax imposed by the Florida income tax code established in chapter 200, F.S., and includes all corporations for which a consolidated return is filed under s. 220.131, F.S., but does not include a specified corporation having no individuals. Section 220.03(1)(z), F.S.

\textsuperscript{23} The Family Educational Rights and Privacy Act (FERPA) authorizes an educational institution to disclose directory information without prior consent of the student, but requires the institution to publicly designate such directory information. 20 U.S.C. s. 1232g; 34 CFR, s. 99.37. Directory information includes, but is not limited to, the student’s name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status (e.g., undergraduate or graduate, full-time or part-time); dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors, and awards received; and the most recent educational agency or institution attended. Directory information does not include the student’s social security number or the student’s identification number, subject to exceptions. 34 CFR s 99.3.
The tax credit established in the bill may provide an incentive for businesses to provide or increase internship opportunities for students.

The bill takes effect on July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Corporations that employ student interns specified in the bill and meet specified requirements may decrease their tax liability up to $10,000 in any taxable year.

C. Government Sector Impact:

The Revenue Estimating Conference (conference) estimated no fiscal impact in 2020-2021, because the bill specifies the beginning of the tax credit in taxable years on or after January 1, 2021. However, the conference estimates a fiscal impact of $14.2 million in 2021-2022, increasing to $14.8 million in 2024-2025. The conference based its estimate on 2017 corporate income tax data to identify businesses with a positive tax liability after all other credits.\(^{24}\)

The Department of Revenue estimates that implementation of the internship tax credit will require approximately 316 contractor hours, and 624 in-house hours, to provide modifications to the SUNTAX system. The cost is estimated at $29,388 for 2021-2022.

VI. Technical Deficiencies:

The bill uses the term “degree-seeking student intern” in the provision of a tax credit established in the bill. However, career centers operated by school districts and charter technical career centers currently do not offer associate or baccalaureate degrees, and so their students are not considered “degree-seeking.” The sponsor may consider changing the definition to “student intern” and specify that the student must be enrolled in a degree, career certificate, or diploma program at a specified Florida postsecondary education institution.

VII. Related Issues:

The bill does not define an “internship” experience, and so it is unclear if any type of work-based educational experience may qualify, such as co-operative education, apprenticeships, practicums, service learning, clinical experience, or virtual internships. The bill does not define a minimum length for an internship, if the internship may be paid or unpaid, and if the student must be receiving academic course credit for the internship experience. In addition, the Department of Revenue identified several issues:

- The bill does not amend s. 220.02(8), F.S., to specify in which order this tax credit is to be claimed against corporate income tax relative to other credits that may be claimed.
- A tax credit provision in chapter 220, F.S., typically corresponds to an addition to s. 220.13, F.S., to prevent a taxpayer from taking an item or expense as a deduction from federal income and Florida income, and then also taking the same item or expense as a tax credit against Florida corporate income tax. The bill does not provide such corresponding provision.
- It is unclear whether an affiliated group filing a consolidated Florida return may take a tax credit of up to $10,000 per corporation included in the consolidated filing, or whether the tax credit is limited to $10,000 per filed return.

VIII. Statutes Affected:

This bill creates section 220.198 of the Florida Statutes.

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25 Workforce education programs may be conducted by a Florida College System (FCS) institution or a school district, except that college credit in an associate in applied science or an associate in science degree may be awarded only by a FCS institution. Section 1011.80(2), F.S. Career centers offer adult general education, career certificates, applied technology diplomas, continuing workforce education, and apprenticeship and preapprenticeship programs. Section 1011.80(1), F.S. In 2017-2018, Lake Technical College, the state’s only charter technical center, offered only adult general education and career certificate programs. Florida Department of Education, A Comparison of State of Florida Charter Technical Career Centers to District Non-Charter Career Centers, 2017-18, available at http://www.fldoe.org/core/fileparse.php/9904/urlt/charterreview18.pdf, at 5.

26 Department of Revenue, 2020 Agency Legislative Bill Analysis of SB 1412 (Jan. 24, 2020), at 5.
IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
A bill to be entitled
An act relating to an internship tax credit program;
creating s. 220.198, F.S.; providing a short title;
defining the term "degree-seeking student intern";
providing a credit against the corporate income tax to
a taxpayer employing a degree-seeking student intern
if certain criteria are met; specifying the amount of
the credit; specifying a limit on the credit claimed
per taxable year; requiring the Department of Revenue
to adopt certain rules; authorizing the carryforward
of unused tax credits for a specified timeframe;
providing an effective date.

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

Section 1. Section 220.198, Florida Statutes, is created to read:
220.198 Internship tax credit program.—
(1) This section may be cited as the "Florida Internship Tax Credit Program."
(2) As used in this section, the term "degree-seeking student intern" means a person who is enrolled as a degree-seeking student at a state university, a Florida College System institution, a career center operated by a school district under s. 1001.44, or a charter technical career center.
(3) For taxable years beginning on or after January 1, 2021, a taxpayer shall be allowed a credit against the tax imposed under this chapter in the amount of $2,000 per degree-seeking student intern employed by the taxpayer if the degree-seeking student intern’s state university, Florida College System institution, career center operated by a school district under s. 1001.44, or charter technical career center has provided documentation attesting to his or her enrollment status.
(4) A taxpayer may not claim a tax credit under this section of more than $10,000 in any taxable year.
(5) The department shall adopt rules governing the manner and form of applications for the tax credit and establishing qualification requirements for the tax credit.
(6) A taxpayer awarded a tax credit under this section may carry forward any unused portion of a tax credit for up to 2 taxable years.

Section 2. This act shall take effect July 1, 2020.
I. Summary:

SB 1634 establishes the “Parents’ Bill of Rights.” The bill provides that the state, its political subdivisions, any other governmental entity, or other institution may not infringe upon the fundamental rights of a parent to direct the upbringing, education, health care, and mental health of a minor child. If those entities infringe upon a parent’s fundamental right, they must demonstrate that the action is reasonable and necessary to achieve a compelling state interest, and the action must be narrowly tailored and not otherwise served by less restrictive means.

The bill enumerates a list of rights that a parent possesses in order to direct the education of his or her child and be informed about the child’s educational programs. The bill also requires the school district to promote parental involvement in the public school system by providing access to the child’s studies and instructional materials while also recognizing a parent’s right to withdraw the child from objectionable portions of the school’s curriculum.

The bill also requires a parent’s permission before a health care practitioner may provide services, prescribe medicine to the child, or perform a medical procedure, unless otherwise provided by law. The bill provides a misdemeanor penalty for a health care practitioner or similar person who violates the health care provisions and subjects these persons to disciplinary actions.

The bill takes effect July 1, 2020.

II. Present Situation:

Constitutional Rights of Parents

Parental Guarantees in the United States Constitution

The Fourteenth Amendment to the U.S. Constitution provides that no State
[S]hall deprive any person of life, liberty, or property, without due process of law.

The U.S. Supreme Court has recognized that the Due Process clause includes an additional component that provides a heightened level of protection against any governmental interference where certain fundamental rights and liberty interests are involved. In *Troxel v. Granville*, a case to terminate parental rights, the Court noted that the Fourteenth Amendment “liberty interest” at issue – the interest that parents had in the care, custody, and control over their children – was perhaps the oldest of any fundamental liberty interest that the Court had recognized.

The Court reflected that, in a 1923 decision, it determined that the “liberty” interest protected by the Due Process Clause included the right of parents to “establish a home and bring up children” and “to control the education of their own.”

The Court also noted as early as 1925 that a child was not simply the creature of the State and that the people who nurture the child and direct the child’s destiny have the right, and the high duty, to recognize and prepare the child for additional obligations. In 1944, the Court confirmed the right of parents to direct the upbringing of their children when it stated:

> It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder.

Finally, in recounting the history of parental authority in 1979, the Court stated, “We have recognized on numerous occasions that the relationship between parent and child is constitutionally protected.”

**Parental Guarantees in the State Constitution**

Similarly, the Florida Supreme Court has determined that the fundamental liberty interest in parenting one’s child “is protected by the Florida and federal constitutions. In Florida, it is specifically protected by our privacy provision.” The Court also stated that the state constitutional privacy provision contained in Article I, section 23 affords greater protection than that of the federal constitution.

The court wrote in *Winfield v. Division of Pari-Mutual Wagering* that the standard of review that must be used to evaluate whether a state has intruded into a citizen’s private life is the compelling state interest standard. Under that test, the burden of proof is on the state to justify its intrusion on privacy. The burden can be met by the state if it demonstrates that the regulation

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6 *Beagle v. Beagle*, 678 So. 2d 1271, 1275 (Fla. 1996).
7 *Winfield v. Division of Pari-Mutual Wagering*, 477 So. 2d 544, 548 (Fla. 1985).
being challenged serves a compelling state interest and the regulation accomplishes its goal by using the least intrusive means.\(^8\)

**Statutory Rights of Parents of Students**

**Mandatory Attendance**

All children who turn 6 years by February 1 of any school year and have not attained the age of 16 years are required to attend school regularly during the entire school term.\(^9\) Parents have the option to comply with school attendance laws by enrolling the student in a public school; a parochial, religious, or denominational school; a private school; a home education program; or a private tutoring program.\(^10\) The district school superintendent may authorize certificates of exemptions from school attendance requirements in certain situations.\(^11\) A student who holds a valid certificate of exemption is exempt from attending school. A certificate of exemption expires at the end of the school year.\(^12\)

A parent of a K-12 student is afforded numerous statutory rights.\(^13\) Each school district is required to:

- Provide a parent with specific information about his or her child’s educational progress, comprehensive information about opportunities for involvement in the child’s education, and a framework for building and strengthening partnerships among parents and school district personnel.\(^14\)
- Afford a parent the opportunity to enroll his or her child in instruction for exceptional students or challenge a district school board’s determination of the child’s eligibility for a gifted or special education program.\(^15\)
- Establish a policy enabling a parent to object to and contest specific instructional materials.\(^16\)
- Notify a parent and obtain his or her consent before a public school student may be transported in a privately owned motor vehicle to a school function or referred to contraceptive services at school facilities.\(^17\)

No educational agency or institution may collect, obtain, or retain information on the political affiliation, voting history, religious affiliation, or biometric information of a student or a parent or sibling of the student.\(^18\) In addition, a parent may exempt his or her child from:

- A health examination on religious grounds.
- School immunization requirements on religious or certain health grounds.\(^20\)

\(^8\) *Id.*  
\(^9\) Section 1003.21, F.S.  
\(^10\) Section 1002.20(2)(b), F.S.  
\(^11\) Section 1003.21, F.S.  
\(^12\) *Id.*  
\(^13\) Section 1002.20, F.S.  
\(^14\) Section 1002.23, F.S.  
\(^15\) Section 1003.57, F.S.  
\(^16\) Section 1006.28(1)(a)2.-3., F.S.  
\(^17\) Sections 1002.20(3)(e) and (22)(c), F.S.  
\(^18\) Section 1002.222(1)(a), F.S.  
\(^19\) Section 1002.20, F.S.  
\(^20\) Section 1002.20(3)(b), F.S.
• Performing surgery or dissection in a biological science class.
• Receiving instruction on reproductive health or any disease, including HIV/AIDS. 21
• Reciting the pledge of allegiance.
• Reciting the Declaration of Independence. 22

Access to Records and Information

The rights of students and their parents with respect to education records created, maintained, or used by public educational institutions and agencies are protected. 23 Specifically, a parent of a K-12 student has the right to: 24

• Receive accurate and timely information regarding the student's academic progress and must be informed of ways a parent can help a student succeed in school.
• Access the student’s education records, including the right to inspect and review those records.
• Challenge the content of education records in order to ensure that the records are not inaccurate, misleading, or otherwise a violation of privacy or other rights.
• Privacy with respect to the student’s records and reports.
• Receive annual notice of the parent’s rights with respect to education records.
• Receive report cards on a regular basis that clearly depict and grade the student's academic performance in each class or course, the student's conduct, and the student's attendance. 25
• Receive reports at regular intervals of the academic progress and other needed information regarding the student.
• Receive timely notification of any verified report of a substance abuse violation by the student.
• Access information relating to the school district’s policies for promotion or retention, including high school graduation requirements. 26
• Access information relating to student eligibility to participate in extra-curricular activities. 27
• Access information relating to the state public education system, standards, and requirements. 28
• Access, review, object to, and challenge instructional and supplemental education materials. 29

Parental Consent for Health Care

Any medical decision made to address a student's needs is a matter between the student, the student's parent, and a competent health care professional chosen by the parent. 30 The right to consent to medical treatment for a child resides with a parent. 31 District school boards may adopt

21 Section 1002.20(3)(d), F.S.
22 Section 1003.421(4), F.S.
23 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g; and s. 1002.22, F.S.
24 Sections 1002.20, 1002.22(2), and 1006.28, F.S.
25 Section 1002.20(14), F.S.
26 Section 1008.25, F.S.
27 Section 1006.195, F.S.
28 Section 1002.23, F.S.
29 Sections 1002.20(19) and 1006.28, F.S.
30 Section 1006.0625, F.S.
policies to ensure an appropriate response in emergency situations and the provision of first aid and emergency medical care.\textsuperscript{32} A parent has the right to be notified and give consent for proposed medical procedures on his or her child, unless, within a reasonable degree of medical certainty, delay in the provision of emergency medical care would endanger the health or physical well-being of the child, and the emergency medical care or treatment is administered in a licensed hospital or college health service.\textsuperscript{33}

\section*{III. Effect of Proposed Changes:}

\textbf{Sections 1 and 2 – The Parents’ Bill of Rights}

The bill creates a new chapter in the Florida Statutes, chapter 1014, which is entitled “Parents’ Bill of Rights” and contains sections 1014.01 – 1014.06, F.S.

\textbf{Section 3 – Legislative Findings and Definition}

Section 3 contains the legislative findings and a definition. In these provisions, the Legislature finds that:

- It is a fundamental right of parents to direct the upbringing, education, and care of their minor children;
- Important information relating to a minor child should not be withheld, either inadvertently or purposefully, from a parent, including information regarding the minor child’s health, well-being, and education, while the child is in the custody of the school district; and
- It is necessary to establish a consistent mechanism for parents to be notified of information relating to the health and well-being of their minor children.

A parent is defined to be a person who has legal custody of a minor child as a natural or adoptive parent or a legal guardian.

\textbf{Section 4 – The Infringement of Parental Rights}

The bill provides that the following entities may not infringe on the fundamental rights of a parent to direct the upbringing, education, health care, and mental health of a parent’s minor child:

- The state;
- State political subdivisions;
- Any other governmental entity; or
- Any other institution.

If any of these entities infringes on a parent’s fundamental right, it must demonstrate that the action is reasonable and necessary to achieve a compelling state interest and the action is narrowly tailored and is not otherwise served by a less restrictive means. This “compelling interest” standard is discussed above in the Present Situation.

\textsuperscript{32} Section 1001.43, F.S.

\textsuperscript{33} Section 743.0645, F.S.
Section 5 – Parental Rights

Rights Reserved to the Parent of a Minor Child

This section establishes that all parental rights are reserved to the parent of a minor child “without obstruction or interference” by any of the above-referenced governmental entities. Those rights include, but are not limited to the right to:

- Direct the education and care of the minor child.
- Direct the upbringing and the moral or religious training of the minor child.
- Enroll the minor child in a public school or, as an alternative to public education, a private school, religious school, a home education program, or other available option.
- Access and review all school records relating to the minor child.
- Make health care decisions for the minor child, unless otherwise prohibited by law.
- Access and review all medical records of the minor child, unless prohibited by law or if the parent is the subject of an investigation of a crime committed against the minor child and a law enforcement agency or official requests that the information not be released.
- Consent in writing before a biometric scan of the minor child is made, shared, or stored.
- Consent in writing before any record of the minor child’s blood or deoxyribonucleic acid (DNA) is created, stored, or shared, except as required by general law or authorized pursuant to a court order.
- Consent in writing before the state or any of its political subdivisions makes a video or voice recording of the minor child unless the recording is made during or as part of a court proceeding, or is made as part of a forensic interview in a criminal or Department of Children and Families investigation, or is to be used solely for the following purposes:
  - A safety demonstration, including the maintenance of order and discipline in the common areas of a school or on student transportation vehicles;
  - A purpose related to a legitimate academic or extracurricular activity;
  - A purpose related to regular classroom instructions;
  - Security or surveillance of buildings or grounds; or
  - A photo identification card.
- Be notified promptly if an employee of the state, any of its political subdivisions, any other governmental entity, or any other institution suspects that a criminal offense has been committed against his or her minor child, unless the incident has first been reported to a law enforcement agency or the Department of Children and Families and notifying the parent would impede the investigation.

The bill clarifies that the rights expressed in this section do not:

- Authorize a parent of a minor child to engage in conduct that is unlawful or to abuse or neglect his or her minor child in violation of general law;
- Condone, authorize, approve, or apply to a parental action or decision that would end life;
- Prohibit a court of competent jurisdiction, law enforcement officer, or employee of a government agency that is responsible for child welfare from acting in his or her official capacity within the reasonable and prudent scope of his or her authority; or
- Prohibit a court of competent jurisdiction from issuing an order that is otherwise permitted by law.
Discipline

Any employee of any of the above-referenced entities who encourages or coerces, or attempts to encourage or coerce a minor child to withhold information from his or her parent may be subject to disciplinary action.

Inalienable Rights

The final subsection states that a parent of a minor child has inalienable rights that are more comprehensive than those enumerated in this section, unless those rights have been legally waived or terminated. The bill also provides that the chapter does not prescribe all of a parent’s rights and unless required by law, a parent’s rights may not be limited or denied. Additionally, the chapter may not be construed to apply to a parental action or decision that would end life.

Section 6 – School District Notifications on Parental Rights

The bill requires each school board, in consultation with parents, teachers, and administrators, to develop and then adopt a policy that promotes parental involvement in the public school system. The policy must include:

- A plan, pursuant to s. 1002.23, F.S., for parental participation to improve parent and teacher cooperation in areas such as homework, school attendance, and discipline.
- A procedure, pursuant to s. 1002.20(19)(b), F.S., for a parent to learn about the minor child’s course of study, including the source of any supplemental education materials.
- Procedures for a parent to object to instructional material, which includes all classroom materials and school activities, pursuant to s 1006.28(2)(a)2., F.S. and a process for withdrawing the child from the activity, class, or program. The objections may be based on beliefs regarding morality, sex, and religion or the belief that the materials or activities are harmful. Instructional materials are defined to include, but are not limited to, textbooks, workbooks and worksheets, handouts, software, applications, Internet courses, and any and all digital media available to students pursuant to their role as a student in public school.
- Procedures, pursuant to s. 1002.20(3)(d), F.S. for a parent to withdraw the minor child from any portion of the school district’s plan as required under s. 1003.42(2)(n), F.S., which relates to sex education or instruction in acquired immune deficiency syndrome education or any instruction regarding sexuality if the parent provides a written objection to the child’s participation. The procedures must provide for a parent to be notified in advance of the course content so that he or she may withdraw the child from those portions of the course.
- Procedures, pursuant to s. 1006.195(1)(a), F.S., for a parent to learn about the nature and purpose of clubs and activities at the child’s school, including those that are extracurricular or part of the school curriculum.
- Procedures for a parent to learn about parental rights and responsibilities under general law, including all of the following:
  - The right to opt the minor child out of any portion of the school district’s comprehensive health education required by statute that relates to sex education instruction in acquired immune deficiency syndrome education or any instruction regarding sexuality.
  - A plan to disseminate information about school choice options, including open enrollment.
  - The right of a parent to exempt the minor child from immunizations.
  - The right of a parent to review statewide, standardized assessment results.
The right to enroll the minor child in gifted or special education programs.

- The right of a parent to inspect school district instructional materials.
- The right of a parent to access information relating to the school district’s policies for promotion or retention, including high school graduation requirements.
- The right of a parent to receive a school report card and be informed of the child’s attendance requirements.
- The right of a parent to access information relating to the state public education system, state standards, report card requirements, attendance requirements, and instructional materials requirements.
- The right of a parent to participate in parent-teacher association and organizations sanctioned by a district school board or the Department of Education.
- The right of a parent to opt out of any district-level data collection relating to the minor child that is not required by law.

The information required in this section may be provided by the district school board electronically or posted on its website.

A parent may request, in writing, from the district school superintendent, the information required under this section. The superintendent must provide the information to the parent within 10 days. If the superintendent denies a parent’s request for information or does not respond to the parent’s request within 10 days, the parent may appeal the denial to the district school board. The parent’s appeal must be placed on the agenda for the board’s next public meeting. If it is too late for a parent’s appeal to be placed on the agenda at the next meeting, it must be included on the agenda for the following meeting.

**Section 7 – Parental Consent for Health Care Services**

Unless the law provides otherwise,

- A health care practitioner, as defined in s. 456.001, F.S., may not provide, solicit, or arrange to provide health care services or prescribe medicine to the minor child without first obtaining written consent from the parent.
- A person, as defined by statute to include individuals, children, firms, associations, joint adventures, partnership, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations, or individual employed by the person, may not provide or solicit or arrange to provide health care services or prescribe medicine to a minor child without first obtaining written parental consent.

Unless otherwise provided by law or a court order, a provider, as defined in s. 408.803, F.S., may not allow a medical procedure to be performed on a minor child in its facility without first obtaining written consent from the parent.

**Exception**

The provisions of this section which addresses parental consent for health care services do not apply to abortion, which is governed by chapter 390.

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34 Section 408.803(11), F.S., defines a provider to mean any activity, service, agency, or facility regulated by the agency and listed in s. 408.802, F.S.
**Penalties**

A health care practitioner or other person who violates this section is subject to disciplinary action pursuant to s. 408.813 or s. 456.072, F.S., sections 8 and 9 of the bill, and commits a first degree misdemeanor which is punishable by up to one year imprisonment and a fine not to exceed $1,000.\(^{35}\)

**Section 8 – Administrative Fines and Violations**

The Agency for Health Care Administration may impose an administrative fine for a violation of the provisions regarding the parental consent for health care services. The violation is an unclassified violation and the fine may not exceed $500 for each violation.

**Section 9 – Grounds for Discipline**

The Department of Health may take disciplinary action against someone who fails to comply with the parental consent requirements for health care services. The disciplinary actions range from refusing to certify a license or certify the license with restrictions, suspending or permanently revoking a license, restricting a license, imposing an administrative fine not to exceed $10,000 for each offense, issuing a reprimand or letter of concern, placing the licensee on probation, taking corrective action, imposing an administrative fine for violations of patient rights, requiring the refund of fees billed and collected, and requiring that the practitioner undergo remedial education.\(^{36}\)

**Section 10 – Effective Date**

The bill takes effect July 1, 2020.

**IV. Constitutional Issues:**

A. **Municipality/County Mandates Restrictions:**

   None.

B. **Public Records/Open Meetings Issues:**

   None.

C. **Trust Funds Restrictions:**

   None.

D. **State Tax or Fee Increases:**

   None.

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\(^{35}\) Sections 775.082(4)(a) and 775.083(1)(d), F.S.

\(^{36}\) Section 456.072(1), F.S.
E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 408.813 and 456.072.

This bill creates the following sections of the Florida Statutes: 1014.01, 1014.02, 1014.03, 1014.04, 1014.05, and 1014.06.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
The Committee on Education (Stargel) recommended the following:

**Senate Amendment**

Delete line 275 and insert:

(4) This section does not apply to clinical laboratory services, unless the services are delivered through a direct encounter with the minor at the clinical laboratory facility. For purposes of this subsection, the terms “clinical laboratory” and “clinical laboratory services” have the same meanings as provided in s. 483.803.

(5) A health care practitioner or other person who violates
A bill to be entitled
An act relating to parental rights; creating chapter 1014, F.S.; creating s. 1014.01, F.S.; providing a short title; creating s. 1014.02, F.S.; providing legislative findings; defining the term "parent"; creating s. 1014.03, F.S.; providing that the state, its political subdivisions, other governmental entities, or other institutions may not infringe on parental rights without demonstrating specified information; creating s. 1014.04, F.S.; providing that a parent of a minor child has specified rights relating to his or her minor child; prohibiting the state from infringing upon specified parental rights; prohibiting specified parental rights from being limited or denied; providing that certain actions by specified individuals are grounds for disciplinary actions against those individuals; providing construction; creating s. 1014.05, F.S.; requiring each district school board in consultation with parents, teachers, and administrators, to develop and adopt a policy to promote parental involvement in the public school system; providing requirements for such policy; defining the term "instructional materials"; authorizing a district school board to provide such policy electronically or on its website; authorizing a parent to request certain information in writing; providing a procedure for appealing the denial of such information requests; creating s. 1014.06, F.S.; prohibiting certain health care practitioners from taking specified actions without a parent’s written permission; prohibiting certain entities from taking specified actions relating to a minor’s health care without a parent’s written permission; prohibiting a health care facility from allowing certain actions without a parent’s written permission; providing exceptions; providing for disciplinary actions and criminal penalties; amending s. 408.813, F.S.; providing that certain violations relating to parental consent are grounds for administrative fines for health care facilities; amending s. 456.072, F.S.; providing that failure to comply with certain parental consent requirements is grounds for disciplinary action for health care practitioners; providing an effective date.

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

Section 1. Chapter 1014, Florida Statutes, consisting of ss. 1014.01-1014.06, is created and shall be entitled “Parents’ Bill of Rights.”

Section 2. Section 1014.01, Florida Statutes, is created to read:

1014.01 Short title.—This section and ss. 1014.02-1014.06 may be cited as the "Parents’ Bill of Rights."

Section 3. Section 1014.02, Florida Statutes, is created to read:

1014.02 Legislative findings and definition.—
(i) The Legislature finds that it is a fundamental right of
All parental rights are reserved to the parent of a minor child in this state without obstruction or interference, either inadvertently or purposefully, from his or her parent, including information relating to the minor child’s health, well-being, and education, while the minor child is in the custody of the school district. The Legislature further finds it is necessary to establish a consistent mechanism for parents to be notified of information relating to the health and well-being of their minor children.

(2) For purposes of this chapter, the term "parent" means a person who has legal custody of a minor child as a natural or adoptive parent or a legal guardian.

Section 4. Section 1014.03, Florida Statutes, is created to read:

1014.03 Infringement of parental rights.—The state, any of its political subdivisions, any other governmental entity, or any other institution may not infringe on the fundamental rights of a parent to direct the upbringing, education, health care, and mental health of his or her minor child without demonstrating that such action is reasonable and necessary to achieve a compelling state interest and that such action is narrowly tailored and is not otherwise served by a less restrictive means.

Section 5. Section 1014.04, Florida Statutes, is created to read:

1014.04 Parental rights.—

(a) All parental rights are reserved to the parent of a minor child in this state without obstruction or interference.
of his or her minor child unless such recording is made during an order and discipline in the common areas of a school or on student transportation vehicles;
   1. A safety demonstration, including the maintenance of order and discipline in the common areas of a school or on extracurricular activity;
   2. A purpose related to a legitimate academic or
   3. A purpose related to regular classroom instructions;
   4. Security or surveillance of buildings or grounds; or
   5. A photo identification card.
   (j) The right to be notified promptly if an employee of the state, any of its political subdivisions, any other governmental entity, or any other institution suspects that a criminal offense has been committed against his or her minor child, unless the incident has first been reported to law enforcement or the Department of Children and Families and notifying the parent would impede the investigation.
   (2) This section does not:
   (a) Authorize a parent of a minor child in this state to engage in conduct that is unlawful or to abuse or neglect his or her minor child in violation of general law;
   (b) Condone, authorize, approve, or apply to a parental action or decision that would end life;
   (c) Prohibit a court of competent jurisdiction, law enforcement officer, or employee of a government agency that is responsible for child welfare from acting in his or her official capacity within the reasonable and prudent scope of his or her authority; or
   (d) Prohibit a court of competent jurisdiction from issuing an order that is otherwise permitted by law.
   (3) An employee of the state, any of its political subdivisions, or any other governmental entity who encourages or coerces, or attempts to encourage or coerce, a minor child to withhold information from his or her parent may be subject to disciplinary action.
   (4) A parent of a minor child in this state has inalienable rights that are more comprehensive than those listed in this section, unless such rights have been legally waived or terminated. This chapter does not prescribe all rights to a parent of a minor child in this state. Unless required by law, the rights of a parent of a minor child in this state may not be limited or denied. This chapter may not be construed to apply to a parental action or decision that would end life.
   Section 6. Section 1014.05, Florida Statutes, is created to read:
   1014.05 School district notifications on parental rights.—
   (1) Each district school board shall, in consultation with parents, teachers, and administrators, develop and adopt a policy to promote parental involvement in the public school system. Such policy must include:
   (a) A plan, pursuant to s. 1002.23, for parental participation in schools to improve parent and teacher cooperation in such areas as homework, school attendance, and discipline.
   (b) A procedure, pursuant to s. 1002.20(19)(b), for a
(c) Procedures for a parent to object to instructional
materials, including all classroom materials and school
activities, pursuant to s. 1006.28(2)(a)2., and a process for
withdrawing his or her minor child from the activity, class, or
program in which such materials or activities are used. Such
objections may be based on beliefs regarding morality, sex, and
religion or the belief that such materials or activities are
harmful. The term "instructional materials" includes, but is not
limited to, textbooks, workbooks and worksheets, handouts,
software, applications, Internet courses, and any and all
digital media available to students pursuant to their role as a
student in public school.

(d) Procedures, pursuant to s. 1002.20(3)(d), for a parent
to withdraw his or her minor child from any portion of the
school district’s comprehensive health education required under
s. 1003.42(2)(n) that relates to sex education instruction in acquired
immune deficiency syndrome education or any instruction in
regard to sexuality if the parent provides a written objection
to his or her minor child’s participation. Such procedures must
provide for a parent to be notified in advance of such course
content so that he or she may withdraw his or her minor child
from those portions of the course.

(e) Procedures, pursuant to s. 1006.195(1)(a), for a parent
to learn about the nature and purpose of clubs and activities
offered at his or her minor child’s school, including those that
are extracurricular or part of the school curriculum.

(f) Procedures for a parent to learn about parental rights
and responsibilities under general law, including all of the
following:

1. Pursuant to s. 1002.20(3)(d), the right to opt his or
her minor child out of any portion of the school district’s
comprehensive health education required under s. 1003.42(2)(n)
that relates to sex education instruction in acquired
immune deficiency syndrome education or any instruction regarding
sexuality.

2. A plan to disseminate information, pursuant to s.
1002.20(6), about school choice options, including open
enrollment.

3. In accordance with s. 1002.20(3)(b), the right of a
parent to exempt his or her minor child from immunizations.

4. In accordance with s. 1008.22, the right of a parent to
review statewide, standardized assessment results.

5. In accordance with s. 1003.57, the right of a parent to
enroll his or her minor child in gifted or special education
programs.

6. In accordance with s. 1006.28(2)(a)1., the right of a
parent to inspect school district instructional materials.

7. In accordance with s. 1008.25, the right of a parent to
access information relating to the school district’s policies
for promotion or retention, including high school graduation
requirements.

8. In accordance with s. 1002.20(4), the right of a parent
to receive a school report card and be informed of his or her
minor child’s attendance requirements.

9. In accordance with s. 1002.23, the right of a parent to
access information relating to the state public education
...
(2) A district school board may provide the information required in this section electronically or post such information on its website.

(3) A parent may request, in writing, from the district school superintendent the information required under this section. Within 10 days, the district school superintendent must provide such information to the parent. If the district school superintendent denies a parent’s request for information or does not respond to the parent’s request within 10 days, the parent may appeal the denial to the district school board. The district school board must place a parent’s appeal on the agenda for its next public meeting. If it is too late for a parent’s appeal to appear on the next agenda, the appeal must be included on the agenda for the subsequent meeting.

Section 7. Section 1014.06, Florida Statutes, is created to read:

1014.06 Parental consent for health care services.—

(1)(a) Except as otherwise provided by law, a health care practitioner, as defined in s. 456.001, may not provide or solicit or arrange to provide health care services or prescribe medicinal drugs to a minor child without first obtaining written parental consent.

(b) Except as otherwise provided by law, a person, as defined in s. 1.01, or an individual employed by such person may not provide or solicit or arrange to provide health care services or prescribe medicinal drugs to a minor child without first obtaining written parental consent.

(2) Except as otherwise provided by law or a court order, a provider, as defined in s. 408.803, may not allow a medical procedure to be performed on a minor child in its facility without first obtaining written parental consent.

(3) This section does not apply to an abortion, which is governed by chapter 390.

(4) A health care practitioner or other person who violates this section is subject to disciplinary action pursuant to s. 408.813 or s. 456.072, as applicable, and commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 8. Paragraph (f) is added to subsection (3) of section 408.813, Florida Statutes, to read:

408.813 Administrative fines; violations.—As a penalty for any violation of this part, authorizing statutes, or applicable rules, the agency may impose an administrative fine.

(3) The agency may impose an administrative fine for a violation that is not designated as a class I, class II, class III, or class IV violation. Unless otherwise specified by law, the amount of the fine may not exceed $500 for each violation.

Unclassified violations include:

(f) Violating the parental consent requirements of s.
1014.06.

Paragraph (pp) is added to subsection (1) of section 456.072, Florida Statutes, to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(pp) Failure to comply with the parental consent requirements of s. 1014.06.

Section 10. This act shall take effect July 1, 2020.
I. Summary:

SB 1498 modifies the identification of schools in need of intervention and support, and revises the school turnaround process and requirements for schools identified as needing intervention and support. Specifically, the bill:

- Defines a deficient and failing school as a school that earns a grade of “D” or “F” and needs intervention and support.
- Allows for a school district to request to change a school turnaround option after the first year of implementation if specific conditions are met.
- Modifies the options that are available for school districts if the turnaround school does not improve to at least a grade of “C” or higher.
- Authorizes the State Board of Education to revoke a turnaround plan when a district has failed to meet the requirements of the plan.

The bill does not require the appropriation of additional state funds.

The bill takes effect on July 1, 2020.

II. Present Situation:

School Grading System

School grades provide an easily understandable way to measure the performance of a school. Parents and the general public can use the school grade and its components to understand how well each school is serving its students.¹ School grades are used in the state system of school

improvement and accountability to determine the need for school intervention and support, or to determine whether a school is eligible for school recognition funds.

Schools are graded using one of the following grades:

- “A,” schools making excellent progress (62 percent or higher of total applicable points).
- “B,” schools making above average progress (54 to 61 percent of total applicable points).
- “C,” schools making satisfactory progress (41 to 53 percent of total applicable points).
- “D,” schools making less than satisfactory progress (32 to 40 percent of total applicable points).
- “F,” schools failing to make adequate progress (31 percent or less of total applicable points).

Elementary schools, middle schools, and high schools each share a basic model for determining school grades, based on the percentage of total points earned by a school for each component in the model. All schools are graded on the percentage of eligible students who pass assessments in ELA, mathematics, science, and social studies; student learning gains in ELA and mathematics; and students in the lowest 25 percent of ELA and mathematics performers who make learning gains. Middle and high school models include additional components beyond the basic model.

For a high school comprised of grades 9 through 12 or grades 10 through 12, the school’s grade is also based on following components:

- The 4-year high school graduation rate of the school as defined by State Board of Education (SBE) rule.
- The percentage of students who were eligible to earn college and career credit through College Board Advanced Placement examinations, International Baccalaureate examinations, dual enrollment courses, or Advanced International Certificate of Education examinations; or who, at any time during high school, earned national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the SBE.

**Improvement of Low Performing Schools**

Florida’s system of improving low-performing schools is referred to as “school improvement” (SI). Under SI, intervention and support is provided to traditional public schools earning a letter grade of “D,” or “F.” Intensive intervention and support strategies are applied to schools that earn two consecutive grades of “D” or a grade of “F” through turnaround option plans.

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2 See § 1008.33(4), F.S.
3 See § 1008.36, F.S.
4 Section 1008.34(2), F.S.; rule 6A-1.09981(4)(d), F.A.C.
5 Section 1008.34(3)(b), F.S. If a school does not have at least 10 students with complete data for one or more of the components, those components may not be used in calculating the school’s grade. Section 1008.34(3)(a), F.S.
6 See § 1008.34(3)(b), F.S.; rule 6A-1.09981(4)(a)-(c), F.A.C.
7 Section 1008.34(3)(b)2., F.S., and rule 6A-1.09981(4)(c)2. and 3., F.A.C.
8 The four-year high school graduation rate of the school as measured according to 34 CFR §200.19, Other Academic Indicators, effective November 28, 2008. Rule 6A-1.09981(4)(c)1., F.A.C.
9 Rule 6A-1.099811(1), F.A.C.
10 Section 1008.33(3)(b), F.S.
11 Section 1008.33(3)(c), F.S.
All Florida public schools that earn grade of “D” or “F” must have a school improvement plan, which is developed and implemented by the school’s advisory council. It is the responsibility of each district school board to approve school improvement plans.12

**Intervention and Support Strategies**

If a school earns two consecutive grades of “D” or a grade of “F,” it must immediately implement a differentiated matrix of intervention and support strategies.14 Districts with a school improvement school must coordinate with the Department of Education (DOE), the Regional Executive Director or designee, and the school to identify and implement tailored support and improvement strategies designed to address low performance at the school.15

Florida law specifies seven general types of intervention and support strategies for traditional public schools to address student performance. The intervention and support strategies may include school improvement planning; leadership and educator quality improvement; professional development; curriculum review, pacing and alignment across grade levels to improve background knowledge in social studies, science, and the arts; and the use of continuous improvement and monitoring plans and processes.16

**School Turnaround Options**

Schools that earn two consecutive grades of “D” or a grade of “F” must also implement a district managed turnaround plan through which the school district manages the 2-year turnaround plan at the school.17 The school district must submit a district-managed turnaround plan to the SBE for approval by October 1.18

Once the district-managed turnaround plan is approved by the SBE, the school district must implement the plan for the remainder of the year and continue implementation for the next full school year.19 If the school’s grade does not improve to a “C”, the school must select from the following turnaround options:20

- Reassign students to another school and monitor the progress of each student.
- Close the school and reopen as one or more charter schools with a governing board that has a demonstrated record of effectiveness.

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12 Sections 1001.42(18)(a) and 1001.452(2), F.S. School advisory councils (SACs) are composed of principals, teachers, educational support personnel, parents, students, local business representatives, and community members. Section 1001.452(1)(a), F.S. SACs are responsible for developing and implementing the school’s improvement plan, assisting in the development of the school’s budget, and assisting in determinations regarding the use of school improvement funds and school recognition awards. Sections 1001.452(2) and 1008.36(4), F.S. See also Section 1002.33(9)(n), F.S. Requires a charter school earning a “D” or “F” to submit a school improvement plan to the sponsor.

13 Section 1001.42(18)(a), F.S.
14 Section 1008.33(4)(a), F.S.
15 Rule 6A-1.099811(5)(a), F.A.C.
16 Section 1008.33(3)(c), F.S.; see rule 6A-1.099811(5)(b)1.-9., F.A.C.
17 Rule 6A-1.099811(5)(a)-(b), F.A.C.
18 Section 1008.33(4)(a), F.S.
19 The state board may allow a school an additional year of implementation before the school must implement a turnaround option required under paragraph if it determines that the school is likely to improve to a grade of “C” or higher after the first full school year of implementation. Id.
20 Section 1008.33(4)(b)1.-3., F.S.
• Contract with an external operator that has a demonstrated record of effectiveness to operate the school.
  o The external operator may include a district-managed charter school in which all instructional personnel are not employees of the school district, but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter.

Based on traditional public schools that received grades in 2018 and 2019:\(^\text{21}\)
• 70 percent of schools graded “D” or “F” improved their grade in 2019;
• 77 percent of schools graded “F” in 2018 improved their grade in 2019; and
• 85 percent of first year turnaround schools in 2018 improved their grade to a “C” or higher and exited turnaround in 2019.

**Florida Education Finance Program**

The Florida Education Finance Program (FEFP) is the primary mechanism for funding the operating costs of Florida school districts. Under the FEFP, financial support for education is based on the full-time equivalent (FTE) student membership in public schools.\(^\text{22}\) The number of FTE students in each of the funded education programs is multiplied by cost factors\(^\text{23}\) relative to each program to obtain weighted FTE student values.\(^\text{24}\) The base student allocation from state and local funds is determined annually by the Legislature in the General Appropriations Act (GAA) and is a component in the calculation of each school district’s base funding.\(^\text{25}\) In addition to the base funding, the Legislature may appropriate categorical funding for specified programs, activities or purposes, such as the turnaround school supplemental services allocation.

**Turnaround School Supplemental Services Allocation**

The turnaround school supplemental services allocation (TSSSA) provides funding to schools in, or exiting, turnaround status with funds to offer services designed to improve the overall academic and community welfare of the schools’ students and their families.\(^\text{26}\) Services funded by the TSSSA may include, but are not limited to, tutorial and after-school programs, student counseling, nutrition education, parental counseling, and an extended school day and school year. In addition, services may include models that develop a culture that encourages students to complete high school and to attend college or career training, set high academic expectations, and inspire character development.

\(^\text{22}\) See s. 1011.62, F.S.
\(^\text{23}\) Program cost factors are based on desired relative cost differences between the following programs as established in the annual General Appropriations Act: grades K-3; 4-8; 9-12; two program cost factors for exceptional students; secondary career education programs; and English for Speakers of Other Languages. Section 1011.62(1)(c), F.S.
\(^\text{25}\) Id. at 17.
\(^\text{26}\) Section 1011.62(21), F.S.
\(^\text{27}\) Section 1011.62(21)(a)1., F.S.
Before distribution of the TSSSA, the school district must develop and submit a plan for implementation to its school board for approval no later than August 1 of each fiscal year, then submit its approved plan to the Commissioner of Education by September 1 of each year. At a minimum the plan must:

- Establish comprehensive support services that develop family and community partnerships;
- Establish clearly defined and measurable high academic and character standards;
- Increase parental involvement and engagement in the child’s education;
- Describe how instructional personnel will be identified, recruited, retained, and rewarded;
- Provide professional development that focuses on academic rigor, direct instruction, and creating high academic and character standards;
- Provide focused instruction to improve student academic proficiency, which may include additional instruction time beyond the normal school day or school year; and
- Include a strategy for continuing to provide services after the school is no longer in turnaround status by virtue of achieving a grade of “C” or higher.

Subject to legislative appropriation, each school remains eligible for the TSSSA for a maximum of four continuous fiscal years while implementing a turnaround option. In addition, a school that improves to a grade of “C” or higher remains eligible to receive the allocation for a maximum of two continuous fiscal years after exiting turnaround status.

III. Effect of Proposed Changes:

The bill amends s. 1008.33, F.S., to modify the identification of schools earning a school grade of “D” or “F” and in need of intervention and support as deficient and failing schools, and to revise the school turnaround process and requirements for schools earning two consecutive school grades of “D” or a grade of “F.”

District Managed Turnaround Plans

The bill allows for a school district to request a change to a school turnaround plan during or after the first year of implementation. The bill also authorizes a school district to request an additional year of implementation before the school must implement a second turnaround option if the request:

- Demonstrates that the school has a positive trajectory using the school grade components specified in law;
- Demonstrates that the school does not have any instructional personnel who have received an unsatisfactory evaluation and that the percentage of such personnel who have received an evaluation of needs improvement is at or below the Florida Value-Added Model (VAM) average where the district has five or fewer schools;

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28 Section 1011.62(21)(b) and (d), F.S.
29 Section 1011.62(21)(c)1.-7., F.S.
30 Each school district’s allocation must be based on the unweighted FTE student enrollment at the eligible schools and a per-FTE funding amount of $500 or as provided in the GAA. Section 1011.62(21)(e) and (f), F.S.
31 1011.62(21)(f), F.S.
32 VAM is a statistical model used for the purpose of determining an individual teacher’s contribution to student learning growth. Rule 6A-5.0411(2)(j), F.A.C.
• Includes a description of the services that will be implemented to ensure the sustainability of improvement during the next year and thereafter; and
• Includes a description of the services that will be implemented to ensure the sustainability of improvement during the next year and thereafter.

The bill provides that unless an additional year of implementation is provided, if a school that completes a district-managed turnaround plan cycle and does not improve to at least a grade of “C” or higher, the school district must implement one of the following:
• Upon recommendation of the Commissioner of Education, the State Board of Education (SBE) may choose to allow the school district to close the school, reassign students to another school with a school grade of “C” or higher, and monitor the progress of each reassigned student for three school years;
• Repurpose the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness; or
• Enter into an annual performance contract with an external operator that has a demonstrated record of effectiveness to operate the school. An external operator may include a provider authorized by the State University System or Florida College System (FCS) or a district-managed charter school.

The bill adds that the SBE may revoke a turnaround plan when a district fails to follow the terms of its approved plan or to meet the requirements of the plan. Prior to the revocation, the SBE must consider any curative action taken or proposed by the district and the feasibility of improving performance under the plan during the remainder of the approval period. Upon revocation, the SBE may require a district to submit a new plan or select a new turnaround option.

**Turnaround School Supplemental Services Allocation**

The bill conforms eligibility for the turnaround school supplemental services allocation (TSSSA) to district-managed turnaround schools, schools implementing a charter or external operator turnaround option, and schools that have improved to a “C” or higher and are no longer in turnaround status, as modified in the bill.

The bill also updates cross-references as conforming provisions for sections 1002.33, 1002.332, and 1002.333 of the Florida Statutes.

The bill takes effect on July 1, 2020.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:
   None.

B. Public Records/Open Meetings Issues:
   None.
C. Trust Funds Restrictions:
   None.

D. State Tax or Fee Increases:
   None.

E. Other Constitutional Issues:
   None.

V. Fiscal Impact Statement:
   A. Tax/Fee Issues:
      None.
   B. Private Sector Impact:
      None.
   C. Government Sector Impact:
      None.

VI. Technical Deficiencies:
    None.

VII. Related Issues:
    None.

VIII. Statutes Affected:
    This bill substantially amends the following sections of the Florida Statutes: 1008.33, 1011.62, 1002.33, 1002.332, and 1002.333.

IX. Additional Information:
   A. Committee Substitute – Statement of Changes:
      (Summarizing differences between the Committee Substitute and the prior version of the bill.)
      None.
   B. Amendments:
      None.
This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
The Committee on Education (Baxley) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Subsection (5) is added to section 1001.23, Florida Statutes, to read:

1001.23 Specific powers and duties of the Department of Education.—In addition to all other duties assigned to it by law or by rule of the State Board of Education, the department shall:

(5) Notwithstanding chapter 286, have the authority to hold
patents, copyrights, trademarks, and service marks. The department may take any action necessary to enforce its rights with respect to such patents, copyrights, trademarks, and service marks or enter into a transaction to sell, lease, license, or transfer such rights for monetary gain or other consideration, at the department’s discretion. The department shall notify the Department of State in writing when property rights by patent, copyright, or trademark are secured by the department. Any proceeds received by the department from the exercise of these rights, except for educational materials and products, shall be deposited in the department’s Operating Trust Fund.

Section 2. Subsection (3) is added to section 1003.33, Florida Statutes, to read:

1003.33 Report cards; end-of-the-year status.—

(3) A student’s final report card for a school year must be issued no later than 1 week after the last day of school or 1 week after receipt of assessment results for students enrolled in courses, as specified in the course code directory, with an associated statewide, standardized end-of-course assessment pursuant to s. 1008.22.

District school boards shall not allow schools to exempt students from academic performance requirements based on practices or policies designed to encourage student attendance. A student’s attendance record may not be used in whole or in part to provide an exemption from any academic performance requirement.

Section 3. Paragraph (b) of subsection (1) of section
1003.4156, Florida Statutes, is amended to read:

1003.4156 General requirements for middle grades promotion.—

(1) In order for a student to be promoted to high school from a school that includes middle grades 6, 7, and 8, the student must successfully complete the following courses:

(b) Three middle grades or higher courses in mathematics.

Each school that includes middle grades must offer at least one high school level mathematics course for which students may earn high school credit. Successful completion of a high school level Algebra I or Geometry course is not contingent upon the student’s performance on the statewide, standardized end-of-course (EOC) assessment. To earn high school credit for Algebra I, a middle grades student must take the statewide, standardized Algebra I EOC assessment, which constitutes 30 percent of the student’s final course grade, and earn a passing grade in the course, and in addition, beginning with the 2013-2014 school year and thereafter, a student’s performance on the Algebra I EOC assessment constitutes 30 percent of the student’s final course grade. To earn high school credit for a Geometry course, a middle grades student must, until the Geometry EOC assessment is discontinued, take the statewide, standardized Geometry EOC assessment, which constitutes 30 percent of the student’s final course grade, and earn a passing grade in the course.

Section 4. Paragraphs (a), (b), and (d) of subsection (3), subsection (7), and paragraph (e) of subsection (10) of section 1003.4282, Florida Statutes, are amended to read:

1003.4282 Requirements for a standard high school diploma.—

(3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT
REQUIREMENTS.—

(a) Four credits in English Language Arts (ELA).—The four credits must be in ELA I, II, III, and IV. A student must pass the statewide, standardized grade 10 Reading assessment or, when implemented, the grade 10 ELA assessment, or earn a concordant score, in order to earn a standard high school diploma.

(b) Four credits in mathematics.—

1. A student must earn one credit in Algebra I and one credit in Geometry. A student’s performance on the statewide, standardized Algebra I end-of-course (EOC) assessment constitutes 30 percent of the student’s final course grade. A student must pass the statewide, standardized Algebra I EOC assessment, or earn a comparative score, in order to earn a standard high school diploma. Until the Geometry EOC assessment is discontinued, a student’s performance on the statewide, standardized Geometry EOC assessment constitutes 30 percent of the student’s final course grade.

2. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one mathematics credit. Substitution may occur for up to two mathematics credits, except for Algebra I and Geometry. A student may earn two mathematics credits by successfully completing Algebra I through two full-year courses. A certified school counselor or the principal’s designee must advise the student that admission to a state university may require the student to earn 3 additional mathematics credits that are at least as rigorous as Algebra I.

3. A student who earns a computer science credit may
substitute the credit for up to one credit of the mathematics
requirement, with the exception of Algebra I and Geometry, if
the commissioner identifies the computer science credit as being
equivalent in rigor to the mathematics credit. An identified
computer science credit may not be used to substitute for both a
mathematics and a science credit. A student who earns an
industry certification in 3D rapid prototype printing may
satisfy up to two credits of the mathematics requirement, with
the exception of Algebra I, if the commissioner identifies the
certification as being equivalent in rigor to the mathematics
credit or credits.

(d) Three credits in social studies.—A student must earn
one credit in United States History; one credit in World
History; one-half credit in economics; and one-half credit in
United States Government. The United States History EOC
assessment constitutes 30 percent of the student’s final course
grade. Beginning with the 2020-2021 school year, all students in
grade 12 shall take the assessment of civic literacy identified
by the State Board of Education under s. 1007.25(4). A student
who earns a passing score on the assessment is exempt from the
postsecondary civic literacy assessment required by s.
1007.25(4).

(7) UNIFORM TRANSFER OF HIGH SCHOOL CREDITS.—Beginning with
the 2012-2013 school year, If a student transfers to a Florida
public high school from out of country, out of state, a private
school, or a home education program and the student’s transcript
shows a credit in Algebra I, the student’s transferring course
final grade and credit shall be honored. However, the student
must pass the statewide, standardized Algebra I EOC assessment
in order to earn a standard high school diploma unless the student earned a comparative score, passed a statewide assessment in Algebra I administered by the transferring entity, or passed the statewide mathematics assessment the transferring entity uses to satisfy the requirements of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (ESSA) of 2015, 20 U.S.C. ss. 6301 et seq. If a student’s transcript shows a credit in high school reading or English Language Arts II or III, in order to earn a standard high school diploma, the student must take and pass the statewide, standardized grade 10 Reading assessment or, when implemented, the grade 10 ELA assessment, or earn a concordant score. If a transfer student’s transcript shows a final course grade and course credit in Algebra I, Geometry, Biology I, or United States History, the transferring course final grade and credit shall be honored without the student taking the requisite statewide, standardized EOC assessment and without the assessment results constituting 30 percent of the student’s final course grade.

(10) STUDENTS WITH DISABILITIES.—Beginning with students entering grade 9 in the 2014-2015 school year, this subsection applies to a student with a disability.

(e) Any waiver of the statewide, standardized assessment requirements by the individual education plan team, pursuant to s. 1008.22(3)(d) or s. 1008.22(3)(e), must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided for in s. 1003.572.
The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54 to implement this subsection, including rules that establish the minimum requirements for students described in this subsection to earn a standard high school diploma. The State Board of Education shall adopt emergency rules pursuant to ss. 120.536(1) and 120.54.

Section 5. Paragraph (a) of subsection (1) of section 1003.4285, Florida Statutes, is amended to read:

1003.4285 Standard high school diploma designations.—
(1) Each standard high school diploma shall include, as applicable, the following designations if the student meets the criteria set forth for the designation:

(a) Scholar designation.—In addition to the requirements of s. 1003.4282, in order to earn the Scholar designation, a student must satisfy the following requirements:

1. Mathematics.—Earn one credit in Algebra II or an equally rigorous course and one credit in statistics or an equally rigorous course. Beginning with students entering grade 9 in the 2014-2015 school year, pass the Geometry statewide, standardized assessment.

2. Science.—Pass the statewide, standardized Biology I EOC assessment and earn one credit in chemistry or physics and one credit in a course equally rigorous to chemistry or physics. However, a student enrolled in an Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) Biology course who takes the respective AP, IB, or AICE Biology assessment and earns the minimum score necessary to earn college credit as identified pursuant to s. 1007.27(2) meets the requirement of this...
subparagraph without having to take the statewide, standardized Biology I EOC assessment.

3. Social studies.—Pass the statewide, standardized United States History EOC assessment. However, a student enrolled in an AP, IB, or AICE course that includes United States History topics who takes the respective AP, IB, or AICE assessment and earns the minimum score necessary to earn college credit as identified pursuant to s. 1007.27(2) meets the requirement of this subparagraph without having to take the statewide, standardized United States History EOC assessment.

4. Foreign language.—Earn two credits in the same foreign language.

5. Electives.—Earn at least one credit in an Advanced Placement, an International Baccalaureate, an Advanced International Certificate of Education, or a dual enrollment course.

Section 6. Effective upon becoming a law, subsection (5) is added to section 1006.33, Florida Statutes, to read:

1006.33 Bids or proposals; advertisement and its contents.—
(5) Notwithstanding the requirements of this section and rules adopted to implement this section, for the 2020 adoption cycle, the department may establish timeframes for the advertisement and submission of bids for instructional materials.

Section 7. Subsection (4) of section 1007.25, Florida Statutes, is amended to read:

1007.25 General education courses; common prerequisites; other degree requirements.—
(4) Beginning with students initially entering a Florida
College System institution or state university in the 2020-2021 school year and thereafter, each student must demonstrate competency in civic literacy. Students must have the option to demonstrate competency through the successful completion of a civic literacy course and/or by achieving a passing score on an assessment. The State Board of Education must adopt in rule and the Board of Governors must adopt in regulation at least one existing assessment that measures competencies consistent with the required course competencies outlined in paragraph (b). A student may fulfill the assessment requirement by earning a passing score on the assessment while in high school under s. 1003.4282(3)(d). The chair of the State Board of Education and the chair of the Board of Governors, or their respective designees, shall jointly appoint a faculty committee to:

(a) Develop a new course in civic literacy or revise an existing general education core course in American History or American Government to include civic literacy.

(b) Establish course competencies and identify outcomes that include, at a minimum, an understanding of the basic principles of American democracy and how they are applied in our republican form of government, an understanding of the United States Constitution, knowledge of the founding documents and how they have shaped the nature and functions of our institutions of self-governance, and an understanding of landmark Supreme Court cases and their impact on law and society.

Section 8. Paragraph (a) of subsection (8) of section 1007.35, Florida Statutes, is amended, and paragraph (l) is added to subsection (6) of that section, to read:
1007.35 Florida Partnership for Minority and Underrepresented Student Achievement.—

(6) The partnership shall:

(1) Provide information on resources and opportunities to help students transition to postsecondary education, including available financial aid and how to apply for such aid, as well as public and private partnerships that provide college advising services to assist students in the postsecondary education application process.

(8)(a) By September 30 of each year, the partnership shall submit to the department a report that contains an evaluation of the effectiveness of the delivered services and activities. Activities and services must be evaluated on their effectiveness at raising student achievement and increasing the number of AP or other advanced course examinations in low-performing middle and high schools. Other indicators that must be addressed in the evaluation report include the number of middle and high school teachers trained; the effectiveness of the training; measures of postsecondary readiness of the students affected by the program; levels of participation in 10th grade PSAT/NMSQT or the PreACT testing; the number of students who submit at least one postsecondary application; the number of students who submit an application for financial aid to help pay for postsecondary expenses; and measures of student, parent, and teacher awareness of and satisfaction with the services of the partnership.
(1) As used in this section, the term:

(a) "Circumstance" means a situation in which accommodations allowable for use on the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(d) or s. 1008.22(3)(c) are not offered to a student during the current year’s assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student’s impaired sensory, manual, or speaking skills rather than the student’s achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.

(2) A student with a disability for whom the individual education plan (IEP) team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(d) or s. 1008.22(3)(c) shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with rule 6A-6.03020, Florida Administrative Code, is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.

Section 10. Present paragraph (c) of subsection (3) of section 1008.22, Florida Statutes, is redesignated as paragraph
(d), a new paragraph (c) is added to that subsection, and paragraphs (a) and (b), present paragraphs (c) and (d), and paragraph (g) of subsection (3), subsection (6), paragraphs (a), (b), (c), and (h) of subsection (7), and subsections (8) and (9) of that section are amended, to read:

1008.22 Student assessment program for public schools.—

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

(a) Statewide, standardized comprehensive assessments.—The statewide, standardized Reading assessment shall be administered annually in grades 3 through 10. The statewide, standardized Writing assessment shall be administered annually at least once
at the elementary, middle, and high school levels. When the Reading and Writing assessments are replaced by English Language Arts (ELA) assessments, ELA assessments shall be administered to students in grades 3 through 8 and in grade 10. The grade 9 ELA assessment shall be last administered in the 2021-2022 school year. Retake opportunities for the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment must be provided. Students taking the ELA assessments shall not take the statewide, standardized assessments in Reading or Writing. Reading passages and writing prompts for ELA assessments shall incorporate grade-level core curricula content from social studies. The statewide, standardized Mathematics assessments shall be administered annually in grades 3 through 8. Students taking a revised Mathematics assessment shall not take the discontinued assessment. The statewide, standardized Science assessment shall be administered annually at least once at the elementary and middle grades levels. In order to earn a standard high school diploma, a student who has not earned a passing score on the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment must earn a passing score on the assessment retake or earn a concordant score as authorized under subsection (9). Statewide, standardized ELA and Mathematics assessments in grades 3 through 6 must be delivered in a paper-based format.

(b) End-of-course (EOC) assessments.—EOC assessments must be statewide, standardized, and developed or approved by the Department of Education as follows:

1. EOC assessments for Algebra I, Geometry, Biology I, United States History, and Civics shall be administered to
students enrolled in such courses as specified in the course code directory. The Geometry EOC assessment shall be administered to students enrolled in such courses as specified in the course code directory until the assessment is discontinued.

2. Students enrolled in a course, as specified in the course code directory, with an associated statewide, standardized EOC assessment must take the EOC assessment for such course and may not take the corresponding subject or grade-level statewide, standardized assessment pursuant to paragraph (a). Sections 1003.4156 and 1003.4282 govern the use of statewide, standardized EOC assessment results for students.

3. The commissioner may select one or more nationally developed comprehensive examinations, which may include examinations for a College Board Advanced Placement course, International Baccalaureate course, or Advanced International Certificate of Education course, or industry-approved examinations to earn national industry certifications identified in the CAPE Industry Certification Funding List, for use as EOC assessments under this paragraph if the commissioner determines that the content knowledge and skills assessed by the examinations meet or exceed the grade-level expectations for the core curricular content established for the course in the Next Generation Sunshine State Standards. Use of any such examination as an EOC assessment must be approved by the state board in rule.

4. Contingent upon funding provided in the General Appropriations Act, including the appropriation of funds received through federal grants, the commissioner may establish
an implementation schedule for the development and
administration of additional statewide, standardized EOC
assessments that must be approved by the state board in rule. If
approved by the state board, student performance on such
assessments constitutes 30 percent of a student’s final course
grade.

5. All statewide, standardized EOC assessments must be
administered online except as otherwise provided in paragraph
(e).

6. A student enrolled in an Advanced Placement (AP),
International Baccalaureate (IB), or Advanced International
Certificate of Education (AICE) course who takes the respective
AP, IB, or AICE assessment and earns the minimum score necessary
to earn college credit, as identified in s. 1007.27(2), meets
the requirements of this paragraph and does not have to take the
EOC assessment for the corresponding course.

(c) Nationally recognized high school assessments.—

1. Beginning with the 2020-2021 school year, a nationally
recognized high school assessment, defined as either the ACT or
the SAT, shall be administered to students in grade 11.

2. The Commissioner of Education shall, through a
competitive procurement, select either the ACT or the SAT for
statewide administration.

3. Funding for the SAT and the ACT for all grade 11
students shall be as provided in the General Appropriations Act.

(d)(c) Students with disabilities; Florida Alternate
Assessment.—

1. Each district school board must provide instruction to
prepare students with disabilities in the core content knowledge
and skills necessary for successful grade-to-grade progression
and high school graduation.

2. A student with a disability, as defined in s. 1007.02,
for whom the individual education plan (IEP) team determines
that the statewide, standardized assessments under this section
cannot accurately measure the student’s abilities, taking into
consideration all allowable accommodations, shall have
assessment results waived for the purpose of receiving a course
grade and a standard high school diploma. Such waiver shall be
designated on the student’s transcript. The statement of waiver
shall be limited to a statement that performance on an
assessment was waived for the purpose of receiving a course
grade or a standard high school diploma, as applicable.

3. The State Board of Education shall adopt rules, based
upon recommendations of the commissioner, for the provision of
assessment accommodations for students with disabilities and for
students who have limited English proficiency.

   a. Accommodations that negate the validity of a statewide,
standardized assessment are not allowed during the
administration of the assessment. However, instructional
accommodations are allowed in the classroom if identified in a
student’s IEP. Students using instructional accommodations in
the classroom that are not allowed on a statewide, standardized
assessment may have assessment results waived if the IEP team
determines that the assessment cannot accurately measure the
student’s abilities.

   b. If a student is provided with instructional
accommodations in the classroom that are not allowed as
accommodations for statewide, standardized assessments, the
447 district must inform the parent in writing and provide the
448 parent with information regarding the impact on the student’s
449 ability to meet expected performance levels. A parent must
450 provide signed consent for a student to receive classroom
451 instructional accommodations that would not be available or
452 permitted on a statewide, standardized assessment and
453 acknowledge in writing that he or she understands the
454 implications of such instructional accommodations.
455
c. If a student’s IEP states that online administration of
456 a statewide, standardized assessment will significantly impair
457 the student’s ability to perform, the assessment shall be
458 administered in hard copy.
459
4. For students with significant cognitive disabilities,
460 the Department of Education shall provide for implementation of
461 the Florida Alternate Assessment to accurately measure the core
462 curricular content established in the Next Generation Sunshine
463 State Standards.
464
    (d) Implementation schedule.
    1. The Commissioner of Education shall establish and
466 publish on the department’s website an implementation schedule
467 to transition from the statewide, standardized Reading and
468 Writing assessments to the ELA assessments and to the revised
469 Mathematics assessments, including the Algebra I and Geometry
470 EOC assessments. The schedule must take into consideration
471 funding, sufficient field and baseline data, access to
472 assessments, instructional alignment, and school district
473 readiness to administer the assessments online. All such
474 assessments must be delivered through computer-based testing,
475 however, the following assessments must be delivered in a
computer-based format, as follows: the grade 3 Mathematics assessment beginning in the 2016-2017 school year; the grade 4 ELA assessment, beginning in the 2015-2016 school year; and the grade 4 Mathematics assessment, beginning in the 2016-2017 school year. Notwithstanding the requirements of this subparagraph, statewide, standardized ELA and mathematics assessments in grades 3 through 6 must be delivered only in a paper-based format, beginning with the 2017-2018 school year, and all such assessments must be paper-based no later than the 2018-2019 school year.

2. The Department of Education shall publish minimum and recommended technology requirements that include specifications for hardware, software, networking, security, and broadband capacity to facilitate school district compliance with the requirements of this section.

(g) Contracts for assessments.—

1. The commissioner shall provide for the assessments to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary educational institutions, or school districts. The commissioner may enter into contracts for the continued administration of the assessments authorized and funded by the Legislature. Contracts may be initiated in 1 fiscal year and continue into the next fiscal year and may be paid from the appropriations of either or both fiscal years. The commissioner may negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials developed pursuant to law.

2. A student’s performance results on statewide,
standardized assessments, EOC assessments, and Florida Alternative Assessments administered pursuant to this subsection must be provided to the student’s teachers and parents by the end of the school year, unless the commissioner determines that extenuating circumstances exist and reports the extenuating circumstances to the State Board of Education. This subparagraph does not apply to existing contracts for such assessments, but shall apply to new contracts and any renewal of existing contracts for such assessments.

3. If liquidated damages are applicable, the department shall collect liquidated damages that are due in response to the administration of the spring 2015 computer-based assessments of the department’s Florida Standards Assessment contract with American Institutes for Research, and expend the funds to reimburse parties that incurred damages.

(6) LOCAL ASSESSMENT OF STUDENT PERFORMANCE ON STATE STANDARDS.—

(a) Measurement of student performance is the responsibility of school districts except in those subjects and grade levels measured under the statewide, standardized assessment program described in this section. When available, instructional personnel must be provided with information on student achievement of standards and benchmarks in order to improve instruction.

(b) The Commissioner of Education shall assist and support districts in measuring student performance on the state standards by maintaining a statewide item bank, facilitating the sharing of developed tests or test items among school districts, and providing technical assistance in best assessment practices.
The commissioner may discontinue the item bank if he or she determines that district participation is insufficient for its sustainability.

(7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—

(a) The Commissioner of Education shall establish schedules for the administration of statewide, standardized assessments and the reporting of student assessment results. The commissioner shall consider the observance of religious and school holidays when developing the schedules. The assessment and reporting schedules must provide the earliest possible reporting of student assessment results to the school districts, consistent with the requirements of paragraph (3)(g). Assessment results for the statewide, standardized ELA and mathematics assessments and all statewide, standardized EOC assessments must be made available no later than June 30, except for results for the grade 3 statewide, standardized ELA assessment, which must be made available no later than May 31. School districts shall administer statewide, standardized assessments in accordance with the schedule established by the commissioner.

(b) By January of each year, beginning in 2018, the commissioner shall publish on the department’s website a uniform calendar that includes the assessment and reporting schedules for, at a minimum, the next 2 school years. The uniform calendar must be provided to school districts in an electronic format that allows each school district and public school to populate the calendar with, at minimum, the following information for reporting the district assessment schedules under paragraph (d):

1. Whether the assessment is a district-required assessment or a state-required assessment.
2. The specific date or dates that each assessment will be administered.
3. The time allotted to administer each assessment.
4. Whether the assessment is a computer-based assessment or a paper-based assessment.
5. The grade level or subject area associated with the assessment.
6. The date that the assessment results are expected to be available to teachers and parents.
7. The type of assessment, the purpose of the assessment, and the use of the assessment results.
9. Estimates of average time for administering state-required and district-required assessments, by grade level.

(c) Beginning with the 2018-2019 school year, the spring administration of the statewide, standardized assessments in paragraphs (3)(a) and (b), excluding assessment retakes, must be in accordance with the following schedule:
1. The grade 3 statewide, standardized ELA assessment and the writing portion of the statewide, standardized ELA assessment for grades 4 through 10 must be administered no earlier than April 1 each year within an assessment window not to exceed 2 weeks.
2. With the exception of assessments identified in subparagraph 1., any statewide, standardized assessment that is delivered in a paper-based format must be administered no earlier than May 1 each year within an assessment window not to exceed 2 weeks.
3. With the exception of assessments identified in
subparagraphs 1. and 2., any statewide, standardized assessment must be administered within a 4-week assessment window that opens no earlier than May 1 each year.

Each school district shall administer the assessments identified under subparagraphs 2. and 3. no earlier than 4 weeks before the last day of school for the district.

(h) The results of statewide, standardized ELA, and mathematics, science, and social studies assessments, including assessment retakes, shall be reported in an easy-to-read and understandable format and delivered in time to provide useful, actionable information to students, parents, and each student’s current teacher of record and teacher of record for the subsequent school year; however, in any case, the district shall provide the results pursuant to this paragraph within 1 week after receiving the results from the department. A report of student assessment results must, at a minimum, contain:

1. A clear explanation of the student’s performance on the applicable statewide, standardized assessments.

2. Information identifying the student’s areas of strength and areas in need of improvement.

3. Specific actions that may be taken, and the available resources that may be used, by the student’s parent to assist his or her child based on the student’s areas of strength and areas in need of improvement.

4. Longitudinal information, if available, on the student’s progress in each subject area based on previous statewide, standardized assessment data.

5. Comparative information showing the student’s score
compared to other students in the school district, in the state, or, if available, in other states.

6. Predictive information, if available, showing the linkage between the scores attained by the student on the statewide, standardized assessments and the scores he or she may potentially attain on nationally recognized college entrance examinations.

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

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

(b) The initial publication of assessments must occur no later than June 30, 2024, subject to appropriation, and must include, at a minimum, the grade 3 ELA and mathematics assessments, the grade 10 ELA assessment, and the Algebra I EOC assessment.

(c) The department must provide materials on its website to help the public interpret assessment information published pursuant to this subsection.
(9) CONCORDANT SCORES.—The Commissioner of Education must identify scores on the SAT and ACT that if achieved satisfy the graduation requirement that a student pass the grade 10 statewide, standardized Reading assessment or, upon implementation, the grade 10 ELA assessment. The commissioner may identify concordant scores on assessments other than the SAT and ACT. If the content or scoring procedures change for the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment, new concordant scores must be determined. If new concordant scores are not timely adopted, the last-adopted concordant scores remain in effect until such time as new scores are adopted. The state board shall adopt concordant scores in rule.

Section 11. Paragraph (a) of subsection (2) of section 1008.25, Florida Statutes, is amended to read:

1008.25 Public school student progression; student support; reporting requirements.—

(2) STUDENT PROGRESSION PLAN.—Each district school board shall establish a comprehensive plan for student progression which must provide for a student’s progression from one grade to another based on the student’s mastery of the standards in s. 1003.41, specifically English Language Arts, mathematics, science, and social studies standards. The plan must:

(a) Include criteria that emphasize student reading proficiency in kindergarten through grade 3 and provide targeted instructional support for students with identified deficiencies in English Language Arts, mathematics, science, and social studies. High schools shall use all available assessment results, including the results of statewide, standardized
English Language Arts assessments and end-of-course assessments for Algebra I and Geometry, to advise students of any identified deficiencies and to provide appropriate postsecondary preparatory instruction before high school graduation. The results of evaluations used to monitor a student’s progress in grades K-12 must be provided to the student’s teacher in a timely manner and as otherwise required by law. Thereafter, evaluation results must be provided to the student’s parent in a timely manner. When available, instructional personnel must be provided with information on student achievement of standards and benchmarks in order to improve instruction.

Section 12. Subsection (1), paragraphs (a) and (b) of subsection (3), and subsection (4) of section 1008.33, Florida Statutes, are amended to read:

1008.33 Authority to enforce public school improvement.—

(1) The State Board of Education shall comply with the federal Elementary and Secondary Education Act (ESEA), 20 U.S.C. ss. 6301 et seq., its implementing regulations, and the ESEA plan flexibility waiver approved for Florida by the United States Secretary of Education. The state board may adopt rules to maintain compliance with the ESEA and the ESEA plan flexibility waiver.

(3)(a) The academic performance of all students has a significant effect on the state school system. Pursuant to Art. IX of the State Constitution, which prescribes the duty of the State Board of Education to supervise Florida’s public school system, the state board shall equitably enforce the accountability requirements of the state school system and may impose state requirements on school districts in order to
improve the academic performance of all districts, schools, and
students based upon the provisions of the Florida K-20 Education
Code, chapters 1000-1013; the federal ESEA and its implementing
regulations; and the ESEA plan flexibility waiver approved for
Florida by the United States Secretary of Education.

(b) The Department of Education shall annually identify
each public school in need of intervention and support to
improve student academic performance. A deficient and failing
school is a school All schools earning a grade of “D” or “F”
pursuant to s. 1008.34 are schools in need of intervention and
support.

(4)(a) The state board shall apply intensive intervention
and support strategies tailored to the needs of schools earning
a grade two consecutive grades of “D” or a grade of “F.” In the
first full school year after a school initially earns a grade
two consecutive grades of “D” or a grade of “F,” the school
district must immediately implement intervention and support
strategies prescribed in rule under paragraph (3)(c) and, by
September 1, provide the department with the memorandum of
understanding negotiated pursuant to s. 1001.42(21) and, by
October 1, a district-managed turnaround plan for approval by
the state board. The district-managed turnaround plan may
include a proposal for the district to implement an extended
school day, a summer program, or a combination of an extended
school day and a summer program. Upon approval by the state
board, the school district must implement the plan for the
remainder of the school year and continue the plan for 1 full
school year. The state board may allow a school an additional
year of implementation before the school must implement a
turnaround option required under paragraph (b) if it determines that the school is likely to improve to a grade of “C” or higher after the first full school year of implementation, and will sustain the improvement beyond the next school year.

(b) Unless an additional year of implementation is provided pursuant to paragraph (a), a school that completes a district-managed turnaround plan cycle and does not improve to at least a grade of earns three consecutive grades below a “C” or higher must implement one of the following:

1. Upon the recommendation of the Commissioner of Education, the state board may allow the school district to close the school and reassign students to another school with a school grade of “C” or higher, provide additional services to reassigned students which are designed to address deficiencies and improve performance, and monitor the progress of each reassigned student for 3 school years;

2. Repurpose Close the school and reopen the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness; or

3. Enter into a performance contract with an external operator outside entity that has a demonstrated record of effectiveness to operate the school. The contract must allow unilateral cancellation by the school district upon revocation of the turnaround plan under paragraph (f). An external operator outside entity may include the State University System or Florida College System institution or a district-managed charter school in which all instructional personnel are not employees of the school district, but are employees of an independent governing board composed of members who did not participate in
the review or approval of the charter.

(c) During the implementation of a turnaround option, the district may request a new turnaround option. Implementation of the turnaround option is no longer required if the school improves to a grade of “C” or higher.

(d) If a school earning two consecutive grades of “D” or a grade of “F” does not improve to a grade of “C” or higher after 2 school years of implementing the turnaround option selected by the school district under paragraph (b), the school district must implement another turnaround option. Implementation of the turnaround option must begin the school year following the implementation period of the existing turnaround option, unless the state board determines that the school is likely to improve to a grade of “C” or higher if additional time is provided to implement the existing turnaround option.

(e) If a school earns a grade of “D” or “F” within 4 years after improving to a grade of “C” or higher, the school may only select a turnaround option under paragraph (b).

(f) The state board may revoke a turnaround plan if a school district fails to follow the terms and conditions of its approved plan. Before revoking a turnaround plan, the state board shall consider any curative action taken or proposed by the school district and the feasibility of improving performance under the plan during the remainder of the approval period. Upon revocation of a turnaround plan, a school district must submit a new turnaround plan or select a new turnaround option.

Section 13. Paragraphs (a) and (b) of subsection (1) and paragraph (b) of subsection (3) of section 1008.34, Florida Statutes, are amended to read:
1008.34 School grading system; school report cards; district grade.—

(1) DEFINITIONS.—For purposes of the statewide, standardized assessment program and school grading system, the following terms are defined:

(a) “Achievement level,” “student achievement,” or “achievement” describes the level of content mastery a student has acquired in a particular subject as measured by a statewide, standardized assessment administered pursuant to s. 1008.22(3)(a) and (b). There are five achievement levels. Level 1 is the lowest achievement level, level 5 is the highest achievement level, and level 3 indicates satisfactory performance. A student passes an assessment if the student achieves a level 3, level 4, or level 5. For purposes of the Florida Alternate Assessment administered pursuant to s. 1008.22(3)(c), the state board shall provide, in rule, the number of achievement levels and identify the achievement levels that are considered passing. For the purpose of calculating school grades under this section, the State Board of Education shall adopt by rule passing scores for the nationally recognized high school assessment selected pursuant to s. 1008.22(3)(c).

(b) “Learning Gains,” “annual learning gains,” or “student learning gains” means the degree of student learning growth occurring over time from one school year to the next as required by state board rule for purposes of calculating school grades under this section.

(3) DESIGNATION OF SCHOOL GRADES.—

(b)1. Beginning with the 2014-2015 school year, A school’s
grade shall be based on the following components, each worth 100 points:

a. The percentage of eligible students passing statewide, standardized assessments in English Language Arts under s. 1008.22(3), and beginning with the 2022-2023 school year, the percentage of eligible students passing the relevant portions of the nationally recognized high school assessment selected pursuant to s. 1008.22(3)(c).

b. The percentage of eligible students passing statewide, standardized assessments in mathematics under s. 1008.22(3), and beginning with the 2022-2023 school year, the percentage of eligible students passing the relevant portions of the nationally recognized high school assessment selected pursuant to s. 1008.22(3)(c).

c. The percentage of eligible students passing statewide, standardized assessments in science under s. 1008.22(3).

d. The percentage of eligible students passing statewide, standardized assessments in social studies under s. 1008.22(3).

e. The percentage of eligible students who make Learning Gains in English Language Arts as measured by statewide, standardized assessments administered under s. 1008.22(3).

f. The percentage of eligible students who make Learning Gains in mathematics as measured by statewide, standardized assessments administered under s. 1008.22(3).

g. The percentage of eligible students in the lowest 25 percent in English Language Arts, as identified by prior year performance on statewide, standardized assessments, who make Learning Gains as measured by statewide, standardized English Language Arts assessments administered under s. 1008.22(3).
h. The percentage of eligible students in the lowest 25 percent in mathematics, as identified by prior year performance on statewide, standardized assessments, who make Learning Gains as measured by statewide, standardized Mathematics assessments administered under s. 1008.22(3).

i. For schools comprised of middle grades 6 through 8 or grades 7 and 8, the percentage of eligible students passing high school level statewide, standardized end-of-course assessments or attaining national industry certifications identified in the CAPE Industry Certification Funding List pursuant to rules adopted by the State Board of Education.

In calculating Learning Gains for the components listed in sub-subparagraphs e.-h., the State Board of Education shall require that learning growth toward achievement levels 3, 4, and 5 is demonstrated by students who scored below each of those levels in the prior year. In calculating the components in sub-subparagraphs a.-d., the state board shall include the performance of English language learners only if they have been enrolled in a school in the United States for more than 2 years.

2. For a school comprised of grades 9, 10, 11, and 12, or grades 10, 11, and 12, the school’s grade shall also be based on the following components, each worth 100 points:

a. The 4-year high school graduation rate of the school as defined by state board rule.

b. The percentage of students who were eligible to earn college and career credit through College Board Advanced Placement examinations, International Baccalaureate examinations, dual enrollment courses, or Advanced International
Certificate of Education examinations; or who, at any time
during high school, earned national industry certification
identified in the CAPE Industry Certification Funding List,
pursuant to rules adopted by the state board.

Section 14. Subsection (2) of section 1008.3415, Florida
Statutes, is amended to read:

1008.3415 School grade or school improvement rating for
exceptional student education centers.—

(2) Notwithstanding s. 1008.34, the achievement levels and
Learning Gains of a student with a disability who attends an
exceptional student education center and has not been enrolled
in or attended a public school other than an exceptional student
education center for grades K-12 within the school district
shall not be included in the calculation of the home school’s
grade if the student is identified as an emergent student on the
alternate assessment described in s. 1008.22(3)(d) or
1008.22(3)(e).

Section 15. Subsection (21) of section 1011.62, Florida
Statutes, is amended to read:

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

(21) TURNAROUND SCHOOL SUPPLEMENTAL SERVICES ALLOCATION.—
The turnaround school supplemental services allocation is
created to provide district-managed turnaround schools, as
identified in s. 1008.33(4)(a), schools implementing a charter
or an external operator turnaround option, that earn three consecutive grades below a "C," as identified in s. 1008.33(4)(c)3., and schools that have improved to a "C" or higher and are no longer in turnaround status, as identified in s. 1008.33(4)(d) e. 1008.33(4)(c), with funds to offer services designed to improve the overall academic and community welfare of the schools’ students and their families.

(a)1. Services funded by the allocation may include, but are not limited to, tutorial and after-school programs, student counseling, nutrition education, parental counseling, and an extended school day and school year. In addition, services may include models that develop a culture that encourages students to complete high school and to attend college or career training, set high academic expectations, and inspire character development.

2. A school district may enter into a formal agreement with a nonprofit organization that has tax-exempt status under s. 501(c)(3) of the Internal Revenue Code to implement an integrated student support service model that provides students and families with access to wrap-around services, including, but not limited to, health services, after-school programs, drug prevention programs, college and career readiness programs, and food and clothing banks.

(b) Before distribution of the allocation, the school district shall develop and submit a plan for implementation to its school board for approval no later than August 1 of each fiscal year.

(c) At a minimum, the plan required under paragraph (b)
must:

1. Establish comprehensive support services that develop family and community partnerships;

2. Establish clearly defined and measurable high academic and character standards;

3. Increase parental involvement and engagement in the child’s education;

4. Describe how instructional personnel will be identified, recruited, retained, and rewarded;

5. Provide professional development that focuses on academic rigor, direct instruction, and creating high academic and character standards;

6. Provide focused instruction to improve student academic proficiency, which may include additional instruction time beyond the normal school day or school year; and

7. Include a strategy for continuing to provide services after the school is no longer in turnaround status by virtue of achieving a grade of “C” or higher.

(d) Each school district shall submit its approved plans to the commissioner by September 1 of each fiscal year.

(e) Subject to legislative appropriation, each school district’s allocation must be based on the unweighted FTE student enrollment at the eligible schools and a per-FTE funding amount of $500 or as provided in the General Appropriations Act. The supplement provided in the General Appropriations Act shall be based on the most recent school grades and shall serve as a proxy for the official calculation. Once school grades are available for the school year immediately preceding the fiscal year coinciding with the appropriation, the supplement shall be
recalculated for the official participating schools as part of
the subsequent FEFP calculation. The commissioner may prepare a
preliminary calculation so that districts may proceed with
timely planning and use of the funds. If the calculated funds
for the statewide allocation exceed the funds appropriated, the
allocation of funds to each school district must be prorated
based on each school district’s share of the total unweighted
FTE student enrollment for the eligible schools.

(f) Subject to legislative appropriation, each school shall
remain eligible for the allocation for a maximum of 4 continuous
fiscal years while implementing a turnaround option pursuant to
s. 1008.33(4). In addition, a school that improves to a grade of
“C” or higher shall remain eligible to receive the allocation
for a maximum of 2 continuous fiscal years after exiting
turnaround status.

Section 16. For the 2020-2021 fiscal year, the sum of $8
million in recurring funds is appropriated from the General
Revenue Fund to the Department of Education to implement s.
1008.22(3)(c), as created by this act.

Section 17. Except as otherwise expressly provided in this
act and except for this section, which shall take effect upon
this act becoming a law, this act shall take effect July 1,
2020.

Title Amendment

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to education; amending s. 1001.23,
F.S.; authorizing the Department of Education to hold patents, copyrights, trademarks, and service marks; authorizing the department to take specified actions to enforce its rights under certain circumstances; requiring the department to notify the Department of State under certain circumstances; requiring certain proceeds to be deposited into a specified trust fund; amending s. 1003.33, F.S.; requiring final report cards to be issued within a multiple specified timeframes; amending s. 1003.4156, F.S.; conforming provisions to changes made by the act; amending s. 1003.4282, F.S.; deleting obsolete language; requiring certain students to take a specified assessment relating to civic literacy; providing that such assessment meets certain postsecondary requirements under specified circumstances; amending s. 1003.4285, F.S.; revising the requirements for earning the Scholar designation on a standard high school diploma; amending s. 1006.33, F.S.; authorizing the department to establish timeframes for specified purposes relating to instructional materials for a certain adoption cycle; amending s. 1007.25, F.S.; requiring postsecondary students to complete a civic literacy course and pass a specified assessment to demonstrate competency in civic literacy; authorizing students to meet the assessment requirements in high school; amending s. 1007.35, F.S.; requiring the Florida Partnership for Minority and Underrepresented Student Achievement to provide specified information to
students relating to transitioning to postsecondary education; revising certain reporting requirements; amending s. 1008.212, F.S.; conforming cross-references; amending s. 1008.22, F.S.; deleting obsolete language; discontinuing a specified English Language Arts assessment at a certain time; requiring certain statewide, standardized assessments to be administered in a paper-based format; requiring school districts to provide the SAT or ACT to grade 11 students beginning in a specified school year; requiring the Commissioner of Education to choose which assessment to administer; providing that funding for the assessments shall be as provided by appropriation; deleting specified reporting requirements; deleting a requirement that the Commissioner of Education maintain a specified item bank; deleting specified requirements for the date of the administration of specified assessments; revising a deadline for the publication of certain assessments; amending s. 1008.25, F.S.; revising which assessments a high school must use to advise students of specified deficiencies; amending s. 1008.33, F.S.; revising requirements for certain intervention and support strategies; revising requirements for the State Board of Education to allow a school an additional year of implementation of a district-managed turnaround plan; revising the requirements for turnaround options for specified schools; authorizing a school district to request a new turnaround option; providing...
requirements for certain schools that reenter the
turnaround system; authorizing the state board to
revoke a turnaround plan under certain circumstances;
providing requirements for such revocation; amending
s. 1008.34, F.S.; revising definitions; revising
school grade calculations to include specified
assessment results beginning in a specified school
year; amending s. 1008.3415, F.S.; conforming a cross-
reference; amending s. 1011.62, F.S.; revising the
eligibility criteria for the turnaround school
supplemental services allocation; providing an
appropriation; providing effective dates.
Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (3) and (4) of section 1008.33, Florida Statutes, are amended to read:

(3) Authority to enforce public school improvement.—
1008.33 Authority to enforce public school improvement.—
(3)(a) The academic performance of all students has a significant effect on the state school system. Pursuant to Art. IX of the State Constitution, which prescribes the duty of the State Board of Education to supervise Florida’s public school system, the state board shall equitably enforce the accountability requirements of the state school system and may impose state requirements on school districts in order to improve the academic performance of all districts, schools, and students based upon the provisions of the Florida K-20 Education Code, chapters 1000-1013; the federal ESEA and its implementing regulations; and the ESEA flexibility waiver approved for Florida by the United States Secretary of Education.

(b) The Department of Education shall annually identify each public school in need of intervention and support to improve student academic performance. A deficient and failing school is a school that earns all schools earning a grade of “D” or “F” pursuant to s. 1008.34 and needs are schools in need of intervention and support.

(c) The state board shall adopt by rule a differentiated matrix of intervention and support strategies for assisting traditional public schools identified under this section and rules for implementing s. 1002.33(9)(n), relating to charter schools. The intervention and support strategies must address student performance and may include improvement planning; leadership quality improvement; educator quality improvement; professional development; curriculum review, pacing, and alignment across grade levels to improve background knowledge in social studies, science, and the arts; and the use of continuous improvement and monitoring plans and processes. In addition, the state board may prescribe reporting requirements to review and monitor the progress of the schools. The rule must define the intervention and support strategies for school improvement for schools earning a grade of “D” or “F” and the roles for the
(4)(a) The state board shall apply intensive intervention and support strategies tailored to the needs of schools earning two consecutive grades of “D” or a grade of “F.” In the first full school year after a school initially earns two consecutive grades of “D” or a grade of “F,” the school district must immediately implement intervention and support strategies prescribed in rule under paragraph (3)(c) and, by September 1, provide the department with the memorandum of understanding negotiated pursuant to s. 1001.42(21) and, by October 1, a district-managed turnaround plan for approval by the state board. The district-managed turnaround plan may include a proposal for the district to implement an extended school day, a summer program, or a combination of an extended school day and a summer program. Upon approval by the state board, the school district shall implement the plan for the remainder of the school year, and continue the plan for 1 full school year, or the district may request to change a turnaround option after the first year of implementation. The state board may allow a school an additional year of implementation before the school must implement a turnaround option required under paragraph (c) (d) if it determines that the school is likely to improve to a grade of “C” or higher after the first full school year of implementation.

(b) A district may request additional time only if the following conditions are met; however, the State Board of Education is not required to grant any such request:
1. The request demonstrates that the school has a positive trajectory using the school grade components specified in s.
or more charter schools, each with a governing board that has a demonstrated record of effectiveness; or

3. Enter into an annual performance contract with an external operator outside entity that has a demonstrated record of effectiveness to operate the school. An external operator outside entity may include a provider authorized by the State University System or Florida College System or a district-managed charter school in which all instructional personnel are not employees of the school district, but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter.

(d) During the first year of implementation of a turnaround option, the district may request a new turnaround option. Implementation of the turnaround option is no longer required if the school improves to a grade of "C" or higher.

(e) If a school earning two consecutive grades of "D" or a grade of "F" does not improve to a grade of "C" or higher after 2 school years of implementing the turnaround option selected by the school district under paragraph (c) 4), the school district must implement another turnaround option. Implementation of the turnaround option must begin the school year following the implementation period of the existing turnaround option, unless the state board determines that the school is likely to improve to a grade of "C" or higher if additional time is provided to implement the existing turnaround option.

(f) The state board may revoke a turnaround plan when a district has failed to follow the terms of its approved plan or to meet the requirements of the plan. Prior to revocation, the state board shall consider any curative action taken or proposed by the district and the feasibility of improving performance under the plan during the remainder of the approval period. Upon revocation, the state board may require a district to submit a new plan or select a new turnaround option.

Section 2. Subsection (21) of section 1011.62, Florida Statutes, is amended to read:

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

(21) TURNAROUND SCHOOL SUPPLEMENTAL SERVICES ALLOCATION.—The turnaround school supplemental services allocation is created to provide district-managed turnaround schools, as identified in s. 1008.33(4)(a), schools implementing a charter or an external operator turnaround option, and schools that earn three consecutive grades below "C" as identified in s. 1008.33(4)(c)3., 1008.33(4)(d), and schools that have improved to a "C" or higher and are no longer in turnaround status, as identified in s. 1008.33(4)(d)1., 1008.33(4)(e), with funds to offer services designed to improve the overall academic and community welfare of the schools’ students and their families.

(a) Services funded by the allocation may include, but are not limited to, tutorial and after-school programs, student counseling, nutrition education, parental counseling, and an extended school day and school year. In addition, services may...
include models that develop a culture that encourages students to complete high school and to attend college or career training, set high academic expectations, and inspire character development.

2. A school district may enter into a formal agreement with a nonprofit organization that has tax-exempt status under s. 501(c)(3) of the Internal Revenue Code to implement an integrated student support service model that provides students and families with access to wrap-around services, including, but not limited to, health services, after-school programs, drug prevention programs, college and career readiness programs, and food and clothing banks.

(b) Before distribution of the allocation, the school district shall develop and submit a plan for implementation to its school board for approval no later than August 1 of each fiscal year.

(c) At a minimum, the plan required under paragraph (b) must:

1. Establish comprehensive support services that develop family and community partnerships;

2. Establish clearly defined and measurable high academic and character standards;

3. Increase parental involvement and engagement in the child’s education;

4. Describe how instructional personnel will be identified, recruited, retained, and rewarded;

5. Provide professional development that focuses on academic rigor, direct instruction, and creating high academic and character standards;

6. Provide focused instruction to improve student academic proficiency, which may include additional instruction time beyond the normal school day or school year; and

7. Include a strategy for continuing to provide services after the school is no longer in turnaround status by virtue of achieving a grade of “C” or higher.

(d) Each school district shall submit its approved plans to the commissioner by September 1 of each fiscal year.

(e) Subject to legislative appropriation, each school district’s allocation must be based on the unweighted FTE student enrollment at the eligible schools and a per-FTE funding amount of $500 or as provided in the General Appropriations Act.

The supplement provided in the General Appropriations Act shall be based on the most recent school grades and shall serve as a proxy for the official calculation. Once school grades are available for the school year immediately preceding the fiscal year coinciding with the appropriation, the supplement shall be recalculated for the official participating schools as part of the subsequent FEFP calculation. The commissioner may prepare a preliminary calculation so that districts may proceed with timely planning and use of the funds. If the calculated funds for the statewide allocation exceed the funds appropriated, the allocation of funds to each school district must be prorated based on each school district’s share of the total unweighted FTE student enrollment for the eligible schools.

(f) Subject to legislative appropriation, each school shall remain eligible for the allocation for a maximum of 4 continuous fiscal years while implementing a turnaround option pursuant to s. 1008.33(4). In addition, a school that improves to a grade of
(III) Reorganize the school under a new director or principal who is authorized to hire new staff; or

(IV) Voluntarily close the charter school.

b. The charter school must implement the corrective action in the school year following receipt of a third consecutive grade below a “C.”

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

d. A charter school is no longer required to implement a corrective action if it improves to a “C” or higher. However, the charter school must continue to implement strategies identified in the school improvement plan. The sponsor must annually review implementation of the school improvement plan to monitor the school’s continued improvement pursuant to subparagraph 4.

e. A charter school implementing a corrective action that does not improve to a “C” or higher after 2 full school years of implementing the corrective action must select a different corrective action. Implementation of the new corrective action must begin in the school year following the implementation period of the existing corrective action, unless the sponsor determines that the charter school is likely to improve to a “C” or higher if additional time is provided to implement the existing corrective action. Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of “F” while implementing a corrective action is subject
3. A charter school’s charter contract is automatically terminated if the school earns two consecutive grades of “F” after all school grade appeals are final unless:
   a. The charter school is established to turn around the performance of a district public school pursuant to s. 1008.33(4)(c)2., such charter schools shall be governed by s. 1008.33;
   b. The charter school serves a student population the majority of which resides in a school zone served by a district public school subject to s. 1008.33(4) and the charter school earns at least a grade of “D” in its third year of operation.
   The exception provided under this sub-subparagraph does not apply to a charter school in its fourth year of operation and thereafter, or
   c. The state board grants the charter school a waiver of termination. The charter school must request the waiver within 15 days after the department’s official release of school grades. The state board may waive termination if the charter school demonstrates that the Learning Gains of its students on statewide assessments are comparable to or better than the Learning Gains of similarly situated students enrolled in nearby district public schools. The waiver is valid for 1 year and may only be granted once. Charter schools that have been in operation for more than 5 years are not eligible for a waiver under this sub-subparagraph.

The sponsor shall notify the charter school’s governing board, the charter school principal, and the department in writing when a charter contract is terminated under this subparagraph. A charter terminated under this subparagraph must follow the procedures for dissolution and reversion of public funds pursuant to paragraphs (8)(d)-(f) and (9)(o).

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

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

Section 4. Paragraph (b) of subsection (1) of section 1002.332, Florida Statutes, is amended to read:

1002.332 High-performing charter school system.—
(1) For purposes of this section, the term: "High-performing charter school system" means an entity that:
1. Operated at least three high-performing charter schools in the state during each of the previous 3 school years;
2. Operated a system of charter schools in which at least 50 percent of the charter schools were high-performing charter schools pursuant to s. 1002.331 and no charter school earned a school grade of “D” or “F” pursuant to s. 1008.34 in any of the
a. Serves students from one or more persistently low-performing schools and students who reside in a Florida school zone served by a public school pursuant to s. 1008.33(4)(c)(2), with a school grade of “F,” that school’s grade may not be considered in determining high-performing charter school system status for a period of 3 years.
b. If the entity established a new charter school that served a student population the majority of which resided in a school zone served by a public school that earned a grade of “P” or three consecutive grades of “D” pursuant to s. 1008.34, that charter school’s grade may not be considered in determining high-performing charter school system status if it attained and maintained a school grade that was higher than that of the public school serving that school zone within 3 years after establishment; and
3. Did not receive a financial audit that revealed one or more of the financial emergency conditions set forth in s. 218.503(1) for any charter school assumed or established by the entity in the most recent 3 fiscal years for which such audits are available.

Section 5. Paragraph (d) of subsection (1) and subsection (2) of section 1002.333, Florida Statutes, is amended to read:
1002.333 Persistently low-performing schools.—
(1) DEFINITIONS.—As used in this section, the term:
(d) "School of hope" means:
1. A charter school operated by a hope operator which:
a. Serves students from one or more persistently low-performing schools and students who reside in a Florida Opportunity Zone;

b. Is located in a Florida Opportunity Zone or in the attendance zone of a persistently low-performing school or within a 5-mile radius of such school, whichever is greater; and

c. Is a Title I eligible school; or

2. A school operated by a hope operator pursuant to s. 1008.33(4)(c)(3). The audited financial statements of the operator are

(2) HOPE OPERATOR.—A hope operator is a nonprofit organization with tax exempt status under s. 501(c)(3) of the Internal Revenue Code that operates three or more charter schools that serve students in grades K-12 in Florida or other states with a record of serving students from low-income families and is designated by the State Board of Education as a hope operator based on a determination that:
(a) The past performance of the hope operator meets or exceeds the following criteria:

1. The achievement of enrolled students exceeds the district and state averages of the states in which the operator’s schools operate;

2. The average college attendance rate at all schools currently operated by the operator exceeds 80 percent, if such data is available;

3. The percentage of students eligible for a free or reduced price lunch under the National School Lunch Act enrolled at all schools currently operated by the operator exceeds 70 percent;

4. The operator is in good standing with the authorizer in each state in which it operates;

5. The audited financial statements of the operator are
free of material misstatements and going concern issues; and

6. Other outcome measures as determined by the State Board of Education;

(b) The operator was awarded a United States Department of Education Charter School Program Grant for Replication and Expansion of High-Quality Charter Schools within the preceding 3 years before applying to be a hope operator;

(c) The operator receives funding through the National Fund of the Charter School Growth Fund to accelerate the growth of the nation’s best charter schools; or

(d) The operator is selected by a district school board in accordance with s. 1008.33.

An entity that meets the requirements of paragraph (b), paragraph (c), or paragraph (d) before the adoption by the state board of measurable criteria pursuant to paragraph (a) shall be designated as a hope operator. After the adoption of the measurable criteria, an entity, including a governing board that operates a school established pursuant to s. 1008(4)(c), shall be designated as a hope operator if it meets the criteria of paragraph (a).

Section 6. This act shall take effect July 1, 2020.
I. Summary:

SB 1650 removes the requirement for health care practitioners who are employed by or contracted with a private or charter school to independently enroll in Florida Medicaid as credentialed providers to deliver Medicaid-covered, school-based services. The bill would instead require such practitioners to meet the qualifications specified in federal law in 42 C.F.R. s. 440.110 or the provider qualifications as set forth in the Florida Medicaid Certified School Match Coverage and Limitations Handbook.

The bill has an effective date of July 1, 2020.

II. Present Situation:

Florida Medicaid

Medicaid is the health care safety net for low-income Floridians. Medicaid is a partnership of federal and state governments established to provide coverage for health services for eligible persons. The program is administered by the Agency for Health Care Administration (AHCA) and financed through state and federal funds.¹

A Medicaid state plan is an agreement between a state and the federal government describing how the state administers its Medicaid programs; it establishes groups of individuals covered under the Medicaid program, services that are provided, payment methodologies, and other administrative and organizational requirements.² In order to participate in Medicaid, federal law requires states to cover certain population groups (mandatory eligibility groups) and gives them

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¹ Section 20.42, F.S.
² Agency for Health Care Administration, Senate Bill 290 Analysis (January 16, 2019) (on file with the Senate Committee on Health Policy).
the flexibility to cover other population groups (optional eligibility groups).³ States set individual eligibility criteria within federal minimum standards. The AHCA may seek an amendment to the state plan as necessary to comply with federal or state laws or to implement program changes.

### Florida Medicaid Certified School Match Program

Florida has 67 school districts that are each tasked with providing health services for students with disabilities while the student is at school.⁴ Some of these students are enrolled in Medicaid. The Florida Medicaid Certified School Match Program (program) was established to provide school districts the opportunity to enroll in Medicaid to have Medicaid share in the cost of providing school health services to Medicaid recipients.⁵

Under the program, schools and school districts use state and local funds to pay for covered health services provided to students that are Medicaid recipients, for which AHCA then reimburses them with the federal Medicaid matching percentage (approximately 60 percent).⁶ School districts participating in the program must be enrolled as Medicaid providers and can either employ or contract with service providers.

The following services are covered by the program:
- Physical therapy services;
- Occupational therapy services;
- Speech-language pathology services;
- Transportation services (transportation to Medicaid-covered health care services delivered off campus);
- Behavioral services;
- Augmentive and alternative communication services; and
- Nursing services.⁷

Medicaid recipients who receive services through the program must be under the age of 21 and qualify for Part B or H of the Individuals with Disabilities Education Act (IDEA), qualify for exceptional student services, or have an Individualized Education Plan (IEP) or an Individualized Family Service Plan (IFSP).⁸ Health services provided must be both educationally relevant and medically necessary and tailored to meet the recipient’s individual needs.⁹

In December 2014, the federal Centers for Medicare & Medicaid Services updated its policies, allowing states to reimburse schools and school districts for health services that are included in

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³ Id.
⁵ Id.
⁶ Supra note 2.
⁷ Supra note 4.
⁸ See ss. 409.9071 and 409.9072, F.S.
⁹ Supra note 2.
the Medicaid program’s state plan, regardless of whether the recipient has an IEP or IFSP. This policy update is not reflected in the current Florida Statutes and recipients under the program in this state must still qualify for Part B or H of the IDEA, qualify for exceptional student services, or have an IEP or an IFSP.

Florida Medicaid Certified School Match Coverage and Limitations Handbook (handbook)

Under the statutory authority of s. 409.919, F.S., the AHCA adopted Florida Administrative Code Rule 59G-4.035 which incorporates the handbook by reference. The rule requires that all school district providers enrolled in Medicaid under the certified school match program are in compliance with the handbook. The handbook was last published in January of 2005 for the purpose of furnishing a Medicaid provider with the policies and procedures needed to receive reimbursement for covered services provided under the program to eligible Florida Medicaid recipients.

Private and Charter School Providers

In 2016, the Florida Legislature created s. 409.9072, F.S., to authorize the AHCA to reimburse private schools for providing Medicaid school-based services identical to those offered under the Medicaid certified school match program and under the same eligibility criteria as children eligible for services under that program. Unlike school districts, however, private and charter schools do not use certified public expenditures or other local funds as a match to draw down federal Medicaid funding. Instead, the Legislature has appropriated state general revenue funds for private and charter schools to provide eligible services to draw down federal matching funds. Currently, one charter school is enrolled and delivering services in the Florida Medicaid program.

III. Effect of Proposed Changes:

Section 1 amends s. 409.9072, F.S., to remove a requirement that health care practitioners who are employed by or contracted with a private or charter school to independently enroll in Florida Medicaid to deliver Medicaid-covered school-based services. The bill would instead require such practitioners to meet the qualifications specified in federal law in 42 C.F.R. s. 440.110, or the provider qualifications as set forth in the Florida Medicaid Certified School Match Coverage and Limitations Handbook. This aligns the requirements for private and charter schools with those that are in place for public school districts. Currently, s. 409.9072, F.S., already requires that providers meet the qualifications in 42 C.F.R. s. 440.110, as applicable for that provider type.

Section 2 provides an effective date of July 1, 2020.

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10 Id.
11 Supra note 4.
13 Specific Appropriation 216, s. 3, ch. 2019-115, L.O.F.
14 Supra note 5.
IV. **Constitutional Issues:**

A. **Municipality/County Mandates Restrictions:**
   None.

B. **Public Records/Open Meetings Issues:**
   None.

C. **Trust Funds Restrictions:**
   None.

D. **State Tax or Fee Increases:**
   None.

E. **Other Constitutional Issues:**
   None.

V. **Fiscal Impact Statement:**

A. **Tax/Fee Issues:**
   None.

B. **Private Sector Impact:**
   Health care practitioners who are providing or will seek to provide covered services in a private or charter school under the program will be relieved of the duty to enroll in Florida Medicaid as providers.

C. **Government Sector Impact:**
   To implement the changes in SB 1650, the AHCA will need to modify the Florida Medicaid Management Information System to undo programming that has been put in place to implement the current law.\(^{15}\) This change can be absorbed within existing resources.\(^{16}\)

VI. **Technical Deficiencies:**
   None.

\(^{15}\) *Id.*

\(^{16}\) *Id.*
VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends section 409.9072 of the Florida Statutes.

IX. **Additional Information:**

A. **Committee Substitute – Statement of Changes:**
   
   (Summarizing differences between the Committee Substitute and the prior version of the bill.)

   None.

B. **Amendments:**

   None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
By Senator Simmons

A bill to be entitled
An act relating to Medicaid provider agreements for charter and private schools; amending s. 409.9072, F.S.; revising qualification requirements for health care practitioners engaged by charter and private schools to provide Medicaid school-based services; providing an effective date.

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

Section 1. Subsection (5) of section 409.9072, Florida Statutes, is amended to read:

409.9072 Medicaid provider agreements for charter schools and private schools.—
(5) For reimbursements to private schools and charter schools under this section, the agency shall apply the reimbursement schedule developed under s. 409.9071(5). Health care practitioners engaged by a school to provide services under this section must be enrolled as Medicaid providers and meet the qualifications specified under 42 C.F.R. s. 440.110, as applicable, or meet provider qualifications as set forth in the Florida Medicaid Certified School Match Program Coverage and Limitations Handbook. Each school’s continued participation in providing Medicaid services under this section is contingent upon the school providing to the agency an annual accounting of how the Medicaid reimbursements are used.

Section 2. This act shall take effect July 1, 2020.

CODING: Words stricken are deletions; words underlined are additions.