

By the Committees on Appropriations; and Higher Education; and
Senator Gaetz

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1 A bill to be entitled
2 An act relating to education; amending s. 1001.42,
3 F.S.; revising the duties of a district school board;
4 creating s. 1001.66, F.S.; creating a Florida College
5 System Performance-Based Incentive for Florida College
6 System institutions; requiring the State Board of
7 Education to adopt certain metrics and benchmarks;
8 providing for funding and allocation of the
9 incentives; authorizing the state board to withhold an
10 institution's incentive under certain circumstances;
11 requiring the Commissioner of Education to withhold
12 certain disbursements under certain circumstances;
13 providing for reporting and rulemaking; creating s.
14 1001.67, F.S.; establishing a collaboration between
15 the state board and the Legislature to designate
16 certain Florida College System institutions as
17 distinguished colleges; specifying standards for the
18 designation; requiring the state board to award the
19 designation to certain Florida College System
20 institutions; providing that the designated
21 institutions are eligible for funding as specified in
22 the General Appropriations Act; amending s. 1001.7065,
23 F.S.; deleting obsolete provisions; revising the
24 academic and research excellence standards for the
25 preeminent state research universities program;
26 requiring the Board of Governors to designate a state
27 university that meets specified requirements as an
28 "emerging preeminent state research university";
29 requiring an emerging preeminent state research
30 university to submit a certain plan to the board and
31 meet specified expectations to receive certain funds;

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32 providing for the distribution of certain funding
33 increases; deleting provisions relating to the
34 preeminent state research university enhancement
35 initiative and special course requirement
36 authorization; amending s. 1001.92, F.S.; requiring
37 performance-based metrics to include specified wage
38 thresholds; requiring the board to establish minimum
39 performance funding eligibility thresholds;
40 prohibiting a state university that fails to meet the
41 state's threshold from eligibility for a share of the
42 state's investment performance funding; requiring the
43 board to adopt regulations; deleting an expiration;
44 amending s. 1002.391, F.S.; requiring a school
45 district to add a specified number of points to the
46 calculation of a matrix of services for a student who
47 is deaf and enrolled in an auditory-oral education
48 program; amending s. 1002.53, F.S.; revising
49 eligibility for the Voluntary Prekindergarten
50 Education Program; amending s. 1003.4282, F.S.;
51 revising the online course requirement; authorizing a
52 district school board or a charter school governing
53 board to offer certain additional options to meet the
54 requirement; amending s. 1011.62, F.S.; creating a
55 federally connected student supplement for school
56 districts; specifying eligibility requirements and
57 calculations for allocations of the supplement;
58 creating s. 1011.6202, F.S.; creating the Principal
59 Autonomy Pilot Program Initiative; providing a purpose
60 for the pilot program; providing a procedure for a

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61 school district to in the pilot program; providing
62 requirements for participating school districts and
63 schools; exempting participating schools from certain
64 laws and rules; requiring principals of participating
65 schools and specified personnel to complete a
66 nationally recognized school turnaround program;
67 providing for the term of participation in the pilot
68 program; providing for renewal or revocation of
69 authorization to participate in the pilot program;
70 providing for reporting, funding, and eligibility
71 requirements for certain funding and rulemaking;
72 amending s. 1011.69, F.S.; requiring participating
73 district school boards to allocate a specified
74 percentage of certain funds to participating schools;
75 amending s. 1012.28, F.S.; providing additional
76 authority and responsibilities of the principal of a
77 participating school; amending s. 1012.39, F.S.;
78 providing requirements regarding liability insurance
79 for students performing clinical field experience;
80 creating s. 1012.731, F.S.; providing legislative
81 intent; establishing the Florida Best and Brightest
82 Teacher Scholarship Program; providing eligibility
83 criteria; requiring a school district to annually
84 submit the number of eligible teachers to the
85 Department of Education; providing for funding and the
86 disbursement of funds; defining the term "school
87 district"; amending s. 1012.75, F.S.; requiring annual
88 notification of liability insurance to specified
89 personnel; abrogating the scheduled expiration of the

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educator liability insurance program; amending s. 1013.62, F.S.; deleting provisions relating to priorities for charter school capital outlay funding; deleting provisions relating to a charter school's allocation; providing that a charter school is not eligible for funding unless it meets certain requirements; defining the term "affiliated party of the charter school"; revising the funding allocation calculation; requiring the Department of Education to calculate and periodically recalculate, as necessary, the eligible charter school funding allocations; deleting provisions relating to certain duties of the Commissioner of Education; amending s. 1013.64, F.S.; providing that a school district may not receive funds from the Special Facility Construction Account under certain circumstances; revising the criteria for a request for funding; authorizing the request for a preapplication review to take place at any time; providing exceptions; revising the timeframe for completion of the review; providing that certain capital outlay full-time equivalent student enrollment estimates be determined by specified estimating conferences; requiring surveys to be cooperatively prepared by certain entities and approved by the Department of Education; prohibiting certain consultants from specified employment and compensation; providing an exception to prohibiting the cost per student station from exceeding a certain amount; requiring a school district to levy the

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maximum millage against certain property value under certain circumstances; reducing the required millage to be budgeted for a project; requiring certain plans to be finalized by a specified date; requiring a representative of the department to chair the Special Facility Construction Committee; requiring school districts to maintain accurate documentation related to specified costs; requiring the Auditor General to review such documentation; providing that the Auditor General makes final determinations on compliance; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study, in consultation with the department, on cost per student station amounts and on the State Requirements for Education Facilities; requiring reports to the Governor and the Legislature by a specified date; prohibiting a district school board from using funds for specified purposes for certain projects; providing sanctions for school districts that exceed certain costs; providing for the creation of a district capital outlay oversight committee; providing for membership of the oversight committee; requiring the department to provide certain reports to the Auditor General; deleting a provision relating to applicability of certain restrictions on the cost per student station of new construction; amending s. 1013.74, F.S.; authorizing a university board of trustees to expend reserve or carry-forward balances for certain projects; establishing a competency-based

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148 innovation pilot program within the Department of
149 Education; defining the term "competency-based
150 education"; authorizing certain schools to apply to
151 the department for approval of a competency-based
152 innovation pilot program; specifying information to be
153 included in the application; authorizing certain
154 waivers; providing reporting and funding requirements
155 for students participating in the pilot program at
156 participating schools; requiring the department to
157 compile certain information and provide access to
158 statewide, standardized assessments; requiring the
159 department to submit an annual report to the Governor
160 and the Legislature by a specified date; specifying
161 the contents of the annual report; providing for
162 expiration of the pilot program; amending s. 1002.33,
163 F.S.; conforming cross-references; providing an
164 effective date.

165
166 Be It Enacted by the Legislature of the State of Florida:

167
168 Section 1. Present subsection (27) of section 1001.42,
169 Florida Statutes, is redesignated as subsection (28), and a new
170 subsection (27) is added to that section, to read:

171 1001.42 Powers and duties of district school board.—The
172 district school board, acting as a board, shall exercise all
173 powers and perform all duties listed below:

174 (27) VISITATION OF SCHOOLS.—Visit the schools, observe the
175 management and instruction, give suggestions for improvement,
176 and advise citizens with the view of promoting interest in

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177 education and improving the school.

178 Section 2. Section 1001.66, Florida Statutes, is created to
179 read:

180 1001.66 Florida College System Performance-Based
181 Incentive.—

182 (1) A Florida College System Performance-Based Incentive
183 shall be awarded to Florida College System institutions using
184 performance-based metrics adopted by the State Board of
185 Education. The performance-based metrics must include retention
186 rates; program completion and graduation rates; postgraduation
187 employment, salaries, and continuing education for workforce
188 education and baccalaureate programs, with wage thresholds that
189 reflect the added value of the certificate or degree; and
190 outcome measures appropriate for associate of arts degree
191 recipients. The state board shall adopt benchmarks to evaluate
192 each institution's performance on the metrics to measure the
193 institution's achievement of institutional excellence or need
194 for improvement and minimum requirements for eligibility to
195 receive performance funding.

196 (2) Each fiscal year, the amount of funds available for
197 allocation to the Florida College System institutions based on
198 the performance-based funding model shall consist of the state's
199 investment in performance funding plus institutional investments
200 consisting of funds to be redistributed from the base funding of
201 the Florida College System Program Fund as determined in the
202 General Appropriations Act. The State Board of Education shall
203 establish minimum performance funding eligibility thresholds for
204 the state's investment and the institutional investments. An
205 institution that fails to meet the minimum state investment

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performance funding eligibility threshold is ineligible for a share of the state's investment in performance funding. The institutional investment shall be restored for all institutions eligible for the state's investment under the performance-based funding model.

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

(b) A Florida College System institution that fails to meet the State Board of Education's minimum institutional investment performance funding eligibility threshold shall have a portion of its institutional investment withheld by the state board and must submit an improvement plan to the state board which specifies the activities and strategies for improving the institution's performance. The state board must review and approve the improvement plan and, if the plan is approved, must monitor the institution's progress in implementing the activities and strategies specified in the improvement plan. The institution shall submit monitoring reports to the state board by December 31 and May 31 of each year in which an improvement plan is in place. The ability of an institution to submit an improvement plan to the state board is limited to 1 fiscal year.

(c) The Commissioner of Education shall withhold disbursement of the institutional investment until the monitoring report is approved by the State Board of Education. A Florida College System institution determined by the state board to be making satisfactory progress on implementing the improvement plan shall receive no more than one-half of the

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withheld institutional investment in January and the balance of the withheld institutional investment in June. An institution that fails to make satisfactory progress may not have its full institutional investment restored. Any institutional investment funds that are not restored shall be redistributed in accordance with the state board's performance-based metrics.

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

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

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

Section 3. Section 1001.67, Florida Statutes, is created to read:

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

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

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

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

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

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

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

(f) A job placement or continuing education rate of 88 percent or higher for workforce programs, as reported by FETPIP.

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

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

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

Section 4. Subsection (1) of section 1001.7065, Florida Statutes, is reenacted, and subsections (2), (3), and (5)

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through (9) of that section are amended, to read:

1001.7065 Preeminent state research universities program.—

(1) STATE UNIVERSITY SYSTEM SHARED GOVERNANCE

COLLABORATION.—A collaborative partnership is established between the Board of Governors and the Legislature to elevate the academic and research preeminence of Florida's highest-performing state research universities in accordance with this section. The partnership stems from the State University System Governance Agreement executed on March 24, 2010, wherein the Board of Governors and leaders of the Legislature agreed to a framework for the collaborative exercise of their joint authority and shared responsibility for the State University System. The governance agreement confirmed the commitment of the Board of Governors and the Legislature to continue collaboration on accountability measures, the use of data, and recommendations derived from such data.

(2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—~~Effective July 1, 2013,~~ The following academic and research excellence standards are established for the preeminent state research universities program:

(a) An average weighted grade point average of 4.0 or higher on a 4.0 scale and an average SAT score of 1800 or higher on a 2400-point scale or 1200 or higher on a 1600-point scale for fall semester incoming freshmen, as reported annually.

(b) A top-50 ranking on at least two well-known and highly respected national public university rankings, including, but not limited to, the U.S. News and World Report rankings, reflecting national preeminence, using most recent rankings.

(c) A freshman retention rate of 90 percent or higher for

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full-time, first-time-in-college students, as reported annually to the Integrated Postsecondary Education Data System (IPEDS).

(d) A 6-year graduation rate of 70 percent or higher for full-time, first-time-in-college students, as reported annually to the IPEDS.

(e) Six or more faculty members at the state university who are members of a national academy, as reported by the Center for Measuring University Performance in the Top American Research Universities (TARU) annual report or the official membership directories maintained by each national academy.

(f) Total annual research expenditures, including federal research expenditures, of \$200 million or more, as reported annually by the National Science Foundation (NSF).

(g) Total annual research expenditures in diversified nonmedical sciences of \$150 million or more, based on data reported annually by the NSF.

(h) A top-100 university national ranking for research expenditures in five or more science, technology, engineering, or mathematics fields of study, as reported annually by the NSF.

(i) One hundred or more total patents awarded by the United States Patent and Trademark Office for the most recent 3-year period.

(j) Four hundred or more doctoral degrees awarded annually, including professional doctoral degrees awarded in medical and health care disciplines, as reported in the Board of Governors Annual Accountability Report.

(k) Two hundred or more postdoctoral appointees annually, as reported in the TARU annual report.

(l) An endowment of \$500 million or more, as reported in

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the Board of Governors Annual Accountability Report.

(3) PREEMINENT STATE RESEARCH UNIVERSITY DESIGNATION.—

(a) The Board of Governors shall designate each state
~~research~~ university that annually meets at least 11 of the 12
academic and research excellence standards identified in
subsection (2) as a "preeminent state research university."
~~preeminent state research university.~~

(b) The Board of Governors shall designate each state
university that annually meets at least 6 of the 12 academic and
research excellence standards identified in subsection (2) as an
"emerging preeminent state research university."

(5) PREEMINENT STATE RESEARCH UNIVERSITIES PROGRAM
UNIVERSITY SUPPORT.—

(a) A state ~~research~~ university that is designated as a
preeminent state research university, ~~as of July 1, 2013,~~ ~~meets~~
~~all 12 of the academic and research excellence standards~~
~~identified in subsection (2), as verified by the Board of~~
~~Governors,~~ shall submit to the Board of Governors a 5-year
benchmark plan with target rankings on key performance metrics
for national excellence. Upon approval by the Board of
Governors, and upon the university's meeting the benchmark plan
goals annually, the Board of Governors shall award the
university its proportionate share of any funds provided
annually to support the program created under this section ~~an~~
~~amount specified in the General Appropriations Act to be~~
~~provided annually throughout the 5-year period. Funding for this~~
~~purpose is contingent upon specific appropriation in the General~~
~~Appropriations Act.~~

(b) A state university designated as an emerging preeminent

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380 state research university shall submit to the Board of Governors
381 a 5-year benchmark plan with target rankings on key performance
382 metrics for national excellence. Upon approval by the Board of
383 Governors, and upon the university's meeting the benchmark plan
384 goals annually, the Board of Governors shall award the
385 university its proportionate share of any funds provided
386 annually to support the program created under this section.

387 (c) The award of funds under this subsection is contingent
388 upon funding provided in the General Appropriations Act to
389 support the preeminent state research universities program
390 created under this section. Funding increases appropriated
391 beyond the amounts funded in the previous fiscal year shall be
392 distributed as follows:

393 1. Each designated preeminent state research university
394 that meets the criteria in paragraph (a) shall receive an equal
395 amount of funding.

396 2. Each designated emerging preeminent state research
397 university that meets the criteria in paragraph (b) shall
398 receive an amount of funding that is equal to one-half of the
399 total increased amount awarded to each designated preeminent
400 state research university.

401 ~~(6) PREEMINENT STATE RESEARCH UNIVERSITY ENHANCEMENT~~
402 ~~INITIATIVE. A state research university that, as of July 1,~~
403 ~~2013, meets 11 of the 12 academic and research excellence~~
404 ~~standards identified in subsection (2), as verified by the Board~~
405 ~~of Governors, shall submit to the Board of Governors a 5-year~~
406 ~~benchmark plan with target rankings on key performance metrics~~
407 ~~for national excellence. Upon the university's meeting the~~
408 ~~benchmark plan goals annually, the Board of Governors shall~~

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award the university an amount specified in the General Appropriations Act to be provided annually throughout the 5-year period for the purpose of recruiting National Academy Members, expediting the provision of a master's degree in cloud virtualization, and instituting an entrepreneurs-in-residence program throughout its campus. Funding for this purpose is contingent upon specific appropriation in the General Appropriations Act.

~~(7) PREEMINENT STATE RESEARCH UNIVERSITY SPECIAL COURSE REQUIREMENT AUTHORITY.~~ In order to provide a jointly shared educational experience, a university that is designated a preeminent state research university may require its incoming first-time-in-college students to take a 9-to-12-credit set of unique courses specifically determined by the university and published on the university's website. The university may stipulate that credit for such courses may not be earned through any acceleration mechanism pursuant to s. 1007.27 or s. 1007.271 or any other transfer credit. All accelerated credits earned up to the limits specified in ss. 1007.27 and 1007.271 shall be applied toward graduation at the student's request.

(6)~~(8)~~ PREEMINENT STATE RESEARCH UNIVERSITY FLEXIBILITY AUTHORITY.—The Board of Governors is encouraged to identify and grant all reasonable, feasible authority and flexibility to ensure that a designated preeminent state research university is free from unnecessary restrictions.

(7)~~(9)~~ PROGRAMS OF EXCELLENCE THROUGHOUT THE STATE UNIVERSITY SYSTEM.—The Board of Governors is encouraged to establish standards and measures whereby individual programs in state universities that objectively reflect national excellence

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can be identified and make recommendations to the Legislature as to how any such programs could be enhanced and promoted.

Section 5. Section 1001.92, Florida Statutes, is amended to read:

1001.92 State University System Performance-Based Incentive.—

(1) A State University System Performance-Based Incentive shall be awarded to state universities using performance-based metrics adopted by the Board of Governors of the State University System. The performance-based metrics must include graduation rates; retention rates; postgraduation education rates; degree production; affordability; postgraduation employment and salaries, including wage thresholds that reflect the added value of a baccalaureate degree; access; and other metrics approved by the board in a formally noticed meeting. The board shall adopt benchmarks to evaluate each state university's performance on the metrics to measure the state university's achievement of institutional excellence or need for improvement and minimum requirements for eligibility to receive performance funding.

(2) Each fiscal year, the amount of funds available for allocation to the state universities based on the performance-based funding model ~~metrics~~ shall consist of the state's investment in appropriation for performance funding, ~~including increases in base funding~~ plus institutional investments consisting of funds deducted from the base funding of each state university in the State University System, in an amount provided in the General Appropriations Act. The Board of Governors shall establish minimum performance funding eligibility thresholds for

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the state's investment and the institutional investments. A
state university that fails to meet the minimum state investment
performance funding eligibility threshold is ineligible for a
share of the state's investment in performance funding. The
institutional investment shall be restored for each institution
eligible for the state's investment under the performance-based
funding model ~~metrics~~.

(3) (a) A state university that fails to meet the Board of
Governors' minimum institutional investment performance funding
eligibility threshold shall have ~~a portion of~~ its institutional
investment withheld by the board and must submit an improvement
plan to the board that specifies the activities and strategies
for improving the state university's performance. The board must
review and approve the improvement plan and, if the plan is
approved, must monitor the state university's progress in
implementing the activities and strategies specified in the
improvement plan. The state university shall submit monitoring
reports to the board by December 31 and May 31 of each year in
which an improvement plan is in place. The ability of a state
university to submit an improvement plan to the board is limited
to 1 fiscal year.

(b) The Chancellor of the State University System shall
withhold disbursement of the institutional investment until the
monitoring report is approved by the Board of Governors. A state
university ~~that is~~ determined by the board to be making
satisfactory progress on implementing the improvement plan shall
receive no more than one-half of the withheld institutional
investment in January and the balance of the withheld
institutional investment in June. A state university that fails

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to make satisfactory progress may not have its full institutional investment restored. Any institutional investment funds that are not restored shall be redistributed in accordance with the board's performance-based metrics.

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

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

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

Section 6. Subsection (4) is added to section 1002.391, Florida Statutes, to read:

1002.391 Auditory-oral education programs.—

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

Section 7. Subsections (1) and (2) of section 1002.53, Florida Statutes, are amended to read:

1002.53 Voluntary Prekindergarten Education Program; eligibility and enrollment.—

(1) The Voluntary Prekindergarten Education Program is created and shall be organized, designed, and delivered in accordance with s. 1(b) and (c), Art. IX of the State

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525 Constitution.

526 (2) Each child who resides in this state who will have
527 attained the age of 4 years on or before September 1 of the
528 school year is eligible for the Voluntary Prekindergarten
529 Education Program during either that school year or the
530 following school year. The child remains eligible until ~~the~~
531 ~~beginning of the school year for which the child is eligible for~~
532 ~~admission to kindergarten in a public school under s.~~
533 ~~1003.21(1)(a)2. or until~~ the child is admitted to kindergarten,
534 or unless he or she will have attained the age of 6 years by
535 February 1 of any school year under s. 1003.21(1)(a)1 ~~whichever~~
536 ~~occurs first.~~

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

539 1003.4282 Requirements for a standard high school diploma.—

540 (4) ONLINE COURSE REQUIREMENT.—At least one course within
541 the 24 credits required under this section must be completed
542 through online learning. ~~A school district may not require a~~
543 ~~student to take the online course outside the school day or in~~
544 ~~addition to a student's courses for a given semester.~~

545 (a) An online course taken in grade 6, grade 7, or grade 8
546 fulfills ~~the~~ this requirement in this subsection. ~~The~~ This
547 requirement is met through an online course offered by the
548 Florida Virtual School, a virtual education provider approved by
549 the State Board of Education, a high school, or an online dual
550 enrollment course. A student who is enrolled in a full-time or
551 part-time virtual instruction program under s. 1002.45 meets the
552 ~~this~~ requirement.

553 (b) A district school board or a charter school governing

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board, as applicable, may offer students the following options to satisfy the online course requirement in this subsection:

1. Completion of a course in which a student earns a nationally recognized industry certification in information technology that is identified on the CAPE Industry Certification Funding List pursuant to s. 1008.44 or passage of the information technology certification examination without enrollment in or completion of the corresponding course or courses, as applicable.

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

For purposes of this subsection, a school district may not require a student to take the online course outside the school day or in addition to a student's courses for a given semester. This subsection ~~requirement~~ does not apply to a student who has an individual education plan under s. 1003.57 which indicates that an online course would be inappropriate or to an out-of-state transfer student who is enrolled in a Florida high school and has 1 academic year or less remaining in high school.

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

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583 that section, and present subsection (14) of that section is
584 amended, to read:

585 1011.62 Funds for operation of schools.—If the annual
586 allocation from the Florida Education Finance Program to each
587 district for operation of schools is not determined in the
588 annual appropriations act or the substantive bill implementing
589 the annual appropriations act, it shall be determined as
590 follows:

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

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

599 1.a. Not later than 2 working days before ~~prior to~~ July 19,
600 the Department of Revenue shall certify to the Commissioner of
601 Education its most recent estimate of the taxable value for
602 school purposes in each school district and the total for all
603 school districts in the state for the current calendar year
604 based on the latest available data obtained from the local
605 property appraisers. The value certified shall be the taxable
606 value for school purposes for that year, and no further
607 adjustments shall be made, except those made pursuant to
608 paragraphs (c) and (d), or an assessment roll change required by
609 final judicial decisions as specified in paragraph (15) (b)
610 ~~(14) (b)~~. Not later than July 19, the Commissioner of Education
611 shall compute a millage rate, rounded to the next highest one

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one-thousandth of a mill, which, when applied to 96 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The Commissioner of Education shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

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

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

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

b. For each year identified in sub-subparagraph a., the taxable value certified by the appraiser pursuant to s.

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193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a. This is the certification that reflects all final administrative actions of the value adjustment board.

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

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

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

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

3. The student resides with a civilian parent who lives or

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works on eligible federal property connected with a military installation or NASA. The number of these students shall be multiplied by a factor of 0.5.

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

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

~~(14)~~ ~~(13)~~ QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 unweighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per unweighted FTE student which shall include the adjusted FTE dollars as provided in subsection (15) ~~(14)~~, quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per unweighted FTE, the increase shall be calculated for the current year. The current year funds from which the

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699 guarantee shall be determined shall include the adjusted FTE
700 dollars as provided in subsection (15) ~~(14)~~ and potential
701 nonvoted discretionary local effort from taxes. A comparison of
702 current year funds per unweighted FTE to prior year funds per
703 unweighted FTE shall be computed. For those school districts
704 which have less than the legislatively assigned percentage
705 increase, funds shall be provided to guarantee the assigned
706 percentage increase in funds per unweighted FTE student. Should
707 appropriated funds be less than the sum of this calculated
708 amount for all districts, the commissioner shall prorate each
709 district's allocation. This provision shall be implemented to
710 the extent specifically funded.

711 Section 10. Section 1011.6202, Florida Statutes, is created
712 to read:

713 1011.6202 Principal Autonomy Pilot Program Initiative.—The
714 Principal Autonomy Pilot Program Initiative is created within
715 the Department of Education. The purpose of the pilot program is
716 to provide the highly effective principal of a participating
717 school with increased autonomy and authority to operate his or
718 her school in a way that produces significant improvements in
719 student achievement and school management while complying with
720 constitutional requirements. The State Board of Education may,
721 upon approval of a principal autonomy proposal, enter into a
722 performance contract with up to seven district school boards for
723 participation in the pilot program.

724 (1) PARTICIPATING SCHOOL DISTRICTS.—The district school
725 boards in Broward, Duval, Escambia, Jefferson, Madison, Palm
726 Beach, Pinellas, and Seminole Counties may submit to the state
727 board for approval a principal autonomy proposal that exchanges

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statutory and rule exemptions for an agreement to meet performance goals established in the proposal. If approved by the state board, each of these school districts shall be eligible to participate in the pilot program for 3 years. At the end of the 3 years, the performance of all participating schools in the school district shall be evaluated.

(2) PRINCIPAL AUTONOMY PROPOSAL.-

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

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

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

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

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

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

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757 achievement and school management.

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

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

763 (c) A district school board must submit its principal
764 autonomy proposal to the state board for approval by December 1
765 in order to begin participation in the subsequent school year.
766 By February 28 of the school year in which the proposal is
767 submitted, the state board shall notify the district school
768 board in writing whether the proposal is approved.

769 (3) EXEMPTION FROM LAWS.—

770 (a) With the exception of those laws listed in paragraph
771 (b), a participating school is exempt from the provisions of
772 chapters 1000-1013 and rules of the state board that implement
773 those exempt provisions.

774 (b) A participating school shall comply with the provisions
775 of chapters 1000-1013, and rules of the state board that
776 implement those provisions, pertaining to the following:

777 1. Those laws relating to the election and compensation of
778 district school board members, the election or appointment and
779 compensation of district school superintendents, public meetings
780 and public records requirements, financial disclosure, and
781 conflicts of interest.

782 2. Those laws relating to the student assessment program
783 and school grading system, including chapter 1008.

784 3. Those laws relating to the provision of services to
785 students with disabilities.

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786 4. Those laws relating to civil rights, including s.
787 1000.05, relating to discrimination.

788 5. Those laws relating to student health, safety, and
789 welfare.

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

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

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

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

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

803 11. Section 1012.34, relating to personnel evaluation
804 procedures and criteria.

805 12. Those laws pertaining to educational facilities,
806 including chapter 1013, except that s. 1013.20, relating to
807 covered walkways for relocatables, and s. 1013.21, relating to
808 the use of relocatable facilities exceeding 20 years of age, are
809 eligible for exemption.

810 13. Those laws pertaining to participating school
811 districts, including this section and ss. 1011.69(2) and
812 1012.28(8).

813 (4) PROFESSIONAL DEVELOPMENT.—Each participating school
814 district shall require that the principal of each participating

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815 school, a three-member leadership team from each participating
816 school, and district personnel working with each participating
817 school complete a nationally recognized school turnaround
818 program which focuses on improving leadership, instructional
819 infrastructure, talent management, and differentiated support
820 and accountability. The required personnel must enroll in the
821 school turnaround program upon acceptance into the pilot
822 program.

823 (5) TERM OF PARTICIPATION.—The state board shall authorize
824 a school district to participate in the pilot program for a
825 period of 3 years commencing with approval of the principal
826 autonomy proposal. Authorization to participate in the pilot
827 program may be renewed upon action of the state board. The state
828 board may revoke authorization to participate in the pilot
829 program if the school district fails to meet the requirements of
830 this section during the 3-year period.

831 (6) REPORTING.—Each participating school district shall
832 submit an annual report to the state board. The state board
833 shall annually report on the implementation of the Principal
834 Autonomy Pilot Program Initiative. Upon completion of the pilot
835 program's first 3-year term, the Commissioner of Education shall
836 submit to the President of the Senate and the Speaker of the
837 House of Representatives by December 1 a full evaluation of the
838 effectiveness of the pilot program.

839 (7) FUNDING.—The Legislature may appropriate funding to the
840 department in the General Appropriations Act for the costs of
841 the pilot program, including administrative costs and enrollment
842 costs for the school turnaround program, and an additional
843 scholarship to each participating principal to be used at his or

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her school.

(8) RULEMAKING.—The State Board of Education shall adopt rules to administer this section.

Section 11. Subsection (2) of section 1011.69, Florida Statutes, is amended to read:

1011.69 Equity in School-Level Funding Act.—

(2) Beginning in the 2003-2004 fiscal year, district school boards shall allocate to schools within the district an average of 90 percent of the funds generated by all schools and guarantee that each school receives at least 80 percent, except schools participating in the Principal Autonomy Pilot Program Initiative under s. 1011.6202 are guaranteed to receive at least 90 percent, of the funds generated by that school based upon the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy. Total funding for each school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the school during the full-time equivalent student survey periods designated by the Commissioner of Education. If the district school board is providing programs or services to students funded by federal funds, any eligible students enrolled in the schools in the district shall be provided federal funds.

Section 12. Subsection (8) is added to section 1012.28, Florida Statutes, to read:

1012.28 Public school personnel; duties of school

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principals.—

(8) The principal of a school participating in the Principal Autonomy Pilot Program Initiative under s. 1011.6202 has the following additional authority and responsibilities:

(a) In addition to the authority provided in subsection (6), the authority to select qualified instructional personnel for placement or to refuse to accept the placement or transfer of instructional personnel by the district school superintendent. Placement of instructional personnel at a participating school in a participating school district does not affect the employee's status as a school district employee.

(b) The authority to deploy financial resources to school programs at the principal's discretion to help improve student achievement, as defined in s. 1008.34(1), and meet performance goals identified in the principal autonomy proposal submitted pursuant to s. 1011.6202.

(c) To annually provide to the district school superintendent and the district school board a budget for the operation of the participating school that identifies how funds provided pursuant to s. 1011.69(2) are allocated. The school district shall include the budget in the annual report provided to the State Board of Education pursuant to s. 1011.6202(6).

Section 13. Subsection (3) of section 1012.39, Florida Statutes, is amended to read:

1012.39 Employment of substitute teachers, teachers of adult education, nondegreed teachers of career education, and career specialists; students performing clinical field experience.—

(3) A student who is enrolled in a state-approved teacher

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preparation program in a postsecondary educational institution that is approved by rules of the State Board of Education and who is jointly assigned by the postsecondary educational institution and a district school board to perform a clinical field experience under the direction of a regularly employed and certified educator shall, while serving such supervised clinical field experience, be accorded the same protection of law as that accorded to the certified educator except for the right to bargain collectively as an employee of the district school board. The district school board providing the clinical field experience shall notify the student electronically or in writing of the availability of educator liability insurance under s. 1012.75. A postsecondary educational institution or district school board may not require a student enrolled in a state-approved teacher preparation program to purchase liability insurance as a condition of participation in any clinical field experience or related activity on the premises of an elementary or a secondary school.

Section 14. Section 1012.731, Florida Statutes, is created to read:

1012.731 The Florida Best and Brightest Teacher Scholarship Program.—

(1) The Legislature recognizes that, second only to parents, teachers play the most critical role within schools in preparing students to achieve a high level of academic performance. The Legislature further recognizes that research has linked student outcomes to a teacher's own academic achievement. Therefore, it is the intent of the Legislature to designate teachers who have achieved high academic standards

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during their own education as Florida's best and brightest teacher scholars.

(2) There is created the Florida Best and Brightest Teacher Scholarship Program to be administered by the Department of Education. The scholarship program shall provide categorical funding for scholarships to be awarded to classroom teachers, as defined in s. 1012.01(2)(a), who have demonstrated a high level of academic achievement.

(3)(a) To be eligible for a scholarship, a classroom teacher must have achieved a composite score at or above the 80th percentile on either the SAT or the ACT based on the National Percentile Ranks in effect when the classroom teacher took the assessment and have been evaluated as highly effective pursuant to s. 1012.34 in the school year immediately preceding the year in which the scholarship will be awarded, unless the classroom teacher is newly hired by the district school board and has not been evaluated pursuant to s. 1012.34.

(b) In order to demonstrate eligibility for an award, an eligible classroom teacher must submit to the school district, no later than November 1, an official record of his or her SAT or ACT score demonstrating that the classroom teacher scored at or above the 80th percentile based on the National Percentile Ranks in effect when the teacher took the assessment. Once a classroom teacher is deemed eligible by the school district, including teachers deemed eligible in the 2015-2016 fiscal year, the teacher shall remain eligible as long as he or she remains employed by the school district as a classroom teacher at the time of the award and receives an annual performance evaluation rating of highly effective pursuant to s. 1012.34.

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960 (4) Annually, by December 1, each school district shall
961 submit to the department the number of eligible classroom
962 teachers who qualify for the scholarship.

963 (5) Annually, by February 1, the department shall disburse
964 scholarship funds to each school district for each eligible
965 classroom teacher to receive a scholarship as provided in the
966 General Appropriations Act. The amount disbursed shall include a
967 scholarship award of \$1,000, from the total amount of funds
968 appropriated, for each eligible classroom teacher in a Title I
969 school. Of the remaining funds, a scholarship in the amount
970 provided in the General Appropriations Act shall be awarded to
971 every eligible classroom teacher, including those in Title I
972 schools. If the number of eligible classroom teachers exceeds
973 the total appropriation authorized in the General Appropriations
974 Act, the department shall prorate the per-teacher scholarship
975 amount.

976 (6) Annually, by April 1, each school district shall award
977 the scholarship to each eligible classroom teacher.

978 (7) For purposes of this section, the term "school
979 district" includes the Florida School for the Deaf and the Blind
980 and charter school governing boards.

981 Section 15. Subsection (3) of section 1012.75, Florida
982 Statutes, is amended to read:

983 1012.75 Liability of teacher or principal; excessive
984 force.—

985 (3) The Department of Education shall administer an
986 educator liability insurance program, as provided in the General
987 Appropriations Act, to protect full-time instructional personnel
988 from liability for monetary damages and the costs of defending

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actions resulting from claims made against the instructional personnel arising out of occurrences in the course of activities within the instructional personnel's professional capacity. For purposes of this subsection, the terms "full-time," "part-time," and "administrative personnel" shall be defined by the individual district school board. For purposes of this subsection, the term "instructional personnel" has the same meaning as provided in s. 1012.01(2).

(a) Liability coverage of at least \$2 million shall be provided to all full-time instructional personnel. Liability coverage may be provided to the following individuals who choose to participate in the program, at cost: part-time instructional personnel, administrative personnel, and students enrolled in a state-approved teacher preparation program pursuant to s. 1012.39(3).

(b) By August 1 of each year, the department shall notify the personnel specified in paragraph (a) of the pending procurement for liability coverage. By September 1 of each year, each district school board shall notify the personnel specified in paragraph (a) of the liability coverage provided pursuant to this subsection. The department shall develop the form of the notice which shall be used by each district school board. The notice must be on an 8 1/2-inch by 5 1/2-inch postcard and include the amount of coverage, a general description of the nature of the coverage, and the contact information for coverage and claims questions. The notification shall be provided separately from any other correspondence. Each district school board shall certify to the department, by September 15 of each year, that the notification required by this paragraph has been

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provided.

(c) The department shall consult with the Department of Financial Services to select the most economically prudent and cost-effective means of implementing the program through self-insurance, a risk management program, or competitive procurement.

~~(d) This subsection expires July 1, 2016.~~

Section 16. Section 1013.62, Florida Statutes, is amended to read:

1013.62 Charter schools capital outlay funding.—

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

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

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

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

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

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

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

2. Have financial stability for future operation as a

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1047 charter school.

1048 3. Have satisfactory student achievement based on state
1049 accountability standards applicable to the charter school.

1050 4. Have received final approval from its sponsor pursuant
1051 to s. 1002.33 for operation during that fiscal year.

1052 5. Serve students in facilities that are not provided by
1053 the charter school's sponsor.

1054 ~~(b) The first priority for charter school capital outlay~~
1055 ~~funding is to allocate to charter schools that received funding~~
1056 ~~in the 2005-2006 fiscal year an allocation of the same amount~~
1057 ~~per capital outlay full-time equivalent student, up to the~~
1058 ~~lesser of the actual number of capital outlay full-time~~
1059 ~~equivalent students in the current year, or the capital outlay~~
1060 ~~full-time equivalent students in the 2005-2006 fiscal year.~~
1061 ~~After calculating the first priority, the second priority is to~~
1062 ~~allocate excess funds remaining in the appropriation in an~~
1063 ~~amount equal to the per capital outlay full-time equivalent~~
1064 ~~student amount in the first priority calculation to eligible~~
1065 ~~charter schools not included in the first priority calculation~~
1066 ~~and to schools in the first priority calculation with growth~~
1067 ~~greater than the 2005-2006 capital outlay full-time equivalent~~
1068 ~~students. After calculating the first and second priorities,~~
1069 ~~excess funds remaining in the appropriation must be allocated to~~
1070 ~~all eligible charter schools.~~

1071 ~~(c) A charter school's allocation may not exceed one-~~
1072 ~~fifteenth of the cost per student station specified in s.~~
1073 ~~1013.64(6) (b). Before releasing capital outlay funds to a school~~
1074 ~~district on behalf of the charter school, the Department of~~
1075 ~~Education must ensure that the district school board and the~~

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1076 ~~charter school governing board enter into a written agreement~~
1077 ~~that provides for the reversion of any unencumbered funds and~~
1078 ~~all equipment and property purchased with public education funds~~
1079 ~~to the ownership of the district school board, as provided for~~
1080 ~~in subsection (3) if the school terminates operations. Any funds~~
1081 ~~recovered by the state shall be deposited in the General Revenue~~
1082 ~~Fund.~~

1083 (b) ~~(d)~~ A charter school is not eligible for a funding
1084 allocation if it was created by the conversion of a public
1085 school and operates in facilities provided by the charter
1086 school's sponsor for a nominal fee, or at no charge, or if it is
1087 directly or indirectly operated by the school district.

1088 (c) It is the intent of the Legislature that the public
1089 interest be protected by prohibiting personal financial
1090 enrichment by owners, operators, managers, and other affiliated
1091 parties of charter schools. A charter school is not eligible for
1092 a funding allocation unless the chair of the governing board and
1093 the chief administrative officer of the charter school annually
1094 certify under oath that the funds will be used solely and
1095 exclusively for constructing, renovating, or improving charter
1096 school facilities that are:

1097 1. Owned by a school district, political subdivision of the
1098 state, municipality, Florida College System institution, or
1099 state university;

1100 2. Owned by an organization, qualified as an exempt
1101 organization under s. 501(c)(3) of the Internal Revenue Code,
1102 whose articles of incorporation specify that upon the
1103 organization's dissolution, the subject property will be
1104 transferred to a school district, political subdivision of the

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state, municipality, Florida College System institution, or
state university; or

3. Owned by and leased, at a fair market value in the
school district in which the charter school is located, from a
person or entity that is not an affiliated party of the charter
school. For purposes of this paragraph, the term "affiliated
party of the charter school" means the applicant for the charter
school pursuant to s. 1002.33; the governing board of the
charter school or a member of the governing board; the charter
school owner; the charter school principal; an employee of the
charter school; an independent contractor of the charter school
or the governing board of the charter school; a relative, as
defined in s. 1002.33(24)(a)2., of a charter school governing
board member, a charter school owner, a charter school
principal, a charter school employee, or an independent
contractor of a charter school or charter school governing
board; a subsidiary corporation, a service corporation, an
affiliated corporation, a parent corporation, a limited
liability company, a limited partnership, a trust, a
partnership, or a related party that individually or through one
or more entities that share common ownership or control that
directly or indirectly manages, administers, controls, or
oversees the operation of the charter school; or any person or
entity, individually or through one or more entities that share
common ownership, that directly or indirectly manages,
administers, controls, or oversees the operation of any of the
foregoing.

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

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1134 1. Eligible charter schools shall be grouped into
1135 categories based on their student populations according to the
1136 following criteria:

1137 a. Seventy-five percent or greater who are eligible for
1138 free or reduced-price school lunch.

1139 b. Twenty-five percent or greater with disabilities as
1140 defined in state board rule and consistent with the requirements
1141 of the Individuals with Disabilities Education Act.

1142 2. If an eligible charter school does not meet the criteria
1143 for either category under subparagraph 1., its FTE shall be
1144 provided as the base amount of funding and shall be assigned a
1145 weight of 1.0. An eligible charter school that meets the
1146 criteria under sub-subparagraph 1.a. or sub-subparagraph 1.b.
1147 shall be provided an additional 25 percent above the base
1148 funding amount, and the total FTE shall be multiplied by a
1149 weight of 1.25. An eligible charter school that meets the
1150 criteria under both sub-subparagraphs 1.a. and 1.b. shall be
1151 provided an additional 50 percent above the base funding amount,
1152 and the FTE for that school shall be multiplied by a weight of
1153 1.5.

1154 3. The state appropriation for charter school capital
1155 outlay shall be divided by the total weighted FTE for all
1156 eligible charter schools to determine the base charter school
1157 per weighted FTE allocation amount. The per weighted FTE
1158 allocation amount shall be multiplied by the weighted FTE to
1159 determine each charter school's capital outlay allocation.

1160 ~~(e) Unless otherwise provided in the General Appropriations~~
1161 ~~Act, the funding allocation for each eligible charter school is~~
1162 ~~determined by multiplying the school's projected student~~

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enrollment by one-fifteenth of the cost per student station specified in s. 1013.64(6)(b) for an elementary, middle, or high school, as appropriate. If the funds appropriated are not sufficient, the commissioner shall prorate the available funds among eligible charter schools. However, a charter school or charter lab school may not receive state charter school capital outlay funds greater than the one-fifteenth cost per student station formula if the charter school's combination of state charter school capital outlay funds, capital outlay funds calculated through the reduction in the administrative fee provided in s. 1002.33(20), and capital outlay funds allowed in s. 1002.32(9)(c) and (h) exceeds the one-fifteenth cost per student station formula.

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

(b) The department of Education shall distribute capital outlay funds monthly, beginning in the first quarter of the fiscal year, based on one-twelfth of the amount the department reasonably expects the charter school to receive during that fiscal year. The commissioner shall adjust subsequent distributions as necessary to reflect each charter school's recalculated allocation actual student enrollment as reflected

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~~in the second and third enrollment surveys. The commissioner shall establish the intervals and procedures for determining the projected and actual student enrollment of eligible charter schools.~~

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

(a) Purchase of real property.

(b) Construction of school facilities.

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

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

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

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

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

(h) Purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.

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

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

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

(6)~~(5)~~ The annual legislative budget request of the Department of Education shall include a request for capital outlay funding for charter schools. The request shall be based on the projected number of students to be served in charter

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schools who meet the eligibility requirements of this section. ~~A dedicated funding source, if identified in writing by the Commissioner of Education and submitted along with the annual charter school legislative budget request, may be considered an additional source of funding.~~

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

Section 17. Paragraphs (a) and (b) of subsection (2) and paragraphs (b) through (e) of subsection (6) of section 1013.64, Florida Statutes, are amended to read:

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

(2)(a) The department shall establish, as a part of the Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to be known as the "Special Facility Construction Account." The Special Facility Construction Account shall be used to provide necessary construction funds to school districts which have urgent construction needs but which lack sufficient resources at present, and cannot reasonably anticipate sufficient resources within the period of the next 3 years, for these purposes from currently authorized sources of capital outlay revenue. A school district requesting funding from the Special Facility

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Construction Account shall submit one specific construction project, not to exceed one complete educational plant, to the Special Facility Construction Committee. A No district may not ~~shall~~ receive funding for more than one approved project in any 3-year period or while any portion of the district's participation requirement is outstanding. The first year of the 3-year period shall be the first year a district receives an appropriation. The department shall encourage a construction program that reduces the average size of schools in the district. The request must meet the following criteria to be considered by the committee:

1. The project must be deemed a critical need and must be recommended for funding by the Special Facility Construction Committee. Before ~~Prior to~~ developing construction plans for the proposed facility, the district school board must request a preapplication review by the Special Facility Construction Committee or a project review subcommittee convened by the chair of the committee to include two representatives of the department and two staff members from school districts not eligible to participate in the program. A school district may request a preapplication review at any time; however, if the district school board seeks inclusion in the department's next annual capital outlay legislative budget request, the preapplication review request must be made before February 1. Within 90 ~~60~~ days after receiving the preapplication review request, the committee or subcommittee must meet in the school district to review the project proposal and existing facilities. To determine whether the proposed project is a critical need, the committee or subcommittee shall consider, at a minimum, the

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capacity of all existing facilities within the district as determined by the Florida Inventory of School Houses; the district's pattern of student growth; the district's existing and projected capital outlay full-time equivalent student enrollment as determined by the demographic, revenue, and education estimating conferences established in s. 216.136 ~~department~~; the district's existing satisfactory student stations; the use of all existing district property and facilities; grade level configurations; and any other information that may affect the need for the proposed project.

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

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

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

5. The district shall have developed a district school board adopted list of facilities that do not exceed the norm for net square feet occupancy requirements under the State Requirements for Educational Facilities, using all possible programmatic combinations for multiple use of space to obtain

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1337 maximum daily use of all spaces within the facility under
1338 consideration.

1339 6. Upon construction, the total cost per student station,
1340 including change orders, must not exceed the cost per student
1341 station as provided in subsection (6) except for cost overruns
1342 created by a disaster as defined in s. 252.34 or an
1343 unforeseeable circumstance beyond the district's control as
1344 determined by the Special Facility Construction Committee.

1345 7. There shall be an agreement signed by the district
1346 school board stating that it will advertise for bids within 30
1347 days of receipt of its encumbrance authorization from the
1348 department.

1349 8. For construction projects for which Special Facilities
1350 Construction Account funding is sought before the 2019-2020
1351 fiscal year, the district shall, at the time of the request and
1352 for a continuing period necessary to meet the district's
1353 participation requirement ~~of 3 years~~, levy the maximum millage
1354 against its ~~their~~ nonexempt assessed property value as allowed
1355 in s. 1011.71(2) or shall raise an equivalent amount of revenue
1356 from the school capital outlay surtax authorized under s.
1357 212.055(6). Beginning with construction projects for which
1358 Special Facilities Construction Account funding is sought in the
1359 2019-2020 fiscal year, the district shall, for a minimum of 3
1360 years before submitting the request and for a continuing period
1361 necessary to meet its participation requirement, levy the
1362 maximum millage against the district's nonexempt assessed
1363 property value as authorized under s. 1011.71(2) or shall raise
1364 an equivalent amount of revenue from the school capital outlay
1365 surtax authorized under s. 212.055(6). Any district with a new

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or active project, funded under the provisions of this subsection, shall be required to budget no more than the value of 1 mill ~~1.5 mills~~ per year to the project until the district's ~~to satisfy the annual~~ participation requirement relating to the local discretionary capital improvement millage or the equivalent amount of revenue from the school capital outlay surtax is satisfied ~~in the Special Facility Construction Account.~~

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

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

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

12. Final phase III plans must be certified by the district school board as complete and in compliance with the building and life safety codes before June 1 of the year the application is

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made ~~prior to August 1.~~

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

(6)

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

- a. \$17,952 for an elementary school,
- b. \$19,386 for a middle school, or
- c. \$25,181 for a high school,

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

2. School districts shall maintain accurate documentation related to the costs of all new construction of educational plant space reported to the Department of Education pursuant to

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paragraph (d). The Auditor General shall review the documentation maintained by the school districts and verify compliance with the limits under this paragraph during its scheduled operational audits of the school district. The Auditor General shall make the final determination on district compliance.

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

a. Conduct a study of the cost per student station amounts using the most recent available information on construction costs. In this study, the costs per student station should represent the costs of classroom construction and administrative offices as well as the supplemental costs of core facilities, including required media centers, gymnasiums, music rooms, cafeterias and their associated kitchens and food service areas, vocational areas, and other defined specialty areas, including exceptional student education areas. The study must take into account appropriate cost-effectiveness factors in school construction and should include input from industry experts. OPPAGA must provide the results of the study and recommendations on the cost per student station to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 31, 2017.

b. Conduct a study of the State Requirements for Education Facilities (SREF) to identify current requirements that can be eliminated or modified in order to decrease the cost of construction of educational facilities while ensuring student safety. OPPAGA must provide the results of the study, and an

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overall recommendation as to whether SREF should be retained, to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 31, 2017.

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

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

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

1. The school district shall be ineligible for allocations from the Public Education Capital Outlay and Debt Service Trust

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Fund for the next 3 years in which the school district would have received allocations had the violation not occurred.

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

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

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

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

(III) One appointee of the Auditor General who is a licensed certified public accountant.

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

(d) The department shall:

1. Compute for each calendar year the statewide average construction costs for facilities serving each instructional level, for relocatable educational facilities, for administrative facilities, and for other ancillary and auxiliary facilities. The department shall compute the statewide average

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costs per student station for each instructional level.

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

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

~~(e) The restrictions of this subsection on the cost per student station of new construction do not apply to a project funded entirely from proceeds received by districts through provisions of ss. 212.055 and 1011.73 and s. 9, Art. VII of the State Constitution, if the school board approves the project by majority vote.~~

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1540 Section 18. Subsection (7) is added to section 1013.74,
1541 Florida Statutes, to read:

1542 1013.74 University authorization for fixed capital outlay
1543 projects.—

1544 (7) A university board of trustees may expend reserve or
1545 carry-forward balances from prior year operational and
1546 programmatic appropriations for fixed capital outlay projects
1547 approved by the Board of Governors which include significant
1548 academic instructional space or critical deferred maintenance
1549 needs in this area.

1550 Section 19. Competency-based innovation pilot program.—
1551 Beginning with the 2016-2017 school year, a competency-based
1552 innovation pilot program is established within the Department of
1553 Education.

1554 (1) For the purposes of this section, the term "competency-
1555 based education" means a system in which a student may advance
1556 to higher levels of learning after demonstrating a mastery of
1557 concepts and skills instead of after a specified timeframe.

1558 (2) Public schools in Lake, Palm Beach, Pinellas, and
1559 Seminole Counties; P.K. Yonge Developmental Research School; and
1560 school districts or charter schools designated by the
1561 Commissioner of Education may submit an application to the
1562 department for approval of a competency-based innovation pilot
1563 program. The application shall be submitted on a form provided
1564 and by a date specified by the department and must include, but
1565 need not be limited to, the following:

1566 (a) A vision for the pilot program, including a timeline
1567 for the program and the timeframe for districtwide
1568 implementation of competency-based education.

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1569 (b) Annual goals and performance outcomes that
1570 participating schools must meet, including, but not limited to:

1571 1. Student performance, as defined in s. 1008.34, Florida
1572 Statutes.

1573 2. Promotion and retention rates.

1574 3. Graduation rates.

1575 4. Indicators of college and career readiness.

1576 (c) A communication plan for stakeholders, including
1577 businesses and community members.

1578 (d) A scope of, and a timeline for, professional
1579 development.

1580 (e) A plan for student progression based on mastery of
1581 concepts and skills, including proposed methods to determine the
1582 degree to which a student has attained mastery of concepts and
1583 skills.

1584 (f) A plan for using technology and digital and blended
1585 learning to enhance student achievement and to facilitate
1586 competency-based education.

1587 (g) A plan for how resources will be allocated for the
1588 pilot program at both the district and school levels.

1589 (h) The recruitment and selection of participating schools.

1590 (i) Rules to be waived, as authorized in subsection (3), as
1591 necessary to implement the program.

1592 (3) In addition to the waivers provided in s. 1001.10(3),
1593 Florida Statutes, the State Board of Education may authorize the
1594 Commissioner of Education to grant waivers relating to the
1595 awarding of credit and pupil progression.

1596 (4) Students participating in the pilot program at
1597 participating schools shall be reported and generate funding

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1598 consistent with the requirements of s. 1011.62, Florida
1599 Statutes.

1600 (5) The department shall:

1601 (a) Compile student and staff schedules before and after
1602 implementation of the pilot program.

1603 (b) Provide access to statewide, standardized assessments
1604 pursuant to s. 1008.22(3), Florida Statutes.

1605 (c) By June 1 of each year, provide a report summarizing
1606 the activities and accomplishments of the pilot programs and any
1607 recommendations for statutory revisions for statewide
1608 implementation to the Governor, the President of the Senate, and
1609 the Speaker of the House of Representatives.

1610 (6) This section expires June 30, 2021.

1611 Section 20. Paragraph (a) of subsection (20) of section
1612 1002.33, Florida Statutes, is amended to read:

1613 1002.33 Charter schools.—

1614 (20) SERVICES.—

1615 (a)1. A sponsor shall provide certain administrative and
1616 educational services to charter schools. These services shall
1617 include contract management services; full-time equivalent and
1618 data reporting services; exceptional student education
1619 administration services; services related to eligibility and
1620 reporting duties required to ensure that school lunch services
1621 under the federal lunch program, consistent with the needs of
1622 the charter school, are provided by the school district at the
1623 request of the charter school, that any funds due to the charter
1624 school under the federal lunch program be paid to the charter
1625 school as soon as the charter school begins serving food under
1626 the federal lunch program, and that the charter school is paid

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at the same time and in the same manner under the federal lunch program as other public schools serviced by the sponsor or the school district; test administration services, including payment of the costs of state-required or district-required student assessments; processing of teacher certificate data services; and information services, including equal access to student information systems that are used by public schools in the district in which the charter school is located. Student performance data for each student in a charter school, including, but not limited to, FCAT scores, standardized test scores, previous public school student report cards, and student performance measures, shall be provided by the sponsor to a charter school in the same manner provided to other public schools in the district.

2. A total administrative fee for the provision of such services shall be calculated based upon up to 5 percent of the available funds defined in paragraph (17)(b) for all students, except that when 75 percent or more of the students enrolled in the charter school are exceptional students as defined in s. 1003.01(3), the 5 percent of those available funds shall be calculated based on unweighted full-time equivalent students. However, a sponsor may only withhold up to a 5-percent administrative fee for enrollment for up to and including 250 students. For charter schools with a population of 251 or more students, the difference between the total administrative fee calculation and the amount of the administrative fee withheld may only be used for capital outlay purposes specified in s. 1013.62(3) ~~s. 1013.62(2)~~.

3. For high-performing charter schools, as defined in ch.

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2011-232, a sponsor may withhold a total administrative fee of up to 2 percent for enrollment up to and including 250 students per school.

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

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

b. Has all schools located in the same county;

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

d. Has the same governing board; and

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

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

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

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

8. The sponsor of a virtual charter school may withhold a

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1685 fee of up to 5 percent. The funds shall be used to cover the
1686 cost of services provided under subparagraph 1. and
1687 implementation of the school district's digital classrooms plan
1688 pursuant to s. 1011.62.

1689 Section 21. This act shall take effect July 1, 2016.