

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Fresen offered the following:

Amendment to Amendment (550680) (with title amendment)

Remove lines 186-3599 of the amendment and insert:

(c) Each district school board must provide preferential treatment in its controlled open enrollment process to all of the following:

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

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

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

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15 4. Students residing in the school district.

16 (d) As part of its controlled open enrollment process, a
17 charter school may provide preferential treatment in its
18 controlled open enrollment participation process to the
19 enrollment limitations pursuant to s. 1002.33(10), if such
20 special purposes are identified in the charter agreement. Each
21 charter school shall annually post on its website the
22 application process required to participate in controlled open
23 enrollment, consistent with this section and s. 1002.33.

24 (e) Students residing in the district, including charter
25 school students, may not be displaced by a student from another
26 district seeking enrollment under the controlled open enrollment
27 process.

28 (f) For purposes of continuity of educational choice, a
29 student who transfers pursuant to this section may remain at the
30 school chosen by the parent until the student completes the
31 highest grade level at the school ~~may offer controlled open~~
32 ~~enrollment within the public schools which is in addition to the~~
33 ~~existing choice programs such as virtual instruction programs,~~
34 ~~magnet schools, alternative schools, special programs, advanced~~
35 ~~placement, and dual enrollment.~~

36 (3) Each district school board ~~offering controlled open~~
37 ~~enrollment~~ shall adopt by rule and post on its website the
38 process required to participate in controlled open enrollment.
39 The process ~~a controlled open enrollment plan which~~ must:

40 (a) Adhere to federal desegregation requirements.

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41 (b) Allow ~~Include an application process required to~~
42 ~~participate in controlled open enrollment that allows~~ parents to
43 declare school preferences, including placement of siblings
44 within the same school.

45 (c) Provide a lottery procedure to determine student
46 assignment and establish an appeals process for hardship cases.

47 (d) Afford parents of students in multiple session schools
48 preferred access to controlled open enrollment.

49 (e) Maintain socioeconomic, demographic, and racial
50 balance.

51 (f) Address the availability of transportation.

52 (g) Maintain existing academic eligibility criteria for
53 public school choice programs pursuant to s. 1002.20(6)(a).

54 (h) Identify schools that have not reached capacity, as
55 determined by the school district.

56 (i) Ensure that each district school board adopts a policy
57 to provide preferential treatment pursuant to paragraph (2)(c).

58 (4) In accordance with the reporting requirements of s.
59 1011.62, each district school board shall annually report the
60 number of students exercising public school choice, by type
61 ~~attending the various types of public schools of choice in the~~
62 ~~district, in accordance with including schools such as virtual~~
63 ~~instruction programs, magnet schools, and public charter~~
64 ~~schools, according to~~ rules adopted by the State Board of
65 Education.

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(5) For a school or program that is a public school of choice under this section, the calculation for compliance with maximum class size pursuant to s. 1003.03(4) ~~s. 1003.03~~ is the average number of students at the school level.

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

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

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

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

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

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

Section 6. Subsection (1), paragraph (a) of subsection (2), paragraphs (a) and (b) of subsection (6), paragraphs (a) and (d) of subsection (7), paragraphs (g), (n), and (p) of subsection (9), paragraph (d) of subsection (10), paragraphs (b)

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and (e) of subsection (17), paragraph (a) of subsection (18), and paragraph (a) of subsection (20) of section 1002.33, Florida Statutes, are amended, and a new paragraph (g) is added to subsection (17) of that section, to read:

1002.33 Charter schools.—

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

(2) GUIDING PRINCIPLES; PURPOSE.—

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

1. Meet high standards of student achievement while providing parents flexibility to choose among diverse

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educational opportunities within the state's public school system.

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

3. Provide parents with sufficient information on whether their child is reading at grade level and whether the child gains at least a year's worth of learning for every year spent in the charter school. For a student who exhibits a substantial deficiency in reading, as determined by the charter school, the school shall notify the parent of the deficiency, the intensive interventions and supports used, and the student's progress in accordance with s. 1008.25(5).

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

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

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

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

3. Contains goals and objectives for improving student learning and measuring that improvement. These goals and objectives must indicate how much academic improvement students

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are expected to show each year, how success will be evaluated, and the specific results to be attained through instruction.

4. Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level. A sponsor shall deny an application ~~a charter~~ if the school does not propose a reading curriculum that is evidence-based and includes explicit, systematic, and multisensory reading instructional strategies; however, a sponsor may not require the charter school to implement the reading plan adopted by the school district pursuant to s. 1011.62(9) ~~consistent with effective teaching strategies that are grounded in scientifically based reading research.~~

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

6. Discloses the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter

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170 schools, which the sponsor shall consider in deciding whether to
171 approve or deny the application.

172 ~~7.6.~~ Contains additional information a sponsor may
173 require, which shall be attached as an addendum to the charter
174 school application described in this paragraph.

175 ~~8.7.~~ For the establishment of a virtual charter school,
176 documents that the applicant has contracted with a provider of
177 virtual instruction services pursuant to s. 1002.45(1)(d).

178 (b) A sponsor shall receive and review all applications
179 for a charter school using the ~~an~~ evaluation instrument
180 developed by the Department of Education. A sponsor shall
181 receive and consider charter school applications received on or
182 before August 1 of each calendar year for charter schools to be
183 opened at the beginning of the school district's next school
184 year, or to be opened at a time agreed to by the applicant and
185 the sponsor. A sponsor may not refuse to receive a charter
186 school application submitted before August 1 and may receive an
187 application submitted later than August 1 if it chooses. In
188 order to facilitate greater collaboration in the application
189 process, an applicant may submit a draft charter school
190 application on or before May 1 with an application fee of \$500.
191 If a draft application is timely submitted, the sponsor shall
192 review and provide feedback as to material deficiencies in the
193 application by July 1. The applicant shall then have until
194 August 1 to resubmit a revised and final application. The
195 sponsor may approve the draft application. Except as provided

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196 for a draft application, a sponsor may not charge an applicant
197 for a charter any fee for the processing or consideration of an
198 application, and a sponsor may not base its consideration or
199 approval of a final application upon the promise of future
200 payment of any kind. Before approving or denying any final
201 application, the sponsor shall allow the applicant, upon receipt
202 of written notification, at least 7 calendar days to make
203 technical or nonsubstantive corrections and clarifications,
204 including, but not limited to, corrections of grammatical,
205 typographical, and like errors or missing signatures, if such
206 errors are identified by the sponsor as cause to deny the final
207 application.

208 1. In order to facilitate an accurate budget projection
209 process, a sponsor shall be held harmless for FTE students who
210 are not included in the FTE projection due to approval of
211 charter school applications after the FTE projection deadline.
212 In a further effort to facilitate an accurate budget projection,
213 within 15 calendar days after receipt of a charter school
214 application, a sponsor shall report to the Department of
215 Education the name of the applicant entity, the proposed charter
216 school location, and its projected FTE.

217 2. In order to ensure fiscal responsibility, an
218 application for a charter school shall include a full accounting
219 of expected assets, a projection of expected sources and amounts
220 of income, including income derived from projected student
221 enrollments and from community support, and an expense

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222 projection that includes full accounting of the costs of
223 operation, including start-up costs.

224 3.a. A sponsor shall by a majority vote approve or deny an
225 application no later than 60 calendar days after the application
226 is received, unless the sponsor and the applicant mutually agree
227 in writing to temporarily postpone the vote to a specific date,
228 at which time the sponsor shall by a majority vote approve or
229 deny the application. If the sponsor fails to act on the
230 application, an applicant may appeal to the State Board of
231 Education as provided in paragraph (c). If an application is
232 denied, the sponsor shall, within 10 calendar days after such
233 denial, articulate in writing the specific reasons, based upon
234 good cause, supporting its denial of the ~~charter~~ application and
235 shall provide the letter of denial and supporting documentation
236 to the applicant and to the Department of Education.

237 b. An application submitted by a high-performing charter
238 school identified pursuant to s. 1002.331 may be denied by the
239 sponsor only if the sponsor demonstrates by clear and convincing
240 evidence that:

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

243 (II) The charter school proposed in the application does
244 not materially comply with the requirements in paragraphs
245 (9) (a) - (f);

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

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

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

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

c. If the sponsor denies an application submitted by a high-performing charter school, the sponsor must, within 10 calendar days after such denial, state in writing the specific reasons, based upon the criteria in sub-subparagraph b., supporting its denial of the application and must provide the

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letter of denial and supporting documentation to the applicant and to the Department of Education. The applicant may appeal the sponsor's denial of the application directly to the State Board of Education and, if an appeal is filed, must provide a copy of the appeal to the sponsor pursuant to paragraph (c) ~~sub-~~ subparagraph (c)3.b.

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

5. Upon approval of an a-charter application, the initial startup shall commence with the beginning of the public school calendar for the district in which the charter is granted. A charter school may defer the opening of the school's operations for up to 2 years to provide time for adequate facility planning. The charter school must provide written notice of such intent to the sponsor and the parents of enrolled students at least 30 calendar days before the first day of school unless the sponsor allows a waiver of this subparagraph for good cause.

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

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

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

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

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

b. In order to provide students with access to diverse instructional delivery models, to facilitate the integration of technology within traditional classroom instruction, and to provide students with the skills they need to compete in the 21st century economy, the Legislature encourages instructional methods for blended learning courses consisting of both traditional classroom and online instructional techniques. Charter schools may implement blended learning courses which

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combine traditional classroom instruction and virtual instruction. Students in a blended learning course must be full-time students of the charter school and receive the online instruction in a classroom setting at the charter school. Instructional personnel certified pursuant to s. 1012.55 who provide virtual instruction for blended learning courses may be employees of the charter school or may be under contract to provide instructional services to charter school students. At a minimum, such instructional personnel must hold an active state or school district adjunct certification under s. 1012.57 for the subject area of the blended learning course. The funding and performance accountability requirements for blended learning courses are the same as those for traditional courses.

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

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

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

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

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

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

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

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

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

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

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376 9. The financial and administrative management of the
377 school, including a reasonable demonstration of the professional
378 experience or competence of those individuals or organizations
379 applying to operate the charter school or those hired or
380 retained to perform such professional services and the
381 description of clearly delineated responsibilities and the
382 policies and practices needed to effectively manage the charter
383 school. A description of internal audit procedures and
384 establishment of controls to ensure that financial resources are
385 properly managed must be included. Both public sector and
386 private sector professional experience shall be equally valid in
387 such a consideration.

388 10. The asset and liability projections required in the
389 application which are incorporated into the charter and shall be
390 compared with information provided in the annual report of the
391 charter school.

392 11. A description of procedures that identify various
393 risks and provide for a comprehensive approach to reduce the
394 impact of losses; plans to ensure the safety and security of
395 students and staff; plans to identify, minimize, and protect
396 others from violent or disruptive student behavior; and the
397 manner in which the school will be insured, including whether or
398 not the school will be required to have liability insurance,
399 and, if so, the terms and conditions thereof and the amounts of
400 coverage.

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12. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for 4 or 5 years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the district school board. A charter lab school is eligible for a charter for a term of up to 15 years. In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 15-year charter, subject to approval by the district school board. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only according to the provisions set forth in subsection (8).

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

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

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

431 16. A timetable for implementing the charter which
432 addresses the implementation of each element thereof and the
433 date by which the charter shall be awarded in order to meet this
434 timetable.

435 17. In the case of an existing public school that is being
436 converted to charter status, alternative arrangements for
437 current students who choose not to attend the charter school and
438 for current teachers who choose not to teach in the charter
439 school after conversion in accordance with the existing
440 collective bargaining agreement or district school board rule in
441 the absence of a collective bargaining agreement. However,
442 alternative arrangements shall not be required for current
443 teachers who choose not to teach in a charter lab school, except
444 as authorized by the employment policies of the state university
445 which grants the charter to the lab school.

446 18. Full disclosure of the identity of all relatives
447 employed by the charter school who are related to the charter
448 school owner, president, chairperson of the governing board of
449 directors, superintendent, governing board member, principal,
450 assistant principal, or any other person employed by the charter

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451 school who has equivalent decisionmaking authority. For the
452 purpose of this subparagraph, the term "relative" means father,
453 mother, son, daughter, brother, sister, uncle, aunt, first
454 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
455 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
456 stepfather, stepmother, stepson, stepdaughter, stepbrother,
457 stepsister, half brother, or half sister.

458 19. Implementation of the activities authorized under s.
459 1002.331 by the charter school when it satisfies the eligibility
460 requirements for a high-performing charter school. A high-
461 performing charter school shall notify its sponsor in writing by
462 March 1 if it intends to increase enrollment or expand grade
463 levels the following school year. The written notice shall
464 specify the amount of the enrollment increase and the grade
465 levels that will be added, as applicable.

466 (d)1-. A charter may be terminated by a charter school's
467 governing board through voluntary closure. The decision to cease
468 operations must be determined at a public meeting. The governing
469 board shall notify the parents and sponsor of the public meeting
470 in writing before the public meeting. The governing board must
471 notify the sponsor, parents of enrolled students, and the
472 department in writing within 24 hours after the public meeting
473 of its determination. The notice shall state the charter
474 school's intent to continue operations or the reason for the
475 closure and acknowledge that the governing board agrees to
476 follow the procedures for dissolution and reversion of public

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

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

(9) CHARTER SCHOOL REQUIREMENTS.—

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(g)1. In order to provide financial information that is comparable to that reported for other public schools, charter schools are to maintain all financial records that constitute their accounting system:

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

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

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

3. A charter school shall, upon approval of the charter contract, provide the sponsor with a concise, uniform, monthly financial statement summary sheet that contains a balance sheet and a statement of revenue, expenditures, and changes in fund balance. The balance sheet and the statement of revenue,

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529 expenditures, and changes in fund balance shall be in the
530 governmental funds format prescribed by the Governmental
531 Accounting Standards Board. A high-performing charter school
532 pursuant to s. 1002.331 may provide a quarterly financial
533 statement in the same format and requirements as the uniform
534 monthly financial statement summary sheet. The sponsor shall
535 review each monthly or quarterly financial statement to identify
536 the existence of any conditions identified in s. 1002.345(1)(a).

537 4. A charter school shall maintain and provide financial
538 information as required in this paragraph. The financial
539 statement required in subparagraph 3. must be in a form
540 prescribed by the Department of Education.

541 (n)1. The director and a representative of the governing
542 board of a charter school that has earned a grade of "D" or "F"
543 pursuant to s. 1008.34 shall appear before the sponsor to
544 present information concerning each contract component having
545 noted deficiencies. The director and a representative of the
546 governing board shall submit to the sponsor for approval a
547 school improvement plan to raise student performance. Upon
548 approval by the sponsor, the charter school shall begin
549 implementation of the school improvement plan. The department
550 shall offer technical assistance and training to the charter
551 school and its governing board and establish guidelines for
552 developing, submitting, and approving such plans.

553 2.a. If a charter school earns three consecutive grades of
554 "D," two consecutive grades of "D" followed by a grade of "F,"

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or two nonconsecutive grades of "F" within a 3-year period, the charter school governing board shall choose one of the following corrective actions:

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

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

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

(IV) Voluntarily close the charter school.

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

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

d. A charter school is no longer required to implement a corrective action if it improves by at least one letter grade. However, the charter school must continue to implement

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581 strategies identified in the school improvement plan. The
582 sponsor must annually review implementation of the school
583 improvement plan to monitor the school's continued improvement
584 pursuant to subparagraph 5.

585 e. A charter school implementing a corrective action that
586 does not improve by at least one letter grade after 2 full
587 school years of implementing the corrective action must select a
588 different corrective action. Implementation of the new
589 corrective action must begin in the school year following the
590 implementation period of the existing corrective action, unless
591 the sponsor determines that the charter school is likely to
592 improve a letter grade if additional time is provided to
593 implement the existing corrective action. Notwithstanding this
594 sub-subparagraph, a charter school that earns a second
595 consecutive grade of "F" while implementing a corrective action
596 is subject to subparagraph 4.

597 3. A charter school with a grade of "D" or "F" that
598 improves by at least one letter grade must continue to implement
599 the strategies identified in the school improvement plan. The
600 sponsor must annually review implementation of the school
601 improvement plan to monitor the school's continued improvement
602 pursuant to subparagraph 5.

603 4. A charter school's charter contract is automatically
604 terminated if the school earns two consecutive grades of "F"
605 after all school grade appeals are final ~~The sponsor shall~~

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606 ~~terminate a charter if the charter school earns two consecutive~~
607 ~~grades of "F" unless:~~

608 a. The charter school is established to turn around the
609 performance of a district public school pursuant to s.

610 1008.33(4)(b)3. Such charter schools shall be governed by s.
611 1008.33;

612 b. The charter school serves a student population the
613 majority of which resides in a school zone served by a district
614 public school that earned a grade of "F" in the year before the
615 charter school opened and the charter school earns at least a
616 grade of "D" in its third year of operation. The exception
617 provided under this sub-subparagraph does not apply to a charter
618 school in its fourth year of operation and thereafter; or

619 c. The state board grants the charter school a waiver of
620 termination. The charter school must request the waiver within
621 15 days after the department's official release of school
622 grades. The state board may waive termination if the charter
623 school demonstrates that the Learning Gains of its students on
624 statewide assessments are comparable to or better than the
625 Learning Gains of similarly situated students enrolled in nearby
626 district public schools. The waiver is valid for 1 year and may
627 only be granted once. Charter schools that have been in
628 operation for more than 5 years are not eligible for a waiver
629 under this sub-subparagraph.

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631 The sponsor shall notify the charter school's governing board,
632 the charter school principal, and the department in writing when
633 a charter contract is terminated under this subparagraph. The
634 letter of termination must meet the requirements of paragraph
635 (8)(c). A charter terminated under this subparagraph must follow
636 the procedures for dissolution and reversion of public funds
637 pursuant to paragraphs (8)(e)-(g) and (9)(o).

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

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

651 (p)1. Each charter school shall maintain a website that
652 enables the public to obtain information regarding the school;
653 the school's academic performance; the names of the governing
654 board members; the programs at the school; any management
655 companies, service providers, or education management
656 corporations associated with the school; the school's annual

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657 budget and its annual independent fiscal audit; the school's
658 grade pursuant to s. 1008.34; and, on a quarterly basis, the
659 minutes of governing board meetings.

660 2. Each charter school's governing board must appoint a
661 representative to facilitate parental involvement, provide
662 access to information, assist parents and others with questions
663 and concerns, and resolve disputes. The representative must
664 reside in the school district in which the charter school is
665 located and may be a governing board member, a charter school
666 employee, or an individual contracted to represent the governing
667 board. If the governing board oversees multiple charter schools
668 in the same school district, the governing board must appoint a
669 separate representative for each charter school in the district.
670 The representative's contact information must be provided
671 annually in writing to parents and posted prominently on the
672 charter school's website. The sponsor may not require governing
673 board members to reside in the school district in which the
674 charter school is located if the charter school complies with
675 this subparagraph.

676 3. Each charter school's governing board must hold at
677 least two public meetings per school year in the school district
678 where the charter school is located. The meetings must be
679 noticed, open, and accessible to the public, and attendees must
680 be provided an opportunity to receive information and provide
681 input regarding the charter school's operations. The appointed
682 representative and charter school principal or director, or his

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683 or her designee, must be physically present at each meeting.
684 Members of the governing board may attend in person or by means
685 of communications media technology used in accordance with rules
686 adopted by the Administration Commission under s. 120.54(5).

687 (10) ELIGIBLE STUDENTS.—

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

690 1. Students who are siblings of a student enrolled in the
691 charter school.

692 2. Students who are the children of a member of the
693 governing board of the charter school.

694 3. Students who are the children of an employee of the
695 charter school.

696 4. Students who are the children of:

697 a. An employee of the business partner of a charter
698 school-in-the-workplace established under paragraph (15)(b) or a
699 resident of the municipality in which such charter school is
700 located; or

701 b. A resident or employee of a municipality that operates
702 a charter school-in-a-municipality pursuant to paragraph (15)(c)
703 or allows a charter school to use a school facility or portion
704 of land provided by the municipality for the operation of the
705 charter school.

706 5. Students who have successfully completed a voluntary
707 prekindergarten education program under ss. 1002.51-1002.79

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provided by the charter school or the charter school's governing board during the previous year.

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

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

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

(b) The basis for the agreement for funding students enrolled in a charter school shall be the sum of the school district's operating funds from 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; divided by total funded weighted full-time equivalent students in the school district; multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law are entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including transportation, the research-based reading allocation, and the Florida digital classrooms

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734 allocation. Total funding for each charter school shall be
735 recalculated during the year to reflect the revised calculations
736 under the Florida Education Finance Program by the state and the
737 actual weighted full-time equivalent students reported by the
738 charter school during the full-time equivalent student survey
739 periods designated by the Commissioner of Education.

740 (e) District school boards shall make timely and efficient
741 payment and reimbursement to charter schools, including
742 processing paperwork required to access special state and
743 federal funding for which they may be eligible. Payments of
744 funds under paragraph (b) shall be made monthly or twice a
745 month, beginning with the start of the district school board's
746 fiscal year. Each payment shall be one-twelfth, or one twenty-
747 fourth, as applicable, of the total state and local funds
748 described in paragraph (b) and adjusted as set forth therein.
749 For the first 2 years of a charter school's operation, if a
750 minimum of 75 percent of the projected enrollment is entered
751 into the sponsor's student information system by the first day
752 of the current month, the district school board shall ~~may~~
753 distribute funds to the ~~a charter~~ school for the ~~up to 3~~ months
754 of July through October based on the projected full-time
755 equivalent student membership of the charter school as submitted
756 in the approved application. If less than 75 percent of the
757 projected enrollment is entered into the sponsor's student
758 information system by the first day of the current month, the
759 sponsor shall base payments on the actual number of student

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760 enrollment entered into the sponsor's student information
761 system. Thereafter, the results of full-time equivalent student
762 membership surveys shall be used in adjusting the amount of
763 funds distributed monthly to the charter school for the
764 remainder of the fiscal year. The payments ~~payment~~ shall be
765 issued no later than 10 working days after the district school
766 board receives a distribution of state or federal funds or the
767 date the payment is due pursuant to this subsection. If a
768 warrant for payment is not issued within 10 working days after
769 receipt of funding by the district school board, the school
770 district shall pay to the charter school, in addition to the
771 amount of the scheduled disbursement, interest at a rate of 1
772 percent per month calculated on a daily basis on the unpaid
773 balance from the expiration of the 10 working days until such
774 time as the warrant is issued. The district school board may not
775 delay payment to a charter school of any portion of the funds
776 provided in paragraph (b) based on the timing of receipt of
777 local funds by the district school board.

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

781 (18) FACILITIES.—

782 (a) A startup charter school shall utilize facilities
783 which comply with the Florida Building Code pursuant to chapter
784 553 except for the State Requirements for Educational
785 Facilities. Conversion charter schools shall utilize facilities

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that comply with the State Requirements for Educational Facilities provided that the school district and the charter school have entered into a mutual management plan for the reasonable maintenance of such facilities. The mutual management plan shall contain a provision by which the district school board agrees to maintain charter school facilities in the same manner as its other public schools within the district. Charter schools, with the exception of conversion charter schools, are not required to comply, but may choose to comply, with the State Requirements for Educational Facilities of the Florida Building Code adopted pursuant to s. 1013.37. The local governing authority shall not adopt or impose any local building requirements or site-development restrictions, such as parking and site-size criteria, that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code. ~~Beginning July 1, 2011,~~ A local governing authority must treat charter schools equitably in comparison to similar requirements, restrictions, and site planning processes imposed upon public schools that are not charter schools. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy or use shall be the local municipality or, if in an unincorporated area, the county governing authority. If an official or employee of the local governing authority refuses to comply with this paragraph, the aggrieved school or entity has an immediate right to bring an action in circuit court to enforce its rights by

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812 injunction. An aggrieved party that receives injunctive relief
813 may be awarded attorney fees and court costs.

814 (20) SERVICES.—

815 (a)1. A sponsor shall provide certain administrative and
816 educational services to charter schools. These services shall
817 include contract management services; full-time equivalent and
818 data reporting services; exceptional student education
819 administration services; services related to eligibility and
820 reporting duties required to ensure that school lunch services
821 under the federal lunch program, consistent with the needs of
822 the charter school, are provided by the school district at the
823 request of the charter school, that any funds due to the charter
824 school under the federal lunch program be paid to the charter
825 school as soon as the charter school begins serving food under
826 the federal lunch program, and that the charter school is paid
827 at the same time and in the same manner under the federal lunch
828 program as other public schools serviced by the sponsor or the
829 school district; test administration services, including payment
830 of the costs of state-required or district-required student
831 assessments; processing of teacher certificate data services;
832 and information services, including equal access to student
833 information systems that are used by public schools in the
834 district in which the charter school is located. Student
835 performance data for each student in a charter school,
836 including, but not limited to, FCAT scores, standardized test
837 scores, previous public school student report cards, and student

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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 s. 1002.331 ~~ch. 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:

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

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

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

868 d. Has the same governing board; and

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

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

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

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

884 8. The sponsor of a virtual charter school may withhold a
885 fee of up to 5 percent. The funds shall be used to cover the
886 cost of services provided under subparagraph 1. and
887 implementation of the school district's digital classrooms plan
888 pursuant to s. 1011.62.

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889 Section 7. Paragraph (a) of subsection (3) and subsection
890 (4) of section 1002.331, Florida Statutes, are amended to read:

891 1002.331 High-performing charter schools.—

892 (3)(a) A high-performing charter school may submit an
893 application pursuant to s. 1002.33(6) in any school district in
894 the state to establish and operate a new charter school that
895 will substantially replicate its educational program. An
896 application submitted by a high-performing charter school must
897 state that the application is being submitted pursuant to this
898 paragraph and must include the verification letter provided by
899 the Commissioner of Education pursuant to subsection (4) ~~(5)~~. If
900 the sponsor fails to act on the application within 60 days after
901 receipt, the application is deemed approved and the procedure in
902 s. 1002.33(6)(h) applies. If the sponsor denies the application,
903 the high-performing charter school may appeal pursuant to s.
904 1002.33(6).

905 ~~(4) A high-performing charter school may not increase~~
906 ~~enrollment or expand grade levels following any school year in~~
907 ~~which it receives a school grade of "C" or below. If the charter~~
908 ~~school receives a school grade of "C" or below in any 2 years~~
909 ~~during the term of the charter awarded under subsection (2), the~~
910 ~~term of the charter may be modified by the sponsor and the~~
911 ~~charter school loses its high-performing charter school status~~
912 ~~until it regains that status under subsection (1).~~

913 Section 8. Section 1001.66, Florida Statutes, is created
914 to read:

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915 1001.66 Florida College System Performance-Based
916 Incentive.—

917 (1) A Florida College System Performance-Based Incentive
918 shall be awarded to Florida College System institutions using
919 performance-based metrics adopted by the State Board of
920 Education. The performance-based metrics must include retention
921 rates; program completion and graduation rates; postgraduation
922 employment, salaries, and continuing education for workforce
923 education and baccalaureate programs, with wage thresholds that
924 reflect the added value of the certificate or degree; and
925 outcome measures appropriate for associate of arts degree
926 recipients. The state board shall adopt benchmarks to evaluate
927 each institution's performance on the metrics to measure the
928 institution's achievement of institutional excellence or need
929 for improvement and minimum requirements for eligibility to
930 receive performance funding.

931 (2) Each fiscal year, the amount of funds available for
932 allocation to the Florida College System institutions based on
933 the performance-based funding model shall consist of the state's
934 investment in performance funding plus institutional investments
935 consisting of funds to be redistributed from the base funding of
936 the Florida College System Program Fund as determined in the
937 General Appropriations Act. The State Board of Education shall
938 establish minimum performance funding eligibility thresholds for
939 the state's investment and the institutional investments. An
940 institution that meets the minimum institutional investment

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941 eligibility threshold, but fails to meet the minimum state
942 investment eligibility threshold, shall have its institutional
943 investment restored but is ineligible for a share of the state's
944 investment in performance funding. The institutional investment
945 shall be restored for all institutions eligible for the state's
946 investment under the performance-based funding model.

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

951 (b) A Florida College System institution that fails to
952 meet the State Board of Education's minimum institutional
953 investment performance funding eligibility threshold shall have
954 a portion of its institutional investment withheld by the state
955 board and must submit an improvement plan to the state board
956 which specifies the activities and strategies for improving the
957 institution's performance. The state board must review and
958 approve the improvement plan and, if the plan is approved, must
959 monitor the institution's progress in implementing the
960 activities and strategies specified in the improvement plan. The
961 institution shall submit monitoring reports to the state board
962 by December 31 and May 31 of each year in which an improvement
963 plan is in place. Beginning in the 2017-2018 fiscal year, the
964 ability of an institution to submit an improvement plan to the
965 state board is limited to 1 fiscal year.

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966 (c) The Commissioner of Education shall withhold
967 disbursement of the institutional investment until the
968 monitoring report is approved by the State Board of Education. A
969 Florida College System institution determined by the state board
970 to be making satisfactory progress on implementing the
971 improvement plan shall receive no more than one-half of the
972 withheld institutional investment in January and the balance of
973 the withheld institutional investment in June. An institution
974 that fails to make satisfactory progress may not have its full
975 institutional investment restored. Any institutional investment
976 funds that are not restored shall be redistributed in accordance
977 with the state board's performance-based metrics.

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

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

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

989 Section 9. Subsection (1) of section 1001.7065, Florida
990 Statutes, is reenacted, and subsections (2), (3), and (5)
991 through (8) of that section are amended, to read:

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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

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1017 not limited to, the U.S. News and World Report rankings,
1018 reflecting national preeminence, using most recent rankings.

1019 (c) A freshman retention rate of 90 percent or higher for
1020 full-time, first-time-in-college students, as reported annually
1021 to the Integrated Postsecondary Education Data System (IPEDS).

1022 (d) A 6-year graduation rate of 70 percent or higher for
1023 full-time, first-time-in-college students, as reported annually
1024 to the IPEDS.

1025 (e) Six or more faculty members at the state university
1026 who are members of a national academy, as reported by the Center
1027 for Measuring University Performance in the Top American
1028 Research Universities (TARU) annual report or the official
1029 membership directories maintained by each national academy.

1030 (f) Total annual research expenditures, including federal
1031 research expenditures, of \$200 million or more, as reported
1032 annually by the National Science Foundation (NSF).

1033 (g) Total annual research expenditures in diversified
1034 nonmedical sciences of \$150 million or more, based on data
1035 reported annually by the NSF.

1036 (h) A top-100 university national ranking for research
1037 expenditures in five or more science, technology, engineering,
1038 or mathematics fields of study, as reported annually by the NSF.

1039 (i) One hundred or more total patents awarded by the
1040 United States Patent and Trademark Office for the most recent 3-
1041 year period.

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(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 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 six 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

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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 state research university 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.

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

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1092 1. Each designated preeminent state research university
1093 that meets the criteria in paragraph (a) shall receive an equal
1094 amount of funding.

1095 2. Each designated emerging preeminent state research
1096 university that meets the criteria in paragraph (b) shall
1097 receive an amount of funding that is equal to one-half of the
1098 total increased amount awarded to each designated preeminent
1099 state research university.

1100 ~~(6) PREEMINENT STATE RESEARCH UNIVERSITY ENHANCEMENT~~
1101 ~~INITIATIVE. A state research university that, as of July 1,~~
1102 ~~2013, meets 11 of the 12 academic and research excellence~~
1103 ~~standards identified in subsection (2), as verified by the Board~~
1104 ~~of Governors, shall submit to the Board of Governors a 5-year~~
1105 ~~benchmark plan with target rankings on key performance metrics~~
1106 ~~for national excellence. Upon the university's meeting the~~
1107 ~~benchmark plan goals annually, the Board of Governors shall~~
1108 ~~award the university an amount specified in the General~~
1109 ~~Appropriations Act to be provided annually throughout the 5-year~~
1110 ~~period for the purpose of recruiting National Academy Members,~~
1111 ~~expediting the provision of a master's degree in cloud~~
1112 ~~virtualization, and instituting an entrepreneurs-in-residence~~
1113 ~~program throughout its campus. Funding for this purpose is~~
1114 ~~contingent upon specific appropriation in the General~~
1115 ~~Appropriations Act.~~

1116 ~~(6)(7)~~ PREEMINENT STATE RESEARCH UNIVERSITY SPECIAL COURSE
1117 REQUIREMENT AUTHORITY.—In order to provide a jointly shared

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educational experience, a university that is designated a preeminent state research university may require its incoming first-time-in-college students to take a six-credit ~~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.

~~(7)-(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 each ~~a~~ designated preeminent state research university and each designated emerging preeminent state research university is free from unnecessary restrictions.

Section 10. Subsections (4) and (5) are added to section 1001.71, Florida Statutes, to read:

1001.71 University boards of trustees; membership.—

(4) Each university board of trustees shall select its chair and vice chair from the appointed members. Each chair shall serve for 2 years and may be reselected for one additional consecutive 2-year term, except that, for each additional consecutive term beyond two terms, by a two-thirds vote, the board of trustees may reselect the chair for additional

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consecutive 2-year terms. The chair shall preside at all meetings of the board of trustees and may call special meetings of the board. The chair shall also attest to actions of the board of trustees. The chair shall notify the Governor or the Board of Governors, as applicable, in writing whenever a board member has three consecutive unexcused absences from regular board meetings in any fiscal year, which may be grounds for removal by the Governor or the Board of Governors, as applicable.

(5) Each university board of trustees shall keep and, within 2 weeks after a board meeting, post prominently on the university's website detailed meeting minutes for all meetings, including the vote history and attendance of each trustee. The Board of Governors shall adopt regulations to implement this subsection.

Section 11. 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

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1170 the added value of a baccalaureate degree; access; and other
1171 metrics approved by the board in a formally noticed meeting. The
1172 board shall adopt benchmarks to evaluate each state university's
1173 performance on the metrics to measure the state university's
1174 achievement of institutional excellence or need for improvement
1175 and minimum requirements for eligibility to receive performance
1176 funding.

1177 (2) Each fiscal year, the amount of funds available for
1178 allocation to the state universities based on the performance-
1179 based funding model ~~metrics~~ shall consist of the state's
1180 investment in appropriation for performance funding, ~~including~~
1181 ~~increases in base funding~~ plus institutional investments
1182 consisting of funds deducted from the base funding of each state
1183 university in the State University System, in an amount provided
1184 in the General Appropriations Act. The Board of Governors shall
1185 establish minimum performance funding eligibility thresholds for
1186 the state's investment and the institutional investments. A
1187 state university that meets the minimum institutional investment
1188 eligibility threshold, but fails to meet the minimum state
1189 investment eligibility threshold, shall have its institutional
1190 investment restored but is ineligible for a share of the state's
1191 investment in performance funding. The institutional investment
1192 shall be restored for each institution eligible for the state's
1193 investment under the performance-based funding model ~~metrics~~.

1194 (3) (a) A state university that fails to meet the Board of
1195 Governors' minimum institutional investment performance funding

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1196 eligibility threshold shall have ~~a portion of~~ its institutional
1197 investment withheld by the board and must submit an improvement
1198 plan to the board that specifies the activities and strategies
1199 for improving the state university's performance. The board must
1200 review and approve the improvement plan and, if the plan is
1201 approved, must monitor the state university's progress in
1202 implementing the activities and strategies specified in the
1203 improvement plan. The state university shall submit monitoring
1204 reports to the board by December 31 and May 31 of each year in
1205 which an improvement plan is in place. The ability of a state
1206 university to submit an improvement plan to the board is limited
1207 to 1 fiscal year.

1208 (b) The Chancellor of the State University System shall
1209 withhold disbursement of the institutional investment until the
1210 monitoring report is approved by the Board of Governors. A state
1211 university ~~that is~~ determined by the board to be making
1212 satisfactory progress on implementing the improvement plan shall
1213 receive no more than one-half of the withheld institutional
1214 investment in January and the balance of the withheld
1215 institutional investment in June. A state university that fails
1216 to make satisfactory progress may not have its full
1217 institutional investment restored. Any institutional investment
1218 funds that are not restored shall be redistributed in accordance
1219 with the board's performance-based metrics.

1220 (4) Distributions of performance funding, as provided in
1221 this section, shall be made to each of the state universities

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1222 listed in the Education and General Activities category in the
1223 General Appropriations Act.

1224 (5) By October 1 of each year, the Board of Governors
1225 shall submit to the Governor, the President of the Senate, and
1226 the Speaker of the House of Representatives a report on the
1227 previous fiscal year's performance funding allocation which must
1228 reflect the rankings and award distributions.

1229 (6) The Board of Governors shall adopt regulations to
1230 administer this section ~~expires July 1, 2016.~~

1231 Section 12. Subsection (4) of section 1003.4282, Florida
1232 Statutes, is amended to read:

1233 1003.4282 Requirements for a standard high school
1234 diploma.—

1235 (4) ONLINE COURSE REQUIREMENT.—At least one course within
1236 the 24 credits required under this section must be completed
1237 through online learning. ~~A school district may not require a~~
1238 ~~student to take the online course outside the school day or in~~
1239 ~~addition to a student's courses for a given semester.~~

1240 (a) An online course taken in grade 6, grade 7, or grade 8
1241 fulfills the requirements of this subsection ~~requirement~~. The
1242 ~~This~~ requirement is met through an online course offered by the
1243 Florida Virtual School, a virtual education provider approved by
1244 the State Board of Education, a high school, or an online dual
1245 enrollment course. A student who is enrolled in a full-time or
1246 part-time virtual instruction program under s. 1002.45 meets the
1247 ~~this~~ requirement.

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1248 (b) A district school board or a charter school governing
1249 board, as applicable, may offer students the following options
1250 to satisfy the online course requirements of this subsection:

1251 1. Completion of a course in which a student earns a
1252 nationally recognized industry certification in information
1253 technology that is identified on the CAPE Industry Certification
1254 Funding List pursuant to s. 1008.44 or passage of the
1255 information technology certification examination without
1256 enrollment in or completion of the corresponding course or
1257 courses, as applicable.

1258 2. Passage of an online content assessment, without
1259 enrollment in or completion of the corresponding course or
1260 courses, as applicable, by which the student demonstrates skills
1261 and competency in locating information and applying technology
1262 for instructional purposes.

1263
1264 For purposes of this subsection, a school district may not
1265 require a student to take the online course outside the school
1266 day or in addition to a student's courses for a given semester.
1267 This subsection ~~requirement~~ does not apply to a student who has
1268 an individual education plan under s. 1003.57 which indicates
1269 that an online course would be inappropriate or to an out-of-
1270 state transfer student who is enrolled in a Florida high school
1271 and has 1 academic year or less remaining in high school.

1272 Section 13. Paragraphs (a), (b), and (c) of subsection (1)
1273 of section 1013.62, Florida Statutes, are amended to read:

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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 2 ~~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 an annual audit that does not reveal any of the financial emergency conditions provided in s. 218.503(1) for the most recent fiscal year for which such audit results are available ~~stability for future operation as a charter school.~~

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

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1299 4. Have received final approval from its sponsor pursuant
1300 to s. 1002.33 for operation during that fiscal year.

1301 5. Serve students in facilities that are not provided by
1302 the charter school's sponsor.

1303 ~~(b) The first priority for charter school capital outlay~~
1304 ~~funding is to allocate to charter schools that received funding~~
1305 ~~in the 2005-2006 fiscal year an allocation of the same amount~~
1306 ~~per capital outlay full-time equivalent student, up to the~~
1307 ~~lesser of the actual number of capital outlay full-time~~
1308 ~~equivalent students in the current year, or the capital outlay~~
1309 ~~full-time equivalent students in the 2005-2006 fiscal year.~~
1310 ~~After calculating the first priority, the second priority is to~~
1311 ~~allocate excess funds remaining in the appropriation in an~~
1312 ~~amount equal to the per capital outlay full-time equivalent~~
1313 ~~student amount in the first priority calculation to eligible~~
1314 ~~charter schools not included in the first priority calculation~~
1315 ~~and to schools in the first priority calculation with growth~~
1316 ~~greater than the 2005-2006 capital outlay full-time equivalent~~
1317 ~~students. After calculating the first and second priorities,~~
1318 ~~excess funds remaining in the appropriation must be allocated to~~
1319 ~~all eligible charter schools.~~

1320 ~~(c) A charter school's allocation may not exceed one-~~
1321 ~~fifteenth of the cost per student station specified in s.~~
1322 ~~1013.64(6) (b). Before releasing capital outlay funds to a school~~
1323 ~~district on behalf of the charter school, the Department of~~
1324 ~~Education must ensure that the district school board and the~~

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

Section 14. 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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1351 Construction Account shall submit one specific construction
1352 project, not to exceed one complete educational plant, to the
1353 Special Facility Construction Committee. A ~~No~~ district may not
1354 ~~shall~~ receive funding for more than one approved project in any
1355 3-year period or while any portion of the district's
1356 participation requirement is outstanding. The first year of the
1357 3-year period shall be the first year a district receives an
1358 appropriation. The department shall encourage a construction
1359 program that reduces the average size of schools in the
1360 district. The request must meet the following criteria to be
1361 considered by the committee:

1362 1. The project must be deemed a critical need and must be
1363 recommended for funding by the Special Facility Construction
1364 Committee. Before ~~Prior to~~ developing construction plans for the
1365 proposed facility, the district school board must request a
1366 preapplication review by the Special Facility Construction
1367 Committee or a project review subcommittee convened by the chair
1368 of the committee to include two representatives of the
1369 department and two staff members from school districts not
1370 eligible to participate in the program. A school district may
1371 request a preapplication review at any time; however, if the
1372 district school board seeks inclusion in the department's next
1373 annual capital outlay legislative budget request, the
1374 preapplication review request must be made before February 1.
1375 Within 90 ~~60~~ days after receiving the preapplication review
1376 request, the committee or subcommittee must meet in the school

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1377 district to review the project proposal and existing facilities.
1378 To determine whether the proposed project is a critical need,
1379 the committee or subcommittee shall consider, at a minimum, the
1380 capacity of all existing facilities within the district as
1381 determined by the Florida Inventory of School Houses; the
1382 district's pattern of student growth; the district's existing
1383 and projected capital outlay full-time equivalent student
1384 enrollment as determined by the demographic, revenue, and
1385 education estimating conferences established in s. 216.136
1386 department; the district's existing satisfactory student
1387 stations; the use of all existing district property and
1388 facilities; grade level configurations; and any other
1389 information that may affect the need for the proposed project.

1390 2. The construction project must be recommended in the
1391 most recent survey or survey amendment cooperatively prepared
1392 surveys by the district and the department, and approved by the
1393 department under the rules of the State Board of Education. If a
1394 district employs a consultant in the preparation of a survey or
1395 survey amendment, the consultant may not be employed by or
1396 receive compensation from a third party that designs or
1397 constructs a project recommended by the survey.

1398 3. The construction project must appear on the district's
1399 approved project priority list under the rules of the State
1400 Board of Education.

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1401 4. The district must have selected and had approved a site
1402 for the construction project in compliance with s. 1013.36 and
1403 the rules of the State Board of Education.

1404 5. The district shall have developed a district school
1405 board adopted list of facilities that do not exceed the norm for
1406 net square feet occupancy requirements under the State
1407 Requirements for Educational Facilities, using all possible
1408 programmatic combinations for multiple use of space to obtain
1409 maximum daily use of all spaces within the facility under
1410 consideration.

1411 6. Upon construction, the total cost per student station,
1412 including change orders, must not exceed the cost per student
1413 station as provided in subsection (6) except for cost overruns
1414 created by a disaster as defined in s. 252.34 or an
1415 unforeseeable circumstance beyond the district's control as
1416 determined by the Special Facility Construction Committee.

1417 7. There shall be an agreement signed by the district
1418 school board stating that it will advertise for bids within 30
1419 days of receipt of its encumbrance authorization from the
1420 department.

1421 8. For construction projects for which Special Facilities
1422 Construction Account funding is sought before the 2019-2020
1423 fiscal year, the district shall, at the time of the request and
1424 for a continuing period necessary to meet the district's
1425 participation requirement of 3 years, levy the maximum millage
1426 against its ~~their~~ nonexempt assessed property value as allowed

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1427 in s. 1011.71(2) or shall raise an equivalent amount of revenue
1428 from the school capital outlay surtax authorized under s.
1429 212.055(6). Beginning with construction projects for which
1430 Special Facilities Construction Account funding is sought in the
1431 2019-2020 fiscal year, the district shall, for a minimum of 3
1432 years before submitting the request and for a continuing period
1433 necessary to meet its participation requirement, levy the
1434 maximum millage against the district's nonexempt assessed
1435 property value as authorized under s. 1011.71(2) or shall raise
1436 an equivalent amount of revenue from the school capital outlay
1437 surtax authorized under s. 212.055(6). Any district with a new
1438 or active project, funded under the provisions of this
1439 subsection, shall be required to budget no more than the value
1440 of 1 mill ~~1.5 mills~~ per year to the project until the district's
1441 ~~to satisfy the annual~~ participation requirement relating to the
1442 local discretionary capital improvement millage or the
1443 equivalent amount of revenue from the school capital outlay
1444 surtax is satisfied ~~in the Special Facility Construction~~
1445 ~~Account.~~

1446 9. If a contract has not been signed 90 days after the
1447 advertising of bids, the funding for the specific project shall
1448 revert to the Special Facility New Construction Account to be
1449 reallocated to other projects on the list. However, an
1450 additional 90 days may be granted by the commissioner.

1451 10. The department shall certify the inability of the
1452 district to fund the survey-recommended project over a

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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 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

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1479 First Program funds provided in s. 1013.68; nonvoted 1.5-mill
1480 levy of ad valorem property taxes provided in s. 1011.71(2);
1481 Classrooms for Kids Program funds provided in s. 1013.735;
1482 District Effort Recognition Program funds provided in s.
1483 1013.736; or High Growth District Capital Outlay Assistance
1484 Grant Program funds provided in s. 1013.738 for any new
1485 construction of educational plant space with a total cost per
1486 student station, including change orders, that equals more than:

- 1487 a. \$17,952 for an elementary school,
- 1488 b. \$19,386 for a middle school, or
- 1489 c. \$25,181 for a high school,

1490
1491 (January 2006) as adjusted annually to reflect increases or
1492 decreases in the Consumer Price Index.

1493 2. School districts shall maintain accurate documentation
1494 related to the costs of all new construction of educational
1495 plant space reported to the Department of Education pursuant to
1496 paragraph (d). The Auditor General shall review the
1497 documentation maintained by the school districts and verify
1498 compliance with the limits under this paragraph during its
1499 scheduled operational audits of the school district. The
1500 department shall make the final determination on district
1501 compliance based on the recommendation of the Auditor General.

1502 3. The Office of Economic and Demographic Research, in
1503 consultation with the department, shall conduct a study of the
1504 cost per student station amounts using the most recent available

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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. The Office of Economic and Demographic Research 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.

4. The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall 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 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.

5. Effective July 1, 2017, in addition to the funding sources listed in subparagraph 1., a district school board may

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1531 not use funds from any sources for new construction of
1532 educational plant space with a total cost per student station,
1533 including change orders, which equals more than the current
1534 adjusted amounts provided in sub-subparagraphs 1.a.-c. which
1535 shall subsequently be adjusted annually to reflect increases or
1536 decreases in the Consumer Price Index.

1537 6.2. A district school board must not use funds from the
1538 Public Education Capital Outlay and Debt Service Trust Fund or
1539 the School District and Community College District Capital
1540 Outlay and Debt Service Trust Fund for any new construction of
1541 an ancillary plant that exceeds 70 percent of the average cost
1542 per square foot of new construction for all schools.

1543 (c) Except as otherwise provided, new construction
1544 initiated by a district school board on or after July 1, 2017,
1545 may after June 30, 1997, must not exceed the cost per student
1546 station as provided in paragraph (b). A school district that
1547 exceeds the cost per student station provided in paragraph (b),
1548 as determined by the Auditor General, shall be subject to
1549 sanctions. If the Auditor General determines that the cost per
1550 student station overage is de minimus or due to extraordinary
1551 circumstances outside the control of the district, the sanctions
1552 shall not apply. The sanctions are as follows:

1553 1. The school district shall be ineligible for allocations
1554 from the Public Education Capital Outlay and Debt Service Trust
1555 Fund for the next 3 years in which the school district would
1556 have received allocations had the violation not occurred.

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1557 2. The school district shall be subject to the supervision
1558 of a district capital outlay oversight committee. The oversight
1559 committee is authorized to approve all capital outlay
1560 expenditures of the school district, including new construction,
1561 renovations, and remodeling, for 3 fiscal years following the
1562 violation.

1563 a. Each oversight committee shall be composed of the
1564 following:

1565 (I) One appointee of the Commissioner of Education who has
1566 significant financial management, school facilities
1567 construction, or related experience.

1568 (II) One appointee of the office of the state attorney
1569 with jurisdiction over the district.

1570 (III) One appointee of the Chief Financial Officer who is
1571 a licensed certified public accountant.

1572 b. An appointee to the oversight committee may not be
1573 employed by the school district; be a relative, as defined in s.
1574 1002.33(24)(a)2., of any school district employee; or be an
1575 elected official. Each appointee must sign an affidavit
1576 attesting to these conditions and affirming that no conflict of
1577 interest exists in his or her oversight role.

1578 (d) The department shall:

1579 1. Compute for each calendar year the statewide average
1580 construction costs for facilities serving each instructional
1581 level, for relocatable educational facilities, for
1582 administrative facilities, and for other ancillary and auxiliary

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1583 facilities. The department shall compute the statewide average
1584 costs per student station for each instructional level.

1585 2. Annually review the actual completed construction costs
1586 of educational facilities in each school district. For any
1587 school district in which the total actual cost per student
1588 station, including change orders, exceeds the statewide limits
1589 established in paragraph (b), the school district shall report
1590 to the department the actual cost per student station and the
1591 reason for the school district's inability to adhere to the
1592 limits established in paragraph (b). The department shall
1593 collect all such reports and shall provide these reports to the
1594 Auditor General for verification purposes ~~report to the~~
1595 ~~Governor, the President of the Senate, and the Speaker of the~~
1596 ~~House of Representatives by December 31 of each year a summary~~
1597 ~~of each school district's spending in excess of the cost per~~
1598 ~~student station provided in paragraph (b) as reported by the~~
1599 ~~school districts.~~

1600
1601 Cost per student station includes contract costs, legal and
1602 administrative costs, fees of architects and engineers,
1603 furniture and equipment, and site improvement costs. Cost per
1604 student station does not include the cost of purchasing or
1605 leasing the site for the construction or the cost of related
1606 offsite improvements.

1607 ~~(e) The restrictions of this subsection on the cost per~~
1608 ~~student station of new construction do not apply to a project~~

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~~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.~~

Section 15. Paragraph (a) of subsection (3) of section 1002.37, Florida Statutes, is amended to read:

1002.37 The Florida Virtual School.—

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

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

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

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1634 ~~2.3-~~ For a student in a home education program, funding
1635 shall be provided in accordance with this subsection upon course
1636 completion if the parent verifies, upon enrollment for each
1637 course, that the student is registered with the school district
1638 as a home education student pursuant to s. 1002.41(1)(a).

1639 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~
1640 ~~equivalent students and associated funding of students enrolled~~
1641 ~~in courses requiring passage of an end-of-course assessment~~
1642 ~~under s. 1003.4282 to earn a standard high school diploma shall~~
1643 ~~be adjusted if the student does not pass the end-of-course~~
1644 ~~assessment. However, no adjustment shall be made for home~~
1645 ~~education program students who choose not to take an end-of-~~
1646 ~~course assessment or for a student who enrolls in a segmented~~
1647 ~~remedial course delivered online.~~

1648
1649 ~~For purposes of this paragraph, the calculation of "full-time~~
1650 ~~equivalent student" shall be as prescribed in s.~~
1651 ~~1011.61(1)(c)1.b.(V) and is subject to the requirements in s.~~
1652 ~~1011.61(4).~~

1653 Section 16. Subsection (4) is added to section 1002.391,
1654 Florida Statutes, to read:

1655 1002.391 Auditory-oral education programs.—

1656 (4) Beginning with the 2017-2018 school year, a school
1657 district shall add four special consideration points to the
1658 calculation of a matrix of services for a student who is deaf
1659 and enrolled in an auditory-oral education program.

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1660 Section 17. Paragraphs (c) and (d) of subsection (1),
1661 paragraph (e) of subsection (7), and paragraphs (c) and (d) of
1662 subsection (8) of section 1002.45, Florida Statutes, are amended
1663 to read:

1664 1002.45 Virtual instruction programs.—

1665 (1) PROGRAM.—

1666 (c) To provide students with the option of participating
1667 in virtual instruction programs as required by paragraph (b), a
1668 school district may:

1669 1. Contract with the Florida Virtual School or establish a
1670 franchise of the Florida Virtual School for the provision of a
1671 program under paragraph (b). Using this option is subject to the
1672 requirements of this section and s. 1011.61(1)(c)1.b.(III) and
1673 (IV) and (4). A district may report full-time equivalent student
1674 membership for credit earned by a student who is enrolled in a
1675 virtual education course provided by the district which was
1676 completed after the end of the regular school year if the FTE is
1677 reported no later than the deadline for amending the final
1678 student membership report for that year.

1679 2. Contract with an approved provider under subsection (2)
1680 for the provision of a full-time or part-time program under
1681 paragraph (b).

1682 3. Enter into an agreement with other school districts to
1683 allow the participation of its students in an approved virtual
1684 instruction program provided by the other school district. The

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1685 agreement must indicate a process for the transfer of funds
1686 required by paragraph (7) (e) ~~(7) (f)~~.

1687 4. Establish school district operated part-time or full-
1688 time kindergarten through grade 12 virtual instruction programs
1689 under paragraph (b) for students enrolled in the school
1690 district. A full-time program shall operate under its own Master
1691 School Identification Number.

1692 5. Enter into an agreement with a virtual charter school
1693 authorized by the school district under s. 1002.33.

1694
1695 Contracts under subparagraph 1. or subparagraph 2. may include
1696 multidistrict contractual arrangements that may be executed by a
1697 regional consortium for its member districts. A multidistrict
1698 contractual arrangement or an agreement under subparagraph 3. is
1699 not subject to s. 1001.42(4)(d) and does not require the
1700 participating school districts to be contiguous. These
1701 arrangements may be used to fulfill the requirements of
1702 paragraph (b).

1703 (d) A virtual charter school may provide full-time virtual
1704 instruction for students in kindergarten through grade 12 if the
1705 virtual charter school has a charter approved pursuant to s.
1706 1002.33 authorizing full-time virtual instruction. A virtual
1707 charter school may:

- 1708 1. Contract with the Florida Virtual School.
1709 2. Contract with an approved provider under subsection
1710 (2).

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1711 3. Enter into an agreement with a school district to allow
1712 the participation of the virtual charter school's students in
1713 the school district's virtual instruction program. The agreement
1714 must indicate a process for reporting of student enrollment and
1715 the transfer of funds required by paragraph (7)(e) ~~(7)(f)~~.

1716 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
1717 FUNDING.—

1718 ~~(e) Beginning in the 2016-2017 fiscal year, the reported~~
1719 ~~full-time equivalent students and associated funding of students~~
1720 ~~enrolled in courses requiring passage of an end-of-course~~
1721 ~~assessment under s. 1003.4282 to earn a standard high school~~
1722 ~~diploma shall be adjusted if the student does not pass the end-~~
1723 ~~of-course assessment. However, no adjustment shall be made for a~~
1724 ~~student who enrolls in a segmented remedial course delivered~~
1725 ~~online.~~

1726 (8) ASSESSMENT AND ACCOUNTABILITY.—

1727 (c) An approved provider that receives a school grade of
1728 "D" or "F" under s. 1008.34 or a school improvement rating of
1729 "Unsatisfactory" ~~"Declining"~~ under s. 1008.341 must file a
1730 school improvement plan with the department for consultation to
1731 determine the causes for low performance and to develop a plan
1732 for correction and improvement.

1733 (d) An approved provider's contract must be terminated if
1734 the provider receives a school grade of "D" or "F" under s.
1735 1008.34 or a school improvement rating of "Unsatisfactory"
1736 ~~"Declining"~~ under s. 1008.341 for 2 years during any consecutive

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4-year period or has violated any qualification requirement pursuant to subsection (2). A provider that has a contract terminated under this paragraph may not be an approved provider for a period of at least 1 year after the date upon which the contract was terminated and until the department determines that the provider is in compliance with subsection (2) and has corrected each cause of the provider's low performance.

Section 18. Section 1003.3101, Florida Statutes, is created to read:

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

Section 19. Subsection (3) of section 1003.4295, Florida Statutes, is amended to read:

1003.4295 Acceleration options.—

(3) The Credit Acceleration Program (CAP) is created for the purpose of allowing a student to earn high school credit in courses required for high school graduation through passage of an end-of-course assessment ~~Algebra I, Algebra II, geometry,~~

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1763 ~~United States history, or biology if the student passes the~~
1764 ~~statewide, standardized assessment~~ administered under s.
1765 1008.22, an Advanced Placement Examination, or a College Level
1766 Examination Program (CLEP). Notwithstanding s. 1003.436, a
1767 school district shall award course credit to a student who is
1768 not enrolled in the course, or who has not completed the course,
1769 if the student attains a passing score on the corresponding end-
1770 of-course assessment, Advanced Placement Examination, or CLEP
1771 ~~statewide, standardized assessment.~~ The school district shall
1772 permit a public school or home education student who is not
1773 enrolled in the course, or who has not completed the course, to
1774 take the assessment or examination during the regular
1775 administration of the assessment or examination.

1776 Section 20. Effective June 29, 2016, section 1004.935,
1777 Florida Statutes, is amended to read:

1778 1004.935 Adults with Disabilities Workforce Education
1779 ~~Pilot~~ Program.—

1780 (1) The Adults with Disabilities Workforce Education ~~Pilot~~
1781 Program is established in the Department of Education ~~through~~
1782 ~~June 30, 2016,~~ in Hardee, DeSoto, Manatee, and Sarasota Counties
1783 to provide the option of receiving a scholarship for instruction
1784 at private schools for up to 30 students who:

1785 (a) Have a disability;

1786 (b) Are 22 years of age;

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

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

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

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

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

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

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(4) The provider of supported employment services must be a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code which serves Hardee County, DeSoto County, Manatee County, or Sarasota County and must contract with a private school in this state which meets the requirements in subsection (5).

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

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

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

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

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

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

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1839 (6) (a) If the student chooses to participate in the ~~pilot~~
1840 program and is accepted by the provider of supported employment
1841 services, the student must notify the Department of Education of
1842 his or her acceptance into the program 60 days before the first
1843 scholarship payment and before participating in the ~~pilot~~
1844 program in order to be eligible for the scholarship.

1845 (b) Upon receipt of a scholarship warrant, the student or
1846 parent to whom the warrant is made must restrictively endorse
1847 the warrant to the provider of supported employment services for
1848 deposit into the account of the provider. The student or parent
1849 may not designate any entity or individual associated with the
1850 participating provider of supported employment services as the
1851 student's or parent's attorney in fact to endorse a scholarship
1852 warrant. A participant who fails to comply with this paragraph
1853 forfeits the scholarship.

1854 (7) Funds for the scholarship shall be provided from the
1855 appropriation from the school district's Workforce Development
1856 Fund in the General Appropriations Act for students who reside
1857 in the Hardee County School District, the DeSoto County School
1858 District, the Manatee County School District, or the Sarasota
1859 County School District. ~~During the pilot program,~~ The
1860 scholarship amount granted for an eligible student with a
1861 disability shall be equal to the cost per unit of a full-time
1862 equivalent adult general education student, multiplied by the
1863 adult general education funding factor, and multiplied by the

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1864 district cost differential pursuant to the formula required by
1865 s. 1011.80(6)(a) for the district in which the student resides.

1866 (8) Upon notification by the Department of Education that
1867 it has received the required documentation, the Chief Financial
1868 Officer shall make scholarship payments in four equal amounts no
1869 later than September 1, November 1, February 1, and April 1 of
1870 each academic year in which the scholarship is in force. The
1871 initial payment shall be made after the Department of Education
1872 verifies that the student was accepted into the ~~pilot~~ program,
1873 and subsequent payments shall be made upon verification of
1874 continued participation in the ~~pilot~~ program. Payment must be by
1875 individual warrant made payable to the student or parent and
1876 mailed by the Department of Education to the provider of
1877 supported employment services, and the student or parent shall
1878 restrictively endorse the warrant to the provider of supported
1879 employment services for deposit into the account of that
1880 provider.

1881 (9) Subsequent to each scholarship payment, the Department
1882 of Education shall request from the Department of Financial
1883 Services a sample of endorsed warrants to review and confirm
1884 compliance with endorsement requirements.

1885 Section 21. Subsection (3) and paragraph (a) of subsection
1886 (8) of section 1006.15, Florida Statutes, are amended, and
1887 subsection (9) is added to that section, to read:

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1006.15 Student standards for participation in interscholastic and intrascholastic extracurricular student activities; regulation.—

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

1. Maintain a grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the previous semester or a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required by s. 1002.3105(5) or s. 1003.4282.

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

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1914 3. Have a cumulative grade point average of 2.0 or above
1915 on a 4.0 scale, or its equivalent, in the courses required by s.
1916 1002.3105(5) or s. 1003.4282 during his or her junior or senior
1917 year.

1918 4. Maintain satisfactory conduct, including adherence to
1919 appropriate dress and other codes of student conduct policies
1920 described in s. 1006.07(2). If a student is convicted of, or is
1921 found to have committed, a felony or a delinquent act that would
1922 have been a felony if committed by an adult, regardless of
1923 whether adjudication is withheld, the student's participation in
1924 interscholastic extracurricular activities is contingent upon
1925 established and published district school board policy.

1926 (b) Any student who is exempt from attending a full school
1927 day based on rules adopted by the district school board for
1928 double session schools or programs, experimental schools, or
1929 schools operating under emergency conditions must maintain the
1930 grade point average required by this section and pass each class
1931 for which he or she is enrolled.

1932 (c) An individual home education student is eligible to
1933 participate at the public school to which the student would be
1934 assigned according to district school board attendance area
1935 policies or which the student could choose to attend pursuant to
1936 s. 1002.31 ~~district or interdistrict controlled open enrollment~~
1937 ~~provisions~~, or may develop an agreement to participate at a
1938 private school, in the interscholastic extracurricular

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activities of that school, provided the following conditions are met:

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

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

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

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

5. The student must register with the school his or her intent to participate in interscholastic extracurricular activities as a representative of the school before the beginning date of the season for the activity in which he or she wishes to participate. A home education student must be able to

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1964 participate in curricular activities if that is a requirement
1965 for an extracurricular activity.

1966 6. A student who transfers from a home education program
1967 to a public school before or during the first grading period of
1968 the school year is academically eligible to participate in
1969 interscholastic extracurricular activities during the first
1970 grading period provided the student has a successful evaluation
1971 from the previous school year, pursuant to subparagraph 2.

1972 7. Any public school or private school student who has
1973 been unable to maintain academic eligibility for participation
1974 in interscholastic extracurricular activities is ineligible to
1975 participate in such activities as a home education student until
1976 the student has successfully completed one grading period in
1977 home education pursuant to subparagraph 2. to become eligible to
1978 participate as a home education student.

1979 (d) An individual charter school student pursuant to s.
1980 1002.33 is eligible to participate at the public school to which
1981 the student would be assigned according to district school board
1982 attendance area policies or which the student could ~~choose to~~
1983 ~~attend, pursuant to district or interdistrict controlled open-~~
1984 ~~enrollment provisions,~~ in any interscholastic extracurricular
1985 activity of that school, unless such activity is provided by the
1986 student's charter school, if the following conditions are met:

1987 1. The charter school student must meet the requirements
1988 of the charter school education program as determined by the
1989 charter school governing board.

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

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

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

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

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

7. Any public school or private school student who has been unable to maintain academic eligibility for participation in interscholastic extracurricular activities is ineligible to

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2016 participate in such activities as a charter school student until
2017 the student has successfully completed one grading period in a
2018 charter school pursuant to subparagraph 2. to become eligible to
2019 participate as a charter school student.

2020 (e) A student of the Florida Virtual School full-time
2021 program may participate in any interscholastic extracurricular
2022 activity at the public school to which the student would be
2023 assigned according to district school board attendance area
2024 policies or which the student could choose to attend, pursuant
2025 to s. 1002.31 ~~district or interdistrict controlled open~~
2026 ~~enrollment policies,~~ if the student:

2027 1. During the period of participation in the
2028 interscholastic extracurricular activity, meets the requirements
2029 in paragraph (a).

2030 2. Meets any additional requirements as determined by the
2031 board of trustees of the Florida Virtual School.

2032 3. Meets the same residency requirements as other students
2033 in the school at which he or she participates.

2034 4. Meets the same standards of acceptance, behavior, and
2035 performance that are required of other students in
2036 extracurricular activities.

2037 5. Registers his or her intent to participate in
2038 interscholastic extracurricular activities with the school
2039 before the beginning date of the season for the activity in
2040 which he or she wishes to participate. A Florida Virtual School

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student must be able to participate in curricular activities if that is a requirement for an extracurricular activity.

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

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

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

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

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

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2067 b. Children who have been relocated due to a foster care
2068 placement in a different school zone.

2069 c. Children who move due to a court-ordered change in
2070 custody due to separation or divorce, or the serious illness or
2071 death of a custodial parent.

2072 d. Authorized for good cause in district or charter school
2073 policy.

2074 (8) (a) The Florida High School Athletic Association
2075 (FHSAA), in cooperation with each district school board, shall
2076 facilitate a program in which a middle school or high school
2077 student who attends a private school shall be eligible to
2078 participate in an interscholastic or intrascholastic sport at a
2079 public high school, a public middle school, or a 6-12 public
2080 school that is zoned for the physical address at which the
2081 student resides if:

2082 1. The private school in which the student is enrolled is
2083 not a member of the FHSAA ~~and does not offer an interscholastic~~
2084 ~~or intrascholastic athletic program.~~

2085 2. The private school student meets the guidelines for the
2086 conduct of the program established by the FHSAA's board of
2087 directors and the district school board. At a minimum, such
2088 guidelines shall provide:

2089 a. A deadline for each sport by which the private school
2090 student's parents must register with the public school in
2091 writing their intent for their child to participate at that
2092 school in the sport.

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

(9) (a) A student who transfers to a school during the school year may seek to immediately join an existing team if the roster for the specific interscholastic or intrascholastic extracurricular activity has not reached the activity's identified maximum size and if the coach for the activity determines that the student has the requisite skill and ability to participate. The FHSAA and school district or charter school may not declare such a student ineligible because the student did not have the opportunity to comply with qualifying requirements.

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

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

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

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2117 3. Children who move due to a court-ordered change in
2118 custody due to separation or divorce, or the serious illness or
2119 death of a custodial parent.

2120 4. Authorized for good cause in district or charter school
2121 policy.

2122 Section 22. Section 1006.195, Florida Statutes, is created
2123 to read:

2124 1006.195 District school board, charter school authority
2125 and responsibility to establish student eligibility regarding
2126 participation in interscholastic and intrascholastic
2127 extracurricular activities.—Notwithstanding any provision to the
2128 contrary in ss. 1006.15, 1006.18, and 1006.20, regarding student
2129 eligibility to participate in interscholastic and
2130 intrascholastic extracurricular activities:

2131 (1)(a) A district school board must establish, through its
2132 code of student conduct, student eligibility standards and
2133 related student disciplinary actions regarding student
2134 participation in interscholastic and intrascholastic
2135 extracurricular activities. The code of student conduct must
2136 provide that:

2137 1. A student not currently suspended from interscholastic
2138 or intrascholastic extracurricular activities, or suspended or
2139 expelled from school, pursuant to a district school board's
2140 suspension or expulsion powers provided in law, including ss.
2141 1006.07, 1006.08, and 1006.09, is eligible to participate in
2142 interscholastic and intrascholastic extracurricular activities.

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2143 2. A student may not participate in a sport if the student
2144 participated in that same sport at another school during that
2145 school year, unless the student meets the criteria in s.
2146 1006.15(3) (h).

2147 3. A student's eligibility to participate in any
2148 interscholastic or intrascholastic extracurricular activity may
2149 not be affected by any alleged recruiting violation until final
2150 disposition of the allegation pursuant to s. 1006.20(2) (b).

2151 (b) Students who participate in interscholastic and
2152 intrascholastic extracurricular activities for, but are not
2153 enrolled in, a public school pursuant to s. 1006.15(3) (c)-(e)
2154 and (8), are subject to the district school board's code of
2155 student conduct for the limited purpose of establishing and
2156 maintaining the student's eligibility to participate at the
2157 school.

2158 (c) The provisions of this subsection apply to
2159 interscholastic and intrascholastic extracurricular activities
2160 conducted by charter schools and private schools, as applicable,
2161 except that the charter school governing board, or equivalent
2162 private school authority, is responsible for the authority and
2163 responsibility otherwise provided to district school boards.

2164 (2) (a) The Florida High School Athletic Association
2165 (FHSAA) continues to retain jurisdiction over the following
2166 provisions in s. 1006.20, which may not be implemented in a
2167 manner contrary to this section: membership in the FHSAA;
2168 recruiting prohibitions and violations; student medical

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evaluations; investigations; and sanctions for coaches; school eligibility and forfeiture of contests; student concussions or head injuries; the sports medical advisory committee; and the general operational provisions of the FHSAA.

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

Section 23. Subsection (1) and paragraphs (a), (b), (c), and (g) of subsection (2) of section 1006.20, Florida Statutes, are amended to read:

1006.20 Athletics in public K-12 schools.—

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

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2195 is not mandatory for any school. The FHSAA must allow a private
2196 school the option of maintaining full membership in the
2197 association or joining by sport and may not discourage a private
2198 school from simultaneously maintaining membership in another
2199 athletic association. The FHSAA may allow a public school the
2200 option to apply for consideration to join another athletic
2201 association. The FHSAA may not deny or discourage
2202 interscholastic competition between its member schools and non-
2203 FHSAA member Florida schools, including members of another
2204 athletic governing organization, and may not take any
2205 retributory or discriminatory action against any of its member
2206 schools that participate in interscholastic competition with
2207 non-FHSAA member Florida schools. The FHSAA may not unreasonably
2208 withhold its approval of an application to become an affiliate
2209 member of the National Federation of State High School
2210 Associations submitted by any other organization that governs
2211 interscholastic athletic competition in this state. The bylaws
2212 of the FHSAA are the rules by which high school athletic
2213 programs in its member schools, and the students who participate
2214 in them, are governed, unless otherwise specifically provided by
2215 statute. For the purposes of this section, "high school"
2216 includes grades 6 through 12.

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

2217 (a) The FHSAA shall adopt bylaws that, unless specifically
2218 provided by statute, establish eligibility requirements for all
2219 students who participate in high school athletic competition in
2220

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2221 its member schools. The bylaws governing residence and transfer
2222 shall allow the student to be immediately eligible in the school
2223 in which he or she first enrolls each school year or the school
2224 in which the student makes himself or herself a candidate for an
2225 athletic team by engaging in a practice prior to enrolling in
2226 the school. The bylaws shall also allow the student to be
2227 immediately eligible in the school to which the student has
2228 ~~transferred during the school year if the transfer is made by a~~
2229 ~~deadline established by the FHSAA, which may not be prior to the~~
2230 ~~date authorized for the beginning of practice for the sport.~~
2231 ~~These transfers shall be allowed pursuant to the district school~~
2232 ~~board policies in the case of transfer to a public school or~~
2233 ~~pursuant to the private school policies in the case of transfer~~
2234 ~~to a private school.~~ The student shall be eligible in that
2235 school so long as he or she remains enrolled in that school.
2236 Subsequent eligibility shall be determined and enforced through
2237 the FHSAA's bylaws. Requirements governing eligibility and
2238 transfer between member schools shall be applied similarly to
2239 public school students and private school students.

2240 (b) The FHSAA shall adopt bylaws that specifically
2241 prohibit the recruiting of students for athletic purposes. The
2242 bylaws shall prescribe penalties and an appeals process for
2243 athletic recruiting violations.

2244 1. If it is determined that a school has recruited a
2245 student in violation of FHSAA bylaws, the FHSAA may require the
2246 school to participate in a higher classification for the sport

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in which the recruited student competes for a minimum of one classification cycle, in addition to the penalties in subparagraphs 2. and 3. and any other appropriate fine or ~~and~~ sanction imposed on the school, its coaches, or adult representatives who violate recruiting rules.

2. Any recruitment by a school district employee or contractor in violation of FHSAA bylaws results in escalating punishments as follows:

a. For a first offense, a \$5,000 forfeiture of pay for the school district employee or contractor who committed the violation.

b. For a second offense, suspension without pay for 12 months from coaching, directing, or advertising an extracurricular activity and a \$5,000 forfeiture of pay for the school district employee or contractor who committed the violation.

c. For a third offense, a \$5,000 forfeiture of pay for the school district employee or contractor who committed the violation. If the individual who committed the violation holds an educator certificate, the FHSAA shall also refer the violation to the department for review pursuant to s. 1012.796 to determine whether probable cause exists, and, if there is a finding of probable cause, the commissioner shall file a formal complaint against the individual. If the complaint is upheld, the individual's educator certificate shall be revoked for 3 years, in addition to any penalties available under s. 1012.796.

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2273 Additionally, the department shall revoke any adjunct teaching
2274 certificates issued pursuant to s. 1012.57 and all permissions
2275 under ss. 1012.39 and 1012.43, and the educator is ineligible
2276 for such certificates or permissions for a period of time equal
2277 to the period of revocation of his or her state-issued
2278 certificate.

2279 3. Notwithstanding any other provision of law, a school,
2280 team, or activity shall forfeit all competitions, including
2281 honors resulting from such competitions, in which a student who
2282 participated in any fashion was recruited in a manner prohibited
2283 pursuant to state law or the FHSAA bylaws.

2284 4. A student may not be declared ineligible based on
2285 violation of recruiting rules unless the student or parent has
2286 falsified any enrollment or eligibility document or accepted any
2287 benefit ~~or any promise of benefit~~ if such benefit is not
2288 generally available to the school's students or family members
2289 or is based in any way on athletic interest, potential, or
2290 performance.

2291 5. A student's eligibility to participate in any
2292 interscholastic or intrascholastic extracurricular activity, as
2293 determined by a district school board pursuant to s.
2294 1006.195(1)(a)3., may not be affected by any alleged recruiting
2295 violation until final disposition of the allegation.

2296 (c) The FHSAA shall adopt bylaws that require all students
2297 participating in interscholastic athletic competition or who are
2298 candidates for an interscholastic athletic team to

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2299 satisfactorily pass a medical evaluation each year prior to
2300 participating in interscholastic athletic competition or
2301 engaging in any practice, tryout, workout, or other physical
2302 activity associated with the student's candidacy for an
2303 interscholastic athletic team. Such medical evaluation may be
2304 administered only by a practitioner licensed under chapter 458,
2305 chapter 459, chapter 460, or s. 464.012, and in good standing
2306 with the practitioner's regulatory board. The bylaws shall
2307 establish requirements for eliciting a student's medical history
2308 and performing the medical evaluation required under this
2309 paragraph, which shall include a physical assessment of the
2310 student's physical capabilities to participate in
2311 interscholastic athletic competition as contained in a uniform
2312 preparticipation physical evaluation and history form. The
2313 evaluation form shall incorporate the recommendations of the
2314 American Heart Association for participation cardiovascular
2315 screening and shall provide a place for the signature of the
2316 practitioner performing the evaluation with an attestation that
2317 each examination procedure listed on the form was performed by
2318 the practitioner or by someone under the direct supervision of
2319 the practitioner. The form shall also contain a place for the
2320 practitioner to indicate if a referral to another practitioner
2321 was made in lieu of completion of a certain examination
2322 procedure. The form shall provide a place for the practitioner
2323 to whom the student was referred to complete the remaining
2324 sections and attest to that portion of the examination. The

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2325 preparticipation physical evaluation form shall advise students
2326 to complete a cardiovascular assessment and shall include
2327 information concerning alternative cardiovascular evaluation and
2328 diagnostic tests. Results of such medical evaluation must be
2329 provided to the school. A student is not ~~No student shall be~~
2330 eligible to participate, as provided in s. 1006.15(3), in any
2331 interscholastic athletic competition or engage in any practice,
2332 tryout, workout, or other physical activity associated with the
2333 student's candidacy for an interscholastic athletic team until
2334 the results of the medical evaluation have been received and
2335 approved by the school.

2336 (g) The FHSAA shall adopt bylaws establishing the process
2337 and standards by which FHSAA determinations of eligibility are
2338 made. Such bylaws shall provide that:

2339 1. Ineligibility must be established by a preponderance of
2340 the ~~clear and convincing~~ evidence;

2341 2. Student athletes, parents, and schools must have notice
2342 of the initiation of any investigation or other inquiry into
2343 eligibility and may present, to the investigator and to the
2344 individual making the eligibility determination, any information
2345 or evidence that is credible, persuasive, and of a kind
2346 reasonably prudent persons rely upon in the conduct of serious
2347 affairs;

2348 3. An investigator may not determine matters of
2349 eligibility but must submit information and evidence to the
2350 executive director or a person designated by the executive

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director or by the board of directors for an unbiased and objective determination of eligibility; and

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

Section 24. Subsection (5), paragraph (j) of subsection (6), and paragraph (a) of subsection (8) of section 1007.35, Florida Statutes, are amended to read:

1007.35 Florida Partnership for Minority and Underrepresented Student Achievement.—

(5) Each public high school, including, but not limited to, schools and alternative sites and centers of the Department of Juvenile Justice, shall provide for the administration of the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), or ACT Aspire ~~Preliminary ACT (PLAN)~~ to all enrolled 10th grade students. However, a written notice shall be provided to each parent that shall include the opportunity to exempt his or her child from taking the PSAT/NMSQT or ACT Aspire ~~PLAN~~.

(a) Test results will provide each high school with a database of student assessment data which certified school counselors will use to identify students who are prepared or who need additional work to be prepared to enroll and be successful in AP courses or other advanced high school courses.

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(b) Funding for the PSAT/NMSQT or ACT Aspire ~~PLAN~~ for all 10th grade students shall be contingent upon annual funding in the General Appropriations Act.

(c) Public school districts must choose either the PSAT/NMSQT or ACT Aspire ~~PLAN~~ for districtwide administration.

(6) The partnership shall:

(j) Provide information to students, parents, teachers, counselors, administrators, districts, Florida College System institutions, and state universities regarding PSAT/NMSQT or ACT Aspire ~~PLAN~~ administration, including, but not limited to:

1. Test administration dates and times.

2. That participation in the PSAT/NMSQT or ACT Aspire ~~PLAN~~ is open to all 10th grade ~~10~~ students.

3. The value of such tests in providing diagnostic feedback on student skills.

4. The value of student scores in predicting the probability of success on AP or other advanced course examinations.

(8)(a) By September 30 of each year, the partnership shall submit to the department a report that contains an evaluation of the effectiveness of the delivered services and activities. Activities and services must be evaluated on their effectiveness at raising student achievement and increasing the number of AP or other advanced course examinations in low-performing middle and high schools. Other indicators that must be addressed in the evaluation report include the number of middle and high school

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2401 teachers trained; the effectiveness of the training; measures of
2402 postsecondary readiness of the students affected by the program;
2403 levels of participation in 10th grade PSAT/NMSQT or ACT Aspire
2404 ~~PLAN~~ testing; and measures of student, parent, and teacher
2405 awareness of and satisfaction with the services of the
2406 partnership.

2407 Section 25. Section 1009.893, Florida Statutes, is amended
2408 to read:

2409 1009.893 Benacquisto Scholarship ~~Florida National Merit~~
2410 ~~Scholar Incentive~~ Program.—

2411 (1) As used in this section, the term:

2412 (a) "Department" means the Department of Education.

2413 (b) "Scholarship Incentive program" means the Benacquisto
2414 Scholarship ~~Florida National Merit Scholar Incentive~~ Program.

2415 (2) The Benacquisto Scholarship ~~Florida National Merit~~
2416 ~~Scholar Incentive~~ Program is created to reward any Florida high
2417 school graduate who receives recognition as a National Merit
2418 Scholar or National Achievement Scholar and who initially
2419 enrolls in the 2014-2015 academic year or, later, in a
2420 baccalaureate degree program at an eligible Florida public or
2421 independent postsecondary educational institution.

2422 (3) The department shall administer the scholarship
2423 ~~incentive~~ program according to rules and procedures established
2424 by the State Board of Education. The department shall advertise
2425 the availability of the scholarship ~~incentive~~ program and notify
2426 students, teachers, parents, certified school counselors, and

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principals or other relevant school administrators of the criteria.

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

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

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

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

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

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

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

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

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2453 Futures Scholarship and National Merit Scholarship or National
2454 Achievement Scholarship.

2455 (b) An eligible student who is a National Merit Scholar or
2456 National Achievement Scholar and who attends a Florida
2457 independent postsecondary educational institution shall receive
2458 a scholarship ~~an incentive~~ award equal to the highest cost of
2459 attendance at a Florida public university, as reported by the
2460 Board of Governors of the State University System, minus the sum
2461 of the student's Florida Bright Futures Scholarship and National
2462 Merit Scholarship or National Achievement Scholarship.

2463 (6) (a) To be eligible for a renewal award, a student must
2464 earn all credits for which he or she was enrolled and maintain a
2465 3.0 or higher grade point average.

2466 (b) A student may receive the scholarship ~~incentive~~ award
2467 for a maximum of 100 percent of the number of credit hours
2468 required to complete a baccalaureate degree program, or until
2469 completion of a baccalaureate degree program, whichever comes
2470 first.

2471 (7) The department shall annually issue awards from the
2472 scholarship ~~incentive~~ program. Before the registration period
2473 each semester, the department shall transmit payment for each
2474 award to the president or director of the postsecondary
2475 educational institution, or his or her representative, except
2476 that the department may withhold payment if the receiving
2477 institution fails to report or to make refunds to the department
2478 as required in this section.

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

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

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

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

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

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

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

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2504 (12) A student who receives an award under the scholarship
2505 program shall be known as a Benacquisto Scholar.

2506 (13) All eligible Florida public or independent
2507 postsecondary educational institutions are encouraged to become,
2508 and all eligible state universities shall become, college
2509 sponsors of the National Merit Scholarship Program.

2510 ~~(14)-(12)~~ The State Board of Education shall adopt rules
2511 necessary to administer this section.

2512 Section 26. Subsection (1) of section 1011.61, Florida
2513 Statutes, is amended to read:

2514 1011.61 Definitions.—Notwithstanding the provisions of s.
2515 1000.21, the following terms are defined as follows for the
2516 purposes of the Florida Education Finance Program:

2517 (1) A "full-time equivalent student" in each program of
2518 the district is defined in terms of full-time students and part-
2519 time students as follows:

2520 (a) A "full-time student" is one student on the membership
2521 roll of one school program or a combination of school programs
2522 listed in s. 1011.62(1)(c) for the school year or the equivalent
2523 for:

2524 1. Instruction in a standard school, comprising not less
2525 than 900 net hours for a student in or at the grade level of 4
2526 through 12, or not less than 720 net hours for a student in or
2527 at the grade level of kindergarten through grade 3 or in an
2528 authorized prekindergarten exceptional program; or

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2529 ~~2. Instruction in a double-session school or a school~~
2530 ~~utilizing an experimental school calendar approved by the~~
2531 ~~Department of Education, comprising not less than the equivalent~~
2532 ~~of 810 net hours in grades 4 through 12 or not less than 630 net~~
2533 ~~hours in kindergarten through grade 3; or~~

2534 ~~2.3.~~ Instruction comprising the appropriate number of net
2535 hours set forth in subparagraph 1. ~~or subparagraph 2.~~ for
2536 students who, within the past year, have moved with their
2537 parents for the purpose of engaging in the farm labor or fish
2538 industries, if a plan furnishing such an extended school day or
2539 week, or a combination thereof, has been approved by the
2540 commissioner. Such plan may be approved to accommodate the needs
2541 of migrant students only or may serve all students in schools
2542 having a high percentage of migrant students. The plan described
2543 in this subparagraph is optional for any school district and is
2544 not mandated by the state.

2545 (b) A "part-time student" is a student on the active
2546 membership roll of a school program or combination of school
2547 programs listed in s. 1011.62(1)(c) who is less than a full-time
2548 student. A student who receives instruction in a school that
2549 operates for less than the minimum term shall generate full-time
2550 equivalent student membership proportional to the amount of
2551 instructional hours provided by the school divided by the
2552 minimum term requirement as provided in s. 1011.60(2).

2553 (c)1. A "full-time equivalent student" is:

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2554 a. A full-time student in any one of the programs listed
2555 in s. 1011.62(1)(c); or

2556 b. A combination of full-time or part-time students in any
2557 one of the programs listed in s. 1011.62(1)(c) which is the
2558 equivalent of one full-time student based on the following
2559 calculations:

2560 (I) A full-time student in a combination of programs
2561 listed in s. 1011.62(1)(c) shall be a fraction of a full-time
2562 equivalent membership in each special program equal to the
2563 number of net hours per school year for which he or she is a
2564 member, divided by the appropriate number of hours set forth in
2565 subparagraph (a)1. ~~or subparagraph (a)2.~~ The difference between
2566 that fraction or sum of fractions and the maximum value as set
2567 forth in subsection (4) for each full-time student is presumed
2568 to be the balance of the student's time not spent in a special
2569 program and shall be recorded as time in the appropriate basic
2570 program.

2571 (II) A prekindergarten student with a disability shall
2572 meet the requirements specified for kindergarten students.

2573 (III) A full-time equivalent student for students in
2574 kindergarten through grade 12 in a full-time virtual instruction
2575 program under s. 1002.45 or a virtual charter school under s.
2576 1002.33 shall consist of six full-credit completions or the
2577 prescribed level of content that counts toward promotion to the
2578 next grade in programs listed in s. 1011.62(1)(c). Credit
2579 completions may be a combination of full-credit courses or half-

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2580 credit courses. ~~Beginning in the 2016-2017 fiscal year, the~~
2581 ~~reported full-time equivalent students and associated funding of~~
2582 ~~students enrolled in courses requiring passage of an end-of-~~
2583 ~~course assessment under s. 1003.4282 to earn a standard high~~
2584 ~~school diploma shall be adjusted if the student does not pass~~
2585 ~~the end-of-course assessment. However, no adjustment shall be~~
2586 ~~made for a student who enrolls in a segmented remedial course~~
2587 ~~delivered online.~~

2588 (IV) A full-time equivalent student for students in
2589 kindergarten through grade 12 in a part-time virtual instruction
2590 program under s. 1002.45 shall consist of six full-credit
2591 completions in programs listed in s. 1011.62(1)(c)1. and 3.
2592 Credit completions may be a combination of full-credit courses
2593 or half-credit courses. ~~Beginning in the 2016-2017 fiscal year,~~
2594 ~~the reported full-time equivalent students and associated~~
2595 ~~funding of students enrolled in courses requiring passage of an~~
2596 ~~end-of-course assessment under s. 1003.4282 to earn a standard~~
2597 ~~high school diploma shall be adjusted if the student does not~~
2598 ~~pass the end-of-course assessment. However, no adjustment shall~~
2599 ~~be made for a student who enrolls in a segmented remedial course~~
2600 ~~delivered online.~~

2601 (V) A Florida Virtual School full-time equivalent student
2602 shall consist of six full-credit completions or the prescribed
2603 level of content that counts toward promotion to the next grade
2604 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
2605 participating in kindergarten through grade 12 part-time virtual

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instruction and the programs listed in s. 1011.62(1)(c) for students participating in kindergarten through grade 12 full-time virtual instruction. Credit completions may be a combination of full-credit courses or half-credit courses. ~~Beginning in the 2016-2017 fiscal year, the reported full-time equivalent students and associated funding of students enrolled in courses requiring passage of an end-of-course assessment under s. 1003.4282 to earn a standard high school diploma shall be adjusted if the student does not pass the end-of-course assessment. However, no adjustment shall be made for a student who enrolls in a segmented remedial course delivered online.~~

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

(VII) A full-time equivalent student for courses requiring passage of a statewide, standardized end-of-course assessment under s. 1003.4282 to earn a standard high school diploma shall be defined and reported based on the number of instructional hours as provided in this subsection ~~until the 2016-2017 fiscal year. Beginning in the 2016-2017 fiscal year, the FTE for the course shall be assessment-based and shall be equal to 1/6 FTE. The reported FTE shall be adjusted if the student does not pass the end-of-course assessment. However, no adjustment shall be made for a student who enrolls in a segmented remedial course delivered online.~~

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

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

a. Juvenile justice education programs.

b. The Florida Virtual School.

c. Virtual instruction programs and virtual charter schools for the purpose of course completion and credit recovery pursuant to ss. 1002.45 and 1003.498. Course completion applies only to a student who is reported during the second or third membership surveys and who does not complete a virtual education course by the end of the regular school year. The course must be completed no later than the deadline for amending the final student enrollment survey for that year. Credit recovery applies only to a student who has unsuccessfully completed a traditional or virtual education course during the regular school year and

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2657 must re-take the course in order to be eligible to graduate with
2658 the student's class.

2660 The full-time equivalent student enrollment calculated under
2661 this subsection is subject to the requirements in subsection
2662 (4).

2664 The department shall determine and implement an equitable method
2665 of equivalent funding for ~~experimental schools and for~~ schools
2666 operating under emergency conditions, which schools have been
2667 approved by the department to operate for less than the minimum
2668 term as provided in s. 1011.60(2) ~~school day~~.

2669 Section 27. Effective July 1, 2016, and upon the
2670 expiration of the amendments made to section 1011.62, Florida
2671 Statutes, by chapter 2015-222, Laws of Florida, paragraphs (e)
2672 and (o) of subsection (1), paragraph (a) of subsection (4), and
2673 present subsection (13) of that section are amended, present
2674 subsections (13), (14), and (15) of that section are renumbered
2675 as subsections (14), (15), and (16), respectively, and a new
2676 subsection (13) is added to that section, to read:

2677 1011.62 Funds for operation of schools.—If the annual
2678 allocation from the Florida Education Finance Program to each
2679 district for operation of schools is not determined in the
2680 annual appropriations act or the substantive bill implementing
2681 the annual appropriations act, it shall be determined as
2682 follows:

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

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

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

b. In order to generate funds using one of the two weighted cost factors, a matrix of services must be completed at the time of the student's initial placement into an exceptional student education program and at least once every 3 years by personnel who have received approved training. Nothing listed in the matrix shall be construed as limiting the services a school

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district must provide in order to ensure that exceptional students are provided a free, appropriate public education.

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

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

2. For students identified as exceptional who do not have a matrix of services and students who are gifted in grades K through 8, there is created a guaranteed allocation to provide these students with a free appropriate public education, in accordance with s. 1001.42(4)(1) and rules of the State Board of Education, which shall be allocated initially ~~annually~~ to each school district in the amount provided in the General Appropriations Act. These funds shall be supplemental ~~in addition~~ to the funds appropriated for the basic funding level on the basis of FTE student membership in the Florida Education Finance Program, and the amount allocated for each school district shall ~~not~~ be recalculated once during the year, based on actual student membership from the October FTE survey. Upon recalculation, if the generated allocation is greater than the amount provided in the General Appropriations Act, the total shall be prorated to the level of the appropriation based on

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2734 each district's share of the total recalculated amount. These
2735 funds shall be used to provide special education and related
2736 services for exceptional students and students who are gifted in
2737 grades K through 8. ~~Beginning with the 2007-2008 fiscal year,~~ A
2738 district's expenditure of funds from the guaranteed allocation
2739 for students in grades 9 through 12 who are gifted may not be
2740 greater than the amount expended during the 2006-2007 fiscal
2741 year for gifted students in grades 9 through 12.

2742 (o) Calculation of additional full-time equivalent
2743 membership based on successful completion of a career-themed
2744 course pursuant to ss. 1003.491, 1003.492, and 1003.493, or
2745 courses with embedded CAPE industry certifications or CAPE
2746 Digital Tool certificates, and issuance of industry
2747 certification identified on the CAPE Industry Certification
2748 Funding List pursuant to rules adopted by the State Board of
2749 Education or CAPE Digital Tool certificates pursuant to s.
2750 1003.4203.—

2751 1.a. A value of 0.025 full-time equivalent student
2752 membership shall be calculated for CAPE Digital Tool
2753 certificates earned by students in elementary and middle school
2754 grades.

2755 b. A value of 0.1 or 0.2 full-time equivalent student
2756 membership shall be calculated for each student who completes a
2757 course as defined in s. 1003.493(1)(b) or courses with embedded
2758 CAPE industry certifications and who is issued an industry
2759 certification identified annually on the CAPE Industry

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2760 Certification Funding List approved under rules adopted by the
2761 State Board of Education. A value of 0.2 full-time equivalent
2762 membership shall be calculated for each student who is issued a
2763 CAPE industry certification that has a statewide articulation
2764 agreement for college credit approved by the State Board of
2765 Education. For CAPE industry certifications that do not
2766 articulate for college credit, the Department of Education shall
2767 assign a full-time equivalent value of 0.1 for each
2768 certification. Middle grades students who earn additional FTE
2769 membership for a CAPE Digital Tool certificate pursuant to sub-
2770 subparagraph a. may not use the previously funded examination to
2771 satisfy the requirements for earning an industry certification
2772 under this sub-subparagraph. Additional FTE membership for an
2773 elementary or middle grades student may ~~shall~~ not exceed 0.1 for
2774 certificates or certifications earned within the same fiscal
2775 year. The State Board of Education shall include the assigned
2776 values on the CAPE Industry Certification Funding List under
2777 rules adopted by the state board. Such value shall be added to
2778 the total full-time equivalent student membership for grades 6
2779 through 12 in the subsequent year ~~for courses that were not~~
2780 ~~provided through dual enrollment~~. CAPE industry certifications
2781 earned through dual enrollment must be reported and funded
2782 pursuant to s. 1011.80. However, if a student earns a
2783 certification through a dual enrollment course and the
2784 certification is not a fundable certification on the
2785 postsecondary certification funding list, or the dual enrollment

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2786 certification is earned as a result of an agreement between a
2787 school district and a nonpublic postsecondary institution, the
2788 bonus value shall be funded in the same manner as other nondual
2789 enrollment course industry certifications. In such cases, the
2790 school district may provide for an agreement between the high
2791 school and the technical center, or the school district and the
2792 postsecondary institution may enter into an agreement for
2793 equitable distribution of the bonus funds.

2794 c. A value of 0.3 full-time equivalent student membership
2795 shall be calculated for student completion of the courses and
2796 the embedded certifications identified on the CAPE Industry
2797 Certification Funding List and approved by the commissioner
2798 pursuant to ss. 1003.4203(5) (a) and 1008.44.

2799 d. A value of 0.5 full-time equivalent student membership
2800 shall be calculated for CAPE Acceleration Industry
2801 Certifications that articulate for 15 to 29 college credit
2802 hours, and 1.0 full-time equivalent student membership shall be
2803 calculated for CAPE Acceleration Industry Certifications that
2804 articulate for 30 or more college credit hours pursuant to CAPE
2805 Acceleration Industry Certifications approved by the
2806 commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

2807 2. Each district must allocate at least 80 percent of the
2808 funds provided for CAPE industry certification, in accordance
2809 with this paragraph, to the program that generated the funds.
2810 This allocation may not be used to supplant funds provided for
2811 basic operation of the program.

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2812 3. For CAPE industry certifications earned in the 2013-
2813 2014 school year and in subsequent years, the school district
2814 shall distribute to each classroom teacher who provided direct
2815 instruction toward the attainment of a CAPE industry
2816 certification that qualified for additional full-time equivalent
2817 membership under subparagraph 1.:

2818 a. A bonus ~~in the amount~~ of \$25 for each student taught by
2819 a teacher who provided instruction in a course that led to the
2820 attainment of a CAPE industry certification on the CAPE Industry
2821 Certification Funding List with a weight of 0.1.

2822 b. A bonus ~~in the amount~~ of \$50 for each student taught by
2823 a teacher who provided instruction in a course that led to the
2824 attainment of a CAPE industry certification on the CAPE Industry
2825 Certification Funding List with a weight of 0.2, ~~0.3, 0.5, and~~
2826 ~~1.0~~.

2827 c. A bonus of \$75 for each student taught by a teacher who
2828 provided instruction in a course that led to the attainment of a
2829 CAPE industry certification on the CAPE Industry Certification
2830 Funding List with a weight of 0.3.

2831 d. A bonus of \$100 for each student taught by a teacher
2832 who provided instruction in a course that led to the attainment
2833 of a CAPE industry certification on the CAPE Industry
2834 Certification Funding List with a weight of 0.5 or 1.0.

2835
2836 Bonuses awarded pursuant to this paragraph shall be provided to
2837 teachers who are employed by the district in the year in which

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the additional FTE membership calculation is included in the calculation. Bonuses shall be calculated based upon the associated weight of a CAPE industry certification on the CAPE Industry Certification Funding List for the year in which the certification is earned by the student. Any bonus awarded to a teacher under this paragraph may not exceed \$3,000 ~~\$2,000~~ in any given school year and is in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

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

(a) Estimated taxable value calculations.—

1.a. Not later than 2 working days before ~~prior to~~ July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. The value certified shall be the taxable value for school purposes for that year, and no further adjustments shall be made, except those made pursuant to paragraphs (c) and (d), or an assessment roll change required by

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2864 final judicial decisions as specified in paragraph (15)(b)
2865 ~~(14)(b)~~. Not later than July 19, the Commissioner of Education
2866 shall compute a millage rate, rounded to the next highest one
2867 one-thousandth of a mill, which, when applied to 96 percent of
2868 the estimated state total taxable value for school purposes,
2869 would generate the prescribed aggregate required local effort
2870 for that year for all districts. The Commissioner of Education
2871 shall certify to each district school board the millage rate,
2872 computed as prescribed in this subparagraph, as the minimum
2873 millage rate necessary to provide the district required local
2874 effort for that year.

2875 b. The General Appropriations Act shall direct the
2876 computation of the statewide adjusted aggregate amount for
2877 required local effort for all school districts collectively from
2878 ad valorem taxes to ensure that no school district's revenue
2879 from required local effort millage will produce more than 90
2880 percent of the district's total Florida Education Finance
2881 Program calculation as calculated and adopted by the
2882 Legislature, and the adjustment of the required local effort
2883 millage rate of each district that produces more than 90 percent
2884 of its total Florida Education Finance Program entitlement to a
2885 level that will produce only 90 percent of its total Florida
2886 Education Finance Program entitlement in the July calculation.

2887 2. On the same date as the certification in sub-
2888 subparagraph 1.a., the Department of Revenue shall certify to
2889 the Commissioner of Education for each district:

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2890 a. Each year for which the property appraiser has
2891 certified the taxable value pursuant to s. 193.122(2) or (3), if
2892 applicable, since the prior certification under sub-subparagraph
2893 1.a.

2894 b. For each year identified in sub-subparagraph a., the
2895 taxable value certified by the appraiser pursuant to s.
2896 193.122(2) or (3), if applicable, since the prior certification
2897 under sub-subparagraph 1.a. This is the certification that
2898 reflects all final administrative actions of the value
2899 adjustment board.

2900 (13) FEDERALLY CONNECTED STUDENT SUPPLEMENT.—The federally
2901 connected student supplement is created to provide supplemental
2902 funding for school districts to support the education of
2903 students connected with federally owned military installations,
2904 National Aeronautics and Space Administration (NASA) real
2905 property, and Indian lands. To be eligible for this supplement,
2906 the district must be eligible for federal Impact Aid Program
2907 funds under s. 8003 of Title VIII of the Elementary and
2908 Secondary Education Act of 1965. The supplement shall be
2909 allocated annually to each eligible school district in the
2910 amount provided in the General Appropriations Act. The
2911 supplement shall be the sum of the student allocation and an
2912 exempt property allocation.

2913 (a) The student allocation shall be calculated based on
2914 the number of students reported for federal Impact Aid Program

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2915 funds, including students with disabilities, who meet one of the
2916 following criteria:

2917 1. The student has a parent who is on active duty in the
2918 uniformed services or is an accredited foreign government
2919 official and military officer. Students with disabilities shall
2920 also be reported separately for this category.

2921 2. The student resides on eligible federally owned Indian
2922 land. Students with disabilities shall also be reported
2923 separately for this category.

2924 3. The student resides with a civilian parent who lives or
2925 works on eligible federal property connected with a military
2926 installation or NASA. The number of these students shall be
2927 multiplied by a factor of 0.5.

2928 (b) The total number of federally connected students
2929 calculated under paragraph (a) shall be multiplied by a
2930 percentage of the base student allocation as provided in the
2931 General Appropriations Act. The total of the number of students
2932 with disabilities as reported separately under subparagraphs
2933 (a)1. and (a)2. shall be multiplied by an additional percentage
2934 of the base student allocation as provided in the General
2935 Appropriations Act. The base amount and the amount for students
2936 with disabilities shall be summed to provide the student
2937 allocation.

2938 (c) The exempt property allocation shall be equal to the
2939 tax-exempt value of federal impact aid lands reserved as
2940 military installations, real property owned by NASA, or eligible

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2941 federally owned Indian lands located in the district, as of
2942 January 1 of the previous year, multiplied by the millage
2943 authorized and levied under s. 1011.71(2).

2944 (14)~~(13)~~ QUALITY ASSURANCE GUARANTEE.—The Legislature may
2945 annually in the General Appropriations Act determine a
2946 percentage increase in funds per K-12 unweighted FTE as a
2947 minimum guarantee to each school district. The guarantee shall
2948 be calculated from prior year base funding per unweighted FTE
2949 student which shall include the adjusted FTE dollars as provided
2950 in subsection (15) ~~(14)~~, quality guarantee funds, and actual
2951 nonvoted discretionary local effort from taxes. From the base
2952 funding per unweighted FTE, the increase shall be calculated for
2953 the current year. The current year funds from which the
2954 guarantee shall be determined shall include the adjusted FTE
2955 dollars as provided in subsection (15) ~~(14)~~ and potential
2956 nonvoted discretionary local effort from taxes. A comparison of
2957 current year funds per unweighted FTE to prior year funds per
2958 unweighted FTE shall be computed. For those school districts
2959 which have less than the legislatively assigned percentage
2960 increase, funds shall be provided to guarantee the assigned
2961 percentage increase in funds per unweighted FTE student. Should
2962 appropriated funds be less than the sum of this calculated
2963 amount for all districts, the commissioner shall prorate each
2964 district's allocation. This provision shall be implemented to
2965 the extent specifically funded.

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2966 Section 28. Effective July 1, 2016, and upon the
2967 expiration of the amendments made to section 1011.71, Florida
2968 Statutes, by chapter 2015-222, Laws of Florida, subsection (1)
2969 of that section is amended to read:

2970 1011.71 District school tax.—

2971 (1) If the district school tax is not provided in the
2972 General Appropriations Act or the substantive bill implementing
2973 the General Appropriations Act, each district school board
2974 desiring to participate in the state allocation of funds for
2975 current operation as prescribed by s. 1011.62(15) ~~s. 1011.62(14)~~
2976 shall levy on the taxable value for school purposes of the
2977 district, exclusive of millage voted under ~~the provisions of s.~~
2978 9(b) or s. 12, Art. VII of the State Constitution, a millage
2979 rate not to exceed the amount certified by the commissioner as
2980 the minimum millage rate necessary to provide the district
2981 required local effort for the current year, pursuant to s.
2982 1011.62(4)(a)1. In addition to the required local effort millage
2983 levy, each district school board may levy a nonvoted current
2984 operating discretionary millage. The Legislature shall prescribe
2985 annually in the appropriations act the maximum amount of millage
2986 a district may levy.

2987 Section 29. Subsection (2) of section 1012.42, Florida
2988 Statutes, is amended to read:

2989 1012.42 Teacher teaching out-of-field.—

2990 (2) NOTIFICATION REQUIREMENTS.—When a teacher in a
2991 district school system is assigned teaching duties in a class

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2992 dealing with subject matter that is outside the field in which
2993 the teacher is certified, outside the field that was the
2994 applicant's minor field of study, or outside the field in which
2995 the applicant has demonstrated sufficient subject area
2996 expertise, as determined by district school board policy in the
2997 subject area to be taught, the parents of all students in the
2998 class shall be notified in writing of such assignment, and each
2999 school district shall report out-of-field teachers on the
3000 district's website within 30 days before the beginning of each
3001 semester. A parent whose student is assigned an out-of-field
3002 teacher may request that his or her child be transferred to an
3003 in-field classroom teacher within the school and grade in which
3004 the student is currently enrolled. The school district must
3005 approve or deny the parent's request and transfer the student to
3006 a different classroom teacher within a reasonable period of
3007 time, not to exceed 2 weeks, if an in-field teacher for that
3008 course or grade level is employed by the school and the transfer
3009 does not violate maximum class size pursuant to s. 1003.03 and
3010 s. 1, Art. IX of the State Constitution. If a request for
3011 transfer is denied, the school must notify the parent and
3012 specify the reasons for the denial. An explanation of the
3013 transfer process must be made available in the student handbook
3014 or a similar publication. This subsection does not provide a
3015 parent the right to choose a specific teacher.

3016 Section 30. Paragraph (b) of subsection (8) of section
3017 1012.56, Florida Statutes, is amended to read:

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1012.56 Educator certification requirements.—

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

(b)1. Each school district must and a private school or
state-supported ~~state-supported~~ public school, including a
charter school, ~~or a private school~~ may develop and maintain a
system by which members of the instructional staff may
demonstrate mastery of professional preparation and education
competence as required by law. Each program must be based on
classroom application of the Florida Educator Accomplished
Practices and instructional performance and, for public schools,
must be aligned with the district's or state-supported public
school's evaluation system established ~~approved~~ under s.

1012.34, as applicable.

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

Section 31. Section 1012.583, Florida Statutes, is created
to read:

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

(1) Beginning with the 2016-2017 school year, the
Department of Education, in consultation with the Statewide

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Office for Suicide Prevention and suicide prevention experts,
shall develop a list of approved youth suicide awareness and
prevention training materials that may be used for training in
youth suicide awareness and prevention for instructional
personnel in elementary school, middle school, and high school.
The approved list of materials:

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

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

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

(2) A school that chooses to incorporate 2 hours of
training offered pursuant to this section shall be considered a
"Suicide Prevention Certified School." The training must be
included in the existing continuing education or inservice
training requirements for instructional personnel and may not
add to the total hours currently required by the department. A
school that chooses to participate in the training must require
all instructional personnel to participate.

(3) A school that participates in the suicide awareness
and prevention training pursuant to this section must report its

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3069 participation to the department. The department shall keep an
3070 updated record of all Suicide Prevention Certified Schools.

3071 (4) A person has no cause of action for any loss or damage
3072 caused by an act or omission resulting from the implementation
3073 of this section or resulting from any training required by this
3074 section unless the loss or damage was caused by willful or
3075 wanton misconduct. This section does not create any new duty of
3076 care or basis of liability.

3077 (5) The State Board of Education may adopt rules to
3078 implement this section.

3079 Section 32. Paragraph (o) is added to subsection (1) of
3080 section 1012.795, Florida Statutes, and subsection (5) of that
3081 section is amended, to read:

3082 1012.795 Education Practices Commission; authority to
3083 discipline.—

3084 (1) The Education Practices Commission may suspend the
3085 educator certificate of any person as defined in s. 1012.01(2)
3086 or (3) for up to 5 years, thereby denying that person the right
3087 to teach or otherwise be employed by a district school board or
3088 public school in any capacity requiring direct contact with
3089 students for that period of time, after which the holder may
3090 return to teaching as provided in subsection (4); may revoke the
3091 educator certificate of any person, thereby denying that person
3092 the right to teach or otherwise be employed by a district school
3093 board or public school in any capacity requiring direct contact
3094 with students for up to 10 years, with reinstatement subject to

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the provisions of subsection (4); may revoke permanently the educator certificate of any person thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students; may suspend the educator certificate, upon an order of the court or notice by the Department of Revenue relating to the payment of child support; or may impose any other penalty provided by law, if the person:

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

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

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

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

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

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Section 33. Subsections (3) and (7) of section 1012.796, Florida Statutes, are amended to read:

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

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

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3145 (7) A panel of the commission shall enter a final order
3146 either dismissing the complaint or imposing one or more of the
3147 following penalties:

3148 (a) Denial of an application for a teaching certificate or
3149 for an administrative or supervisory endorsement on a teaching
3150 certificate. The denial may provide that the applicant may not
3151 reapply for certification, and that the department may refuse to
3152 consider that applicant's application, for a specified period of
3153 time or permanently.

3154 (b) Revocation or suspension of a certificate.

3155 (c) Imposition of an administrative fine not to exceed
3156 \$2,000 for each count or separate offense.

3157 (d) Placement of the teacher, administrator, or supervisor
3158 on probation for a period of time and subject to such conditions
3159 as the commission may specify, including requiring the certified
3160 teacher, administrator, or supervisor to complete additional
3161 appropriate college courses or work with another certified
3162 educator, with the administrative costs of monitoring the
3163 probation assessed to the educator placed on probation. An
3164 educator who has been placed on probation shall, at a minimum:

3165 1. Immediately notify the investigative office in the
3166 Department of Education upon employment or termination of
3167 employment in the state in any public or private position
3168 requiring a Florida educator's certificate.

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

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

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

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

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

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

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

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

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

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

Section 34. Section 1013.385, Florida Statutes, is created to read:

1013.385 School district construction flexibility.—

(1) A district school board may, with a supermajority vote at a public meeting that begins no earlier than 5 p.m., adopt a resolution to implement one or more of the exceptions to the educational facilities construction requirements provided in this section. Before voting on the resolution, a district school board must conduct a cost-benefit analysis prepared according to a professionally accepted methodology that describes how each exception selected by the district school board achieves cost savings, improves the efficient use of school district resources, and impacts the life-cycle costs and life span for each educational facility to be constructed, as applicable, and demonstrates that implementation of the exception will not compromise student safety or the quality of student instruction. The district school board must conduct at least one public workshop to discuss and receive public comment on the proposed resolution and cost-benefit analysis, which must begin no

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earlier than 5 p.m. and may occur at the same meeting at which the resolution will be voted upon.

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

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

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

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

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

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

2. Provide lighting for walkways, roadways, driveways, paved parking lots, exterior stairs, ramps, and walkways from the exterior of the building to a public walkway through

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3245 installation of a timer that is set to provide lighting only
3246 during periods when the site is occupied.

3247 3. Allow lighting for building entrances and exits to be
3248 installed with a timer that is set to provide lighting only
3249 during periods in which the building is occupied. The minimum
3250 illumination level at single-door exits may be reduced to no
3251 less than 1 foot-candle.

3252 Section 35. Notwithstanding s. 1002.69(5), Florida
3253 Statutes, for the 2014-2015 and 2015-2016 Voluntary
3254 Prekindergarten Education Program years, the office shall not
3255 adopt a kindergarten readiness rate. Any private prekindergarten
3256 provider or public school that was on probation pursuant to s.
3257 1002.67(4)(c), Florida Statutes, for the 2013-2014 program year
3258 shall remain on probation until the provider or school meets the
3259 minimum rate adopted by the office. This section expires July 1,
3260 2017.

3261 Section 36. Effective upon this act becoming a law,
3262 subsection (8) of section 1012.33, Florida Statutes, is amended
3263 to read:

3264 1012.33 Contracts with instructional staff, supervisors,
3265 and school principals.—

3266 (8) Notwithstanding any other provision of law, a retired
3267 member may interrupt retirement and be reemployed in any public
3268 school as instructional personnel under a 1-year probationary
3269 contract as defined in s. 1012.335(1). If the retiree
3270 successfully completes the probationary contract, the district

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3271 school board may reemploy the retiree under an annual contract
3272 as defined in s. 1012.335(1). The retiree is not eligible for a
3273 professional service contract ~~A member reemployed by the same~~
3274 ~~district from which he or she retired may be employed on a~~
3275 ~~probationary contractual basis as provided in subsection (1).~~

3276 Section 37. Section 413.207, Florida Statutes, is amended
3277 to read:

3278 413.207 Division of Vocational Rehabilitation; quality
3279 assurance; performance improvement plan.—

3280 (1) The Division of Vocational Rehabilitation shall
3281 maintain an internal system of quality assurance, have proven
3282 functional systems, perform due diligence, review provider
3283 systems of quality assurance, and be subject to monitoring for
3284 compliance with state and federal laws, rules, and regulations.

3285 (2) No later than October 1, 2016, the division shall
3286 develop and implement a performance improvement plan designed to
3287 achieve the following goals:

3288 (a) Decrease the average wait list time for reportable
3289 individuals.

3290 (b) Increase the percentage of participants who are in
3291 unsubsidized employment during the second quarter after they
3292 exit the program.

3293 (c) Increase the percentage of participants who are in
3294 unsubsidized employment during the fourth quarter after they
3295 exit the program.

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3296 (d) Increase the number of persons earning CAPE industry
3297 certifications and CAPE postsecondary industry certifications
3298 approved pursuant to s. 1008.44.

3299 (e) Increase the median earnings of participants who are
3300 in unsubsidized employment during the second quarter after they
3301 exit the program.

3302 (f) Increase the percentage of participants who obtained a
3303 recognized postsecondary credential or a secondary school
3304 diploma or its recognized equivalent during participation in, or
3305 within 1 year after they exit, the program.

3306 (g) Increase the percentage of youth who received
3307 preemployment transition services without applying for
3308 additional vocational rehabilitation services and who obtained a
3309 recognized postsecondary credential or a secondary school
3310 diploma or its recognized equivalent during participation in, or
3311 within 1 year after they exit, the program.

3312 (h) Increase the percentage of participants who, during a
3313 program year, are in an education or training program that leads
3314 to a recognized postsecondary credential or to employment and
3315 who are achieving a measurable gain of skill, including
3316 documented academic, technical, occupational gains or other
3317 forms of progress toward a postsecondary credential or
3318 employment.

3319 (i) Increase the number of students receiving
3320 preemployment transition services.

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3321 (j) Increase the division's effectiveness in serving
3322 employers, based on indicators developed as required by section
3323 116(b) (2) (A) (iv) of the federal Workforce Innovation and
3324 Opportunity Act.

3325 (3) The goals established under subsection (2) must be
3326 designed to elevate the state vocational rehabilitation program
3327 to one of the top 10 in the nation.

3328 (4) By December 1 of each year, the division shall submit
3329 a performance report to the Governor, the President of the
3330 Senate, and the Speaker of the House of Representatives which
3331 includes the following information for each of the 5 most recent
3332 fiscal years:

3333 (a) Caseload data, including the number of individuals who
3334 apply for services and who receive services, by service type,
3335 reported statewide and by service area.

3336 (b) Service use data, by service type, including the
3337 number of units of service provided, statewide and by service
3338 area.

3339 (c) Financial data, by service type, including
3340 expenditures for administration and the provision of services.
3341 Expenditure data shall be reported on a statewide basis and by
3342 service area, and expenditures for education-related services
3343 must be identified in specific categories such as tuition and
3344 fees, program fees, and support services.

3345 (d) Outcome data, statewide and by service area, including
3346 the number of cases closed without employment and the number of

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3347 cases closed with employment. Employment data must be provided
3348 separately for supported employment.

3349 Section 38. Subsection (1) of section 1003.44, Florida
3350 Statutes, is amended to read:

3351 1003.44 Patriotic programs; rules.—

3352 (1) Each district school board may adopt rules to require,
3353 in all of the schools of the district, programs of a patriotic
3354 nature to encourage greater respect for the government of the
3355 United States and its national anthem and flag, subject always
3356 to other existing pertinent laws of the United States or of the
3357 state. When the national anthem is played, students and all
3358 civilians shall stand at attention, men removing the headdress,
3359 except when such headdress is worn for religious purposes. The
3360 pledge of allegiance to the flag, "I pledge allegiance to the
3361 flag of the United States of America and to the republic for
3362 which it stands, one nation under God, indivisible, with liberty
3363 and justice for all," shall be rendered by students standing
3364 with the right hand over the heart. The pledge of allegiance to
3365 the flag shall be recited at the beginning of the day in each
3366 public elementary, middle, and high school in the state. Each
3367 student shall be informed by a written notice published in the
3368 student handbook or a similar publication pursuant to s.

3369 1006.07(2) ~~posting a notice in a conspicuous place~~ that the
3370 student has the right not to participate in reciting the pledge.
3371 Upon written request by his or her parent, the student must be
3372 excused from reciting the pledge, including standing and placing

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3373 the right hand over his or her heart. When the pledge is given,
3374 unexcused students ~~civilians~~ must show full respect to the flag
3375 by standing at attention, men removing the headdress, except
3376 when such headdress is worn for religious purposes, as provided
3377 by Pub. L. ch. 77-435, s. 7, approved June 22, 1942, 56 Stat.
3378 377, as amended by Pub. L. ch. 77-806, 56 Stat. 1074, approved
3379 December 22, 1942.

3380 Section 39. Subsection (1) of section 1002.59, Florida
3381 Statutes, is amended to read:

3382 1002.59 Emergent literacy and performance standards
3383 training courses.—

3384 (1) The office shall adopt minimum standards for one or
3385 more training courses in emergent literacy for prekindergarten
3386 instructors. Each course must comprise 5 clock hours and provide
3387 instruction in explicit, systematic, and multisensory
3388 instruction ~~strategies and techniques~~ to address the age-
3389 appropriate progress of prekindergarten students in developing
3390 emergent literacy skills, including oral communication,
3391 knowledge of print and letters, phonemic and phonological
3392 awareness, and vocabulary and comprehension development. Each
3393 course must address early identification of and intervention for
3394 students experiencing difficulties with emergent literacy skills
3395 and ~~also~~ provide resources containing strategies that allow
3396 students with disabilities and other special needs to derive
3397 maximum benefit from the Voluntary Prekindergarten Education
3398 Program. Successful completion of an emergent literacy training

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course approved under this section satisfies requirements for approved training in early literacy and language development under ss. 402.305(2)(d)5., 402.313(6), and 402.3131(5).

Section 40. Paragraphs (a) and (c) of subsection (3) of section 1002.67, Florida Statutes, are amended, and paragraphs (d), (e), and (f) are added to that subsection, to read:

1002.67 Performance standards; curricula and accountability.—

(3)

(a) Contingent upon legislative appropriation, each private prekindergarten provider and public school in the Voluntary Prekindergarten Education Program must implement an evidence-based pre- and post-assessment that has been approved by the office ~~rule of the State Board of Education~~.

(c) The pre- and post-assessment must be administered by individuals meeting requirements established by the office ~~rule of the State Board of Education~~.

(d) Students who exhibit a deficiency in emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development, must be provided intensive, explicit, and systematic instruction.

(e) The office shall identify by rule guidelines for determining whether a student has exhibited a deficiency in emergent literacy skills.

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(f) The office shall provide examples of appropriate instructional strategies and supports to remediate identified deficiencies in emergent literacy skills.

Section 41. Paragraph (b) of subsection (2), paragraph (a) of subsection (4), and subsection (5) of section 1004.04, Florida Statutes, are amended to read:

1004.04 Public accountability and state approval for teacher preparation programs.—

(2) UNIFORM CORE CURRICULA AND CANDIDATE ASSESSMENT.—

(b) The rules to establish uniform core curricula for each state-approved teacher preparation program must include, but are not limited to, the following:

1. The Florida Educator Accomplished Practices.
2. The state-adopted content standards.
3. Scientifically researched and evidence-based reading instruction strategies, including explicit, systematic, and multisensory approaches to reading instruction and intervention that are proven to improve reading performance for all students.

4. Content literacy and mathematics practices.

5. Strategies appropriate for the instruction of English language learners.

6. Strategies appropriate for the instruction of students with disabilities.

7. School safety.

(4) CONTINUED PROGRAM APPROVAL.—Continued approval of a teacher preparation program shall be based upon evidence that

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the program continues to implement the requirements for initial approval and upon significant, objective, and quantifiable measures of the program and the performance of the program completers.

(a) The criteria for continued approval must include each of the following:

1. Documentation ~~from the program~~ that each program candidate met the admission requirements provided in subsection (3).

2. Documentation ~~from the program~~ that the program and each program completer have met the requirements provided in subsection (2).

3. Documentation that each program completer received instruction in technology literacy through the program's content-area and pedagogy coursework, including instructional strategies for using media and technology to support subject-matter understanding.

~~4.3.~~ Evidence of performance in each of the following areas:

a. Placement rate of program completers into instructional positions in Florida public schools and private schools, if available.

b. Rate of retention for employed program completers in instructional positions in Florida public schools.

c. Performance of students in prekindergarten through grade 12 who are assigned to in-field program completers on

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statewide assessments using the results of the student learning growth formula adopted under s. 1012.34.

d. Performance of students in prekindergarten through grade 12 who are assigned to in-field program completers aggregated by student subgroup, as defined in the federal Elementary and Secondary Education Act (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II), as a measure of how well the program prepares teachers to work with a diverse population of students in a variety of settings in Florida public schools.

e. Results of program completers' annual evaluations in accordance with the timeline as set forth in s. 1012.34.

f. Production of program completers in statewide critical teacher shortage areas as identified in s. 1012.07.

(5) PRESERVICE FIELD EXPERIENCE.—All postsecondary instructors, school district personnel and instructional personnel, and school sites preparing instructional personnel through preservice field experience courses and internships shall meet special requirements. District school boards may pay student teachers during their internships. For purposes of this subsection, "specialized training in clinical supervision" and "clinical educator training" must include content-specific strategies for integrating media and emerging technologies into classroom and online instruction.

(a) All individuals in postsecondary teacher preparation programs who instruct or supervise preservice field experience courses or internships in which a candidate demonstrates his or

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her impact on student learning growth shall have the following:
specialized training in clinical supervision; at least 3 years
of successful, relevant prekindergarten through grade 12
teaching, student services, or school administration experience;
and an annual demonstration of experience in a relevant
prekindergarten through grade 12 school setting as defined by
State Board of Education rule.

(b)1. All school district personnel and instructional
personnel who supervise or direct teacher preparation students
during field experience courses or internships taking place in
this state in which candidates demonstrate an impact on student
learning growth must have evidence of "clinical educator"
training, a valid professional certificate issued pursuant to s.
1012.56, and at least 3 years of teaching experience in
prekindergarten through grade 12 and must have earned an
effective or highly effective rating on the prior year's
performance evaluation under s. 1012.34 or be a peer evaluator
under the district's evaluation system approved under s.
1012.34. The State Board of Education shall approve the training
requirements.

2. All instructional personnel who supervise or direct
teacher preparation students during field experience courses or
internships in another state, in which a candidate demonstrates
his or her impact on student learning growth, through a Florida
online or distance program must have received "clinical
educator" training or its equivalent in that state, hold a valid

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professional certificate issued by the state in which the field experience takes place, and have at least 3 years of teaching experience in prekindergarten through grade 12.

3. All instructional personnel who supervise or direct teacher preparation students during field experience courses or internships, in which a candidate demonstrates his or her impact on student learning growth, on a United States military base in another country through a Florida online or distance program must have received "clinical educator" training or its equivalent, hold a valid professional certificate issued by the United States Department of Defense or a state or territory of the United States, and have at least 3 years teaching experience in prekindergarten through grade 12.

(c) Preservice field experience must include candidate practice and demonstration of the uniform core curricula specific to the candidates' area or areas of program concentration with a diverse population of students in a variety of settings, including instructional strategies for using media and technology to support subject-matter understanding. The length of structured field experiences may be extended to ensure that candidates achieve the competencies needed to meet certification requirements.

(d) Postsecondary teacher preparation programs in cooperation with district school boards and approved private school associations shall select the school sites for preservice field experience activities based upon the qualifications of the

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3554 supervising personnel as described in this subsection and the
3555 needs of the candidates. These sites must represent the full
3556 spectrum of school communities, including, but not limited to,
3557 schools located in urban settings. In order to be selected,
3558 school sites must demonstrate commitment to the education of
3559 public school students and to the preparation of future
3560 teachers.

3561 Section 42. Paragraph (a) of subsection (3) of section
3562 1004.85, Florida Statutes, is amended, and paragraph (c) is
3563 added to subsection (4) of that section, to read:

3564 1004.85 Postsecondary educator preparation institutes.—

3565 (3) Educator preparation institutes approved pursuant to
3566 this section may offer competency-based certification programs
3567 specifically designed for noneducation major baccalaureate
3568 degree holders to enable program participants to meet the
3569 educator certification requirements of s. 1012.56. An educator
3570 preparation institute choosing to offer a competency-based
3571 certification program pursuant to the provisions of this section
3572 must implement a program previously approved by the Department
3573 of Education for this purpose or a program developed by the
3574 institute and approved by the department for this purpose.
3575 Approved programs shall be available for use by other approved
3576 educator preparation institutes.

3577 (a) Within 90 days after receipt of a request for
3578 approval, the Department of Education shall approve a
3579 preparation program pursuant to the requirements of this

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subsection or issue a statement of the deficiencies in the request for approval. The department shall approve a certification program if the institute provides evidence of the institute's capacity to implement a competency-based program that includes each of the following:

1.a. Participant instruction and assessment in the Florida Educator Accomplished Practices.

b. The state-adopted student content standards.

c. Scientifically researched and evidence-based reading instruction strategies, including explicit, systematic, and multisensory approaches to reading instruction and intervention that are proven to improve reading performance for all students.

d. Content literacy and mathematical practices.

e. Strategies appropriate for instruction of English language learners.

f. Strategies appropriate for instruction of students with disabilities.

g. School safety.

2. An educational plan for each participant to meet certification requirements and demonstrate his or her ability to teach the subject area for which the participant is seeking certification, which is based on an assessment of his or her competency in the areas listed in subparagraph 1.

3. Field experiences appropriate to the certification subject area specified in the educational plan with a diverse population of students in a variety of settings under the

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3606 supervision of qualified educators.

3607 4. A certification ombudsman to facilitate the process and
3608 procedures required for participants who complete the program to
3609 meet any requirements related to the background screening
3610 pursuant to s. 1012.32 and educator professional or temporary
3611 certification pursuant to s. 1012.56.

3612 (4) Continued approval of each program approved pursuant
3613 to this section shall be determined by the Commissioner of
3614 Education based upon a periodic review of the following areas:

3615 (c) Documentation that each program completer received
3616 instruction in technology literacy through the program's
3617 content-area and pedagogy coursework, including instructional
3618 strategies for using media and technology to support subject-
3619 matter understanding.

3620 Section 43. Subsection (3) and paragraphs (a) and (c) of
3621 subsection (5), of section 1008.25, Florida Statutes, are
3622 amended, and paragraph (c) is added to subsection (4) of that
3623 section, to read:

3624 1008.25 Public school student progression; student
3625 support; reporting requirements.—

3626 (3) ALLOCATION OF RESOURCES.—District school boards shall
3627 allocate remedial and supplemental instruction resources to
3628 students in the following priority:

3629 (a) Students in kindergarten through grade 3 who have a
3630 substantial deficiency ~~are deficient~~ in reading as determined in
3631 paragraph (5) (a) ~~by the end of grade 3.~~

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(b) Students who fail to meet performance levels required for promotion consistent with the district school board's plan for student progression required in subsection (2) paragraph (2)(b).

(4) ASSESSMENT AND SUPPORT.—

(c) A student who has a substantial reading deficiency as determined in paragraph (5)(a) must be covered by a federally required student plan such as an individual education plan or an individualized progress monitoring plan, or both, as necessary.

(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

(a) Any student in kindergarten through grade 3 who exhibits a substantial deficiency in reading, based upon screening, diagnostic, progress monitoring, or assessment data; locally determined or statewide assessments; conducted in kindergarten or grade 1, grade 2, or grade 3, or through teacher observations, must be provided given intensive, explicit, systematic, and multisensory reading interventions instruction immediately following the identification of the reading deficiency. A school may not wait for a student to receive a failing grade at the end of a grading period to identify the student as having a substantial reading deficiency and initiate intensive reading interventions. The student's reading proficiency must be monitored and the intensive interventions instruction must continue until the student demonstrates grade level proficiency in a manner determined by the district, which may include achieving a Level 3 on the statewide, standardized

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English Language Arts assessment. The State Board of Education shall identify by rule guidelines for determining whether a student in kindergarten through grade 3 has a substantial deficiency in reading.

(c) The parent of any student who exhibits a substantial deficiency in reading, as described in paragraph (a), must be notified in writing of the following:

1. That his or her child has been identified as having a substantial deficiency in reading, including a description and explanation, in terms understandable to the parent, of the exact nature of the student's difficulty in learning and lack of achievement in reading.

2. A description of the current services that are provided to the child.

3. A description of the proposed intensive interventions ~~supplemental instructional services~~ and supports that will be provided to the child that are designed to remediate the identified area of reading deficiency.

4. That if the child's reading deficiency is not remediated by the end of grade 3, the child must be retained unless he or she is exempt from mandatory retention for good cause.

5. Opportunities to observe effective instruction and intervention strategies in the classroom; receive literacy instruction from the school or through community adult literacy initiatives; and receive strategies, including multisensory

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3684 strategies, through a read-at-home plan the parent can for
3685 ~~parents to~~ use in helping his or her ~~their~~ child succeed in
3686 reading ~~proficiency~~.

3687 6. That the statewide, standardized English Language Arts
3688 assessment is not the sole determiner of promotion and that
3689 additional evaluations, portfolio reviews, and assessments are
3690 available to the child to assist parents and the school district
3691 in knowing when a child is reading at or above grade level and
3692 ready for grade promotion.

3693 7. The district's specific criteria and policies for a
3694 portfolio as provided in subparagraph (6)(b)4. and the evidence
3695 required for a student to demonstrate mastery of Florida's
3696 academic standards for English Language Arts. A parent of a
3697 student in grade 3 who is identified anytime during the year as
3698 being at risk of retention may request that the school
3699 immediately begin collecting evidence for a portfolio.

3700 8. The district's specific criteria and policies for
3701 midyear promotion. Midyear promotion means promotion of a
3702 retained student at any time during the year of retention once
3703 the student has demonstrated ability to read at grade level.

3704
3705 After initial notification, the school shall apprise the parent,
3706 at least monthly, of the student's growth toward meeting goals
3707 based on the student's grade level. These communications must
3708 explain any additional interventions or supports that will be
3709 used to accelerate the student's progress if the interventions

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and supports already being implemented have not resulted in improvement.

Section 44. Subsection (2) of section 1011.67, Florida Statutes, is amended to read:

1011.67 Funds for instructional materials.—

(2) Annually by July 1 and before ~~prior to~~ the release of instructional materials funds, each district school superintendent shall certify to the Commissioner of Education that the district school board has approved a comprehensive staff development plan that supports fidelity of implementation of instructional materials programs, including. ~~The report shall include~~ verification that training was provided; and that the materials are being implemented as designed; and, beginning July 1, 2020, for core reading materials and reading intervention materials used in kindergarten through grade 5, that the materials incorporate explicit, systematic, sequential, and multisensory approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and incorporate decodable or phonetic text instructional strategies. This paragraph does not preclude school districts from purchasing or using other materials to supplement reading instruction and provide additional skills practice.

Section 45. Paragraph (a) of subsection (3) of section 1012.585, Florida Statutes, is amended, and paragraph (f) is added to that subsection, to read:

1012.585 Process for renewal of professional

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certificates.—

(3) For the renewal of a professional certificate, the following requirements must be met:

(a) The applicant must earn a minimum of 6 college credits or 120 inservice points or a combination thereof. For each area of specialization to be retained on a certificate, the applicant must earn at least 3 of the required credit hours or equivalent inservice points in the specialization area. Education in "clinical educator" training pursuant to s. 1004.04(5)(b) and credits or points that provide training in the area of scientifically researched, knowledge-based reading literacy, including explicit, systematic, and multisensory approaches to reading instruction and intervention; ~~and~~ computational skills acquisition;~~;~~ exceptional student education;~~;~~ normal child development;~~;~~ and the disorders of development may be applied toward any specialization area. Credits or points that provide training in the areas of drug abuse, child abuse and neglect, strategies in teaching students having limited proficiency in English, or dropout prevention, or training in areas identified in the educational goals and performance standards adopted pursuant to ss. 1000.03(5) and 1008.345 may be applied toward any specialization area, except specialization areas identified by State Board of Education rule that include reading instruction or intervention for any students in kindergarten through grade 6. Credits or points earned through approved summer institutes may be applied toward the fulfillment of these

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requirements. Inservice points may also be earned by participation in professional growth components approved by the State Board of Education and specified pursuant to s. 1012.98 in the district's approved master plan for inservice educational training; however, such points may not be used to satisfy the specialization requirements of this paragraph, including, but not limited to, serving as a trainer in an approved teacher training activity, serving on an instructional materials committee or a state board or commission that deals with educational issues, or serving on an advisory council created pursuant to s. 1001.452.

(f) An applicant for renewal of a professional certificate in any area of certification identified by State Board of Education rule that includes reading instruction or intervention for any students in kindergarten through grade 6, with a beginning validity date of July 1, 2019, or thereafter, must earn a minimum of 2 college credits or the equivalent inservice points in the use of explicit, systematic, and multisensory approaches to reading instruction and intervention. Such training must be provided by teacher preparation programs under s. 1004.04 or s. 1004.85 or approved school district professional development systems under s. 1012.98. The requirements in this paragraph may not add to the total hours required by the department for continuing education or inservice training.

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Section 46. Subsection (1) of section 1012.586, Florida Statutes, is amended to read:

1012.586 Additions or changes to certificates; duplicate certificates.—A school district may process via a Department of Education website certificates for the following applications of public school employees:

(1) Addition of a subject coverage or endorsement to a valid Florida certificate on the basis of the completion of the appropriate subject area testing requirements of s. 1012.56(5) (a) or the completion of the requirements of an approved school district program or the inservice components for an endorsement.

(a) To reduce duplication, the department may recommend the consolidation of endorsement areas and requirements to the State Board of Education.

(b) By July 1, 2017, and at least once every 5 years thereafter, the department shall conduct a review of existing subject coverage or endorsement requirements in the elementary, reading, and exceptional student educational areas. The review must include reciprocity requirements for out-of-state certificates; requirements for demonstrating competency in instruction or intervention strategies proven to improve student reading performance, including explicit, systematic, and multisensory approaches to reading instruction and intervention; and effective methods for identifying characteristics of conditions such as dyslexia and other causes of diminished

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phonological processing skills. At the conclusion of each review, the department shall recommend to the state board changes to the subject coverage or endorsement requirements based upon any identified instruction or intervention strategies proven to improve student reading performance, including the strategies and methods enumerated in this paragraph. This paragraph does not authorize the state board to establish any new certification subject coverage.

The employing school district shall charge the employee a fee not to exceed the amount charged by the Department of Education for such services. Each district school board shall retain a portion of the fee as defined in the rules of the State Board of Education. The portion sent to the department shall be used for maintenance of the technology system, the web application, and posting and mailing of the certificate.

Section 47. Section 1003.432, Florida Statutes, is created to read:

1003.432 Florida Seal of Biliteracy Program for high school graduates.—

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

(a) "Biliteracy" means attainment of a high level of competency in listening, speaking, reading, and writing in one or more foreign languages in addition to English, which is signified on a high school graduate's diploma and transcript as either a Gold Seal of Biliteracy or a Silver Seal of Biliteracy.

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3839 (b) "Foreign language" means a language other than English
3840 and includes American Sign Language, classical languages, and
3841 indigenous languages.

3842 (c) "Gold" means the highest level of competency certified
3843 by the Florida Seal of Biliteracy Program.

3844 (d) "Silver" means the second-highest level of competency
3845 certified by the Florida Seal of Biliteracy Program.

3846 (2) The Florida Seal of Biliteracy Program is established
3847 to recognize a high school graduate who has attained a high
3848 level of competency in listening, speaking, reading, and writing
3849 in one or more foreign languages in addition to English. The
3850 Commissioner of Education shall award the Seal of Biliteracy
3851 upon graduation to a high school student who meets the
3852 qualifications in this section. The seal must differentiate
3853 between two levels of competency, designated as Gold and Silver,
3854 which must be at least as rigorous as is recommended in the
3855 biliteracy seal guidelines established by national organizations
3856 supporting foreign languages instruction.

3857 (3) The purpose of the Florida Seal of Biliteracy Program
3858 is to:

3859 (a) Encourage students to study foreign languages.

3860 (b) Certify attainment of biliteracy.

3861 (c) Provide employers with a method of identifying an
3862 individual with biliteracy skills who is seeking employment.

3863 (d) Provide a postsecondary institution with a method of
3864 recognizing an applicant with biliteracy skills who is seeking

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3865 admission to the postsecondary institution.

3866 (e) Recognize and promote foreign language instruction in
3867 public schools.

3868 (f) Affirm the value of diversity, honor multiple cultures
3869 and foreign languages, and strengthen the relationships between
3870 multiple cultures in a community.

3871 (4) Beginning with the 2016-2017 school year, the Gold
3872 Seal of Biliteracy or the Silver Seal of Biliteracy must be
3873 awarded to a high school student who has earned a standard high
3874 school diploma and who:

3875 (a) Has earned four foreign language course credits in the
3876 same foreign language with a cumulative 3.0 grade point average
3877 or higher on a 4.0 scale;

3878 (b) Has achieved a qualifying score on a foreign language
3879 assessment; or

3880 (c) Has satisfied alternative requirements as determined
3881 by the State Board of Education pursuant to subsection (8).

3882 (5) The Commissioner of Education shall:

3883 (a) Prepare and provide to each school district an
3884 appropriate insignia to be affixed to the student's diploma
3885 indicating that the student has been awarded the Gold Seal of
3886 Biliteracy or the Silver Seal of Biliteracy.

3887 (b) Provide information necessary for a school district to
3888 successfully implement the program.

3889 (6) Each school district shall:

3890 (a) Maintain appropriate records to identify a student who

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3891 has met the requirements to receive the Gold Seal of Biliteracy
3892 or the Silver Seal of Biliteracy.

3893 (b) Provide the Commissioner of Education with the number
3894 of students who have met the requirements to receive the Gold
3895 Seal of Biliteracy or the Silver Seal of Biliteracy.

3896 (c) Affix the appropriate insignia to the student's
3897 diploma and indicate on the student's transcript that the
3898 student has earned the Gold Seal of Biliteracy or the Silver
3899 Seal of Biliteracy.

3900 (7) A school district or the Department of Education may
3901 not charge a fee for the Gold Seal of Biliteracy or the Silver
3902 Seal of Biliteracy.

3903 (8) The State Board of Education shall adopt rules to
3904 implement this section. Such rules, at a minimum, must include:

3905 (a) A process to confirm a student's successful completion
3906 of the requirements in subsection (4).

3907 (b) The assessments and corresponding passing scores
3908 required to earn the Gold Seal of Biliteracy or the Silver Seal
3909 of Biliteracy, which may not be lower than the passing scores on
3910 at least one of the following:

3911 1. An International Baccalaureate examination in the
3912 foreign language;

3913 2. An Advanced Placement examination in the foreign
3914 language;

3915 3. An SAT Subject Test examination in the foreign
3916 language; or

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3917 4. An Advanced International Certificate of Education
3918 examination in the foreign language.

3919 (c) Alternative requirements a student may satisfy to
3920 demonstrate equivalent competency in a foreign language,
3921 including requirements a student whose native language is not
3922 English may satisfy to demonstrate competency in his or her
3923 native language to earn the Gold Seal of Biliteracy or the
3924 Silver Seal of Biliteracy.

3925 (d) A process to award foreign language course credits to
3926 a student who was not enrolled in a foreign language course or
3927 who did not complete the course but has demonstrated competency
3928 in a foreign language as provided in this subsection.

3929 -----
3930

3931 **T I T L E A M E N D M E N T**

3932 Remove lines 3643-3912 of the amendment and insert:
3933 a controlled open enrollment process; providing
3934 criteria for the process; prohibiting a school
3935 district from delaying or preventing a student who
3936 participates in controlled open enrollment from being
3937 immediately eligible to participate in certain
3938 activities; prohibiting a student from participating
3939 in a sport under certain circumstances; providing
3940 exemptions; amending s. 1002.33, F.S.; making
3941 technical changes relating to requirements for the
3942 creation of a virtual charter school; conforming

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3943 cross-references; requiring a charter school to notify
3944 a parent if his or her child exhibits a substantial
3945 deficiency in reading; revising required contents of
3946 charter school applications; specifying that a sponsor
3947 may not require a charter school to adopt the
3948 sponsor's reading plan; requiring a person or entity
3949 seeking to open a charter school to disclose certain
3950 information; conforming provisions regarding the
3951 appeal process for denial of a high-performing charter
3952 school application; requiring an applicant to provide
3953 the sponsor with a copy of an appeal to an application
3954 denial; authorizing a charter school to defer the
3955 opening of its operations for up to a specified time;
3956 requiring the charter school to provide written notice
3957 to certain entities within a specified timeframe;
3958 providing that a student may not be dismissed from a
3959 charter school based on his or her academic
3960 performance; revising provisions relating to long-term
3961 charters and charter terminations; specifying notice
3962 requirements for voluntary closure of a charter
3963 school; requiring a charter school applicant to
3964 provide monthly financial statements upon approval of
3965 the charter contract; requiring a sponsor to review
3966 each financial statement of a charter school to
3967 identify the existence of certain conditions;
3968 providing for the automatic termination of a charter

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3969 contract if certain conditions are met; requiring a
3970 sponsor to notify certain parties when a charter
3971 contract is terminated for specific reasons; requiring
3972 governing board members to hold a certain number of
3973 public meetings and participate in such meetings in
3974 person or through communications media technology;
3975 revising charter school student eligibility
3976 requirements; providing that charter schools are
3977 eligible for the research-based reading allocation if
3978 certain criteria are met; revising requirements for
3979 payments to charter schools; requiring a charter
3980 school to be located in the state to be eligible for
3981 public education capital outlay funds; providing for
3982 an injunction under certain circumstances; amending s.
3983 1002.331, F.S.; deleting obsolete provision relating
3984 to high-performing charter schools; conforming a
3985 cross-reference; creating s. 1001.66, F.S.; creating a
3986 Florida College System Performance-Based Incentive for
3987 Florida College System institutions; requiring the
3988 State Board of Education to adopt certain metrics and
3989 benchmarks; providing for funding and allocation of
3990 the incentives; authorizing the state board to
3991 withhold an institution's incentive under certain
3992 circumstances; requiring the Commissioner of Education
3993 to withhold certain disbursements under certain
3994 circumstances; providing for reporting and rulemaking;

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3995 amending s. 1001.7065, F.S.; revising the academic and
3996 research excellence standards for the preeminent state
3997 research universities program; creating the "emerging
3998 preeminent state research university" designation;
3999 requiring an emerging preeminent state research
4000 university to submit a certain plan to the board and
4001 meet certain expectations to receive certain funds;
4002 providing for the distribution of certain funding
4003 increases; deleting the preeminent state research
4004 university enhancement initiative; revising the
4005 requirements for the unique course requirement;
4006 amending s. 1001.71, F.S.; providing for selection of
4007 the chair and vice chair of each state university
4008 board of trustees; specifying terms and duties of the
4009 chair; providing grounds for the removal of a board
4010 member; requiring each state university board of
4011 trustees to post certain information on the
4012 university's website; requiring the Board of Governors
4013 to adopt regulations; amending s. 1001.92, F.S.;
4014 requiring performance-based metrics to include
4015 specified wage thresholds; requiring the board to
4016 establish minimum performance funding eligibility
4017 thresholds; prohibiting a state university that fails
4018 to meet the state's threshold from eligibility for a
4019 share of the state's investment performance funding;
4020 requiring the board to adopt regulations; deleting an

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4021 expiration date; amending s. 1003.4282, F.S.; revising
4022 the online course requirement; authorizing a district
4023 school board or a charter school governing board to
4024 offer options to meet the requirement; amending s.
4025 1013.62, F.S.; revising requirements for a charter
4026 school to be eligible for funding appropriated for
4027 charter school capital outlay purposes; deleting
4028 provisions relating to the priorities for charter
4029 school capital outlay allocations and requirements for
4030 the release of allocations to charter schools;
4031 amending s. 1013.64, F.S.; providing that a school
4032 district may not receive funds from the Special
4033 Facility Construction Account under certain
4034 circumstances; revising the criteria for a request for
4035 funding; authorizing the request for a preapplication
4036 review to take place at any time; providing
4037 exceptions; revising the timeframe for completion of
4038 the review; providing that certain capital outlay
4039 full-time equivalent student enrollment estimates be
4040 determined by specified estimating conferences;
4041 requiring surveys to be cooperatively prepared by
4042 certain entities and approved by the Department of
4043 Education; prohibiting certain consultants from
4044 specified employment and compensation; providing an
4045 exception to prohibiting the cost per student station
4046 from exceeding a certain amount; requiring a school

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4047 district to levy the maximum millage against certain
4048 property value under certain circumstances; reducing
4049 the required millage to be budgeted for a project;
4050 requiring certain plans to be finalized by a specified
4051 date; requiring a representative of the department to
4052 chair the Special Facility Construction Committee;
4053 requiring school districts to maintain accurate
4054 documentation related to specified costs; requiring
4055 the Auditor General to review such documentation;
4056 providing that the department makes final
4057 determinations on compliance; requiring the Office of
4058 Economic and Demographic Research to conduct a study,
4059 in consultation with the department, on cost per
4060 student station amounts; requiring the Office of
4061 Program Policy Analysis and Government Accountability
4062 to conduct a study on the State Requirements for
4063 Education Facilities; requiring the reports to be
4064 submitted to the Governor and the Legislature by a
4065 specified date; prohibiting a district school board
4066 from using funds for specified purposes for certain
4067 projects; providing sanctions for school districts
4068 that exceed certain costs; providing an exemption to
4069 the sanctions; providing for the creation of a
4070 district capital outlay oversight committee; providing
4071 for membership of the oversight committee; requiring
4072 the department to provide certain reports to the

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4073 Auditor General; deleting a provision relating to
4074 applicability of certain restrictions on the cost per
4075 student station of new construction; amending s.
4076 1002.37, F.S.; revising the calculation of "full-time
4077 equivalent student"; amending s. 1002.391, F.S.;
4078 revising the calculation of a matrix of services for
4079 certain students beginning in a specific school year;
4080 amending s. 1002.45, F.S.; conforming cross-
4081 references; deleting a provision related to
4082 educational funding for students enrolled in certain
4083 virtual education courses; revising conditions for
4084 termination of a virtual instruction provider's
4085 contract; creating s. 1003.3101, F.S.; requiring each
4086 school district board to establish a classroom teacher
4087 transfer process for parents, to approve or deny a
4088 transfer request within a certain timeframe, to notify
4089 a parent of a denial, and to post an explanation of
4090 the transfer process in the student handbook or a
4091 similar publication; amending s. 1003.4295, F.S.;
4092 revising the purpose of the Credit Acceleration
4093 Program; requiring students to earn passing scores on
4094 specified assessments and examinations to earn course
4095 credit; amending s. 1004.935, F.S.; deleting the
4096 scheduled termination of the Adults with Disabilities
4097 Workforce Education Pilot Program; changing the name
4098 of the program to the "Adults with Disabilities

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4099 Workforce Education Program"; amending s. 1006.15,
4100 F.S.; defining the term "eligible to participate";
4101 conforming provisions to changes made by the act;
4102 prohibiting a school district from delaying or
4103 preventing a student who participates in open
4104 controlled enrollment from being immediately eligible
4105 to participate in certain activities; prohibiting a
4106 student from participating in a sport under certain
4107 circumstances; providing exemptions; authorizing a
4108 transfer student to immediately participate in
4109 interscholastic or intrascholastic activities under
4110 certain circumstances; prohibiting a school district
4111 or the Florida High School Athletic Association
4112 (FHSAA) from declaring a transfer student ineligible
4113 under certain circumstances; creating s. 1006.195,
4114 F.S.; requiring district school boards to establish in
4115 codes of student conduct eligibility standards and
4116 disciplinary actions relating to students
4117 participating in interscholastic and intrascholastic
4118 extracurricular activities; providing guidelines and
4119 applicability; requiring the FHSAA to comply with
4120 certain requirements by a specified date; amending s.
4121 1006.20, F.S.; requiring the FHSAA to allow a private
4122 school to maintain full membership in the association
4123 or to join by sport; prohibiting the FHSAA from
4124 discouraging a private school from maintaining

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4125 membership in the FHSAA and another athletic
4126 association; authorizing the FHSAA to allow a public
4127 school to apply for consideration to join another
4128 athletic association; revising student eligibility
4129 requirements; providing penalties for recruiting
4130 violations; requiring a school to forfeit a
4131 competition, including resulting honors, in which a
4132 student who was recruited in a prohibitive manner;
4133 revising circumstances under which a student may be
4134 declared ineligible; amending s. 1007.35, F.S.;
4135 revising the exams each public high school is required
4136 to administer to all enrolled 10th grade students to
4137 include ACT Aspire; amending s. 1009.893, F.S.;
4138 changing the name of the "Florida National Merit
4139 Scholar Incentive Program" to the "Benacquisto
4140 Scholarship Program"; providing that a student who
4141 receives a scholarship award under the program will be
4142 referred to as a Benacquisto Scholar; encouraging all
4143 eligible Florida public or independent postsecondary
4144 educational institutions, and requiring all eligible
4145 state universities, to become college sponsors of the
4146 National Merit Scholarship Program; amending s.
4147 1011.61, F.S.; revising the definition of "full-time
4148 equivalent student"; amending s. 1011.62, F.S.;
4149 conforming a cross-reference; revising the calculation
4150 for certain supplemental funds for exceptional student

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4151 education programs; requiring the funds to be prorated
4152 under certain circumstances; revising the funding of
4153 full-time equivalent values for students who earn CAPE
4154 industry certifications through dual enrollment;
4155 revising a provision prohibiting a teacher's bonus
4156 from exceeding a specified amount; creating a
4157 federally connected student supplement for school
4158 districts; specifying eligibility requirements and
4159 calculations for allocations of the supplement;
4160 amending s. 1011.71, F.S.; conforming a cross-
4161 reference; amending s. 1012.42, F.S.; authorizing a
4162 parent of a child whose teacher is teaching outside
4163 the teacher's field to request that the child be
4164 transferred to another classroom teacher within the
4165 school and grade in which the child is currently
4166 enrolled within a specified timeframe; specifying that
4167 a transfer does not provide a parent the right to
4168 choose a specific teacher; amending s. 1012.56, F.S.;
4169 authorizing a charter school to develop and operate a
4170 professional development certification and education
4171 competency program; creating s. 1012.583, F.S.;
4172 requiring the Department of Education, in consultation
4173 with the Statewide Office for Suicide Prevention and
4174 suicide prevention experts, to develop a list of
4175 approved materials for youth suicide awareness and
4176 prevention training materials for certain purposes;

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4177 specifying requirements for training materials;
4178 providing that a school which incorporates the
4179 training materials into the existing continuing
4180 education or inservice training requirements be
4181 considered a "Suicide Prevention Certified School";
4182 requiring participating schools to report certain
4183 information to the department; requiring the
4184 department to maintain an updated record of
4185 participating schools; providing that no cause of
4186 action results from the implementation of this act;
4187 providing for rulemaking; amending s. 1012.795, F.S.;
4188 authorizing the Education Practices Commission to
4189 suspend the educator certificate of a person who has
4190 committed a third recruiting offense as determined by
4191 the FHSAA; requiring the FHSAA to report certain
4192 information to the department; amending s. 1012.796,
4193 F.S.; requiring department staff to advise the
4194 Commissioner of Education of all referrals by the
4195 FHSAA relating to recruiting offenses by certain
4196 individuals; providing that certain penalties are in
4197 addition to penalties required under s. 1006.20, F.S.;
4198 amending s. 1013.385, F.S.; authorizing a district
4199 school board to implement certain exceptions to the
4200 educational facilities construction requirements under
4201 certain circumstances; providing that the Office of
4202 Early Learning may not adopt a kindergarten readiness

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4203 rate for specific Voluntary Prekindergarten Education
4204 Program years; providing that providers on probation
4205 for the 2013-2014 program year must remain on
4206 probation until certain criteria are met; providing an
4207 expiration date; amending s. 1012.33, F.S.; providing
4208 for a retiree to be employed as instructional
4209 personnel under a 1-year probationary contract;
4210 authorizing the retiree to be hired under an annual
4211 contract under certain circumstances; providing that
4212 the retiree is ineligible for a professional service
4213 contract; amending s. 413.207, F.S.; requiring the
4214 Division of Vocational Rehabilitation to initiate, by
4215 a specified date, a performance improvement plan
4216 designed to achieve specific goals; requiring the
4217 division to submit a performance report annually, by a
4218 specified date, to the Governor and Legislature which
4219 includes specified information; amending ss. 1012.795
4220 and amending s. 1003.44, F.S.; requiring written
4221 notice of a student's right not to participate in the
4222 pledge of allegiance to be included in a specific
4223 publication; providing that a student may be excused
4224 from certain actions associated with the pledge of
4225 allegiance; requiring unexcused students to show full
4226 respect to the flag during the pledge of allegiance;
4227 amending s. 1002.59, F.S.; revising the emergent
4228 literacy and performance standards training course

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4229 requirements to include specific reading instruction;
4230 amending s. 1002.67, F.S.; requiring the Office of
4231 Early Learning to approve specific Voluntary
4232 Prekindergarten Education Program assessments and
4233 establish requirements for individuals administering
4234 the assessments; requiring certain prekindergarten
4235 students to receive specific reading instruction;
4236 requiring the office to identify certain guidelines by
4237 rule and provide examples of certain instructional
4238 strategies; amending s. 1004.04, F.S.; revising core
4239 curricula requirements for certain teacher preparation
4240 programs to include certain reading instruction and
4241 interventions; revising certain requirements related
4242 to clinical education training and preservice field
4243 experiences; amending s. 1004.85, F.S.; requiring
4244 certain educator preparation institutes to provide
4245 evidence of specified reading and technology
4246 instruction as a condition of program approval and
4247 continued approval; amending s. 1008.25, F.S.;
4248 requiring district school boards to allocate certain
4249 instruction resources to certain students deficient in
4250 reading; revising criteria and requiring the State
4251 Board of Education to identify guidelines for
4252 determining whether certain students have a
4253 substantial deficiency in reading; providing that
4254 students with a substantial reading deficiency must be

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4255 covered by certain plans; revising the parental
4256 notification requirements for students with a
4257 substantial deficiency in reading; requiring a school
4258 to provide updates to parents of students who receive
4259 certain services; amending s. 1011.67, F.S.; revising
4260 the contents of a comprehensive staff development plan
4261 required for each school district; amending s.
4262 1012.585, F.S.; revising requirements for renewal of
4263 professional teaching certificates; amending s.
4264 1012.586, F.S.; authorizing the department to
4265 recommend consolidation of endorsement areas and
4266 requirements for endorsements for teacher
4267 certificates; requiring the department to review and
4268 make recommendations regarding certain subject
4269 coverage or endorsement requirements; providing
4270 construction; creating s. 1003.432, F.S.; defining
4271 terms; establishing the program to recognize a high
4272 school graduate who has attained a high level of
4273 competency in one or more foreign languages; providing
4274 the purpose of the program; specifying criteria to
4275 earn a Gold Seal of Biliteracy or a Silver Seal of
4276 Biliteracy; requiring the Commissioner of Education
4277 and school districts to perform specified duties to
4278 administer the program; prohibiting a school district
4279 or the Department of Education from charging a fee for

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4280	the seals; requiring the State Board of Education to
4281	adopt rules;

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