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.
4. Students residing in the school district.

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

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

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

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

(a) Adhere to federal desegregation requirements.
(b) Allow Include an application process required to participate in controlled open enrollment that allows parents to declare school preferences, including placement of siblings within the same school.

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

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

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

(f) Address the availability of transportation.

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

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

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

(4) In accordance with the reporting requirements of s. 1011.62, each district school board shall annually report the number of students exercising public school choice, by type attending the various types of public schools of choice in the district, in accordance with including schools such as virtual instruction programs, magnet schools, and public charter schools, according to rules adopted by the State Board of Education.
(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)
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 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
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 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
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
schools, which the sponsor shall consider in deciding whether to approve or deny the application.

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

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

(b) A sponsor shall receive and review all applications for a charter school using the evaluation instrument developed by the Department of Education. A sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before August 1 and may receive an application submitted later than August 1 if it chooses. In order to facilitate greater collaboration in the application process, an applicant may submit a draft charter school application on or before May 1 with an application fee of $500. If a draft application is timely submitted, the sponsor shall review and provide feedback as to material deficiencies in the application by July 1. The applicant shall then have until August 1 to resubmit a revised and final application. The sponsor may approve the draft application. Except as provided
for a draft application, a sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final application upon the promise of future payment of any kind. Before approving or denying any final application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the final application.

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

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

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

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

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

(II) The charter school proposed in the application does
not materially comply with the requirements in paragraphs
(9)(a)-(f);
(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
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.
(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
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.
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.
9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included. Both public sector and private sector professional experience shall be equally valid in such a consideration.

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

11. A description of procedures that identify various risks and provide for a comprehensive approach to reduce the impact of losses; plans to ensure the safety and security of students and staff; plans to identify, minimize, and protect others from violent or disruptive student behavior; and the manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.
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.
14. The qualifications to be required of the teachers and the potential strategies used to recruit, hire, train, and retain qualified staff to achieve best value.

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

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

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

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

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

(d) A charter may be terminated by a charter school's governing board through voluntary closure. The decision to cease operations must be determined at a public meeting. The governing board shall notify the parents and sponsor of the public meeting in writing before the public meeting. The governing board must notify the sponsor, parents of enrolled students, and the department in writing within 24 hours after the public meeting of its determination. The notice shall state the charter school's intent to continue operations or the reason for the closure and acknowledge that the governing board agrees to follow the procedures for dissolution and reversion of public
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.
(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,
expenditures, and changes in fund balance shall be in the governmental funds format prescribed by the Governmental Accounting Standards Board. A high-performing charter school pursuant to s. 1002.331 may provide a quarterly financial statement in the same format and requirements as the uniform monthly financial statement summary sheet. The sponsor shall review each monthly or quarterly financial statement to identify the existence of any conditions identified in s. 1002.345(1)(a).

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

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

2.a. If a charter school earns three consecutive grades of "D," two consecutive grades of "D" followed by a grade of "F,"
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
strategies identified in the school improvement plan. The sponsor must annually review implementation of the school improvement plan to monitor the school's continued improvement pursuant to subparagraph 5.

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

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

4. A charter school's charter contract is automatically terminated if the school earns two consecutive grades of "F" after all school grade appeals are final. The sponsor shall
terminate a charter if the charter school earns two consecutive grades of "F" unless:

a. The charter school is established to turn around the performance of a district public school pursuant to s. 1008.33(4)(b)3. Such charter schools shall be governed by s. 1008.33;

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

c. The state board grants the charter school a waiver of termination. The charter school must request the waiver within 15 days after the department's official release of school grades. The state board may waive termination if the charter school demonstrates that the Learning Gains of its students on statewide assessments are comparable to or better than the Learning Gains of similarly situated students enrolled in nearby district public schools. The waiver is valid for 1 year and may only be granted once. Charter schools that have been in operation for more than 5 years are not eligible for a waiver under this sub-subparagraph.
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The sponsor shall notify the charter school's governing board, the charter school principal, and the department in writing when a charter contract is terminated under this subparagraph. The letter of termination must meet the requirements of paragraph (8)(c). A charter terminated under this subparagraph must follow the procedures for dissolution and reversion of public funds pursuant to paragraphs (8)(e)-(g) and (9)(o).

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

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

(p)1. Each charter school shall maintain a website that enables the public to obtain information regarding the school; the school's academic performance; the names of the governing board members; the programs at the school; any management companies, service providers, or education management corporations associated with the school; the school's annual...
budget and its annual independent fiscal audit; the school's
grade pursuant to s. 1008.34; and, on a quarterly basis, the
minutes of governing board meetings.

2. 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, a charter school
employee, or an 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 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. The sponsor may not require governing
board members to reside in the school district in which the
charter school is located if the charter school complies with
this subparagraph.

3. Each charter school's governing board must hold at
least two public meetings per school year in the school district
where the charter school is located. 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 designee, must be physically present at each meeting.

Members of the governing board may attend in person or by means of communications media technology used in accordance with rules adopted by the Administration Commission under s. 120.54(5).

(10) ELIGIBLE STUDENTS.—

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

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

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

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

4. Students who are the children of:

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

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

5. Students who have successfully completed a voluntary 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.
allocation. Total funding for each charter school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education.

(e) District school boards shall make timely and efficient payment and reimbursement to charter schools, including processing paperwork required to access special state and federal funding for which they may be eligible. Payments of funds under paragraph (b) shall be made monthly or twice a month, beginning with the start of the district school board's fiscal year. Each payment shall be one-twelfth, or one twenty-fourth, as applicable, of the total state and local funds described in paragraph (b) and adjusted as set forth therein. For the first 2 years of a charter school's operation, if a minimum of 75 percent of the projected enrollment is entered into the sponsor's student information system by the first day of the current month, the district school board may distribute funds to the charter school for the up to 3 months of July through October based on the projected full-time equivalent student membership of the charter school as submitted in the approved application. If less than 75 percent of the projected enrollment is entered into the sponsor's student information system by the first day of the current month, the sponsor shall base payments on the actual number of student
enrollment entered into the sponsor's student information system. Thereafter, the results of full-time equivalent student membership surveys shall be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year. The payment shall be issued no later than 10 working days after the district school board receives a distribution of state or federal funds or the date the payment is due pursuant to this subsection. If a warrant for payment is not issued within 10 working days after receipt of funding by the district school board, the school district shall pay to the charter school, in addition to the amount of the scheduled disbursement, interest at a rate of 1 percent per month calculated on a daily basis on the unpaid balance from the expiration of the 10 working days until such time as the warrant is issued. The district school board may not delay payment to a charter school of any portion of the funds provided in paragraph (b) based on the timing of receipt of local funds by the district school board.

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

(18) FACILITIES.—

(a) A startup charter school shall utilize facilities which comply with the Florida Building Code pursuant to chapter 553 except for the State Requirements for Educational Facilities. Conversion charter schools shall utilize facilities
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
injunction. An aggrieved party that receives injunctive relief
may be awarded attorney fees and court costs.

(20) SERVICES.—

(a) A sponsor shall provide certain administrative and
educational services to charter schools. These services shall
include contract management services; full-time equivalent and
data reporting services; exceptional student education
administration services; services related to eligibility and
reporting duties required to ensure that school lunch services
under the federal lunch program, consistent with the needs of
the charter school, are provided by the school district at the
request of the charter school, that any funds due to the charter
school under the federal lunch program be paid to the charter
school as soon as the charter school begins serving food under
the federal lunch program, and that the charter school is paid
at the same time and in the same manner under the federal lunch
program as other public schools serviced by the sponsor or the
school district; test administration services, including payment
of the costs of state-required or district-required student
assessments; processing of teacher certificate data services;
and information services, including equal access to student
information systems that are used by public schools in the
district in which the charter school is located. Student
performance data for each student in a charter school,
including, but not limited to, FCAT scores, standardized test
scores, previous public school student report cards, and student
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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) e. 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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a. Includes both conversion charter schools and nonconversion charter schools;

b. Has all schools located in the same county;

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

d. Has the same governing board; and

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

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

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

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

8. The sponsor of a virtual charter school may withhold a fee of up to 5 percent. The funds shall be used to cover the cost of services provided under subparagraph 1. and implementation of the school district's digital classrooms plan pursuant to s. 1011.62.
Section 7. Paragraph (a) of subsection (3) and subsection (4) of section 1002.331, Florida Statutes, are amended to read:

1002.331 High-performing charter schools.—

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

1002.33(6).

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

Section 8. Section 1001.66, Florida Statutes, is created to read:
(1) A Florida College System Performance-Based Incentive shall be awarded to Florida College System institutions using performance-based metrics adopted by the State Board of Education. The performance-based metrics must include retention rates; program completion and graduation rates; postgraduation employment, salaries, and continuing education for workforce education and baccalaureate programs, with wage thresholds that reflect the added value of the certificate or degree; and outcome measures appropriate for associate of arts degree recipients. The state board shall adopt benchmarks to evaluate each institution's performance on the metrics to measure the institution's achievement of institutional excellence or need for improvement and minimum requirements for eligibility to receive performance funding.

(2) Each fiscal year, the amount of funds available for allocation to the Florida College System institutions based on the performance-based funding model shall consist of the state's investment in performance funding plus institutional investments consisting of funds to be redistributed from the base funding of the Florida College System Program Fund as determined in the General Appropriations Act. The State Board of Education shall establish minimum performance funding eligibility thresholds for the state's investment and the institutional investments. An institution that meets the minimum institutional investment...
eligibility threshold, but fails to meet the minimum state
investment eligibility threshold, shall have its institutional
investment restored but is ineligible for a share of the state's
investment in performance funding. The institutional investment
shall be restored for all institutions eligible for the state's
investment under the performance-based funding model.

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

(b) A Florida College System institution that fails to
meet the State Board of Education's minimum institutional
investment performance funding eligibility threshold shall have
a portion of its institutional investment withheld by the state
board and must submit an improvement plan to the state board
which specifies the activities and strategies for improving the
institution's performance. The state board must review and
approve the improvement plan and, if the plan is approved, must
monitor the institution's progress in implementing the
activities and strategies specified in the improvement plan. The
institution shall submit monitoring reports to the state board
by December 31 and May 31 of each year in which an improvement
plan is in place. Beginning in the 2017-2018 fiscal year, the
ability of an institution to submit an improvement plan to the
state board is limited to 1 fiscal year.
amendments shall withhold disbursement of the institutional investment until the monitoring report is approved by the State Board of Education. A Florida College System institution determined by the state board to be making satisfactory progress on implementing the improvement plan shall receive no more than one-half of the withheld institutional investment in January and the balance of the withheld institutional investment in June. An institution that fails to make satisfactory progress may not have its full institutional investment restored. Any institutional investment funds that are not restored shall be redistributed in accordance with the state board's performance-based metrics.

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

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

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

Section 9. Subsection (1) of section 1001.7065, Florida Statutes, is reenacted, and subsections (2), (3), and (5) through (8) of that section are amended, to read:
(1) STATE UNIVERSITY SYSTEM SHARED GOVERNANCE COLLABORATION.—A collaborative partnership is established between the Board of Governors and the Legislature to elevate the academic and research preeminence of Florida's highest-performing state research universities in accordance with this section. The partnership stems from the State University System Governance Agreement executed on March 24, 2010, wherein the Board of Governors and leaders of the Legislature agreed to a framework for the collaborative exercise of their joint authority and shared responsibility for the State University System. The governance agreement confirmed the commitment of the Board of Governors and the Legislature to continue collaboration on accountability measures, the use of data, and recommendations derived from such data.

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

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

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

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

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

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

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

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

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

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

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

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

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

(6)(7) PREEMINENT STATE RESEARCH UNIVERSITY SPECIAL COURSE REQUIREMENT AUTHORITY.—In order to provide a jointly shared
educational experience, a university that is designated a
preeminent state research university may require its incoming
first-time-in-college students to take a six-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 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
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
the added value of a baccalaureate degree; access: and other
metrics approved by the board in a formally noticed meeting. The
board shall adopt benchmarks to evaluate each state university's
performance on the metrics to measure the state university's
achievement of institutional excellence or need for improvement
and minimum requirements for eligibility to receive performance
funding.

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

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

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

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

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

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

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

1003.4282 Requirements for a standard high school
diploma.—

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

(a) An online course taken in grade 6, grade 7, or grade 8
fulfills the requirements of this subsection requirement. The
This requirement is met through an online course offered by the
Florida Virtual School, a virtual education provider approved by
the State Board of Education, a high school, or an online dual
enrollment course. A student who is enrolled in a full-time or
part-time virtual instruction program under s. 1002.45 meets the
this requirement.
(b) A district school board or a charter school governing board, as applicable, may offer students the following options to satisfy the online course requirements of this subsection:

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

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

For purposes of this subsection, a school district may not require a student to take the online course outside the school day or in addition to a student's courses for a given semester. This subsection requirement does not apply to a student who has an individual education plan under s. 1003.57 which indicates that an online course would be inappropriate or to an out-of-state transfer student who is enrolled in a Florida high school and has 1 academic year or less remaining in high school.
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 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.
4. Have received final approval from its sponsor pursuant to s. 1002.33 for operation during that fiscal year.

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

(b) The first priority for charter school capital outlay funding is to allocate to charter schools that received funding in the 2005-2006 fiscal year an allocation of the same amount per capital outlay full-time equivalent student, up to the lesser of the actual number of capital outlay full-time equivalent students in the current year, or the capital outlay full-time equivalent students in the 2005-2006 fiscal year. After calculating the first priority, the second priority is to allocate excess funds remaining in the appropriation in an amount equal to the per capital outlay full-time equivalent student amount in the first priority calculation to eligible charter schools not included in the first priority calculation and to schools in the first priority calculation with growth greater than the 2005-2006 capital outlay full-time equivalent students. After calculating the first and second priorities, excess funds remaining in the appropriation must be allocated to all eligible charter schools.

(c) A charter school's allocation may not exceed one-fifteenth of the cost per student station specified in s. 1013.64(6)(b). Before releasing capital outlay funds to a school district on behalf of the charter school, the Department of Education must ensure that the district school board and the
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
Construction Account shall submit one specific construction project, not to exceed one complete educational plant, to the Special Facility Construction Committee. A district may not receive funding for more than one approved project in any 3-year period or while any portion of the district's participation requirement is outstanding. The first year of the 3-year period shall be the first year a district receives an appropriation. The department shall encourage a construction program that reduces the average size of schools in the district. The request must meet the following criteria to be considered by the committee:

1. The project must be deemed a critical need and must be recommended for funding by the Special Facility Construction Committee. Before developing construction plans for the proposed facility, the district school board must request a preapplication review by the Special Facility Construction Committee or a project review subcommittee convened by the chair of the committee to include two representatives of the department and two staff members from school districts not eligible to participate in the program. A school district may request a preapplication review at any time; however, if the district school board seeks inclusion in the department's next annual capital outlay legislative budget request, the preapplication review request must be made before February 1. Within 90 days after receiving the preapplication review request, the committee or subcommittee must meet in the school district to
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district to review the project proposal and existing facilities.
To determine whether the proposed project is a critical need, the committee or subcommittee shall consider, at a minimum, the capacity of all existing facilities within the district as determined by the Florida Inventory of School Houses; the district's pattern of student growth; the district's existing and projected capital outlay full-time equivalent student enrollment as determined by the demographic, revenue, and education estimating conferences established in s. 216.136 department; the district's existing satisfactory student stations; the use of all existing district property and facilities; grade level configurations; and any other information that may affect the need for the proposed project.

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

3. The construction project must appear on the district's approved project priority list under the rules of the State Board of Education.
4. The district must have selected and had approved a site for the construction project in compliance with s. 1013.36 and the rules of the State Board of Education.

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

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

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

8. For construction projects for which Special Facilities Construction Account funding is sought before the 2019-2020 fiscal year, the district shall, at the time of the request and for a continuing period necessary to meet the district's participation requirement of 3 years, levy the maximum millage against its their nonexempt assessed property value as allowed
in s. 1011.71(2) or shall raise an equivalent amount of revenue
from the school capital outlay surtax authorized under s.
212.055(6). Beginning with construction projects for which
Special Facilities Construction Account funding is sought in the
2019-2020 fiscal year, the district shall, for a minimum of 3
years before submitting the request and for a continuing period
necessary to meet its participation requirement, levy the
maximum millage against the district's nonexempt assessed
property value as authorized under s. 1011.71(2) or shall raise
an equivalent amount of revenue from the school capital outlay
surtax authorized under s. 212.055(6). Any district with a new
or active project, funded under the provisions of this
subsection, shall be required to budget no more than the value
of 1 mill 1.5 mills per year to the project until the district's
to satisfy the annual participation requirement relating to the
local discretionary capital improvement millage or the
equivalent amount of revenue from the school capital outlay
surtax is satisfied in the Special Facility Construction
Account.

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

10. The department shall certify the inability of the
district to fund the survey-recommended project over a
11. The district shall have on file with the department an adopted resolution acknowledging its commitment to satisfy its participation requirement, which is equivalent to 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 not use funds from the following sources: Public Education Capital Outlay and Debt Service Trust Fund; School District and Community College District Capital Outlay and Debt Service Trust Fund; Classrooms
First Program funds provided in s. 1013.68; nonvoted 1.5-mill
levy of ad valorem property taxes provided in s. 1011.71(2);
Classrooms for Kids Program funds provided in s. 1013.735;
District Effort Recognition Program funds provided in s.
1013.736; or High Growth District Capital Outlay Assistance
Grant Program funds provided in s. 1013.738 for any new
construction of educational plant space with a total cost per
student station, including change orders, that equals more than:
   a. $17,952 for an elementary school,
b. $19,386 for a middle school, or
c. $25,181 for a high school,

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

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

3. The Office of Economic and Demographic Research, in
consultation with the department, shall conduct a study of the
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
not use funds from any sources for new construction of 
educational plant space with a total cost per student station, 
including change orders, which equals more than the current 
adjusted amounts provided in sub-subparagraphs 1.a.–c. which 
shall subsequently be adjusted annually to reflect increases or 
decreases in the Consumer Price Index.

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

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

1. The school district shall be ineligible for allocations 
from the Public Education Capital Outlay and Debt Service Trust 
Fund for the next 3 years in which the school district would 
have received allocations had the violation not occurred.
2. The school district shall be subject to the supervision of a district capital outlay oversight committee. The oversight committee is authorized to approve all capital outlay expenditures of the school district, including new construction, renovations, and remodeling, for 3 fiscal years following the violation.

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

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

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

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

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

(d) The department shall:

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

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

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

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

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

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 home education program students who choose not to take an end-of-course assessment or for a student who enrolls in a segmented remedial course delivered online.

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

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

1002.391 Auditory-oral education programs.—

(4) Beginning with the 2017-2018 school year, a school district shall add four special consideration points to the calculation of a matrix of services for a student who is deaf and enrolled in an auditory-oral education program.
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Section 17. Paragraphs (c) and (d) of subsection (1), paragraph (e) of subsection (7), and paragraphs (c) and (d) of subsection (8) of section 1002.45, Florida Statutes, are amended to read:

1002.45 Virtual instruction programs.—

(1) PROGRAM.—

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

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

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

3. Enter into an agreement with other school districts to allow the participation of its students in an approved virtual instruction program provided by the other school district. The
agreement must indicate a process for the transfer of funds required by paragraph (7)(e) (7)(f).

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

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

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

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

1. Contract with the Florida Virtual School.

2. Contract with an approved provider under subsection (2).
3. Enter into an agreement with a school district to allow the participation of the virtual charter school's students in the school district's virtual instruction program. The agreement must indicate a process for reporting of student enrollment and the transfer of funds required by paragraph (7)(e) (7)(f).

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

(e) 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.

(8) ASSESSMENT AND ACCOUNTABILITY.—

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

(d) An approved provider's contract must be terminated if the provider receives a school grade of "D" or "F" under s. 1008.34 or a school improvement rating of "Unsatisfactory" "Declining" under s. 1008.341 for 2 years during any consecutive
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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United States history, or biology if the student passes the statewide, standardized assessment administered under s. 1008.22, an Advanced Placement Examination, or a College Level Examination Program (CLEP). Notwithstanding s. 1003.436, a school district shall award course credit to a student who is not enrolled in the course, or who has not completed the course, if the student attains a passing score on the corresponding end-of-course assessment, Advanced Placement Examination, or CLEP statewide, standardized assessment. The school district shall permit a public school or home education student who is not enrolled in the course, or who has not completed the course, to take the assessment or examination during the regular administration of the assessment or examination.

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

1004.935 Adults with Disabilities Workforce Education Pilot Program.—

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

(a) Have a disability;

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

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

(7) Funds for the scholarship shall be provided from the appropriation from the school district's Workforce Development Fund in the General Appropriations Act for students who reside in the Hardee County School District, the DeSoto County School District, the Manatee County School District, or the Sarasota County School District. During the pilot program, the scholarship amount granted for an eligible student with a disability shall be equal to the cost per unit of a full-time equivalent adult general education student, multiplied by the adult general education funding factor, and multiplied by the
district cost differential pursuant to the formula required by s. 1011.80(6)(a) for the district in which the student resides. (8) Upon notification by the Department of Education that it has received the required documentation, the Chief Financial Officer shall make scholarship payments in four equal amounts no later than September 1, November 1, February 1, and April 1 of each academic year in which the scholarship is in force. The initial payment shall be made after the Department of Education verifies that the student was accepted into the pilot program, and subsequent payments shall be made upon verification of continued participation in the pilot program. Payment must be by individual warrant made payable to the student or parent and mailed by the Department of Education to the provider of supported employment services, and the student or parent shall restrictively endorse the warrant to the provider of supported employment services for deposit into the account of that provider. (9) Subsequent to each scholarship payment, the Department of Education shall request from the Department of Financial Services a sample of endorsed warrants to review and confirm compliance with endorsement requirements.

Section 21. Subsection (3) and paragraph (a) of subsection (8) of section 1006.15, Florida Statutes, are amended, and subsection (9) is added to that section, to read:
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.
3. Have 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 during his or her junior or senior year.

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

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

(c) An individual home education student is eligible to participate at the public school to which the student would be assigned according to district school board attendance area policies or which the student could choose to attend pursuant to s. 1002.31 district or interdistrict controlled open enrollment provisions, or may develop an agreement to participate at a private school, in the interscholastic extracurricular
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
participate in curricular activities if that is a requirement
for an extracurricular activity.

6. A student who transfers from a home education program
to a 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 provided 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
participate in such activities as a home education student until
the student has successfully completed one grading period in
home education pursuant to subparagraph 2. to become eligible to
participate as a home education student.

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

1. The charter school student must meet the requirements
of the charter school education program as determined by the
charter school governing board.
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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participate in such activities as a charter school student until the student has successfully completed one grading period in a charter school pursuant to subparagraph 2. to become eligible to participate as a charter school student.

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

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

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

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

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

5. Registers his or her intent to participate in interscholastic extracurricular activities with the school before the beginning date of the season for the activity in which he or she wishes to participate. A Florida Virtual School
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.
b. Children who have been relocated due to a foster care placement in a different school zone.

c. 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.

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

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

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

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

   a. A deadline for each sport by which the private school student's parents must register with the public school in writing their intent for their child to participate at that school in the sport.
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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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 22. Section 1006.195, Florida Statutes, is created to read:

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

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

1. A student not currently suspended from interscholastic or intrascholastic extracurricular activities, or suspended or expelled from school, pursuant to a district school board's suspension or expulsion powers provided in law, including ss. 1006.07, 1006.08, and 1006.09, is 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 the criteria in s. 1006.15(3)(h).

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

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

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

(2)(a) The Florida High School Athletic Association (FHSAA) continues to retain jurisdiction over the following provisions in s. 1006.20, which may not be implemented in a manner contrary to this section: membership in the FHSAA; recruiting prohibitions and violations; student medical
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
is not mandatory for any school. The FHSAA must allow a private
school the option of maintaining full membership in the
association or joining by sport and may not discourage a private
school from simultaneously maintaining membership in another
athletic association. The FHSAA may allow a public school the
option to apply for consideration to join another athletic
association. The FHSAA may not deny or discourage
interscholastic competition between its member schools and non-
FHSAA member Florida schools, including members of another
athletic governing organization, and may not take any
retributory or discriminatory action against any of its member
schools that participate in interscholastic competition with
non-FHSAA member Florida schools. The FHSAA may not unreasonably
withhold its approval of an application to become an affiliate
member of the National Federation of State High School
Associations submitted by any other organization that governs
interscholastic athletic competition in this state. The bylaws
of the FHSAA are the rules by which high school athletic
programs in its member schools, and the students who participate
in them, are governed, unless otherwise specifically provided by
statute. For the purposes of this section, "high school"
includes grades 6 through 12.

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

(a) The FHSAA shall adopt bylaws that, unless specifically
provided by statute, establish eligibility requirements for all
students who participate in high school athletic competition in
its member schools. The bylaws governing residence and transfer
shall allow the student to be immediately eligible in the school
in which he or she first enrolls each school year or the school
in which the student makes himself or herself a candidate for an
athletic team by engaging in a practice prior to enrolling in
the school. The bylaws shall also allow the student to be
immediately eligible in the school to which the student has
transferred during the school year if the transfer is made by a
deadline established by the FHSAA, which may not be prior to the
date authorized for the beginning of practice for the sport.
These transfers shall be allowed pursuant to the district school
board policies in the case of transfer to a public school or
pursuant to the private school policies in the case of transfer
to a private school. The student shall be eligible in that
school so long as he or she remains enrolled in that school.
Subsequent eligibility shall be determined and enforced through
the FHSAA's bylaws. Requirements governing eligibility and
transfer between member schools shall be applied similarly to
public school students and private school students.

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

1. If it is determined that a school has recruited a
student in violation of FHSAA bylaws, the FHSAA may require the
school to participate in a higher classification for the sport
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.
Additionally, the department shall revoke any adjunct teaching certificates issued pursuant to s. 1012.57 and all permissions under ss. 1012.39 and 1012.43, and the educator is ineligible for such certificates or permissions for a period of time equal to the period of revocation of his or her state-issued certificate.

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

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

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

(c) The FHSAA shall adopt bylaws that require all students participating in interscholastic athletic competition or who are candidates for an interscholastic athletic team to
satisfactorily pass a medical evaluation each year prior to participating in interscholastic athletic competition or engaging in any practice, tryout, workout, or other physical activity associated with the student's candidacy for an interscholastic athletic team. Such medical evaluation may be administered only by a practitioner licensed under chapter 458, chapter 459, chapter 460, or s. 464.012, and in good standing with the practitioner's regulatory board. The bylaws shall establish requirements for eliciting a student's medical history and performing the medical evaluation required under this paragraph, which shall include a physical assessment of the student's physical capabilities to participate in interscholastic athletic competition as contained in a uniform preparticipation physical evaluation and history form. The evaluation form shall incorporate the recommendations of the American Heart Association for participation cardiovascular screening and shall provide a place for the signature of the practitioner performing the evaluation with an attestation that each examination procedure listed on the form was performed by the practitioner or by someone under the direct supervision of the practitioner. The form shall also contain a place for the practitioner to indicate if a referral to another practitioner was made in lieu of completion of a certain examination procedure. The form shall provide a place for the practitioner to whom the student was referred to complete the remaining sections and attest to that portion of the examination.
preparticipation physical evaluation form shall advise students
to complete a cardiovascular assessment and shall include
information concerning alternative cardiovascular evaluation and
diagnostic tests. Results of such medical evaluation must be
provided to the school. A student is not No student shall be
eligible to participate, as provided in s. 1006.15(3), in any
interscholastic athletic competition or engage in any practice,
tryout, workout, or other physical activity associated with the
student's candidacy for an interscholastic athletic team until
the results of the medical evaluation have been received and
approved by the school.

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

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

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

3. An investigator may not determine matters of
   eligibility but must submit information and evidence to the
   executive director or a person designated by the executive
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.
(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 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
teachers trained; the effectiveness of the training; measures of postsecondary readiness of the students affected by the program; levels of participation in 10th grade PSAT/NMSQT or ACT Aspire PLAN testing; and measures of student, parent, and teacher awareness of and satisfaction with the services of the partnership.

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

1009.893 Benacquisto Scholarship Florida National Merit Scholar Incentive Program.—

(1) As used in this section, the term:
(a) "Department" means the Department of Education.
(b) "Scholarship Incentive program" means the Benacquisto Scholarship Florida National Merit Scholar Incentive Program.

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

(3) The department shall administer the scholarship incentive program according to rules and procedures established by the State Board of Education. The department shall advertise the availability of the scholarship incentive program and notify students, teachers, parents, certified school counselors, and
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 incentive award equal to the institutional cost of attendance minus the sum of the student's Florida Bright
Futures Scholarship and National Merit Scholarship or National Achievement Scholarship.

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

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

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

(7) The department shall annually issue awards from the scholarship incentive program. Before the registration period each semester, the department shall transmit payment for each award to the president or director of the postsecondary educational institution, or his or her representative, except that the department may withhold payment if the receiving institution fails to report or to make refunds to the department as required in this section.
(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.
(12) A student who receives an award under the scholarship program shall be known as a Benacquisto Scholar.

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

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

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

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

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

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

1. Instruction in a standard school, comprising not less than 900 net hours for a student in or at the grade level of 4 through 12, or not less than 720 net hours for a student in or at the grade level of kindergarten through grade 3 or in an authorized prekindergarten exceptional program; or
2. Instruction in a double-session school or a school utilizing an experimental school calendar approved by the Department of Education, comprising not less than the equivalent of 810 net hours in grades 4 through 12 or not less than 630 net hours in kindergarten through grade 3; or

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

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

(c)1. A "full-time equivalent student" is:
a. A full-time student in any one of the programs listed in s. 1011.62(1)(c); or

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

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

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

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

(IV) A full-time equivalent student for students in kindergarten through grade 12 in a part-time virtual instruction program under s. 1002.45 shall consist of six full-credit completions in programs listed in s. 1011.62(1)(c)1. and 3. 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.

(V) A Florida Virtual School full-time equivalent student shall consist of six full-credit completions or the prescribed level of content that counts toward promotion to the next grade in the programs listed in s. 1011.62(1)(c)1. and 3. for students participating in kindergarten through grade 12 part-time virtual
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.
(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
must re-take the course in order to be eligible to graduate with
the student's class.

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

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

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

1011.62 Funds for operation of schools.—If the annual
allocation from the Florida Education Finance Program to each
district for operation of schools is not determined in the
annual appropriations act or the substantive bill implementing
the annual appropriations act, it shall be determined as
follows:
(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)(l) 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
each district's share of the total recalculated amount. These funds shall be used to provide special education and related services for exceptional students and students who are gifted in grades K through 8. Beginning with the 2007-2008 fiscal year, a district's expenditure of funds from the guaranteed allocation for students in grades 9 through 12 who are gifted may not be greater than the amount expended during the 2006-2007 fiscal year for gifted students in grades 9 through 12.

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

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

b. A value of 0.1 or 0.2 full-time equivalent student membership shall be calculated for each student who completes a course as defined in s. 1003.493(1)(b) or courses with embedded CAPE industry certifications and who is issued an industry certification identified annually on the CAPE Industry
Certification Funding List approved under rules adopted by the State Board of Education. A value of 0.2 full-time equivalent membership shall be calculated for each student who is issued a CAPE industry certification that has a statewide articulation agreement for college credit approved by the State Board of Education. For CAPE industry certifications that do not articulate for college credit, the Department of Education shall assign a full-time equivalent value of 0.1 for each certification. Middle grades students who earn additional FTE membership for a CAPE Digital Tool certificate pursuant to sub-subparagraph a. may not use the previously funded examination to satisfy the requirements for earning an industry certification under this sub-subparagraph. Additional FTE membership for an elementary or middle grades student may not exceed 0.1 for certificates or certifications earned within the same fiscal year. The State Board of Education shall include the assigned values on the CAPE Industry Certification Funding List under rules adopted by the state board. Such value shall be added to the total full-time equivalent student membership for grades 6 through 12 in the subsequent year for courses that were not provided through dual enrollment. CAPE industry certifications earned through dual enrollment must be reported and funded pursuant to s. 1011.80. However, if a student earns a certification through a dual enrollment course and the certification is not a fundable certification on the postsecondary certification funding list, or the dual enrollment
certification is earned as a result of an agreement between a
school district and a nonpublic postsecondary institution, the
bonus value shall be funded in the same manner as other nondual
enrollment course industry certifications. In such cases, the
school district may provide for an agreement between the high
school and the technical center, or the school district and the
postsecondary institution may enter into an agreement for
equitable distribution of the bonus funds.

c. A value of 0.3 full-time equivalent student membership
shall be calculated for student completion of the courses and
the embedded certifications identified on the CAPE Industry
Certification Funding List and approved by the commissioner
pursuant to ss. 1003.4203(5)(a) and 1008.44.
d. A value of 0.5 full-time equivalent student membership
shall be calculated for CAPE Acceleration Industry
Certifications that articulate for 15 to 29 college credit
hours, and 1.0 full-time equivalent student membership shall be
calculated for CAPE Acceleration Industry Certifications that
articulate for 30 or more college credit hours pursuant to CAPE
Acceleration Industry Certifications approved by the
commissioner pursuant to ss. 1003.4203(5)(b) and 1008.44.

2. Each district must allocate at least 80 percent of the
funds provided for CAPE industry certification, in accordance
with this paragraph, to the program that generated the funds.
This allocation may not be used to supplant funds provided for
basic operation of the program.
3. For CAPE industry certifications earned in the 2013-2014 school year and in subsequent years, the school district shall distribute to each classroom teacher who provided direct instruction toward the attainment of a CAPE industry certification that qualified for additional full-time equivalent membership under subparagraph 1.:

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

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

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

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

Bonuses awarded pursuant to this paragraph shall be provided to teachers who are employed by the district in the year in which
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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final judicial decisions as specified in paragraph (15)(b) (14)(b). Not later than July 19, the Commissioner of Education shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 96 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The Commissioner of Education shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

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

2. On the same date as the certification in sub-subparagraph 1.a., the Department of Revenue shall certify to the Commissioner of Education for each district:
a. Each year for which the property appraiser has certified the taxable value pursuant to s. 193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a.

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

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

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

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

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

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

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

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

(14) QUALITY ASSURANCE GUARANTEE.—The Legislature may
annually in the General Appropriations Act determine a
percentage increase in funds per K-12 unweighted FTE as a
minimum guarantee to each school district. The guarantee shall
be calculated from prior year base funding per unweighted FTE
student which shall include the adjusted FTE dollars as provided
in subsection (15), quality guarantee funds, and actual
nonvoted discretionary local effort from taxes. From the base
funding per unweighted FTE, the increase shall be calculated for
the current year. The current year funds from which the
guarantee shall be determined shall include the adjusted FTE
dollars as provided in subsection (15) and potential
nonvoted discretionary local effort from taxes. A comparison of
current year funds per unweighted FTE to prior year funds per
unweighted FTE shall be computed. For those school districts
which have less than the legislatively assigned percentage
increase, funds shall be provided to guarantee the assigned
percentage increase in funds per unweighted FTE student. Should
appropriated funds be less than the sum of this calculated
amount for all districts, the commissioner shall prorate each
district's allocation. This provision shall be implemented to
the extent specifically funded.
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Section 28. Effective July 1, 2016, and upon the expiration of the amendments made to section 1011.71, Florida Statutes, by chapter 2015-222, Laws of Florida, subsection (1) of that section is amended to read:

1011.71 District school tax.—

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

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

1012.42 Teacher teaching out-of-field.—

(2) NOTIFICATION REQUIREMENTS.—When a teacher in a district school system is assigned teaching duties in a class
dealing with subject matter that is outside the field in which the teacher is certified, outside the field that was the applicant's minor field of study, or outside the field in which the applicant has demonstrated sufficient subject area expertise, as determined by district school board policy in the subject area to be taught, the parents of all students in the class shall be notified in writing of such assignment, and each school district shall report out-of-field teachers on the district's website within 30 days before the beginning of each semester. A parent whose student is assigned an out-of-field teacher may request that his or her child be transferred to an in-field classroom teacher within the school and grade in which the student is currently enrolled. The school district must approve or deny the parent's request and transfer the student to a different classroom teacher within a reasonable period of time, not to exceed 2 weeks, if an in-field teacher for that course or grade level is employed by the school and the transfer does not violate maximum class size pursuant to s. 1003.03 and s. 1, Art. IX of the State Constitution. 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. This subsection does not provide a parent the right to choose a specific teacher.

Section 30. Paragraph (b) of subsection (8) of section 1012.56, Florida Statutes, is amended to read:
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 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
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
participation to the department. The department shall keep an updated record of all Suicide Prevention Certified Schools.

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

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

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

1012.795 Education Practices Commission; authority to discipline.—

(1) The Education Practices Commission may suspend the educator certificate of any person as defined in s. 1012.01(2) or (3) for up to 5 years, 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 for that period of time, after which the holder may return to teaching as provided in subsection (4); may revoke 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 for up to 10 years, with reinstatement subject to
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, 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.
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.
(7) A panel of the commission shall enter a final order either dismissing the complaint or imposing one or more of the following penalties:

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

(b) Revocation or suspension of a certificate.

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

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

1. Immediately notify the investigative office in the Department of Education upon employment or termination of employment in the state in any public or private position requiring a Florida educator's certificate.
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.
(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
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
installation of a timer that is set to provide lighting only
during periods when the site is occupied.

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

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

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

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

(8) Notwithstanding any other provision of law, a retired
member may interrupt retirement and be reemployed in any public
school as instructional personnel under a 1-year probationary
contract as defined in s. 1012.335(1). If the retiree
successfully completes the probationary contract, the district
school board may reemploy the retiree under an annual contract as defined in s. 1012.335(1). The retiree is not eligible for a professional service contract. A member reemployed by the same district from which he or she retired may be employed on a probationary contractual basis as provided in subsection (1).

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

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

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

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

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

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

(c) Increase the percentage of participants who are in unsubsidized employment during the fourth quarter after they exit the program.
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(d) Increase the number of persons earning CAPE industry certifications and CAPE postsecondary industry certifications approved pursuant to s. 1008.44.

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

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

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

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

(i) Increase the number of students receiving preemployment transition services.
(j) Increase the division's effectiveness in serving employers, based on indicators developed as required by section 116(b)(2)(A)(iv) of the federal Workforce Innovation and Opportunity Act.

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

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

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

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

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

(d) Outcome data, statewide and by service area, including the number of cases closed without employment and the number of
cases closed with employment. Employment data must be provided separately for supported employment.

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

1003.44 Patriotic programs; rules.—

(1) Each district school board may adopt rules to require, in all of the schools of the district, programs of a patriotic nature to encourage greater respect for the government of the United States and its national anthem and flag, subject always to other existing pertinent laws of the United States or of the state. When the national anthem is played, students and all civilians shall stand at attention, men removing the headdress, except when such headdress is worn for religious purposes. The pledge of allegiance to the flag, "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all," shall be rendered by students standing with the right hand over the heart. The pledge of allegiance to the flag shall be recited at the beginning of the day in each public elementary, middle, and high school in the state. Each student shall be informed by a written notice published in the student handbook or a similar publication pursuant to s. 1006.07(2) posting a notice in a conspicuous place that the student has the right not to participate in reciting the pledge. Upon written request by his or her parent, the student must be excused from reciting the pledge, including standing and placing
the right hand over his or her heart. When the pledge is given, unexcused students civilians must show full respect to the flag by standing at attention, men removing the headdress, except when such headdress is worn for religious purposes, as provided by Pub. L. ch. 77-435, s. 7, approved June 22, 1942, 56 Stat. 377, as amended by Pub. L. ch. 77-806, 56 Stat. 1074, approved December 22, 1942.

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

1002.59 Emergent literacy and performance standards training courses.—

(1) The office shall adopt minimum standards for one or more training courses in emergent literacy for prekindergarten instructors. Each course must comprise 5 clock hours and provide instruction in explicit, systematic, and multisensory instruction strategies and techniques to address the age-appropriate progress of prekindergarten students in developing emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development. Each course must address early identification of and intervention for students experiencing difficulties with emergent literacy skills and also provide resources containing strategies that allow students with disabilities and other special needs to derive maximum benefit from the Voluntary Prekindergarten Education Program. Successful completion of an emergent literacy training
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.
(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
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. 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
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
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
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
supervising personnel as described in this subsection and the needs of the candidates. These sites must represent the full spectrum of school communities, including, but not limited to, schools located in urban settings. In order to be selected, school sites must demonstrate commitment to the education of public school students and to the preparation of future teachers.

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

1004.85 Postsecondary educator preparation institutes.—

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

(a) Within 90 days after receipt of a request for approval, the Department of Education shall approve a preparation program pursuant to the requirements of this
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
supervision of qualified educators.

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

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

(c) 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.

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

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

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

(a) Students in kindergarten through grade 3 who have a substantial deficiency are deficient in reading as determined in paragraph (5)(a) by the end of grade 3.
(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
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 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
strategies, through a read-at-home plan the parent can for parents to use in helping his or her their child succeed in reading proficiency.

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

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

8. The district's specific criteria and policies for midyear promotion. Midyear promotion means promotion of a retained student at any time during the year of retention once the student has demonstrated ability to read at grade level. After initial notification, the school shall apprise the parent, at least monthly, of the student's growth toward meeting goals based on the student's grade level. These communications must explain any additional interventions or supports that will be used to accelerate the student's progress if the interventions
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 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 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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(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; 

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

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

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

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

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

(a) Encourage students to study foreign languages.

(b) Certify attainment of biliteracy.

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

(d) Provide a postsecondary institution with a method of recognizing an applicant with biliteracy skills who is seeking
admission to the postsecondary institution.

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

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

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

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

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

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

(5) The Commissioner of Education shall:

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

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

(6) Each school district shall:

(a) Maintain appropriate records to identify a student who
has met the requirements to receive the Gold Seal of Biliteracy or the Silver Seal of Biliteracy.

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

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

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

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

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

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

1. An International Baccalaureate examination in the foreign language;

2. An Advanced Placement examination in the foreign language;

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

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

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

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

Remove lines 3643-3912 of the amendment and insert:

a controlled open enrollment process; providing criteria for the process; prohibiting a school district from delaying or preventing a student who participates in controlled open enrollment from being immediately eligible to participate in certain activities; prohibiting a student from participating in a sport under certain circumstances; providing exemptions; amending s. 1002.33, F.S.; making technical changes relating to requirements for the creation of a virtual charter school; conforming
cross-references; requiring a charter school to notify
a parent if his or her child exhibits a substantial
deficiency in reading; revising required contents of
charter school applications; specifying that a sponsor
may not require a charter school to adopt the
sponsor's reading plan; requiring a person or entity
seeking to open a charter school to disclose certain
information; conforming provisions regarding the
appeal process for denial of a high-performing charter
school application; requiring an applicant to provide
the sponsor with a copy of an appeal to an application
denial; authorizing a charter school to defer the
opening of its operations for up to a specified time;
requiring the charter school to provide written notice
to certain entities within a specified timeframe;
providing that a student may not be dismissed from a
charter school based on his or her academic
performance; revising provisions relating to long-term
charters and charter terminations; specifying notice
requirements for voluntary closure of a charter
school; requiring a charter school applicant to
provide monthly financial statements upon approval of
the charter contract; requiring a sponsor to review
each financial statement of a charter school to
identify the existence of certain conditions;
providing for the automatic termination of a charter
contract if certain conditions are met; requiring a
sponsor to notify certain parties when a charter
contract is terminated for specific reasons; requiring
governing board members to hold a certain number of
public meetings and participate in such meetings in
person or through communications media technology;
revising charter school student eligibility
requirements; providing that charter schools are
eligible for the research-based reading allocation if
certain criteria are met; revising requirements for
payments to charter schools; requiring a charter
school to be located in the state to be eligible for
public education capital outlay funds; providing for
an injunction under certain circumstances; amending s.
1002.331, F.S.; deleting obsolete provision relating
to high-performing charter schools; conforming a
cross-reference; creating s. 1001.66, F.S.; creating a
Florida College System Performance-Based Incentive for
Florida College System institutions; requiring the
State Board of Education to adopt certain metrics and
benchmarks; providing for funding and allocation of
the incentives; authorizing the state board to
withhold an institution's incentive under certain
circumstances; requiring the Commissioner of Education
to withhold certain disbursements under certain
circumstances; providing for reporting and rulemaking;
amending s. 1001.7065, F.S.; revising the academic and
research excellence standards for the preeminent state
research universities program; creating the "emerging
preeminent state research university" designation;
requiring an emerging preeminent state research
university to submit a certain plan to the board and
meet certain expectations to receive certain funds;
providing for the distribution of certain funding
increases; deleting the preeminent state research
university enhancement initiative; revising the
requirements for the unique course requirement;
amending s. 1001.71, F.S.; providing for selection of
the chair and vice chair of each state university
board of trustees; specifying terms and duties of the
chair; providing grounds for the removal of a board
member; requiring each state university board of
truee to post certain information on the
university's website; requiring the Board of Governors
to adopt regulations; amending s. 1001.92, F.S.;
requiring performance-based metrics to include
specified wage thresholds; requiring the board to
establish minimum performance funding eligibility
thresholds; prohibiting a state university that fails
to meet the state's threshold from eligibility for a
share of the state's investment performance funding;
requiring the board to adopt regulations; deleting an
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expiration date; amending s. 1003.4282, F.S.; revising the online course requirement; authorizing a district school board or a charter school governing board to offer options to meet the requirement; amending s. 1013.62, F.S.; revising requirements for a charter school to be eligible for funding appropriated for charter school capital outlay purposes; deleting provisions relating to the priorities for charter school capital outlay allocations and requirements for the release of allocations to charter schools; amending s. 1013.64, F.S.; providing that a school district may not receive funds from the Special Facility Construction Account under certain circumstances; revising the criteria for a request for funding; authorizing the request for a preapplication review to take place at any time; providing exceptions; revising the timeframe for completion of the review; providing that certain capital outlay full-time equivalent student enrollment estimates be determined by specified estimating conferences; requiring surveys to be cooperatively prepared by certain entities and approved by the Department of Education; prohibiting certain consultants from specified employment and compensation; providing an exception to prohibiting the cost per student station from exceeding a certain amount; requiring a school
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district to levy the maximum millage against certain
property value under certain circumstances; reducing
the required millage to be budgeted for a project;
requiring certain plans to be finalized by a specified
date; requiring a representative of the department to
chair the Special Facility Construction Committee;
requiring school districts to maintain accurate
documentation related to specified costs; requiring
the Auditor General to review such documentation;
providing that the department makes final
determinations on compliance; requiring the Office of
Economic and Demographic Research to conduct a study,
in consultation with the department, on cost per
student station amounts; requiring the Office of
Program Policy Analysis and Government Accountability
to conduct a study on the State Requirements for
Education Facilities; requiring the reports to be
submitted to the Governor and the Legislature by a
specified date; prohibiting a district school board
from using funds for specified purposes for certain
projects; providing sanctions for school districts
that exceed certain costs; providing an exemption to
the sanctions; providing for the creation of a
district capital outlay oversight committee; providing
for membership of the oversight committee; requiring
the department to provide certain reports to the

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Auditor General; deleting a provision relating to
applicability of certain restrictions on the cost per
student station of new construction; amending s.
1002.37, F.S.; revising the calculation of "full-time
equivalent student"; amending s. 1002.391, F.S.;
revising the calculation of a matrix of services for
certain students beginning in a specific school year;
amending s. 1002.45, F.S.; conforming cross-
references; deleting a provision related to
educational funding for students enrolled in certain
virtual education courses; revising conditions for
termination of a virtual instruction provider's
contract; creating s. 1003.3101, F.S.; requiring each
school district board to establish a classroom teacher
transfer process for parents, to approve or deny a
transfer request within a certain timeframe, to notify
a parent of a denial, and to post an explanation of
the transfer process in the student handbook or a
similar publication; amending s. 1003.4295, F.S.;
revising the purpose of the Credit Acceleration
Program; requiring students to earn passing scores on
specified assessments and examinations to earn course
credit; amending s. 1004.935, F.S.; deleting the
scheduled termination of the Adults with Disabilities
Workforce Education Pilot Program; changing the name
of the program to the "Adults with Disabilities
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Workforce Education Program"; amending s. 1006.15, F.S.; defining the term "eligible to participate"; conforming provisions to changes made by the act; prohibiting a school district from delaying or preventing a student who participates in open controlled enrollment from being immediately eligible to participate in certain activities; prohibiting a student from participating in a sport under certain circumstances; providing exemptions; authorizing a transfer student to immediately participate in interscholastic or intrascholastic activities under certain circumstances; prohibiting a school district or the Florida High School Athletic Association (FHSAA) from declaring a transfer student ineligible under certain circumstances; creating s. 1006.195, F.S.; requiring district school boards to establish in codes of student conduct eligibility standards and disciplinary actions relating to students participating in interscholastic and intrascholastic extracurricular activities; providing guidelines and applicability; requiring the FHSAA to comply with certain requirements by a specified date; amending s. 1006.20, F.S.; requiring the FHSAA to allow a private school to maintain full membership in the association or to join by sport; prohibiting the FHSAA from 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
education programs; requiring the funds to be prorated under certain circumstances; revising the funding of full-time equivalent values for students who earn CAPE industry certifications through dual enrollment; revising a provision prohibiting a teacher's bonus from exceeding a specified amount; creating a federally connected student supplement for school districts; specifying eligibility requirements and calculations for allocations of the supplement; amending s. 1011.71, F.S.; conforming a cross-reference; amending s. 1012.42, F.S.; authorizing a parent of a child whose teacher is teaching outside the teacher's field to request that the child be transferred to another classroom teacher within the school and grade in which the child is currently enrolled within a specified timeframe; specifying that a transfer does not provide a parent the right to choose a specific teacher; amending s. 1012.56, F.S.; authorizing a charter school to develop and operate a professional development certification and education competency program; creating s. 1012.583, F.S.; requiring the Department of Education, in consultation with the Statewide Office for Suicide Prevention and suicide prevention experts, to develop a list of approved materials for youth suicide awareness and prevention training materials for certain purposes;
specifying requirements for training materials;  
providing that a school which incorporates the  
training materials into the existing continuing  
education or inservice training requirements be  
considered a "Suicide Prevention Certified School";  
requiring participating schools to report certain  
information to the department; requiring the  
department to maintain an updated record of  
participating schools; providing that no cause of  
action results from the implementation of this act;  
providing for rulemaking; amending s. 1012.795, F.S.;  
authorizing the Education Practices Commission to  
suspend the educator certificate of a person who has  
committed a third recruiting offense as determined by  
the FHSAA; requiring the FHSAA to report certain  
information to the department; amending s. 1012.796,  
F.S.; requiring department staff to advise the  
Commissioner of Education of all referrals by the  
FHSAA relating to recruiting offenses by certain  
individuals; providing that certain penalties are in  
addition to penalties required under s. 1006.20, F.S.;  
amending s. 1013.385, F.S.; authorizing a district  
school board to implement certain exceptions to the  
educational facilities construction requirements under  
certain circumstances; providing that the Office of  
Early Learning may not adopt a kindergarten readiness
rate for specific Voluntary Prekindergarten Education Program years; providing that providers on probation for the 2013-2014 program year must remain on probation until certain criteria are met; providing an expiration date; amending s. 1012.33, F.S.; providing for a retiree to be employed as instructional personnel under a 1-year probationary contract; authorizing the retiree to be hired under an annual contract under certain circumstances; providing that the retiree is ineligible for a professional service contract; amending s. 413.207, F.S.; requiring the Division of Vocational Rehabilitation to initiate, by a specified date, a performance improvement plan designed to achieve specific goals; requiring the division to submit a performance report annually, by a specified date, to the Governor and Legislature which includes specified information; amending ss. 1012.795 and amending s. 1003.44, F.S.; requiring written notice of a student's right not to participate in the pledge of allegiance to be included in a specific publication; providing that a student may be excused from certain actions associated with the pledge of allegiance; requiring unexcused students to show full respect to the flag during the pledge of allegiance; amending s. 1002.59, F.S.; revising the emergent literacy and performance standards training course
requirements to include specific reading instruction;
amending s. 1002.67, F.S.; requiring the Office of
Early Learning to approve specific Voluntary
Prekindergarten Education Program assessments and
establish requirements for individuals administering
the assessments; requiring certain prekindergarten
students to receive specific reading instruction;
requiring the office to identify certain guidelines by
rule and provide examples of certain instructional
strategies; amending s. 1004.04, F.S.; revising core
curricula requirements for certain teacher preparation
programs to include certain reading instruction and
interventions; revising certain requirements related
to clinical education training and preservice field
experiences; amending s. 1004.85, F.S.; requiring
certain educator preparation institutes to provide
evidence of specified reading and technology
instruction as a condition of program approval and
continued approval; amending s. 1008.25, F.S.;
requiring district school boards to allocate certain
instruction resources to certain students deficient in
reading; revising criteria and requiring the State
Board of Education to identify guidelines for
determining whether certain students have a
substantial deficiency in reading; providing that
students with a substantial reading deficiency must be
covered by certain plans; revising the parental
notification requirements for students with a
substantial deficiency in reading; requiring a school
to provide updates to parents of students who receive
certain services; amending s. 1011.67, F.S.; revising
the contents of a comprehensive staff development plan
required for each school district; amending s.
1012.585, F.S.; revising requirements for renewal of
professional teaching certificates; amending s.
1012.586, F.S.; authorizing the department to
recommend consolidation of endorsement areas and
requirements for endorsements for teacher
certificates; requiring the department to review and
make recommendations regarding certain subject
coverage or endorsement requirements; providing
construction; creating s. 1003.432, F.S.; defining
terms; establishing the program to recognize a high
school graduate who has attained a high level of
competency in one or more foreign languages; providing
the purpose of the program; specifying criteria to
earn a Gold Seal of Biliteracy or a Silver Seal of
Biliteracy; requiring the Commissioner of Education
and school districts to perform specified duties to
administer the program; prohibiting a school district
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;