

By the Committees on Appropriations; and Education; and Senator Galvano

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1 A bill to be entitled
2 An act relating to education; amending s. 11.45, F.S.;
3 requiring the Auditor General to conduct annual audits
4 of the Florida School for the Deaf and the Blind;
5 amending s. 413.011, F.S.; providing that a client of
6 the Division of Blind Services of the Department of
7 Education is considered an employee of the state for
8 purposes of workers' compensation coverage; creating
9 s. 413.209, F.S.; providing that a specified client of
10 the Division of Vocational Rehabilitation of the
11 Department of Education is considered an employee of
12 the state for purposes of workers' compensation
13 coverage; amending s. 1001.10, F.S.; authorizing the
14 Commissioner of Education to coordinate with specified
15 entities to assess needs for resources and assistance
16 in an emergency situation; amending s. 1002.31, F.S.;
17 revising available controlled open enrollment options
18 to include virtual charter schools and district
19 virtual programs; amending ss. 1002.37 and 1002.45,
20 F.S.; revising student eligibility requirements for
21 the Florida Virtual School and virtual instruction
22 programs; repealing s. 1002.455, F.S., relating to
23 student eligibility for K-12 virtual instruction;
24 creating s. 1003.481, F.S.; creating the Early
25 Childhood Music Education Incentive Pilot Program
26 within the Department of Education for a specified
27 period; providing for school district eligibility;
28 providing comprehensive music education program
29 requirements; providing for school district selection,

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30 funding, and program payments; requiring selected
31 school districts to annually provide a specified
32 certification to the Commissioner of Education;
33 requiring a selected school district to return funds
34 under certain circumstances; requiring the University
35 of Florida's College of Education to perform an
36 evaluation; authorizing the State Board of Education
37 to adopt rules; providing for expiration of the pilot
38 program; amending s. 1004.345, F.S.; extending the
39 timeframe by which the Florida Polytechnic University
40 must meet specified criteria established by the Board
41 of Governors of the State University System; amending
42 ss. 1002.33, 1003.498, and 1011.62, F.S.; conforming
43 provisions to changes made by the act; providing an
44 effective date.

45
46 Be It Enacted by the Legislature of the State of Florida:

47
48 Section 1. Upon the expiration and reversion of the
49 amendment to section 11.45, Florida Statutes, pursuant to
50 section 36 of chapter 2016-62, Laws of Florida, paragraph (d) of
51 subsection (2) of section 11.45, Florida Statutes, is amended to
52 read:

53 11.45 Definitions; duties; authorities; reports; rules.—

54 (2) DUTIES.—The Auditor General shall:

55 (d) Annually conduct financial audits of the accounts and
56 records of all district school boards in counties with
57 populations of fewer than 150,000, according to the most recent
58 federal decennial statewide census, and the Florida School for

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59 the Deaf and the Blind.

60
61 The Auditor General shall perform his or her duties
62 independently but under the general policies established by the
63 Legislative Auditing Committee. This subsection does not limit
64 the Auditor General's discretionary authority to conduct other
65 audits or engagements of governmental entities as authorized in
66 subsection (3).

67 Section 2. Subsection (2) of section 413.011, Florida
68 Statutes, is amended to read:

69 413.011 Division of Blind Services, legislative policy,
70 intent; internal organizational structure and powers;
71 Rehabilitation Council for the Blind.—

72 (2) PROGRAM OF SERVICES.—

73 (a) It is the intent of the Legislature to establish a
74 coordinated program of services which will be available to
75 individuals throughout this state who are blind. The program
76 must be designed to maximize employment opportunities for such
77 individuals and to increase their independence and self-
78 sufficiency.

79 (b) A client of the division who is participating in on-
80 the-job training shall be deemed an employee of the state for
81 purposes of workers' compensation coverage.

82 Section 3. Section 413.209, Florida Statutes, is created to
83 read:

84 413.209 Workers' compensation coverage for clients in on-
85 the-job training.—A client of the Division of Vocational
86 Rehabilitation of the Department of Education who is
87 participating in on-the-job training as a vocational

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88 rehabilitation service shall be deemed an employee of the state
89 for purposes of workers' compensation coverage.

90 Section 4. Subsection (8) is added to section 1001.10,
91 Florida Statutes, to read:

92 1001.10 Commissioner of Education; general powers and
93 duties.—

94 (8) In the event of an emergency, the commissioner may
95 coordinate through the most appropriate means of communication
96 with local school districts, Florida College System
97 institutions, and satellite offices of the Division of Blind
98 Services and the Division of Vocational Rehabilitation to assess
99 the need for resources and assistance to enable each school,
100 institution, or satellite office the ability to reopen as soon
101 as possible after considering the health, safety, and welfare of
102 students and clients.

103 Section 5. Paragraph (a) of subsection (2) of section
104 1002.31, Florida Statutes, is amended to read:

105 1002.31 Controlled open enrollment; Public school parental
106 choice.—

107 (2) (a) Beginning by the 2017-2018 school year, as part of a
108 school district's or charter school's controlled open enrollment
109 process, and in addition to the existing public school choice
110 programs provided in s. 1002.20(6)(a), each district school
111 board or charter school shall allow a parent from any school
112 district in the state whose child is not subject to a current
113 expulsion or suspension to enroll his or her child in and
114 transport his or her child to any public school, including
115 charter schools, virtual charter schools, and district virtual
116 programs, that ~~have~~ has not reached capacity in the district,

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117 subject to the maximum class size pursuant to s. 1003.03 and s.
118 1, Art. IX of the State Constitution, if applicable. The school
119 district or charter school shall accept the student, pursuant to
120 that school district's or charter school's controlled open
121 enrollment process, and report the student for purposes of the
122 school district's or charter school's funding pursuant to the
123 Florida Education Finance Program. A school district or charter
124 school may provide transportation to students described under
125 this section.

126 Section 6. Subsection (8) of section 1002.37, Florida
127 Statutes, is amended to read:

128 1002.37 The Florida Virtual School.—

129 (8) (a) The Florida Virtual School may provide full-time and
130 part-time instruction for students in kindergarten through grade
131 12. ~~To receive part-time instruction in kindergarten through~~
132 ~~grade 5, a student must meet at least one of the eligibility~~
133 ~~criteria in s. 1002.455(2).~~

134 (b) For students receiving part-time instruction ~~in~~
135 ~~kindergarten through grade 5~~ and students receiving full-time
136 ~~instruction in kindergarten through grade 12~~ from the Florida
137 Virtual School, the full-time equivalent student enrollment
138 calculated under this subsection is subject to the requirements
139 in s. 1011.61(4).

140 Section 7. Subsection (5) and paragraph (b) of subsection
141 (6) of section 1002.45, Florida Statutes, are amended to read:

142 1002.45 Virtual instruction programs.—

143 (5) STUDENT ELIGIBILITY.—A student may enroll in a full-
144 time or part-time virtual instruction program in kindergarten
145 through grade 12 which is provided by a ~~the~~ school district or

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146 by a virtual charter school ~~operated in the district in which he~~
147 ~~or she resides if the student meets eligibility requirements for~~
148 ~~virtual instruction pursuant to s. 1002.455.~~

149 (6) STUDENT PARTICIPATION REQUIREMENTS.—Each student
150 enrolled in a virtual instruction program or virtual charter
151 school must:

152 (b) Take state assessment tests within the school district
153 in which such student resides or enrolls, as contractually
154 specified. If requested by the provider, the district of
155 residence ~~which~~ must provide the student with access to the
156 district's testing facilities.

157 Section 8. Section 1002.455, Florida Statutes, is repealed.

158 Section 9. Section 1003.481, Florida Statutes, is created
159 to read:

160 1003.481 Early Childhood Music Education Incentive Pilot
161 Program.—

162 (1) Beginning with the 2017-2018 school year, the Early
163 Childhood Music Education Incentive Pilot Program is created
164 within the Department of Education for a period of 3 school
165 years. The purpose of the pilot program is to assist selected
166 school districts in implementing comprehensive music education
167 programs for students in kindergarten through grade 2.

168 (2) In order for a school district to be eligible for
169 participation in the pilot program, the superintendent must
170 certify to the Commissioner of Education, in a format prescribed
171 by the department, that each elementary school within the
172 district has established a comprehensive music education program
173 that:

174 (a) Includes all students at the school enrolled in

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175 kindergarten through grade 2.

176 (b) Is staffed by certified music educators.

177 (c) Provides music instruction for at least 30 consecutive
178 minutes 2 days a week.

179 (d) Complies with class size requirements under s. 1003.03.

180 (e) Complies with the department's standards for early
181 childhood music education programs for students in kindergarten
182 through grade 2.

183 (3) (a) The commissioner shall select school districts for
184 participation in the pilot program, subject to legislative
185 appropriation, based on the school district's proximity to the
186 University of Florida and needs-based criteria established by
187 the State Board of Education. Selected school districts shall
188 annually receive \$150 per full-time equivalent student in
189 kindergarten through grade 2 who is enrolled in a comprehensive
190 music education program.

191 (b) To maintain eligibility for participation in the pilot
192 program, a selected school district must annually certify to the
193 commissioner, in a format prescribed by the department, that
194 each elementary school within the district provides a
195 comprehensive music education program that meets the
196 requirements of subsection (2). If a selected school district
197 fails to provide the annual certification for a fiscal year, the
198 school district must return all funds received through the pilot
199 program for that fiscal year.

200 (4) The University of Florida's College of Education shall
201 evaluate the effectiveness of the pilot program by measuring
202 student academic performance and the success of the program. The
203 evaluation must include, but is not limited to, a quantitative

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204 analysis of student achievement and a qualitative evaluation of
205 students enrolled in the comprehensive music education programs.

206 (5) The State Board of Education may adopt rules to
207 administer this section.

208 (6) This section expires June 30, 2020.

209 Section 10. Upon the expiration and reversion of the
210 amendment to section 1004.345, Florida Statutes, pursuant to
211 section 36 of chapter 2016-62, Laws of Florida, subsection (1)
212 of section 1004.345, Florida Statutes, is amended to read:

213 1004.345 The Florida Polytechnic University.—

214 (1) By December 31, 2017 ~~2016~~, the Florida Polytechnic
215 University shall meet the following criteria as established by
216 the Board of Governors:

217 (a) Achieve accreditation from the Commission on Colleges
218 of the Southern Association of Colleges and Schools;

219 (b) Initiate the development of the new programs in the
220 fields of science, technology, engineering, and mathematics;

221 (c) Seek discipline-specific accreditation for programs;

222 (d) Attain a minimum FTE of 1,244, with a minimum 50
223 percent of that FTE in the fields of science, technology,
224 engineering, and mathematics and 20 percent in programs related
225 to those fields;

226 (e) Complete facilities and infrastructure, including the
227 Science and Technology Building, Phase I of the Wellness Center,
228 and a residence hall or halls containing no fewer than 190 beds;
229 and

230 (f) Have the ability to provide, either directly or where
231 feasible through a shared services model, administration of
232 financial aid, admissions, student support, information

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233 technology, and finance and accounting with an internal audit
234 function.

235 Section 11. Subsection (1) of section 1002.33, Florida
236 Statutes, is amended to read:

237 1002.33 Charter schools.—

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

254 Section 12. Subsection (2) of section 1003.498, Florida
255 Statutes, is amended to read:

256 1003.498 School district virtual course offerings.—

257 (2) School districts may offer virtual courses for students
258 enrolled in the school district. These courses must be
259 identified in the course code directory. ~~Students who meet the~~
260 ~~eligibility requirements of s. 1002.455 may participate in these~~
261 ~~virtual course offerings.~~

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262 (a) Any eligible student who is enrolled in a school
263 district may register and enroll in an online course offered by
264 his or her school district.

265 (b)1. Any eligible student who is enrolled in a school
266 district may register and enroll in an online course offered by
267 any other school district in the state. The school district in
268 which the student completes the course shall report the
269 student's completion of that course for funding pursuant to s.
270 1011.61(1)(c)1.b.(VI), and the home school district may ~~shall~~
271 not report the student for funding for that course.

272 2. The full-time equivalent student membership calculated
273 under this subsection is subject to the requirements in s.
274 1011.61(4). The Department of Education shall establish
275 procedures to enable interdistrict coordination for the delivery
276 and funding of this online option.

277 Section 13. Subsection (11) of section 1011.62, Florida
278 Statutes, is amended to read:

279 1011.62 Funds for operation of schools.—If the annual
280 allocation from the Florida Education Finance Program to each
281 district for operation of schools is not determined in the
282 annual appropriations act or the substantive bill implementing
283 the annual appropriations act, it shall be determined as
284 follows:

285 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may
286 annually provide in the Florida Education Finance Program a
287 virtual education contribution. The amount of the virtual
288 education contribution shall be the difference between the
289 amount per FTE established in the General Appropriations Act for
290 virtual education and the amount per FTE for each district and

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291 the Florida Virtual School, which may be calculated by taking
292 the sum of the base FEFP allocation, the discretionary local
293 effort, the state-funded discretionary contribution, the
294 discretionary millage compression supplement, the research-based
295 reading instruction allocation, and the instructional materials
296 allocation, and then dividing by the total unweighted FTE. This
297 difference shall be multiplied by the virtual education
298 unweighted FTE for school district-operated part-time and full-
299 time virtual instruction programs, full-time virtual charter
300 school programs, virtual courses offered, ~~programs and options~~
301 ~~identified in s. 1002.455(3)~~ and the Florida Virtual School and
302 its franchises to equal the virtual education contribution and
303 shall be included as a separate allocation in the funding
304 formula.

305 Section 14. This act shall take effect July 1, 2017.