A bill to be entitled
An act relating to education; amending s. 1002.394, F.S.; revising initial scholarship eligibility criteria for the Family Empowerment Scholarship Program, beginning with a specified school year; providing that participation in certain virtual schools, correspondence schools, or distance learning programs does not make a student ineligible for a scholarship under the program in certain circumstances; amending s. 1002.395, F.S.; revising eligibility criteria for the Florida Tax Credit Scholarship Program and applying the criteria only to initial eligibility; requiring that priority be given to students whose household incomes do not exceed a specified amount; amending s. 1011.61, F.S.; providing that a certain scholarship award is not subject to the maximum value for funding a student under the Florida Education Finance Program; amending s. 1011.62, F.S.; creating the minimum base annual salary allocation to assist school districts in providing minimum base annual salaries to classroom teachers; providing for the calculation of the initial allocation; requiring the Department of Education, by a specified date, to estimate the funding required to increase the minimum base annual salary as required by the act; creating the Rewarding Great Classroom Teachers for Extending Student Success Program within the Department of Education for a specified purpose; defining terms; requiring that awards made under the program be tiered
based upon students’ performance or improvement, as demonstrated by the school’s grade; providing that the amount of awards under the program must be established annually in the General Appropriations Act; providing for teacher eligibility; requiring school districts to certify certain information annually to the department; providing for the proration of award amounts under certain circumstances; providing construction; creating the Rewarding Great Principals for Extending Student Success Program within the Department of Education for a specified purpose; specifying that certain principals must receive awards under the program; providing for principal eligibility; requiring school districts to certify certain information annually to the department; requiring that awards made under the program be tiered based upon students’ performance or improvement, as demonstrated by the school’s grade; providing for proration of awards under certain circumstances; providing construction; amending s. 1012.22, F.S.; requiring district school boards and charter school governing boards to implement a minimum base annual salary for certain teachers beginning on a specified date; amending s. 1003.47, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Paragraph (b) of subsection (3) and subsection
(5) of section 1002.394, Florida Statutes, are amended to read:

1002.394 The Family Empowerment Scholarship Program.—

(3) INITIAL SCHOLARSHIP ELIGIBILITY.—A student is eligible for a Family Empowerment Scholarship under this section if the student meets the following criteria:

(b) 1. The student is eligible to enroll in kindergarten or has spent the prior school year in attendance at a Florida public school; or

2. Beginning with the 2020-2021 school year, the student received a scholarship pursuant to s. 1002.395 during the previous school year and, before initial receipt of such scholarship, spent the prior school year in attendance at a Florida public school.

For purposes of this paragraph, the term “prior school year in attendance” means that the student was enrolled and reported by a school district for funding during the preceding October and February Florida Education Finance Program surveys in kindergarten through grade 12, which includes time spent in a Department of Juvenile Justice commitment program if funded under the Florida Education Finance Program. However, a dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country due to a parent’s permanent change of station orders or a foster child is exempt from the prior public school attendance requirement under this paragraph, but must meet the other eligibility requirements specified under this section to participate in the program.

(5) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for
a Family Empowerment Scholarship while he or she is:

(a) Enrolled in a public school, including, but not limited to, the Florida School for the Deaf and the Blind, the College-Preparatory Boarding Academy, a developmental research school authorized under s. 1002.32, or a charter school authorized under this chapter;

(b) Enrolled in a school operating for the purpose of providing educational services to youth in a Department of Juvenile Justice commitment program;

(c) Receiving any other educational scholarship pursuant to this chapter;

(d) Participating in a home education program as defined in s. 1002.01(1);

(e) Participating in a private tutoring program pursuant to s. 1002.43; or

(f) Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student’s participation, unless the participation is limited to no more than two courses per school year.

Section 2. Subsection (3) and paragraph (e) of subsection (6) of section 1002.395, Florida Statutes, are amended to read:

1002.395 Florida Tax Credit Scholarship Program.—

(3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

(a) The Florida Tax Credit Scholarship Program is established.

(b) A student is eligible for a Florida tax credit scholarship under this section if the student meets one or more of the following criteria:
1. The student is on the direct certification list or the student’s household income level does not exceed 300 percent of the federal poverty level; or

2. The student is currently placed, or during the previous state fiscal year was placed, in foster care or in out-of-home care as defined in s. 39.01.

3. The student’s household income level is greater than 185 percent of the federal poverty level but does not exceed 260 percent of the federal poverty level.

Priority must be given to students whose household income levels do not exceed 185 percent of the federal poverty level or who are in foster care or out-of-home care. A student who initially receives a scholarship based on eligibility under this paragraph remains eligible to participate until he or she graduates from high school or attains the age of 21 years, whichever occurs first, regardless of the student’s household income level. A student who initially received a scholarship based on income eligibility before the 2019-2020 school year remains eligible to participate until he or she graduates from high school, attains the age of 21 years, or the student’s household income level exceeds 260 percent of the federal poverty level, whichever occurs first. A sibling of a student who is participating in the scholarship program under this subsection is eligible for a scholarship if the student resides in the same household as the sibling.

(6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—An eligible nonprofit scholarship-funding organization:
(e) Must give first priority to eligible students who received a scholarship from an eligible nonprofit scholarship-funding organization or from the State of Florida during the previous school year. Beginning in the 2016-2017 school year, an eligible nonprofit scholarship-funding organization shall give priority to new applicants whose household income levels do not exceed 185 percent of the federal poverty level or who are in foster care or out-of-home care.

Information and documentation provided to the Department of Education and the Auditor General relating to the identity of a taxpayer that provides an eligible contribution under this section shall remain confidential at all times in accordance with s. 213.053.

Section 3. Subsection (4) 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:

(4) The maximum value for funding a student in kindergarten through grade 12 or in a prekindergarten program for exceptional children as provided in s. 1003.21(1)(e) shall be the sum of the calculations in paragraphs (a), (b), and (c) as calculated by the department.

(a) The sum of the student’s full-time equivalent student membership value for the school year or the equivalent derived from paragraphs (1)(a) and (b), subparagraph (1)(c)1., sub-subparagraphs (1)(c)2.b. and c., subparagraph (1)(c)3., and subsection (2). If the sum is greater than 1.0, the full-time
equivalent student membership value for each program or course shall be reduced by an equal proportion so that the student’s total full-time equivalent student membership value is equal to 1.0.

(b) If the result in paragraph (a) is less than 1.0 full-time equivalent student and the student has full-time equivalent student enrollment pursuant to sub-sub-subparagraph (1)(c)1.b.(VIII), calculate an amount that is the lesser of the value in sub-sub-subparagraph (1)(c)1.b.(VIII) or the value of 1.0 less the value in paragraph (a).

(c) The full-time equivalent student enrollment value in sub-subparagraph (1)(c)2.a.

A scholarship award provided to a student enrolled in the John M. McKay Scholarships for Students with Disabilities Program pursuant to s. 1002.39 or the Family Empowerment Scholarship Program pursuant to s. 1002.394 is not subject to the maximum value for funding a student under this subsection.

Section 4. Subsections (22), (23), and (24) are added to section 1011.62, Florida Statutes, 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:

(22) MINIMUM BASE ANNUAL SALARY ALLOCATION.—The minimum base annual salary allocation is created to assist school districts in meeting the minimum base annual salary requirement
as provided in s. 1012.22(1)(d).

(a) Subject to an annual appropriation, each school district shall receive an allocation based on the district’s proportionate share of FEFP base funding. The Legislature may specify a minimum allocation for all districts in the General Appropriations Act.

(b) By July 1, 2020, the department shall estimate for each school district the funding required to increase the minimum base annual salary as required by s. 1012.22(1)(d). The department may require the reporting of information on salaries by school districts as necessary to implement this subsection.

(23) REWARDING GREAT CLASSROOM TEACHERS FOR EXTENDING STUDENT SUCCESS PROGRAM.—The Rewarding Great Classroom Teachers for Extending Student Success Program is created within the Department of Education to provide financial awards to classroom teachers in public schools who improve student success, as demonstrated by an increase in the percentage of points earned by such schools.

(a) As used in this subsection, the term:

1. “Classroom teacher” means a classroom teacher, as defined in s. 1012.01(2)(a), who is a full-time employee of a public school district or charter school and whose full-time responsibility is the professional activity of instructing students in any grade from kindergarten through grade 12 in courses funded through the FEFP.

2. “Percentage of points” means the percentage of total points earned by a school in the determination of its grade under s. 1008.34.

3. “Title I eligible school” means a public school that
receives federal funds under Title I, Part A, of the federal Elementary and Secondary Education Act as a result of serving a high percentage of students from low-income families.

(b) Financial awards made to classroom teachers under this subsection must be tiered based upon the performance or improvement of students at their school, as reflected in the school’s grade. Financial awards must be doubled when a school is a Title I eligible school. For purposes of this paragraph:

1. Tier 1 schools are schools that have earned 85 percent or higher of the total school grade points or that increase their percentage of points by 6 or more percentage points from the prior school year.

2. Tier 2 schools are schools that increase their percentage of points by at least 3 percentage points, but less than 6 percentage points, from the prior school year.

3. Tier 3 schools are schools that increase their percentage of points by at least 1 percentage point, but less than 3 percentage points, from the prior school year.

(c) The amount of the financial awards must be established annually in the General Appropriations Act.

(d) A classroom teacher who retires, changes schools or positions within the same school district, or becomes a classroom teacher in another school district may receive an award under this subsection if he or she met the requirements of this section in the prior academic year.

(e) Annually, in a format prescribed by the department, school districts must certify the number of classroom teachers who qualify for an award under this subsection and the amount of the award.
(f) If the amount appropriated by the Legislature is insufficient to fully fund the program, the department may prorate awards equally among the tiers.

(g) This subsection does not create a substantial interest under s. 120.569 for the purpose of challenging any of the department’s decisions or actions, including, but not limited to, school grades.

(24) REWARDING GREAT PRINCIPALS FOR EXTENDING STUDENT SUCCESS PROGRAM.—

(a) The Rewarding Great Principals for Extending Student Success Program is created within the Department of Education to provide financial awards to principals at public schools who improve student success, as demonstrated by an increase in the percentage of points earned by such schools. For each school whose teachers qualify for an award under subsection (23), the principal at that school must receive a principal award, as determined annually by the General Appropriations Act, subject to the requirements of this subsection.

(b) An otherwise eligible principal who retires, changes schools or positions, or moves to another school district remains eligible for and may receive an award under this subsection if he or she met the requirements of this section in the prior academic year.

(c) Annually, in a format prescribed by the department, school districts must certify the number of principals who qualify for an award under this subsection and the amount of the award.

(d) Funds shall be allocated as specified in the General Appropriations Act and awards shall be tiered in accordance with...
paragraph (23)(b). If the amount appropriated by the Legislature is insufficient to fully fund the program, the department may prorate awards equally among the tiers.

(e) This subsection does not create a substantial interest under s. 120.569 for the purpose of challenging any of the department’s decisions or actions, including, but not limited to, school grades.

Section 5. Present paragraphs (d) through (i) of subsection (1) of section 1012.22, Florida Statutes, are redesignated as paragraphs (e) through (j), respectively, and a new paragraph (d) is added to that subsection, to read:

1012.22 Public school personnel; powers and duties of the district school board.—The district school board shall:

(1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:

(d) Minimum base annual salary.—Beginning on July 1, 2020, each district school board and charter school governing board shall adopt a minimum base annual salary of $47,500 for full-time public school classroom teachers, as defined in s. 1012.01(2)(a), whose full-time responsibility is the professional activity of instructing students in kindergarten through grade 12 in courses funded through the Florida Education Finance Program.

Section 6. Subsection (3) of section 1003.47, Florida Statutes, is amended to read:

1003.47 Biological experiments on living subjects.—
(3) If any instructional employee of a public high school or career center knowingly or intentionally fails or refuses to comply with any of the provisions of this section, the district school board may suspend, dismiss, return to annual contract, or otherwise discipline such employee as provided in s. 1012.22(1)(g) or s. 1012.22(1)(f) in accordance with procedures established in chapter 1012. If any instructional employee of any private school knowingly or intentionally fails or refuses to comply with the provisions of this section, the governing authority of the private school may suspend, dismiss, or otherwise discipline such employee in accordance with its standard personnel procedures.

Section 7. This act shall take effect July 1, 2020.