

By Senator Stewart

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1                                   A bill to be entitled  
2       An act relating to education; amending s. 1002.33,  
3       F.S.; conforming a provision to changes made by the  
4       act; expanding the information that charter schools  
5       must include on their websites; requiring specified  
6       teachers to have received, at a minimum, a bachelor's  
7       degree; revising requirements for all charter school  
8       facilities to include compliance with the State  
9       Requirements for Educational Facilities of the Florida  
10      Building Code; amending s. 1002.42, F.S.; revising the  
11      information the Department of Education requires in a  
12      specified database relating to private schools;  
13      requiring private schools to provide specified  
14      students with a certain amount of time for recess;  
15      requiring private school students to participate in  
16      the statewide assessment program; requiring private  
17      schools to establish curricula that comply with  
18      specified standards; requiring teachers employed by or  
19      working under contract with private schools to meet  
20      specified requirements; requiring private schools to  
21      comply with the State Requirements for Educational  
22      Facilities of the Florida Building Code; providing for  
23      injunctive relief under certain circumstances;  
24      authorizing attorney fees and costs; amending s.  
25      1003.455, F.S.; deleting an exception relating to  
26      charter schools' compliance with a specified  
27      provision; amending s. 1008.34, F.S.; requiring  
28      private schools to be graded according to specified  
29      rules; requiring private schools to assess at least 95

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30 percent of eligible students; deleting obsolete  
31 language; requiring the department to annually  
32 develop, in collaboration with private schools, a  
33 school report card that private schools would provide  
34 to parents; amending s. 1013.385, F.S.; conforming a  
35 provision to changes made by the act; reenacting ss.  
36 163.3180(6)(h), 1002.32(9)(c), and 1002.345(1)(a),  
37 F.S., relating to concurrency, developmental research  
38 (laboratory) schools' funding, and determination of  
39 deteriorating financial conditions and financial  
40 emergencies for charter schools and charter technical  
41 career centers, respectively, to incorporate the  
42 amendment made to s. 1002.33, F.S., in references  
43 thereto; reenacting ss. 1002.385(2)(g), 1002.421(1),  
44 and 1007.271(2), F.S., relating to the Gardiner  
45 Scholarship, state school choice scholarship program  
46 accountability and oversight, and dual enrollment  
47 programs, respectively, to incorporate the amendment  
48 made to s. 1002.42, F.S., in references thereto;  
49 providing an effective date.

50  
51 Be It Enacted by the Legislature of the State of Florida:

52  
53 Section 1. Paragraph (a) of subsection (7), paragraph (p)  
54 of subsection (9), paragraph (f) of subsection (12), and  
55 paragraph (a) of subsection (18) of section 1002.33, Florida  
56 Statutes, are amended to read:

57 1002.33 Charter schools.—

58 (7) CHARTER.—The terms and conditions for the operation of

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59 a charter school shall be set forth by the sponsor and the  
60 applicant in a written contractual agreement, called a charter.  
61 The sponsor and the governing board of the charter school shall  
62 use the standard charter contract pursuant to subsection (21),  
63 which shall incorporate the approved application and any addenda  
64 approved with the application. Any term or condition of a  
65 proposed charter contract that differs from the standard charter  
66 contract adopted by rule of the State Board of Education shall  
67 be presumed a limitation on charter school flexibility. The  
68 sponsor may not impose unreasonable rules or regulations that  
69 violate the intent of giving charter schools greater flexibility  
70 to meet educational goals. The charter shall be signed by the  
71 governing board of the charter school and the sponsor, following  
72 a public hearing to ensure community input.

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

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

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

84 a. The charter shall ensure that reading is a primary focus  
85 of the curriculum and that resources are provided to identify  
86 and provide specialized instruction for students who are reading  
87 below grade level. The curriculum and instructional strategies

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88 for reading must be consistent with the Next Generation Sunshine  
89 State Standards and grounded in scientifically based reading  
90 research.

91 b. In order to provide students with access to diverse  
92 instructional delivery models, to facilitate the integration of  
93 technology within traditional classroom instruction, and to  
94 provide students with the skills they need to compete in the  
95 21st century economy, the Legislature encourages instructional  
96 methods for blended learning courses consisting of both  
97 traditional classroom and online instructional techniques.  
98 Charter schools may implement blended learning courses which  
99 combine traditional classroom instruction and virtual  
100 instruction. Students in a blended learning course must be full-  
101 time students of the charter school pursuant to s.  
102 1011.61(1)(a)1. Instructional personnel certified pursuant to s.  
103 1012.55 who provide virtual instruction for blended learning  
104 courses may be employees of the charter school or may be under  
105 contract to provide instructional services to charter school  
106 students. At a minimum, such instructional personnel must hold  
107 an active state or school district adjunct certification under  
108 s. 1012.57 for the subject area of the blended learning course.  
109 The funding and performance accountability requirements for  
110 blended learning courses are the same as those for traditional  
111 courses.

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

116 a. How the baseline student academic achievement levels and

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117 prior rates of academic progress will be established.

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

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

124  
125 The district school board is required to provide academic  
126 student performance data to charter schools for each of their  
127 students coming from the district school system, as well as  
128 rates of academic progress of comparable student populations in  
129 the district school system.

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

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

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

144 7. The admissions procedures and dismissal procedures,  
145 including the school's code of student conduct. Admission or

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146 dismissal must not be based on a student's academic performance.

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

151 9. The financial and administrative management of the  
152 school, including a reasonable demonstration of the professional  
153 experience or competence of those individuals or organizations  
154 applying to operate the charter school or those hired or  
155 retained to perform such professional services and the  
156 description of clearly delineated responsibilities and the  
157 policies and practices needed to effectively manage the charter  
158 school. A description of internal audit procedures and  
159 establishment of controls to ensure that financial resources are  
160 properly managed must be included. Both public sector and  
161 private sector professional experience shall be equally valid in  
162 such a consideration.

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

167 11. A description of procedures that identify various risks  
168 and provide for a comprehensive approach to reduce the impact of  
169 losses; plans to ensure the safety and security of students and  
170 staff; plans to identify, minimize, and protect others from  
171 violent or disruptive student behavior; and the manner in which  
172 the school will be insured, including whether or not the school  
173 will be required to have liability insurance, and, if so, the  
174 terms and conditions thereof and the amounts of coverage.

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175           12. The term of the charter which shall provide for  
176 cancellation of the charter if insufficient progress has been  
177 made in attaining the student achievement objectives of the  
178 charter and if it is not likely that such objectives can be  
179 achieved before expiration of the charter. The initial term of a  
180 charter shall be for 5 years, excluding 2 planning years. In  
181 order to facilitate access to long-term financial resources for  
182 charter school construction, charter schools that are operated  
183 by a municipality or other public entity as provided by law are  
184 eligible for up to a 15-year charter, subject to approval by the  
185 district school board. A charter lab school is eligible for a  
186 charter for a term of up to 15 years. In addition, to facilitate  
187 access to long-term financial resources for charter school  
188 construction, charter schools that are operated by a private,  
189 not-for-profit, s. 501(c)(3) status corporation are eligible for  
190 up to a 15-year charter, subject to approval by the district  
191 school board. Such long-term charters remain subject to annual  
192 review and may be terminated during the term of the charter, but  
193 only according to the provisions set forth in subsection (8).

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

199           14. The qualifications to be required of the teachers and  
200 the potential strategies used to recruit, hire, train, and  
201 retain qualified staff to achieve best value, notwithstanding  
202 the requirements of paragraph (12)(f).

203           15. The governance structure of the school, including the

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204 status of the charter school as a public or private employer as  
205 required in paragraph (12) (i).

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

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

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



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233 19. Implementation of the activities authorized under s.  
234 1002.331 by the charter school when it satisfies the eligibility  
235 requirements for a high-performing charter school. A high-  
236 performing charter school shall notify its sponsor in writing by  
237 March 1 if it intends to increase enrollment or expand grade  
238 levels the following school year. The written notice shall  
239 specify the amount of the enrollment increase and the grade  
240 levels that will be added, as applicable.

241 (9) CHARTER SCHOOL REQUIREMENTS.—

242 (p)1. Each charter school shall maintain a website that  
243 enables the public to obtain information regarding the school;  
244 the school's academic performance; the school's graduation  
245 rates; students' results on the statewide, standardized  
246 assessment; the names of the governing board members; the  
247 programs at the school; any management companies, service  
248 providers, or education management corporations associated with  
249 the school; the school's annual budget and its annual  
250 independent fiscal audit; the school's grade pursuant to s.  
251 1008.34; and, on a quarterly basis, the minutes of governing  
252 board meetings.

253 2. Each charter school's governing board must appoint a  
254 representative to facilitate parental involvement, provide  
255 access to information, assist parents and others with questions  
256 and concerns, and resolve disputes. The representative must  
257 reside in the school district in which the charter school is  
258 located and may be a governing board member, a charter school  
259 employee, or an individual contracted to represent the governing  
260 board. If the governing board oversees multiple charter schools  
261 in the same school district, the governing board must appoint a

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262 separate representative for each charter school in the district.  
263 The representative's contact information must be provided  
264 annually in writing to parents and posted prominently on the  
265 charter school's website. The sponsor may not require governing  
266 board members to reside in the school district in which the  
267 charter school is located if the charter school complies with  
268 this subparagraph.

269 3. Each charter school's governing board must hold at least  
270 two public meetings per school year in the school district where  
271 the charter school is located. The meetings must be noticed,  
272 open, and accessible to the public, and attendees must be  
273 provided an opportunity to receive information and provide input  
274 regarding the charter school's operations. The appointed  
275 representative and charter school principal or director, or his  
276 or her designee, must be physically present at each meeting.  
277 Members of the governing board may attend in person or by means  
278 of communications media technology used in accordance with rules  
279 adopted by the Administration Commission under s. 120.54(5).

280 (12) EMPLOYEES OF CHARTER SCHOOLS.—

281 (f) Teachers employed by or under contract to a charter  
282 school must ~~shall~~ be certified as required by chapter 1012, and  
283 must, at a minimum, have received a bachelor's degree. A charter  
284 school governing board may employ or contract with skilled  
285 selected noncertified personnel to provide instructional  
286 services or to assist instructional staff members as education  
287 paraprofessionals in the same manner as defined in chapter 1012,  
288 and as provided by State Board of Education rule for charter  
289 school governing boards. A charter school may not knowingly  
290 employ an individual to provide instructional services or to

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291 serve as an education paraprofessional if the individual's  
292 certification or licensure as an educator is suspended or  
293 revoked by this or any other state. A charter school may not  
294 knowingly employ an individual who has resigned from a school  
295 district in lieu of disciplinary action with respect to child  
296 welfare or safety, or who has been dismissed for just cause by  
297 any school district with respect to child welfare or safety. The  
298 qualifications of teachers shall be disclosed to parents.

299 (18) FACILITIES.—

300 (a) ~~A startup charter school shall utilize facilities which~~  
301 ~~comply with the Florida Building Code pursuant to chapter 553~~  
302 ~~except for the State Requirements for Educational Facilities.~~  
303 ~~Conversion charter schools shall utilize facilities that comply~~  
304 ~~with the State Requirements for Educational Facilities provided~~  
305 ~~that the school district and the charter school have entered~~  
306 ~~into a mutual management plan for the reasonable maintenance of~~  
307 ~~such facilities. The mutual management plan shall contain a~~  
308 ~~provision by which the district school board agrees to maintain~~  
309 ~~charter school facilities in the same manner as its other public~~  
310 ~~schools within the district. Charter schools shall comply, with~~  
311 ~~the exception of conversion charter schools, are not required to~~  
312 ~~comply, but may choose to comply,~~ with the State Requirements  
313 for Educational Facilities of the Florida Building Code adopted  
314 pursuant to s. 1013.37. The local governing authority may not  
315 ~~shall not~~ adopt or impose any local building requirements or  
316 site-development restrictions, such as parking and site-size  
317 criteria, student enrollment, and occupant load, that are  
318 addressed by and more stringent than those found in the State  
319 Requirements for Educational Facilities of the Florida Building

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320 Code. A local governing authority must treat charter schools  
 321 equitably in comparison to similar requirements, restrictions,  
 322 and site planning processes imposed upon public schools that are  
 323 not charter schools. The agency having jurisdiction for  
 324 inspection of a facility and issuance of a certificate of  
 325 occupancy or use shall be the local municipality or, if in an  
 326 unincorporated area, the county governing authority. If an  
 327 official or employee of the local governing authority refuses to  
 328 comply with this paragraph, the aggrieved school or entity has  
 329 an immediate right to bring an action in circuit court to  
 330 enforce its rights by injunction. An aggrieved party that  
 331 receives injunctive relief may be awarded attorney fees and  
 332 court costs.

333 Section 2. Paragraph (a) of subsection (2) of section  
 334 1002.42, Florida Statutes, is amended, and subsections (18)  
 335 through (22) are added to that section, to read:

336 1002.42 Private schools.—

337 (2) ANNUAL PRIVATE SCHOOL SURVEY.—

338 (a) The Department of Education shall organize, maintain,  
 339 and annually update a database of educational institutions  
 340 within the state coming within the provisions of this section.  
 341 ~~There shall be included in~~ The database of each institution must  
 342 include the name, address, and telephone number of the  
 343 institution; the type of institution; the names of  
 344 administrative officers; the enrollment by grade or special  
 345 group (e.g., career education and exceptional child education);  
 346 the number of graduates and graduation rates; the number of  
 347 instructional and administrative personnel; the number of days  
 348 the school is in session; students' results on the statewide,

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349 standardized assessment; the school's annual budget; and such  
350 data as may be needed to meet the provisions of this section and  
351 s. 1003.23(2).

352 (18) PHYSICAL EDUCATION.—Each private school shall provide  
353 at least 100 minutes of supervised, safe, and unstructured free-  
354 play recess each week for students in kindergarten through grade  
355 5 so that there are at least 20 consecutive minutes of free-play  
356 recess per day.

357 (19) STATEWIDE, STANDARDIZED ASSESSMENTS.—Students in  
358 private schools shall participate in the statewide assessment  
359 program created under s. 1008.22.

360 (20) NEXT GENERATION SUNSHINE STATE STANDARDS.—Each private  
361 school shall establish a curriculum that complies with the  
362 standards set forth in s. 1003.41.

363 (21) PRIVATE SCHOOL CLASSROOM TEACHERS.—Teachers employed  
364 by or under contract with a private school shall be certified as  
365 required by chapter 1012, and must, at a minimum, hold a  
366 bachelor's degree.

367 (22) FACILITIES.—Private schools must comply with the State  
368 Requirements for Educational Facilities of the Florida Building  
369 Code adopted pursuant to s. 1013.37. The local governing  
370 authority may not adopt or impose any local building  
371 requirements or site-development restrictions, such as parking  
372 and site-size criteria, student enrollment, and occupant load,  
373 that are addressed by and more stringent than those found in the  
374 State Requirements for Educational Facilities of the Florida  
375 Building Code. A local governing authority must treat private  
376 schools equitably with regard to requirements, restrictions, and  
377 site planning processes imposed upon public schools. The agency

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378 having jurisdiction for inspection of a facility and issuance of  
379 a certificate of occupancy or use is the local municipality or,  
380 if the private school is in an unincorporated area, the county  
381 governing authority. If an official or employee of the local  
382 governing authority refuses to comply with this subsection, the  
383 aggrieved school or entity has an immediate right to bring an  
384 action in circuit court to enforce its rights by injunction. An  
385 aggrieved party that receives injunctive relief may be awarded  
386 attorney fees and court costs.

387 Section 3. Subsection (6) of section 1003.455, Florida  
388 Statutes, is amended, and subsection (3) of that section is  
389 republished, to read:

390 1003.455 Physical education; assessment.—

391 (3) Each district school board shall provide 150 minutes of  
392 physical education each week for students in kindergarten  
393 through grade 5 and for students in grade 6 who are enrolled in  
394 a school that contains one or more elementary grades so that on  
395 any day during which physical education instruction is conducted  
396 there are at least 30 consecutive minutes per day. Beginning  
397 with the 2009-2010 school year, the equivalent of one class  
398 period per day of physical education for one semester of each  
399 year is required for students enrolled in grades 6 through 8.  
400 Students enrolled in such instruction shall be reported through  
401 the periodic student membership surveys, and records of such  
402 enrollment shall be audited pursuant to s. 1010.305. Such  
403 instruction may be provided by any instructional personnel as  
404 defined in s. 1012.01(2), regardless of certification, who are  
405 designated by the school principal.

406 (6) In addition to the requirements in subsection (3), each

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407 district school board shall provide at least 100 minutes of  
408 supervised, safe, and unstructured free-play recess each week  
409 for students in kindergarten through grade 5 so that there are  
410 at least 20 consecutive minutes of free-play recess per day.  
411 ~~This requirement does not apply to charter schools.~~

412 Section 4. Subsection (2), paragraphs (a) and (b) of  
413 subsection (3), and subsection (4) of section 1008.34, Florida  
414 Statutes, are amended, to read:

415 1008.34 School grading system; school report cards;  
416 district grade.—

417 (2) SCHOOL GRADES.—Schools, including private schools,  
418 shall be graded using one of the following grades, defined  
419 according to rules of the State Board of Education:

- 420 (a) "A," schools making excellent progress.  
421 (b) "B," schools making above average progress.  
422 (c) "C," schools making satisfactory progress.  
423 (d) "D," schools making less than satisfactory progress.  
424 (e) "F," schools failing to make adequate progress.

425  
426 Each school that earns a grade of "A" or improves at least two  
427 letter grades may have greater authority over the allocation of  
428 the school's total budget generated from the FEFP, state  
429 categoricals, lottery funds, grants, and local funds.

430 (3) DESIGNATION OF SCHOOL GRADES.—

431 (a) Each school, including private schools, must assess at  
432 least 95 percent of its eligible students, except as provided  
433 under s. 1008.341 for alternative schools. Each school shall  
434 receive a school grade based on the school's performance on the  
435 components listed in subparagraphs (b)1. and 2. If a school does

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436 not have at least 10 students with complete data for one or more  
437 of the components listed in subparagraphs (b)1. and 2., those  
438 components may not be used in calculating the school's grade.

439 1. An alternative school may choose to receive a school  
440 grade under this section or a school improvement rating under s.  
441 1008.341. For charter schools that meet the definition of an  
442 alternative school pursuant to State Board of Education rule,  
443 the decision to receive a school grade is the decision of the  
444 charter school governing board.

445 2. A school that serves any combination of students in  
446 kindergarten through grade 3 that does not receive a school  
447 grade because its students are not tested and included in the  
448 school grading system shall receive the school grade designation  
449 of a K-3 feeder pattern school identified by the Department of  
450 Education and verified by the school district. A school feeder  
451 pattern exists if a majority of the students in the school  
452 serving a combination of students in kindergarten through grade  
453 3 are scheduled to be assigned to the graded school.

454 3. If a collocated school does not earn a school grade or  
455 school improvement rating for the performance of its students,  
456 the student performance data of all schools operating at the  
457 same facility must be aggregated to develop a school grade that  
458 will be assigned to all schools at that location. A collocated  
459 school is a school that has its own unique master school  
460 identification number, provides for the education of each of its  
461 enrolled students, and operates at the same facility as another  
462 school that has its own unique master school identification  
463 number and provides for the education of each of its enrolled  
464 students.



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465           (b)1. ~~Beginning with the 2014-2015 school year,~~ A school's  
466 grade shall be based on the following components, each worth 100  
467 points:

468           a. The percentage of eligible students passing statewide,  
469 standardized assessments in English Language Arts under s.  
470 1008.22(3).

471           b. The percentage of eligible students passing statewide,  
472 standardized assessments in mathematics under s. 1008.22(3).

473           c. The percentage of eligible students passing statewide,  
474 standardized assessments in science under s. 1008.22(3).

475           d. The percentage of eligible students passing statewide,  
476 standardized assessments in social studies under s. 1008.22(3).

477           e. The percentage of eligible students who make Learning  
478 Gains in English Language Arts as measured by statewide,  
479 standardized assessments administered under s. 1008.22(3).

480           f. The percentage of eligible students who make Learning  
481 Gains in mathematics as measured by statewide, standardized  
482 assessments administered under s. 1008.22(3).

483           g. The percentage of eligible students in the lowest 25  
484 percent in English Language Arts, as identified by prior year  
485 performance on statewide, standardized assessments, who make  
486 Learning Gains as measured by statewide, standardized English  
487 Language Arts assessments administered under s. 1008.22(3).

488           h. The percentage of eligible students in the lowest 25  
489 percent in mathematics, as identified by prior year performance  
490 on statewide, standardized assessments, who make Learning Gains  
491 as measured by statewide, standardized Mathematics assessments  
492 administered under s. 1008.22(3).

493           i. For schools comprised of middle grades 6 through 8 or

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494 grades 7 and 8, the percentage of eligible students passing high  
495 school level statewide, standardized end-of-course assessments  
496 or attaining national industry certifications identified in the  
497 CAPE Industry Certification Funding List pursuant to rules  
498 adopted by the State Board of Education.

499

500 In calculating Learning Gains for the components listed in sub-  
501 subparagraphs e.-h., the State Board of Education shall require  
502 that learning growth toward achievement levels 3, 4, and 5 is  
503 demonstrated by students who scored below each of those levels  
504 in the prior year. In calculating the components in sub-  
505 subparagraphs a.-d., the state board shall include the  
506 performance of English language learners only if they have been  
507 enrolled in a school in the United States for more than 2 years.

508 2. For a school comprised of grades 9, 10, 11, and 12, or  
509 grades 10, 11, and 12, the school's grade shall also be based on  
510 the following components, each worth 100 points:

511 a. The 4-year high school graduation rate of the school as  
512 defined by state board rule.

513 b. The percentage of students who were eligible to earn  
514 college and career credit through College Board Advanced  
515 Placement examinations, International Baccalaureate  
516 examinations, dual enrollment courses, or Advanced International  
517 Certificate of Education examinations; or who, at any time  
518 during high school, earned national industry certification  
519 identified in the CAPE Industry Certification Funding List,  
520 pursuant to rules adopted by the state board.

521 (4) SCHOOL REPORT CARD.—The Department of Education shall  
522 annually develop, in collaboration with the school districts and

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523 private schools, a school report card to be provided by the  
524 school district or private school, as applicable, to parents  
525 within the district. The report card shall include the school's  
526 grade; student performance in English Language Arts,  
527 mathematics, science, and social studies; information regarding  
528 school improvement; an explanation of school performance as  
529 evaluated by the federal Elementary and Secondary Education Act  
530 (ESEA), 20 U.S.C. ss. 6301 et seq.; and indicators of return on  
531 investment. Each school's report card shall be published  
532 annually by the department on its website based upon the most  
533 recent data available.

534 Section 5. Paragraph (e) of subsection (2) of section  
535 1013.385, Florida Statutes, is amended to read:

536 1013.385 School district construction flexibility.—

537 (2) A resolution adopted under this section may propose  
538 implementation of exceptions to requirements of the uniform  
539 statewide building code for the planning and construction of  
540 public educational and ancillary plants adopted pursuant to ss.  
541 553.73 and 1013.37 relating to:

542 ~~(e) Any other provisions that limit the ability of a school~~  
543 ~~to operate in a facility on the same basis as a charter school~~  
544 ~~pursuant to s. 1002.33(18) so long as the regional planning~~  
545 ~~council determines that there is sufficient shelter capacity~~  
546 ~~within the school district as documented in the Statewide~~  
547 ~~Emergency Shelter Plan.~~

548 Section 6. For the purpose of incorporating the amendment  
549 made by this act to section 1002.33, Florida Statutes, in a  
550 reference thereto, paragraph (h) of subsection (6) of section  
551 163.3180, Florida Statutes, is reenacted to read:

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552 163.3180 Concurrency.—

553 (6)

554 (h)1. In order to limit the liability of local governments,  
555 a local government may allow a landowner to proceed with  
556 development of a specific parcel of land notwithstanding a  
557 failure of the development to satisfy school concurrency, if all  
558 the following factors are shown to exist:

559 a. The proposed development would be consistent with the  
560 future land use designation for the specific property and with  
561 pertinent portions of the adopted local plan, as determined by  
562 the local government.

563 b. The local government's capital improvements element and  
564 the school board's educational facilities plan provide for  
565 school facilities adequate to serve the proposed development,  
566 and the local government or school board has not implemented  
567 that element or the project includes a plan that demonstrates  
568 that the capital facilities needed as a result of the project  
569 can be reasonably provided.

570 c. The local government and school board have provided a  
571 means by which the landowner will be assessed a proportionate  
572 share of the cost of providing the school facilities necessary  
573 to serve the proposed development.

574 2. If a local government applies school concurrency, it may  
575 not deny an application for site plan, final subdivision  
576 approval, or the functional equivalent for a development or  
577 phase of a development authorizing residential development for  
578 failure to achieve and maintain the level-of-service standard  
579 for public school capacity in a local school concurrency  
580 management system where adequate school facilities will be in

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581 place or under actual construction within 3 years after the  
582 issuance of final subdivision or site plan approval, or the  
583 functional equivalent. School concurrency is satisfied if the  
584 developer executes a legally binding commitment to provide  
585 mitigation proportionate to the demand for public school  
586 facilities to be created by actual development of the property,  
587 including, but not limited to, the options described in sub-  
588 subparagraph a. Options for proportionate-share mitigation of  
589 impacts on public school facilities must be established in the  
590 comprehensive plan and the interlocal agreement pursuant to s.  
591 163.31777.

592 a. Appropriate mitigation options include the contribution  
593 of land; the construction, expansion, or payment for land  
594 acquisition or construction of a public school facility; the  
595 construction of a charter school that complies with the  
596 requirements of s. 1002.33(18); or the creation of mitigation  
597 banking based on the construction of a public school facility in  
598 exchange for the right to sell capacity credits. Such options  
599 must include execution by the applicant and the local government  
600 of a development agreement that constitutes a legally binding  
601 commitment to pay proportionate-share mitigation for the  
602 additional residential units approved by the local government in  
603 a development order and actually developed on the property,  
604 taking into account residential density allowed on the property  
605 prior to the plan amendment that increased the overall  
606 residential density. The district school board must be a party  
607 to such an agreement. As a condition of its entry into such a  
608 development agreement, the local government may require the  
609 landowner to agree to continuing renewal of the agreement upon

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610 its expiration.

611 b. If the interlocal agreement and the local government  
612 comprehensive plan authorize a contribution of land; the  
613 construction, expansion, or payment for land acquisition; the  
614 construction or expansion of a public school facility, or a  
615 portion thereof; or the construction of a charter school that  
616 complies with the requirements of s. 1002.33(18), as  
617 proportionate-share mitigation, the local government shall  
618 credit such a contribution, construction, expansion, or payment  
619 toward any other impact fee or exaction imposed by local  
620 ordinance for public educational facilities, on a dollar-for-  
621 dollar basis at fair market value. The credit must be based on  
622 the total impact fee assessed and not on the impact fee for any  
623 particular type of school.

624 c. Any proportionate-share mitigation must be directed by  
625 the school board toward a school capacity improvement identified  
626 in the 5-year school board educational facilities plan that  
627 satisfies the demands created by the development in accordance  
628 with a binding developer's agreement.

629 3. This paragraph does not limit the authority of a local  
630 government to deny a development permit or its functional  
631 equivalent pursuant to its home rule regulatory powers, except  
632 as provided in this part.

633 Section 7. For the purpose of incorporating the amendment  
634 made by this act to section 1002.33, Florida Statutes, in a  
635 reference thereto, paragraph (c) of subsection (9) of section  
636 1002.32, Florida Statutes, is reenacted to read:

637 1002.32 Developmental research (laboratory) schools.—

638 (9) FUNDING.—Funding for a lab school, including a charter

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639 lab school, shall be provided as follows:

640 (c) All operating funds provided under this section shall  
641 be deposited in a Lab School Trust Fund and shall be expended  
642 for the purposes of this section. The university assigned a lab  
643 school shall be the fiscal agent for these funds, and all rules  
644 of the university governing the budgeting and expenditure of  
645 state funds shall apply to these funds unless otherwise provided  
646 by law or rule of the State Board of Education. The university  
647 board of trustees shall be the public employer of lab school  
648 personnel for collective bargaining purposes for lab schools in  
649 operation prior to the 2002-2003 fiscal year. Employees of  
650 charter lab schools authorized prior to June 1, 2003, but not in  
651 operation prior to the 2002-2003 fiscal year shall be employees  
652 of the entity holding the charter and must comply with the  
653 provisions of s. 1002.33(12).

654 Section 8. For the purpose of incorporating the amendment  
655 made by this act to section 1002.33, Florida Statutes, in a  
656 reference thereto, paragraph (a) of subsection (1) of section  
657 1002.345, Florida Statutes, is reenacted to read:

658 1002.345 Determination of deteriorating financial  
659 conditions and financial emergencies for charter schools and  
660 charter technical career centers.—This section applies to  
661 charter schools operating pursuant to s. 1002.33 and to charter  
662 technical career centers operating pursuant to s. 1002.34.

663 (1) EXPEDITED REVIEW; REQUIREMENTS.—

664 (a) A charter school or a charter technical career center  
665 is subject to an expedited review by the sponsor if one of the  
666 following occurs:

667 1. Failure to provide for an audit required by s. 218.39.

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668           2. Failure to comply with reporting requirements pursuant  
669 to s. 1002.33(9) or s. 1002.34(11)(f) or (14).

670           3. A deteriorating financial condition identified through  
671 an annual audit pursuant to s. 218.39(5), a monthly financial  
672 statement pursuant to s. 1002.33(9)(g) or s. 1002.34(11)(f), or  
673 a quarterly financial statement pursuant to s. 1002.331(2)(c).  
674 "Deteriorating financial condition" means a circumstance that  
675 significantly impairs the ability of a charter school or a  
676 charter technical career center to generate enough revenues to  
677 meet its expenditures without causing the occurrence of a  
678 condition described in s. 218.503(1).

679           4. Notification pursuant to s. 218.503(2) that one or more  
680 of the conditions specified in s. 218.503(1) have occurred or  
681 will occur if action is not taken to assist the charter school  
682 or charter technical career center.

683           Section 9. For the purpose of incorporating the amendment  
684 made by this act to section 1002.42, Florida Statutes, in a  
685 reference thereto, paragraph (g) of subsection (2) of section  
686 1002.385, Florida Statutes, is reenacted to read:

687           1002.385 The Gardiner Scholarship.—

688           (2) DEFINITIONS.—As used in this section, the term:

689           (g) "Eligible private school" means a private school, as  
690 defined in s. 1002.01, which is located in this state, which  
691 offers an education to students in any grade from kindergarten  
692 to grade 12, and which meets the requirements of:

693           1. Sections 1002.42 and 1002.421; and

694           2. A scholarship program under s. 1002.39 or s. 1002.395,  
695 as applicable, if the private school participates in a  
696 scholarship program under s. 1002.39 or s. 1002.395.



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697 Section 10. For the purpose of incorporating the amendment  
698 made by this act to section 1002.42, Florida Statutes, in a  
699 reference thereto, subsection (1) of section 1002.421, Florida  
700 Statutes, is reenacted to read:

701 1002.421 State school choice scholarship program  
702 accountability and oversight.—

703 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private  
704 school participating in an educational scholarship program  
705 established pursuant to this chapter must be a private school as  
706 defined in s. 1002.01(2) in this state, be registered, and be in  
707 compliance with all requirements of this section in addition to  
708 private school requirements outlined in s. 1002.42, specific  
709 requirements identified within respective scholarship program  
710 laws, and other provisions of Florida law that apply to private  
711 schools, and must:

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

714 (b) Notify the department of its intent to participate in a  
715 scholarship program.

716 (c) Notify the department of any change in the school's  
717 name, school director, mailing address, or physical location  
718 within 15 days after the change.

719 (d) Provide to the department or scholarship-funding  
720 organization all documentation required for a student's  
721 participation, including the private school's and student's  
722 individual fee schedule, and attendance verification as required  
723 by the department or scholarship-funding organization, prior to  
724 scholarship payment.

725 (e) Annually complete and submit to the department a

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726 notarized scholarship compliance statement certifying that all  
727 school employees and contracted personnel with direct student  
728 contact have undergone background screening pursuant to s.  
729 943.0542 and have met the screening standards as provided in s.  
730 435.04.

731 (f) Demonstrate fiscal soundness and accountability by:

732 1. Being in operation for at least 3 school years or  
733 obtaining a surety bond or letter of credit for the amount equal  
734 to the scholarship funds for any quarter and filing the surety  
735 bond or letter of credit with the department.

736 2. Requiring the parent of each scholarship student to  
737 personally restrictively endorse the scholarship warrant to the  
738 school or to approve a funds transfer before any funds are  
739 deposited for a student. The school may not act as attorney in  
740 fact for the parent of a scholarship student under the authority  
741 of a power of attorney executed by such parent, or under any  
742 other authority, to endorse a scholarship warrant or approve a  
743 funds transfer on behalf of such parent.

744 (g) Meet applicable state and local health, safety, and  
745 welfare laws, codes, and rules, including:

746 1. Firesafety.

747 2. Building safety.

748 (h) Employ or contract with teachers who hold baccalaureate  
749 or higher degrees, have at least 3 years of teaching experience  
750 in public or private schools, or have special skills, knowledge,  
751 or expertise that qualifies them to provide instruction in  
752 subjects taught.

753 (i) Maintain a physical location in the state at which each  
754 student has regular and direct contact with teachers.

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755 (j) Publish on the school's website, or provide in a  
756 written format, information for parents regarding the school,  
757 including, but not limited to, programs, services, and the  
758 qualifications of classroom teachers.

759 (k) At a minimum, provide the parent of each scholarship  
760 student with a written explanation of the student's progress on  
761 a quarterly basis.

762 (l) Cooperate with a student whose parent chooses to  
763 participate in the statewide assessments pursuant to s. 1008.22.

764 (m) Require each employee and contracted personnel with  
765 direct student contact, upon employment or engagement to provide  
766 services, to undergo a state and national background screening,  
767 pursuant to s. 943.0542, by electronically filing with the  
768 Department of Law Enforcement a complete set of fingerprints  
769 taken by an authorized law enforcement agency or an employee of  
770 the private school, a school district, or a private company who  
771 is trained to take fingerprints and deny employment to or  
772 terminate an employee if he or she fails to meet the screening  
773 standards under s. 435.04. Results of the screening shall be  
774 provided to the participating private school. For purposes of  
775 this paragraph:

776 1. An "employee or contracted personnel with direct student  
777 contact" means any employee or contracted personnel who has  
778 unsupervised access to a scholarship student for whom the  
779 private school is responsible.

780 2. The costs of fingerprinting and the background check  
781 shall not be borne by the state.

782 3. Continued employment of an employee or contracted  
783 personnel after notification that he or she has failed the

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784 background screening under this paragraph shall cause a private  
785 school to be ineligible for participation in a scholarship  
786 program.

787 4. An employee or contracted personnel holding a valid  
788 Florida teaching certificate who has been fingerprinted pursuant  
789 to s. 1012.32 is not required to comply with the provisions of  
790 this paragraph.

791 5. All fingerprints submitted to the Department of Law  
792 Enforcement as required by this section shall be retained by the  
793 Department of Law Enforcement in a manner provided by rule and  
794 entered in the statewide automated biometric identification  
795 system authorized by s. 943.05(2)(b). Such fingerprints shall  
796 thereafter be available for all purposes and uses authorized for  
797 arrest fingerprints entered in the statewide automated biometric  
798 identification system pursuant to s. 943.051.

799 6. The Department of Law Enforcement shall search all  
800 arrest fingerprints received under s. 943.051 against the  
801 fingerprints retained in the statewide automated biometric  
802 identification system under subparagraph 5. Any arrest record  
803 that is identified with the retained fingerprints of a person  
804 subject to the background screening under this section shall be  
805 reported to the employing school with which the person is  
806 affiliated. Each private school participating in a scholarship  
807 program is required to participate in this search process by  
808 informing the Department of Law Enforcement of any change in the  
809 employment or contractual status of its personnel whose  
810 fingerprints are retained under subparagraph 5. The Department  
811 of Law Enforcement shall adopt a rule setting the amount of the  
812 annual fee to be imposed upon each private school for performing

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813 these searches and establishing the procedures for the retention  
814 of private school employee and contracted personnel fingerprints  
815 and the dissemination of search results. The fee may be borne by  
816 the private school or the person fingerprinted.

817 7. Employees and contracted personnel whose fingerprints  
818 are not retained by the Department of Law Enforcement under  
819 subparagraphs 5. and 6. are required to be refingerprinted and  
820 must meet state and national background screening requirements  
821 upon reemployment or reengagement to provide services in order  
822 to comply with the requirements of this section.

823 8. Every 5 years following employment or engagement to  
824 provide services with a private school, employees or contracted  
825 personnel required to be screened under this section must meet  
826 screening standards under s. 435.04, at which time the private  
827 school shall request the Department of Law Enforcement to  
828 forward the fingerprints to the Federal Bureau of Investigation  
829 for national processing. If the fingerprints of employees or  
830 contracted personnel are not retained by the Department of Law  
831 Enforcement under subparagraph 5., employees and contracted  
832 personnel must electronically file a complete set of  
833 fingerprints with the Department of Law Enforcement. Upon  
834 submission of fingerprints for this purpose, the private school  
835 shall request that the Department of Law Enforcement forward the  
836 fingerprints to the Federal Bureau of Investigation for national  
837 processing, and the fingerprints shall be retained by the  
838 Department of Law Enforcement under subparagraph 5.

839 (n) Adopt policies establishing standards of ethical  
840 conduct for instructional personnel and school administrators.  
841 The policies must require all instructional personnel and school

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842 administrators, as defined in s. 1012.01, to complete training  
843 on the standards; establish the duty of instructional personnel  
844 and school administrators to report, and procedures for  
845 reporting, alleged misconduct by other instructional personnel  
846 and school administrators which affects the health, safety, or  
847 welfare of a student; and include an explanation of the  
848 liability protections provided under ss. 39.203 and 768.095. A  
849 private school, or any of its employees, may not enter into a  
850 confidentiality agreement regarding terminated or dismissed  
851 instructional personnel or school administrators, or personnel  
852 or administrators who resign in lieu of termination, based in  
853 whole or in part on misconduct that affects the health, safety,  
854 or welfare of a student, and may not provide the instructional  
855 personnel or school administrators with employment references or  
856 discuss the personnel's or administrators' performance with  
857 prospective employers in another educational setting, without  
858 disclosing the personnel's or administrators' misconduct. Any  
859 part of an agreement or contract that has the purpose or effect  
860 of concealing misconduct by instructional personnel or school  
861 administrators which affects the health, safety, or welfare of a  
862 student is void, is contrary to public policy, and may not be  
863 enforced.

864 (o) Before employing instructional personnel or school  
865 administrators in any position that requires direct contact with  
866 students, conduct employment history checks of each of the  
867 personnel's or administrators' previous employers, screen the  
868 personnel or administrators through use of the educator  
869 screening tools described in s. 1001.10(5), and document the  
870 findings. If unable to contact a previous employer, the private

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871 school must document efforts to contact the employer.

872 (p) Require each owner or operator of the private school,  
873 prior to employment or engagement to provide services, to  
874 undergo level 2 background screening as provided under chapter  
875 435. For purposes of this paragraph, the term "owner or  
876 operator" means an owner, operator, superintendent, or principal  
877 of, or a person with equivalent decisionmaking authority over, a  
878 private school participating in a scholarship program  
879 established pursuant to this chapter. The fingerprints for the  
880 background screening must be electronically submitted to the  
881 Department of Law Enforcement and may be taken by an authorized  
882 law enforcement agency or a private company who is trained to  
883 take fingerprints. However, the complete set of fingerprints of  
884 an owner or operator may not be taken by the owner or operator.  
885 The owner or operator shall provide a copy of the results of the  
886 state and national criminal history check to the Department of  
887 Education. The cost of the background screening may be borne by  
888 the owner or operator.

889 1. Every 5 years following employment or engagement to  
890 provide services, each owner or operator must meet level 2  
891 screening standards as described in s. 435.04, at which time the  
892 owner or operator shall request the Department of Law  
893 Enforcement to forward the fingerprints to the Federal Bureau of  
894 Investigation for level 2 screening. If the fingerprints of an  
895 owner or operator are not retained by the Department of Law  
896 Enforcement under subparagraph 2., the owner or operator must  
897 electronically file a complete set of fingerprints with the  
898 Department of Law Enforcement. Upon submission of fingerprints  
899 for this purpose, the owner or operator shall request that the

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900 Department of Law Enforcement forward the fingerprints to the  
901 Federal Bureau of Investigation for level 2 screening, and the  
902 fingerprints shall be retained by the Department of Law  
903 Enforcement under subparagraph 2.

904 2. Fingerprints submitted to the Department of Law  
905 Enforcement as required by this paragraph must be retained by  
906 the Department of Law Enforcement in a manner approved by rule  
907 and entered in the statewide automated biometric identification  
908 system authorized by s. 943.05(2)(b). The fingerprints must  
909 thereafter be available for all purposes and uses authorized for  
910 arrest fingerprints entered in the statewide automated biometric  
911 identification system pursuant to s. 943.051.

912 3. The Department of Law Enforcement shall search all  
913 arrest fingerprints received under s. 943.051 against the  
914 fingerprints retained in the statewide automated biometric  
915 identification system under subparagraph 2. Any arrest record  
916 that is identified with an owner's or operator's fingerprints  
917 must be reported to the owner or operator, who must report to  
918 the Department of Education. Any costs associated with the  
919 search shall be borne by the owner or operator.

920 4. An owner or operator who fails the level 2 background  
921 screening is not eligible to participate in a scholarship  
922 program under this chapter.

923 5. In addition to the offenses listed in s. 435.04, a  
924 person required to undergo background screening pursuant to this  
925 part or authorizing statutes may not have an arrest awaiting  
926 final disposition for, must not have been found guilty of, or  
927 entered a plea of nolo contendere to, regardless of  
928 adjudication, and must not have been adjudicated delinquent for,



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929 and the record must not have been sealed or expunged for, any of  
930 the following offenses or any similar offense of another  
931 jurisdiction:

- 932 a. Any authorizing statutes, if the offense was a felony.  
933 b. This chapter, if the offense was a felony.  
934 c. Section 409.920, relating to Medicaid provider fraud.  
935 d. Section 409.9201, relating to Medicaid fraud.  
936 e. Section 741.28, relating to domestic violence.  
937 f. Section 817.034, relating to fraudulent acts through  
938 mail, wire, radio, electromagnetic, photoelectronic, or  
939 photooptical systems.  
940 g. Section 817.234, relating to false and fraudulent  
941 insurance claims.  
942 h. Section 817.505, relating to patient brokering.  
943 i. Section 817.568, relating to criminal use of personal  
944 identification information.  
945 j. Section 817.60, relating to obtaining a credit card  
946 through fraudulent means.  
947 k. Section 817.61, relating to fraudulent use of credit  
948 cards, if the offense was a felony.  
949 l. Section 831.01, relating to forgery.  
950 m. Section 831.02, relating to uttering forged instruments.  
951 n. Section 831.07, relating to forging bank bills, checks,  
952 drafts, or promissory notes.  
953 o. Section 831.09, relating to uttering forged bank bills,  
954 checks, drafts, or promissory notes.  
955 p. Section 831.30, relating to fraud in obtaining medicinal  
956 drugs.  
957 q. Section 831.31, relating to the sale, manufacture,

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958 delivery, or possession with the intent to sell, manufacture, or  
959 deliver any counterfeit controlled substance, if the offense was  
960 a felony.

961 6. At least 30 calendar days before a transfer of ownership  
962 of a private school, the owner or operator shall notify the  
963 parent of each scholarship student.

964 7. The owner or operator of a private school that has been  
965 deemed ineligible to participate in a scholarship program  
966 pursuant to this chapter may not transfer ownership or  
967 management authority of the school to a relative in order to  
968 participate in a scholarship program as the same school or a new  
969 school. For purposes of this subparagraph, the term "relative"  
970 means father, mother, son, daughter, grandfather, grandmother,  
971 brother, sister, uncle, aunt, cousin, nephew, niece, husband,  
972 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,  
973 brother-in-law, sister-in-law, stepfather, stepmother, stepson,  
974 stepdaughter, stepbrother, stepsister, half-brother, or half-  
975 sister.

976 (q) Provide a report from an independent certified public  
977 accountant who performs the agreed-upon procedures developed  
978 pursuant to s. 1002.395(6)(o) if the private school receives  
979 more than \$250,000 in funds from scholarships awarded under this  
980 chapter in a state fiscal year. A private school subject to this  
981 subsection must annually submit the report by September 15 to  
982 the scholarship-funding organization that awarded the majority  
983 of the school's scholarship funds. However, a school that  
984 receives more than \$250,000 in scholarship funds only through  
985 the John M. McKay Scholarship for Students with Disabilities  
986 Program pursuant to s. 1002.39 must submit the annual report by

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987 September 15 to the department. The agreed-upon procedures must  
988 be conducted in accordance with attestation standards  
989 established by the American Institute of Certified Public  
990 Accountants.

991  
992 The department shall suspend the payment of funds to a private  
993 school that knowingly fails to comply with this subsection, and  
994 shall prohibit the school from enrolling new scholarship  
995 students, for 1 fiscal year and until the school complies. If a  
996 private school fails to meet the requirements of this subsection  
997 or has consecutive years of material exceptions listed in the  
998 report required under paragraph (q), the commissioner may  
999 determine that the private school is ineligible to participate  
1000 in a scholarship program.

1001 Section 11. For the purpose of incorporating the amendment  
1002 made by this act to section 1002.42, Florida Statutes, in a  
1003 reference thereto, subsection (2) of section 1007.271, Florida  
1004 Statutes, is reenacted to read:

1005 1007.271 Dual enrollment programs.—

1006 (2) For the purpose of this section, an eligible secondary  
1007 student is a student who is enrolled in any of grades 6 through  
1008 12 in a Florida public school or in a Florida private school  
1009 that is in compliance with s. 1002.42(2) and provides a  
1010 secondary curriculum pursuant to s. 1003.4282. Students who are  
1011 eligible for dual enrollment pursuant to this section may enroll  
1012 in dual enrollment courses conducted during school hours, after  
1013 school hours, and during the summer term. However, if the  
1014 student is projected to graduate from high school before the  
1015 scheduled completion date of a postsecondary course, the student

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1016 may not register for that course through dual enrollment. The  
1017 student may apply to the postsecondary institution and pay the  
1018 required registration, tuition, and fees if the student meets  
1019 the postsecondary institution's admissions requirements under s.  
1020 1007.263. Instructional time for dual enrollment may vary from  
1021 900 hours; however, the full-time equivalent student membership  
1022 value shall be subject to the provisions in s. 1011.61(4). A  
1023 student enrolled as a dual enrollment student is exempt from the  
1024 payment of registration, tuition, and laboratory fees. Applied  
1025 academics for adult education instruction, developmental  
1026 education, and other forms of precollegiate instruction, as well  
1027 as physical education courses that focus on the physical  
1028 execution of a skill rather than the intellectual attributes of  
1029 the activity, are ineligible for inclusion in the dual  
1030 enrollment program. Recreation and leisure studies courses shall  
1031 be evaluated individually in the same manner as physical  
1032 education courses for potential inclusion in the program.

1033 Section 12. This act shall take effect July 1, 2020.