

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/CS/HB 1267](#)

**TITLE:** Education

**SPONSOR(S):** Busatta

**COMPANION BILL:** [CS/SB 1708](#) (Calatayud)

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Education & Employment](#)

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## SUMMARY

### Effect of the Bill:

The bill provides additional opportunities for hope operators by revising provisions governing Schools of Hope. The bill also expands the authority of school districts to build affordable housing on school district property for essential services personnel to include educational villages while providing school districts an exemption from law, local ordinance, or regulation for the purpose of building affordable housing provided all units constructed are maintained as affordable housing for 30 years. The bill increases transparency surrounding the school grades earned by Florida schools. The bill expands supports for students with substantial deficiencies in reading and/or mathematics by capturing more students in need of supports. The bill establishes term limits for members of the Board of Governors, the State Board of Education, and state university and state college boards of trustees. The bill repeals the public records exemption for state university and state college presidential applicants and makes additional changes to the presidential search and selection process. The bill creates several grant programs and revises existing funding supports to assist rural school districts, charter schools, and private schools.

### Fiscal or Economic Impact:

The bill has an indeterminate fiscal impact on school districts and charter schools resulting from changes to the schools of hope program and requirements for interventions to students identified as having substantial deficiencies in reading or mathematics. The bill may have a fiscal impact to the New Worlds Reading Initiative if current tax credit revenues are insufficient to cover the additional cost associated with the competitive grant program. The bill has a positive fiscal impact on local governments and the private sector in rural counties based on the new and revised programs.

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## ANALYSIS

### EFFECT OF THE BILL:

The bill seeks to provide additional opportunities for [hope operators](#) by revising provisions governing [Schools of Hope](#). The bill amends the definition of [persistently low-performing school](#) by including schools that fall in the bottom 10 percent of schools statewide for student performance on the grade 3 statewide, standardized English Language Arts assessment or the grade 4 statewide, standardized mathematics assessment in at least 2 of the previous 3 years.

The bill provides that a school of hope has a right to use a vacant or surplus [facility](#) or co-locate with another public school in any facility that has a utilization rate of less than 50 percent or a surplus of at least 500 student stations so long as the total occupancy of the facility does not exceed its capacity. The bill requires a school district to execute an agreement authorizing use of educational facilities upon receipt of a hope operator's notice of intent to use the facility.

The bill replaces the current requirement that a hope operator and the school district develop a mutual management agreement, including the optional fee, by requiring that the use, operation, and maintenance of facilities occupied by schools of hope, must be provided at no cost to the school of hope pursuant to a mutual

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management agreement developed by the State Board of Education (SBE). The bill incorporates such a mutual management agreement into the [dispute resolution](#) provisions governing agreements between hope operators and school districts. To avoid unnecessary duplication, the bill requires a school of hope receive noninstructional services from the school district on a pro-rata basis based on the number of students enrolled. The bill provides that students enrolled in the school of hope be included within the district's total capital outlay FTE membership for purposes of charter school capital outlay funding and for calculating the Public Education Capital Outlay maintenance funds or any other maintenance funds for the facility.

The bill clarifies that a nonprofit entity that operates more than one school of hope which is designated as a local education agency may directly report its students to the Department of Education (DOE). Additionally, the bill clarifies that a school district may provide the DOE with documentation for prekindergarten students in a school district facility that are not reported for funding in the Florida Education Finance Program prior to the DOE's annual publication of the underused, vacant or surplus facilities list. (Section [15](#)).

The bill expands the [authority of school districts to build affordable housing](#) on school district property for essential services personnel to include educational villages that include a K-12 educational facility, affordable housing, and associated amenities, such as a community center. The bill provides school districts an exemption from law, local ordinance, or regulation for the purpose of building affordable housing provided all units constructed are maintained as affordable housing for 30 years. Additionally, the bill exempts school district property used for an educational village from the provision of law governing lease, rental, and lease-purchase of educational plants, ancillary plants, and auxiliary facilities and sites. The bill requires that any proposal for affordable housing that includes reassigning students or closing a K-12 educational facility be heard at a minimum of three public meetings. (Section [6](#))

The bill authorizes district school boards to approve the use of K-12 educational facilities for purposes other than K-12 education but requires that any such proposal go before the district school board at a publicly noticed meeting. (Section [5](#)).

The bill establishes [term limits](#) for appointed board members as follows:

- Board of Governors (BOG): may serve a single 7-year term total.
- SBE: may serve up to two 4-year terms total.
- State University System Boards of Trustees (UBOT): may serve up to two consecutive 5-year terms.
- Florida College System Boards of Trustees (FCS BOT): may serve up to two consecutive 4-year terms.

A SBE or FCS BOT member may only serve as board chair for one 2-year term. An appointed UBOT or FCS BOT member may continue to serve until a successor is appointed. (Sections [4](#), [9](#), [11](#), and [13](#)).

Effective January 6, 2027, a member of the BOG or a UBOT must be a United States citizen and either a Florida resident or, for the BOG, a graduate of a state university or, for a UBOT, a graduate of the state university which the UBOT serves. On or after January 6, 2027, a position on the BOG or a UBOT which is held by a person who does not meet the residency requirements will be deemed vacant. The bill removes a requirement that the Governor and BOG consider diversity when appointing members to a UBOT. (Sections [2](#) and [13](#)).

Beginning January 1, 2026, an appointed member of the BOG must comply with s. 8, Art. II of the State Constitution as well as Florida law<sup>1</sup> by annually filing a [full and public disclosure](#) of his or her financial interests. (Section [3](#)).

The bill repeals the [public records and public meeting exemption](#) for state university and state college [presidential applicants](#). The bill also requires each UBOT and FCS BOT to adopt a presidential succession plan specifying lines of authority should the president not fulfill his or her full term, with each successor identified in the plan being a current employee of the institution. An interim president may only be appointed or selected in conformance with the succession plan or after a search is conducted pursuant to state law.<sup>2</sup>

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<sup>1</sup> Section [112.3144, F.S.](#)

<sup>2</sup> Sections [1001.64\(19\)](#) and [1001.706\(6\)\(a\), F.S.](#)

Upon the vacancy or anticipated vacancy of a state university or state college presidency, no public officer, including the Governor, or employee of an executive branch agency may discuss the vacancy, process for filling the vacancy, or promote or advocate for an individual for president with a member or employee of the BOG, SBE, UBOT, or FCS BOT. (Section [21](#)).

The bill empowers the UBOT to select and reappoint the university president, while maintaining the BOG's confirmation of the UBOT's selection. For FCS institutions, the bill provides that FCS BOT appointments, reappointments, suspension, and extension of a president are not subject to approval or confirmation by the SBE.

A UBOT or FCS BOT chair must appoint a presidential search committee when seeking a permanent president. Composition of the search committee is prescribed and no one on the committee can hold a position that reports directly to the president. Neither the Chancellor of the State University System (SUS) nor a BOG member may serve on the presidential search committee for a SUS institution and neither the Commissioner of Education (Commissioner) nor a SBE member may serve for a FCS institution. The permanent president appointed by a UBOT or FCS BOT must have been recommended by the search committee. A UBOT or FCS BOT may renew a presidential contract for a term exceeding 1 year, but not exceeding the term of the original contract. (Sections [10](#) and [12](#)).

When the BOG conducts its required periodic review of a state university's mission and the alignment of existing academic programs with the mission,<sup>3</sup> the admission criteria for the programs must also be included in the review. The BOG must issue a directive to the university regarding any admission criteria that violates the Florida Educational Equity Act.<sup>4</sup> To assist the BOG in its review of admission criteria, each university must post program admission criteria on its website. (Section [12](#)).

State colleges and universities are prohibited from imposing an institution-wide graduation requirement that includes a course in conflict with state statute<sup>5</sup> prohibiting general education core courses from distorting significant historical events or including a curriculum that teaches identity politics, violates the Florida Educational Equity Act, or is based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities. (Section [23](#)).

The bill strengthens previous efforts to provide state college and state university students with transparent information regarding [course content and affordability](#). To that end, in addition to the identifying information already described in statute,<sup>6</sup> FCS and SUS institutions are required to prominently post information on textbooks and instructional materials, including those that are open access or otherwise free of cost, for at least 95 percent of all courses and course sections each term, which is defined to include fall, spring, and summer terms. Institutions may also provide another unique identifier as an alternative to an International Standard Book Number (ISBN) when appropriate.

The lists of required and recommended textbooks and instructional materials must be based on lists submitted by instructors and, in addition to existing requirements:<sup>7</sup>

- be searchable by general education status and course section;
- include the duration of any license allowing access to the textbook or instructional material; and
- display corresponding retail costs, when applicable, to help students determine the value of any bulk pricing program.

To maximize informed student choice, the current syllabi posting requirement<sup>8</sup> is expanded to include all courses subject to the textbook and instructional materials posting requirement. The syllabi must be current and posted by hyperlink prominently in the course registration system. Syllabi must include:

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<sup>3</sup> Section [1001.706\(5\)\(a\), F.S.](#)

<sup>4</sup> Section [1000.05, F.S.](#)

<sup>5</sup> Section [1007.25\(3\)\(c\), F.S.](#)

<sup>6</sup> Section [1004.085\(5\)\(a\), F.S.](#)

<sup>7</sup> Section [1004.085\(5\)\(b\), F.S.](#)

<sup>8</sup> Section [1004.085\(5\)\(c\), F.S.](#)

- the course curriculum, including the required, recommended, and supplemental textbooks and instructional materials regardless of cost or whether the materials are open access or open educational resource;
- specific goals, objectives, and student expectations of the course; and
- how student performance will be evaluated, including the grading scale and methodology.

The changes made by the bill relating to textbook, instructional material, and course syllabus transparency take effect on January 1, 2026. (Section [20](#)).

Under current statute, a new construction, remodeling, or renovation project that has not received an appropriation in a previous year will not be considered for inclusion on the prioritized list submitted by the BOG for [capital outlay projects](#) unless a plan is provided to reserve funds in an escrow account specific to the project. Each year, 1 percent of the total value of the building must be deposited in the account for future maintenance. The bill provides that such an escrow account does not have to be specific to the project. (Section [12](#)).

The bill removes a requirement that the [Institute for Freedom in the Americas](#) (Institute) at Miami Dade College partner with the Adam Smith Center for Economic Freedom at Florida International University to hold workshops, symposiums, and conferences. The bill also removes a requirement for Miami Dade College to approve a direct-support organization to support the Institute in its mission to develop partnerships throughout the Americas. (Section [22](#)).

Sections 17 and 25 of the bill, to be known as the Schools Committed to Outstanding Results and Excellence (SCORE) Act, provide for the transition from the current [SBE defined grading scale](#) to a traditional A-F grading system for school grades. The transition will be incremental and take place over the next 10 years. For the 2024-25 and 2025-26 school years, all school grades will be calculated using the SBE adopted grading scale. For the subsequent school years, the DOE must use the following grading scales when calculating school grades:

Grade	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34
<b>A</b>	65% or greater	68% or greater	71% or greater	74% or greater	78% or greater	82% or greater	86% or greater	90% or greater
<b>B</b>	55-64%	58-67%	61-70%	64-73%	68-77%	72-81%	76-85%	80-89%
<b>C</b>	45-54%	48-57%	51-60%	54-63%	58-67%	62-71%	66-75%	70-79%
<b>D</b>	35-44%	38-47%	41-50%	44-53%	48-57%	52-61%	56-65%	60-69%
<b>F</b>	34% or less	37% or less	40% or less	43% or less	47% or less	51% or less	55% or less	59% or less

The school report card must include the percentage of students at the school performing at or above grade level in English Language Arts (ELA) and the percentage of students at the school performing at or above grade level in mathematics and whether a school needs intervention and support under Florida's [school improvement system](#) and the criteria used to make that determination. (Section [1](#) and [25](#))

All student report cards must include the most recent school grade earned by the school along with the percentage of students at the school performing at or above grade level in ELA and the percentage of students at the school performing at or above grade level in mathematics. (Section [17](#))

The bill expands the provision of [interventions for students with substantial deficiencies in reading and/or mathematics](#) in several ways. The bill requires the DOE definition for substantial deficiency in reading and substantial deficiency in mathematics to include, at a minimum, students who have been retained and students who scored a Level 1 on the end of year test administration of the coordinated screening and progress monitoring system.

The bill extends the grade range in which school district monitor students for a substantial deficiency in reading and/or mathematics as well as the grade in which interventions are required to kindergarten through grade 8. The bill requires that the mandatory school district early warning system be designed to identify students in grades kindergarten through grade 8 with a substantial deficiency in reading and/or mathematics. Current law requires

that the early warning system monitor, and interventions be provided to, students with a substantial deficiency in reading in kindergarten through grade 3 while such monitoring and interventions for students with a substantial deficiency in math are provided in kindergarten through grade 4. (Sections [5](#), [14](#), and [24](#))

The administrator of the [New Worlds Reading Initiative](#) must develop a competitive incentive program to provide classroom libraries, tailored to specific grade levels kindergarten through grade 5, in Title I schools that increase the percentage of eligible students participating in the initiative. Additionally, the bill requires school districts to inform all students that are eligible for books through the New Worlds Reading Initiative of their eligibility. (Sections [16](#), [18](#), and [19](#)).

Any [Voluntary Prekindergarten student identified as having a substantial reading deficiency reading](#) on either the administration of the midyear or final coordinated screening and progress monitoring is eligible for the summer bridge program.

The school district student progression plan must include criteria that emphasize student reading proficiency in kindergarten through grade 12, instead of the current requirements of kindergarten through grade 3. (Section [24](#)).

The bill expands services, incentive grants, and authority over the use of funds by regional consortium service organizations (regional consortia). The bill authorizes the [regional consortia](#) boards of directors to determine the number of services to offer, and adds to those services: safe schools support; state grant procurement; professional learning; college, career, and workforce development; and business and operational services.

The bill increases the statutory allocation, subject to appropriation, to the regional consortia from \$50,000 per member to \$150,000 per member. Each regional consortium must submit quarterly financial reports to members, and an annual report to the DOE regarding the use of funds for consortia services. Of the allocation, the bill specifies that unexpended amounts must be carried forward into the approved operating budget for the following year.

The bill codifies current practice that a member district must serve as the fiscal agent for regional consortium contractual and reporting purposes. The bill specifies compensation to the fiscal agent and to each regional consortium for activities. The regional consortium recommends appointments to the fiscal agent and recommends a salary schedule and job description for its personnel. However, the bill authorizes the regional consortium to purchase or lease property and facilities independent of the fiscal agent district.

The bill increases the alternate revenue sources for a regional consortium board of directors to include contracting for services to nonmember school districts. For funds received from alternate revenue sources, the bill removes the requirement that the funds be used solely for development and marketing and authorizes the board of directors to determine the use of the funds. These funds may be carried forward for maintaining or expanding services, facilities maintenance, terminal pay, and other liabilities.

Each regional consortium may administer the Regional Consortia Service Organization Supplemental Services Program. (Section [7](#)).

The Regional Consortia Service Organization Supplemental Services Program (supplemental services) is created to provide additional resources to regional consortium service organizations for programs and services offered to members. The supplemental services funds may be used for transportation; district finance personnel services; property insurance, including property insurance obtained from any source; cybersecurity support; school safety; college, career, and workforce development; academic support; and behavior support within exceptional student education services. Each board of directors will determine the use of supplemental services funds through cooperative agreements with regional consortium members.

The regional consortium may carry forward unused supplemental services funds for up to five years and must annually report to the Legislature on the distribution of funds and member services provided. (Section [8](#)).



The Rural Incentive for Professional Educators (RIPE) program is created within the Office of Student Financial Assistance in the DOE. In order to support the [recruitment and retention of qualified instructional personnel in rural communities](#), the RIPE program provides up to \$15,000 in total student loan repayment assistance over 5 years, disbursed in annual payments up to \$3,000 per year.

To be eligible for the RIPE program, an individual must:

- Establish permanent residency on or after July 1, 2025, in a rural area of opportunity. The address on a state-issued identification card or driver license is evidence of residence.
- Secure full-time employment as a teacher or administrator in a public or private school in the same district of residence.
- Hold an associate degree, bachelor's degree, postgraduate degree, or certificate from an accredited institution earned before establishing residency.
- Have an active student loan balance incurred for the completion of the qualifying degree or certificate.

Before disbursement of an award, the DOE must verify that the participant has maintained continuous enrollment in the school district in an instructional or administrative role, has an evaluation rating of effective or highly effective, and has not been subject to specified disciplinary actions.

The DOE must develop application procedures requiring documentation, including proof of residency, verification of employment, official academic transcripts, and details of outstanding student loans. The bill requires the SBE to adopt rules no later than January 31, 2026, to administer the RIPE program. (Section [26](#)).

The bill modifies the participation requirements for funds for comprehensive educational plant needs, for a school district that receives funds under the [Special Facility Construction Account](#) (SFCA).

For new construction projects under the SFCA, beginning in the 2025-2026 fiscal year, the district is not required to budget the value of 1 mill per year toward the project, but must use those funds toward authorized capital purchases specified in law. However, the district must levy the maximum 1.5 mills ad valorem tax or raise an equivalent revenue from the school capital outlay surtax for the three years prior to the application for funds, and for the initial year of appropriation plus two additional years. School districts that have received funds since 2020-2021 under the SFCA and have an outstanding participation requirement would be required to complete the terms of the participation agreement. However, such districts with existing projects more than three years old would be eligible to apply for funds for an additional project. (Section [28](#)).

The bill specifies the revenue to be deducted from the capital funds that a district participating under the SFCA program must distribute to each eligible [charter school](#).

The bill maintains the requirement that the total discretionary millage revenue that a school district must distribute to each eligible charter school must be reduced by the school district's annual debt service obligation incurred as of March 1, 2017, which has not been subsequently retired.

However, the additional amount of revenue that must be deducted from the total discretionary millage revenue related to the SFCA is modified:

- For currently funded projects under the SFCA, the bill maintains the requirement that deducts any amount of participation requirement under the SFCA that is being satisfied by revenues raised by the discretionary millage.
- For construction projects for which SFCA funding is sought beginning in the 2025-2026 fiscal year, the additional deducted amount will be the value of 1 mill from the revenue generated under the district's 1.5 mill discretionary ad valorem levy or revenue from the school capital outlay surtax. This amount must be certified to the DOE. (Section [27](#)).

Except as otherwise expressly provided in the bill and except for this section, which would take effect upon the bill becoming a law, the effective date for the bill is July 1, 2025. (Section [29](#)).

## FISCAL OR ECONOMIC IMPACT:

### LOCAL GOVERNMENT:

Currently a hope operator establishing a school of hope may use a school district's facility at no cost or at a mutually agreeable cost not to exceed \$600 per student. The bill removes this authority to negotiate a mutually agreeable maintenance fee with a hope operator; therefore, existing maintenance costs for the facility will be borne exclusively by the school district. Since it is not known how many current hope operators currently pay some type of mutually agreeable maintenance fee to the school district, the fiscal impact to applicable school districts is indeterminate. The bill has an indeterminate, positive fiscal impact on school districts resulting from districts' authority to include students attending a school of hope in a district facility as a capital outlay FTE student when determining the amount of levied revenue a school district may need to provide to eligible charter schools. Conversely, the bill has an indeterminate, negative fiscal impact on eligible charter schools in a school district including school of hope students in a district facility as capital outlay FTE.

Due to the broadening of the definition of substantial deficiency and the expansion of grades in which school districts must provide interventions to students identified as having a substantial deficiency in reading and/or mathematics, the bill will have an indeterminate fiscal impact to school district expenditures.

The bill expands the duties of the New World Reading Initiative (NWRI) by requiring the establishment of a competitive incentive program to provide classroom libraries in Title I schools. The NWRI is funded by monetary contributions made by taxpayers who receive a dollar-for-dollar credit against certain identified taxes. It is not known if the forecasted amount of tax credit revenue for Fiscal Year 2025-2026 will be sufficient to cover the NWRI's establishment of the competitive grant program.

Local governments in rural areas of the state will benefit from participating in the grant programs created specifically for them in the bill and the associated funding for the newly created and existing programs.

### PRIVATE SECTOR:

The bill creates a number of new grant programs and increases funding for existing programs which are designed to fund, either directly or indirectly, private sector activity, primarily in the transportation, education, and healthcare fields. Citizens in rural communities will benefit indirectly from programs designed to increase community investment as guided by local governments.

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### [Schools of Hope](#)

In 2017, the Legislature established the Schools of Hope Program to provide students in areas of persistently low-performing schools the opportunity to access a high-quality education designed to close the opportunity gap and increase student achievement.<sup>9</sup> A school of hope is defined as a charter school operated by a hope operator to serve students from one or more persistently low-performing schools; is located within the attendance zone of the persistently low-performing school or within a five mile radius of the school, whichever is greater; and is a Title I eligible school.<sup>10</sup>

A hope operator may also open a school of hope in a "Florida Opportunity Zone," which is a population census tract that has been designated by the Treasury as a Qualified Opportunity Zone pursuant to the federal Tax Cuts and Jobs Act of 2017.<sup>11</sup> In 2018, Governor Rick Scott nominated Florida's 427 opportunity zone sites located

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<sup>9</sup> Section 43, ch. 2017-116, L.O.F., codified at [s. 1002.333, F.S.](#)

<sup>10</sup> Section [1002.333\(1\)\(c\)1, F.S.](#)

<sup>11</sup> Tax Cuts and Jobs Act of 2017, Pub. L. No. 115-97, H.R. 1, 115th Cong. (Dec. 22, 2017)

throughout Florida's 67 counties.<sup>12</sup> The zones were certified by the Treasury and will retain the designation for 10 years.<sup>13</sup>

A hope operator seeking to open a school of hope must submit a notice of intent to the school district that includes, among other information, an academic focus and plan, a financial plan, goals and objective for increasing student achievement for students from low-income families, and a completed or planned community outreach plan.<sup>14</sup> A school of hope must be operated under a performance-based agreement with an initial term of 5 years that meets the requirements established in statute, including, but not limited to: a delineation of the current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used; the grounds for termination, including failure to meet the requirements for student performance; and a description of the methods of involving parents and expected levels for such involvement.<sup>15</sup>

Under the Schools of Hope Program administered by the DOE, a school of hope may receive additional funding for certain expenses such as funds for initial school facility leasing, hiring instructional support personnel, or acquiring supplies and educational materials, along with other expenses specified in law.<sup>16</sup> Funds allocated which are not disbursed by June 30 of the FY in which the funds are allocated may be carried forward for up to 5 years.<sup>17</sup> The DOE also operate the Schools of Hope revolving loan program to provide assistance to schools of hope with building construction needs and expenses related to startup of new schools of hope.<sup>18</sup> The Legislature, to date, has appropriated \$100 million for the revolving loan fund of which \$98,930,008 has been loaned to hope operators.<sup>19</sup>

A school of hope or a nonprofit entity that operates more than one school of hope may request that the SBE designate the school as a local education agency (LEA) for the purposes of receiving federal funds. As a LEA, the school accepts the full responsibility for all LEA requirements and the schools for which it will perform local education agency responsibilities.<sup>20</sup> Students enrolled in a school established by a hope operator designated as a LEA are not eligible students for purposes of calculating a district's school grade.<sup>21</sup>

A school of hope that has not been designated as an LEA must report its students to the school district for purposes of determining the school district's full-time equivalent FTE membership in calculating the Florida Education Finance Program (FEFP).<sup>22</sup>

### **Persistently Low-Performing Schools**

A persistently low-performing school is a school that has earned three grades lower than a "C" in at least 3 of the previous 5 school years that the school received a grade and has not earned a grade of "B" or higher in the most recent 2 school years. A school is also a persistently low-performing school if it was closed pursuant to the school's turnaround option plan within 2 years after the submission of a notice of intent.<sup>23</sup> The SBE must publish annually a list of persistently low-performing schools and must provide students in persistently low-performing schools with

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<sup>12</sup> Florida Department of Economic Opportunity, Florida's Certified Opportunity Zones (2018), available at <http://www.floridajobs.org/docs/default-source/communicationsfiles/fl-opportunity-zones-county-summary.pdf>; See also Florida Department of Economic Opportunity, Bureau of Workforce Statistics and Economic Research, *Opportunity Zones by Media Markets*, available at <https://deolmsgis.maps.arcgis.com/apps/webappviewer/index.html?id=4e768ad410c84a32ac9aa91035cc2375> (providing a map of each identified opportunity zone (FOZ)).

<sup>13</sup> U.S. Department of Treasury, Press Releases: Treasury, *IRS Announce Final Round of Opportunity Zone Designations* (June 14, 2018), <https://home.treasury.gov/news/press-releases/sm0414> (last visited Apr. 15, 2025).

<sup>14</sup> Section 1002.333(4)(a), F.S.

<sup>15</sup> Section 1002.333(5), F.S.

<sup>16</sup> Section 1002.333(10), F.S.

<sup>17</sup> Section 1002.333(10)(b), F.S.

<sup>18</sup> Section 1001.292, F.S.

<sup>19</sup> Florida Department of Education, *School of Hope: Revolving Loan Fund*, <https://www.fldoe.org/schools/school-choice/other-school-choice-options/schools-of-hope/loan-fund.stml> (last visited Apr. 15, 2025).

<sup>20</sup> Section 1002.333(6)(a), F.S.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at (6)(g).

<sup>23</sup> Section 1002.333(1)(c), F.S.



a public school that meets accountability standards.<sup>24</sup> For school year 2023-2024, the SBE's published list include 51 persistently low-performing schools.<sup>25</sup>

### Hope Operators

A hope operator is a tax-exempt, nonprofit organization that operates three or more charter schools that serve students in grades K-12 in Florida or other states with a record of serving students from low-income families and is designated by the SBE as a hope operator.<sup>26</sup> The SBE rule designates an entity as a hope operator if it submits a complete application and meets at least one of the following criteria:

- the entity was awarded a United States Department of Education Charter School Program grant for the Replication and Expansion of High-Quality Charter Schools pursuant to Title IV, Part C of the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act within the preceding 3 years from the date the entity submits an application to the DOE;
- the entity has a current and active grant award for funding through the National Fund of the Charter School Growth Fund; or
- the entity is a non-profit charter school that is selected by a district school board to turnaround the performance of a low-performing public school.<sup>27</sup>

Designation as a hope operator is valid for 5 years from the opening of a school of hope.<sup>28</sup> Presently, Florida has designated seven hope operators<sup>29</sup> that are running 12 schools of hope.<sup>30</sup>

### Facilities

A school of hope must use facilities that comply with the Florida Building Code, except for the State Requirements for Educational Facilities (SREF).<sup>31</sup> A school of hope that uses school district facilities must comply with SREF only if the school district and the hope operator have entered into a mutual management plan for the reasonable maintenance of such facilities, as specified in law.<sup>32</sup>

No later than January 1, the DOE must annually provide to school districts a list of all underused, vacant, or surplus facilities owned or operated by the school district as reported in the Florida Inventory of School Houses.<sup>33</sup> By each April 1, the DOE must update and publish a final list of all underused, vacant, or surplus facilities owned or operated by each school district, based upon updated information provided by each school district. A hope operator establishing a school of hope may use an educational facility identified by a school district at no cost or at a mutually agreeable cost not to exceed \$600 per student. A hope operator that uses a facility owned or operated by a school district may not sell or dispose of the facility without the written permission of the school district.<sup>34</sup>

### Dispute Resolution for Hope Operators

The SBE is responsible for overseeing the resolution of disputes between a hope operator and a school district arising from a performance-based agreement or a contract between a charter operator and a school district. The Commissioner must appoint a special magistrate who must hold hearings to determine facts relating to the dispute

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<sup>24</sup> Section 1002.333(11)(d), F.S.

<sup>25</sup> Florida Department of Education, Florida School Accountability Reports, *Persistently Low-Performing Schools* (2024), available at <https://www.fldoe.org/core/fileparse.php/18534/urlt/PLP24.xlsx>.

<sup>26</sup> Section 1002.333(2), F.S.

<sup>27</sup> Rule 6A-1.0998271(2)(b), F.A.C.

<sup>28</sup> Section 1002.333(3), F.S.

<sup>29</sup> Democracy Prep Public Schools, Inc., Individuals Dedicated to Excellence and Achievement (IDEA) Public Schools, the Knowledge is Power Program (KIPP) New Jersey, Mater Academy, Renaissance/Warrington Preparatory Academy, Success Academy, and RCMA. See Florida Department of Education, *Schools of Hope*, <http://www.fldoe.org/schools/school-choice/other-school-choice-options/schools-of-hope/> (last visited Apr. 15, 2025).

<sup>30</sup> Email, Florida Department of Education, *RE: Schools of Hope Data* (Mar. 24, 2025), on file with the Education Administration Subcommittee.

<sup>31</sup> Section 1002.333(7)(a), F.S.

<sup>32</sup> *Id.*

<sup>33</sup> Florida Department of Education, *Educational Facilities: Florida Inventory of School Houses*, <https://www.fldoe.org/finance/educ-facilities/fl-inventory-of-school-houses-fish.html> (last visited Apr. 15, 2025).

<sup>34</sup> Section 1002.333(7)(d), F.S.

and to render a recommended decision for resolution to the SBE. The recommendation may not alter in any way the provisions of the performance-based. Within 15 calendar days after the close of the final hearing, the special magistrate must transmit a recommended decision to the SBE and to the representatives of both parties.

The SBE must approve or reject the recommended decision at its next regularly scheduled meeting that is more than 7 calendar days and no more than 30 days after the date the recommended decision is transmitted. The decision by the SBE is a final agency action that may be appealed. A charter school may recover attorney fees and costs if the SBE determines that the school district unlawfully implemented or otherwise impeded implementation of the performance-based agreement.

### **Local Governments and Affordable Housing Development**

All development, both public and private, and all development orders<sup>35</sup> approved by local governments must be consistent with the local government's comprehensive plan.<sup>36</sup> The Growth Management Act requires every city and county to create and implement a comprehensive plan to guide future development.<sup>37</sup> A comprehensive plan is intended to provide for the future use of land, which contemplates a gradual and ordered growth, and establishes a long-range maximum limit on the possible intensity of land use.

A locality's comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments. A comprehensive plan is made up of 10 required elements, each laying out regulations for a different facet of development.<sup>38</sup> The Future Land Use Element and the Housing Element are the most pertinent to the bill.

- The Future Land Use Element designates proposed future general distribution, location, and extent of the uses of land. Specified use designations include those for residential, commercial, industry, agriculture, recreation, conservation, education, and public facilities.<sup>39</sup> The approximate acreage and the general range of density or intensity of use must be provided for each land use category.<sup>40</sup>
- The Housing Element sets forth guidelines and strategies for the creation and preservation of affordable housing for all current and anticipated future residents of the jurisdiction, elimination of substandard housing conditions, provision of adequate sites for future housing, and distribution of housing for a range of incomes and types.<sup>41</sup>

A comprehensive plan is implemented through the adoption of land development regulations<sup>42</sup> that are consistent with the plan, and which contain specific and detailed provisions necessary to implement the plan.<sup>43</sup> Such regulations must, among other prescriptions, regulate the subdivision of land and the use of land for the land use categories in the land use element of the comprehensive plan.<sup>44</sup> Substantially affected persons have the right to maintain administrative actions that ensure land development regulations implement and are consistent with the comprehensive plan.<sup>45</sup>

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<sup>35</sup> "Development order" means any order granting, denying, or granting with conditions an application for a development permit. See [s. 163.3164\(15\), F.S.](#) "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. See [s. 163.3164\(16\), F.S.](#)

<sup>36</sup> Section [163.3194\(3\), F.S.](#)

<sup>37</sup> Section [163.3167\(2\), F.S.](#)

<sup>38</sup> Section [163.3177\(6\), F.S.](#) The 10 required elements include capital improvements; future land use plan; transportation; general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge; conservation; recreation and open space; housing; coastal management; intergovernmental coordination; and property rights. Throughout statutes exist plans and programs that may be added as optional elements.

<sup>39</sup> Section [163.3177\(6\)\(a\), F.S.](#)

<sup>40</sup> Section [163.3177\(6\)\(a\), F.S.](#)

<sup>41</sup> Section [163.3177\(6\)\(f\), F.S.](#)

<sup>42</sup> "Land development regulations" means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land, except that this definition does not apply in s. 163.3213. See [s. 163.3164\(26\), F.S.](#)

<sup>43</sup> Section [163.3202, F.S.](#)

<sup>44</sup> *Id.*

<sup>45</sup> Section [163.3213, F.S.](#)

Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government amends its comprehensive plan first. State law requires a proposed comprehensive plan amendment to receive two public hearings, the first held by the local planning board, and subsequently by the governing board.<sup>46</sup> Following the hearings, the local government must transmit the plan to several statutorily identified reviewing agencies, including DEO, for review.<sup>47</sup> Most plan amendments are placed into the Expedited State Review Process, while plan amendments relating to large-scale developments are placed into the State Coordinated Review Process.<sup>48</sup>

## **Zoning Regulations**

A comprehensive plan's Future Land Use Element establishes a range of allowable uses and densities and intensities over large areas, and the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.<sup>49</sup>

Zoning maps and zoning districts are adopted by a local government for developments within each land use category or sub-category. While land uses are general in nature, one or more zoning districts may apply within each land use designation. Common regulations within the zoning map districts include density,<sup>50</sup> height and bulk of buildings, setbacks, and parking requirements.<sup>51</sup> Regulations for a zoning category in a downtown area may allow for more density and height than allowed in a suburb, for instance.

If a developer or landowner believes that a proposed development may have merit but it does not meet the requirements of a zoning map in a jurisdiction, the developer or landowner can seek a rezoning through a rezoning application which is reviewed by the local government and voted on by the governing body.<sup>52</sup> If a property has unique circumstances or small nonconformities but otherwise meets zoning regulations, local governments may ease restrictions on certain regulations such as building size or setback through an application for a variance.<sup>53</sup> However, any action to rezone or grant a variance must be consistent with the local government's comprehensive plan.

Ordinances or resolutions that change the actual list of permitted, conditional, or prohibited uses within a zoning category or ordinances or resolutions initiated by the local government that change the actual zoning map designation of a parcel or parcels of land must follow additional enhanced notice requirements:

- If the area affected is less than 10 acres, the local government must notify by mail each property owner and hold a public meeting to discuss the ordinance or resolution before passage.

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<sup>46</sup> Sections [163.3174\(4\)\(a\)](#) and [163.3184, F.S.](#)

<sup>47</sup> Section [163.3184, F.S.](#)

<sup>48</sup> See ss. [163.3184](#) and [380.06, F.S.](#) In the Expedited State Review Process, DEO reviews and approves or amends the proposed comprehensive plan amendment. This process can take 4 to 6 months. The State Coordinated Review Process is a more thorough, complex, multi-phase process. For more information, see Florida Department of Economic Opportunity, *Amendments that Must Follow the State Coordinated Review Process; Procedures and Timeframes*, available at <https://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/amendments-that-must-follow-the-state-coordinated-review-process-procedures-and-timeframes> (last visited Apr. 15, 2025).

<sup>49</sup> Richard Grosso, A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215, 34 J. Envtl. L. & Litig. 129, 154 (2019) citing *Brevard Cty. v. Snyder*, 627 So. 2d 469, 475 (Fla. 1993).

<sup>50</sup> "Density" means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre. See [s. 163.3164\(12\), F.S.](#)

<sup>51</sup> Supra note 40.

<sup>52</sup> City of Tallahassee, Application For Rezoning Review, available at <https://www.talgov.com/Uploads/Public/Documents/place/zoning/cityrezinfsh.pdf>.

<sup>53</sup> See e.g., City of Tallahassee, *Variance and Appeals*, available at [https://www.talgov.com/Uploads/Public/Documents/growth/forms/boaa\\_variance.pdf](https://www.talgov.com/Uploads/Public/Documents/growth/forms/boaa_variance.pdf) and Seminole County, *Variance Processes & Requirements*, <https://www.seminolecountyfl.gov/departments-services/development-services/planning-development/boards/board-of-adjustment/variance-process-requirements.html> (last visited Apr. 15, 2025)

- If the area affected is 10 acres or greater, the local government must hold two separate meetings to discuss the changes, and notice the public through either mail to each property owner or to the public generally by newspaper.<sup>54</sup>

### **Live Local Act**

In 2023 the Legislature passed the Live Local Act (LLA) revising the State Housing Strategy and revising Florida's affordable housing programs.<sup>55</sup> For certain multi-family rental developments in commercial, industrial, and mixed-use areas, the LLA preempted county regulations concerning zoning, density, and height.<sup>56</sup> Specifically, a county must authorize multifamily and qualifying mixed-use residential developments<sup>57</sup> as allowable uses in any area zoned for commercial, industrial, or mixed-use if at least 40 percent of the units will be affordable for at least 30 years and serve incomes up to 120 percent area median income. A county may not require a zoning, land use change, special exception, conditional use approval, variance, or a comprehensive plan amendment for such development.<sup>58</sup>

A county may not restrict the density of such development below the highest allowed density on any unincorporated land in the county where residential development is allowed. Additionally, a county may not restrict the height of such development below the highest allowed height for a commercial or residential development in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher.<sup>59</sup>

An application for such development must be administratively approved and may not require further action from the board of county commissioners if the development satisfies the county's land development regulations for multifamily developments in areas zoned for such use and is consistent with the comprehensive plan, except for those elements preempted by the LLA. A county must consider reducing parking requirements for these developments if they are located within one-half mile of a major transit stop as defined in the county's land development code.<sup>60</sup>

Similarly, the LLA required that municipalities comply with these new affordable housing provisions.<sup>61</sup>

### **School District Authority to Use Land for Affordable Housing**

A district school board may use portions of school sites purchased within the guidelines of the State Requirements for Educational Facilities, land deemed not usable for educational purposes because of location or other factors, or land declared as surplus by the board to provide sites for affordable housing for teachers and other district personnel and, in areas of critical state concern, for other essential services personnel as defined by local affordable housing eligibility requirements,<sup>62</sup> independently or in conjunction with community partners.<sup>63</sup>

### **Term Limits**

Under current law, the 14 gubernatorially appointed, citizen members of the BOG serve staggered 7-year terms, with no limit to how many years they can serve. The three additional BOG members are the Commissioner, the

<sup>54</sup> See ss. [125.66\(4\)](#) and [166.041\(3\)](#), F.S.

<sup>55</sup> Chapter 2023-17, L.O.F.

<sup>56</sup> These preemptions do not apply in any area zoned as industrial that is defined as a residential and commercial working waterfront under [s. 342.201\(2\)\(b\)](#), F.S.

<sup>57</sup> For a mixed-use residential project to qualify for the provisions of this section, at least 65 percent of the total square footage must be used for residential purposes.

<sup>58</sup> Section [125.01055](#), F.S.

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> Section [166.04151](#), F.S.

<sup>62</sup> Each local housing assistance plan shall include a definition of essential service personnel for the county or eligible municipality, including, but not limited to, teachers and educators, other school district, community college, and university employees, police and fire personnel, health care personnel, skilled building trades personnel, and other job categories. Section [420.9075\(3\)\(a\)](#), F.S.

<sup>63</sup> Section [1001.43\(12\)](#), F.S.

chair of the advisory council of faculty senates or the equivalent, and the president of the Florida Student Association or the equivalent.<sup>64</sup>

The seven gubernatorially appointed, citizen members of the SBE serve staggered 4-year terms and may serve up to two terms consecutively, so a person can serve for longer than 8 years as long as no more than two terms are consecutive.<sup>65</sup> SBE members are required to be Florida residents, but BOG members are not. A SBE member may serve as the board chair for up to two 2-year terms, but there are no limitations on BOG chair service.<sup>66</sup>

Currently, the 11 appointed citizen members of a UBOT serve staggered 5-year terms and there is not a limit on how many consecutive terms a member may serve. Six members are appointed by the Governor and five are appointed by the BOG. The other two members are the chair of the faculty senate or the equivalent and the president of the student body of the university. The UBOT members are not required to be Florida residents, but the Governor and BOG are directed to consider diversity and regional representation when appointing members.<sup>67</sup> According to BOG regulation 1.001(1), a member may serve as chair for no more than two consecutive 2-year terms, unless approved by a vote of two-thirds of the UBOT.

The Governor appoints the members of a FCS BOT to staggered 4-year terms and there are no term limits for serving as a member or board chair.<sup>68</sup> The FCS BOT members must be a resident of the service delivery area of the college.<sup>69</sup>

## **Full and Public Disclosure of Financial Interests**

### ***Full and Public Disclosure (Form 6)***

The Florida Constitution requires all elected constitutional officers and candidates for such offices to file a full and public disclosure of their financial interests.<sup>70</sup> Other public officers, candidates, and public employees may be required to file a full and public disclosure of their financial interests as determined by law.<sup>71</sup> Under the Florida Constitution, the term “full and public disclosure of financial interests” means the reporting individual must disclose his or her net worth and the value for each asset and liability in excess of \$1,000.<sup>72</sup> The disclosure must be accompanied by either a sworn statement that identifies each separate source and amount of income that exceeds \$1,000 or a copy of the reporting individual’s most recent federal income tax return.<sup>73</sup>

Pursuant to general law, the Commission on Ethics (Commission) has created by rule CE Form 6 (Form 6), which is used to make the required full and public financial disclosure.<sup>74</sup> Reporting individuals are required to file a Form 6 annually with the Commission by July 1 through the Commission’s electronic filing system.<sup>75</sup>

The Form 6 requires filers to report their net worth, assets, and liabilities.<sup>76</sup> The filer must report the specific identification and value of each asset which exceeds \$1,000 in value and provide the name and addresses for the creditor for each liability which exceeds \$1,000 in amount and its amount, and must submit a statement of the value of the reporting person’s net worth as of December 31 of the preceding year or a more current date.<sup>77</sup>

### ***Statement of Financial Interests—Limited Financial Disclosure (Form 1)***

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<sup>64</sup> Section [1001.70\(1\), F.S.](#)

<sup>65</sup> Section [1001.01\(1\), F.S.](#)

<sup>66</sup> Sections [1001.01\(1\)-\(2\)](#) and [1001.70\(1\), F.S.](#)

<sup>67</sup> Section [1001.71\(1\), F.S.](#)

<sup>68</sup> Section [1001.61\(2\) and \(4\), F.S.](#)

<sup>69</sup> Art. IX, s. 8, Fla. Const.

<sup>70</sup> Art. II, s. 8(a), Fla. Const.; see ss. [112.3144\(1\)\(b\)](#) and [112.3145, F.S.](#)

<sup>71</sup> *Id.*

<sup>72</sup> Art. II, s. (8)(j)(1), Fla. Const.

<sup>73</sup> See [112.3144\(6\)\(c\) and \(7\)\(a\), F.S.](#) (Beginning January 1, 2023, the Commission may not accept federal income tax returns for proof of income.)

<sup>74</sup> See r. 34-8.002, F.A.C.

<sup>75</sup> Art. II, s. (8)(j)(1), Fla. Const.; see s. [112.3144\(2\), F.S.](#)

<sup>76</sup> See art. II, s. (8)(j), Fla. Const.; s. [112.3144\(5\)-\(6\), F.S.](#); r. 34-8.004, F.A.C.

<sup>77</sup> *Id.*



In addition to provisions governing the Form 6, current law provides for a less detailed disclosure of financial interests using the Commission's CE Form 1 (Form 1).<sup>78</sup> A Form 1 must be filed by a large group of local officers, including all officers holding elected positions in any political subdivision of the state, other than counties, and specified appointed officers.<sup>79</sup> Other persons required to file a Form 1 include specified state officers and employees and persons seeking to qualify as candidates for these specified state or local office.<sup>80</sup>

The Form 1 requires filers to disclose specified information related to sources of income, real property, intangible personal property, liabilities, and interests in specified businesses.<sup>81</sup> Although no specific dollar values of incomes, property, or liabilities are required to be reported, the filer must report which assets or liabilities exceed certain dollar thresholds.<sup>82</sup> Form 1 filers must: disclose all sources of income in excess of \$2,500, excluding public salary; all sources of income from a business entity the filer had a material interest in where their gross income was in excess of \$5,000 and in excess of 10 percent of the businesses gross income; any property in Florida, except for their residence or vacation home, in which the person owns more than 5 percent of the value of the property; any intangible personal property in excess of \$10,000; and any liability in excess of \$10,000.<sup>83</sup>

### ***The Benefits of Full and Public Disclosure***

Research shows that financial disclosures are positively related to increased governmental quality and lower corruption.<sup>84</sup> Moreover, full and public financial disclosures—such as the Form 6—are associated with lower rates of corruption, whereas private disclosures (those that are only submitted to a regulatory body, not the public at large) are not systematically related to better government and lower corruption.<sup>85</sup> Full and public financial disclosures help identify and address any conflicts with the filer's governmental responsibilities.<sup>86</sup> As a result, research suggests that full and public financial disclosures support anti-corruption efforts, with prosecution rates rising when officials must disclose publicly.<sup>87</sup> On the other hand, research suggests that corruption prosecution rates are lower when government officials craft disclosure content requirements so as to avoid fully disclosing potential financial conflicts.<sup>88</sup> Requiring that governmental officials file comprehensive financial disclosures like the Form 6 ensures transparency as they cannot avoid disclosing information that could show a conflict of interest exists. Greater transparency is associated with greater accountability; greater accountability is associated with lower corruption.<sup>89</sup>

### ***The Board of Governors' Financial Responsibilities***

The BOG is established pursuant to the Florida Constitution with the general duties of operating, regulating, controlling, and being fully responsible for the SUS.<sup>90</sup> More specifically, the BOG must account for all expenditures

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<sup>78</sup> See [s. 112.3145, F.S.](#); r. 34-8.202, F.A.C.

<sup>79</sup> See [s. 112.3145, F.S.](#); r. 34.8.202, F.A.C. For a guide explaining who must file the Form 1 and what the Form 1 entails, see Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, p. 15-19, available at <https://ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf?cp=2023310> (last visited Apr. 15, 2025).

<sup>80</sup> *Id.*

<sup>81</sup> Section [112.3145, F.S.](#)

<sup>82</sup> See [s. 112.3145\(3\), F.S.](#)

<sup>83</sup> Section [112.3145\(3\)\(a\), F.S.](#)

<sup>84</sup> See e.g. Djankov et al, *Disclosure by Politicians*, 2 Am. Econ. J. 179, (Apr. 2010) available at [https://scholar.harvard.edu/files/shleifer/files/disclosure\\_by\\_politicians\\_aejapp\\_final.pdf](https://scholar.harvard.edu/files/shleifer/files/disclosure_by_politicians_aejapp_final.pdf).

<sup>85</sup> See *Id.* at 198.

<sup>86</sup> U.S. Government Accountability Office, *Financial Disclosure: Updates Are Needed to the Public Reporting Requirements*, Report No. GAO-25-107039, available at <https://www.gao.gov/products/gao-25-107039#:~:text=Regular%20disclosure%20of%20personal%20financial,filers%20in%20the%20executive%20branch.>

<sup>87</sup> Scherf, *How do Online Conflict Disclosures Support Enforcement? Evidence from Personal Financial Disclosures and Public Corruption*, London School of Econ. (2024), at 31, available at [https://eprints.lse.ac.uk/121395/4/How do online conflict disclosures support enforcement.pdf](https://eprints.lse.ac.uk/121395/4/How%20do%20online%20conflict%20disclosures%20support%20enforcement.pdf)

<sup>88</sup> *Id.*

<sup>89</sup> See Schnell, *To Know is to Act? Revisiting the Impact of Government Transparency on Corruption*, 43 Pub. Admin. & Dev (2023), available at <https://onlinelibrary.wiley.com/doi/full/10.1002/pad.2029?msocid=2576678410e762633877729c119c6369/>

<sup>90</sup> Art. IX., s. 7(d), Fla. Const.

of state, local, federal, and other funds.<sup>91</sup> The BOG also establishes tuition and fees, unless otherwise provided by law; may secure comprehensive general liability insurance; and may transfer unused appropriations from the Education/General Student and Other Fees Trust Fund between institutions.<sup>92</sup> The BOG must prepare the legislative budget requests for the SUS and provide each university with fiscal policy guidelines, formats, and instruction for the development of individual university budgets.<sup>93</sup> Ultimately, each individual university's operating budget must be approved by the BOG.<sup>94</sup>

### Presidential Search and Selection

For the SUS:<sup>95</sup>

- The UBOT Chair, in consultation with the BOG Chair, appoints a 15-member search committee.
- Any personal identifying information of applicants is kept confidential until the final group of applicants is established.<sup>96</sup>
- The search committee recommends an unranked list of more than two final applicants to the UBOT, subject to prior review and approval by the BOG Chair. If exceptional circumstances make fulfilling this requirement infeasible, the committee must discuss why fewer than three applicants are being recommended and whether additional applications should be considered. If more than two candidates are not coming forward, the UBOT must be notified of the reason and may decline to act.
- The UBOT selects a final qualified candidate as president-elect for recommendation to the BOG for confirmation.
- Renewals of presidential employment contracts also must be confirmed by the BOG and are currently limited by BOG regulation 1.001(5)(d) to 1-year terms.<sup>97</sup>

BOG regulation 1.002 details the criteria each UBOT must adhere to for presidential search and selection including the composition of the search committee, executive compensation analysis, timeline, procedures, vetting process, candidate ranking process, recommending a final qualified candidate to the BOG for confirmation, and drafting an employment contract, among other requirements.

Amendments to BOG regulation 1.002 since 2022 include:

- establishing the BOG Chair as an ex officio member of a presidential search committee;
- increasing BOG designees on a search committee from 1 to 2 members;
- requiring a search committee to submit for review and approval the proposed unranked list of final applicants to the BOG Chair prior to submission to the UBOT;
- requiring an explanation from a search committee to a UBOT if it recommends fewer than three applicants; and
- requiring that all persons with access to confidential applicant information sign a non-disclosure agreement (NDA) to ensure confidentiality of the information as required by law.<sup>98</sup>

In the event a UBOT selects an interim president, a search is not required, but the candidate is subject to confirmation by the BOG. A UBOT may delegate the selected interim president full authority to serve during the period prior to BOG confirmation if it is determined to be in the best interests of the university.<sup>99</sup>

For the Florida College System (FCS):<sup>100</sup>

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<sup>91</sup> *Id.*; Section [1001.706\(4\)\(a\), F.S.](#)

<sup>92</sup> Section [1001.706\(4\)\(c\)-\(d\), F.S.](#)

<sup>93</sup> Section [1001.706\(4\)\(b\), F.S.](#)

<sup>94</sup> BOG regulation 9.007

<sup>95</sup> BOG regulations 1.001(5) and 1.002

<sup>96</sup> Section [1004.098, F.S.](#)

<sup>97</sup> The current regulation codifying the existing practice for renewals of presidential employment contracts to come before the BOG for confirmation and to be limited to 1-year terms was adopted by the BOG on August 31, 2017.

<sup>98</sup> Section [1004.098, F.S.](#)

<sup>99</sup> BOG regulation 1.001(5)(e)

<sup>100</sup> Section [1001.64\(18\)-\(19\), F.S.](#); r. 6A-14.026, F.A.C.

- The FCS BOT is required to appoint, suspend, or remove the president and must notify the SBE immediately.
- The FCS BOT may appoint a search committee, but is not required to do so.
- Any personal identifying information of applicants is kept confidential until the final group of applicants is established.<sup>101</sup>

### **Public Records Exemption**

In 2022, in an effort to expand the pool of qualified applicants, the Legislature passed a public records and public meeting exemption that kept the personal identifying information of non-finalist applicants for president of a state college or state university confidential. However, the personal identifying information of a finalist would no longer be confidential beginning the earlier of the date they are made a finalist or 21 days before a meeting to interview or hire any of the finalists.<sup>102</sup>

In 2024, the BOG amended regulation 1.002 to address issues related to presidential searches that arose following the exemption taking effect.<sup>103</sup> The exemption is subject to the Open Government Sunset Review Act<sup>104</sup> and will be repealed on October 2, 2027, unless reenacted by the Legislature.<sup>105</sup>

### **Textbook, Instructional Material, & Course Syllabus Affordability and Transparency**

Florida law requires state universities and colleges to post lists online of required and recommended textbooks and instructional materials for at least 95 percent of courses and course sections offered at the institution during the upcoming term. The lists must include the International Standard Book Number (ISBN) or other identifying information, including, at a minimum, all of the following: the title, all authors listed, publishers, edition number, copyright date, published date, and other relevant information necessary to identify the specific textbooks or instructional materials required and recommended for each course.<sup>106</sup>

The lists must:<sup>107</sup>

- Be posted as early as is feasible but at least 45 days before the first day of class for each term.
- Remain posted for at least 5 academic years.
- Be searchable by the course subject, the course number, the course title, the name of the instructor of the course, the title of each assigned textbook or instructional material, and each author of an assigned textbook or instructional material.
- Be easily downloadable by current and prospective students.

For general education core courses,<sup>108</sup> course syllabi information must be included and contain sufficient detail to inform students of the following:<sup>109</sup>

- The course curriculum.
- The goals, objectives, and student expectations of the course.
- How student performance will be measured.

### **Public Education Capital Outlay (PECO) Project Prioritization**

The BOG is required to submit a prioritized list of projects to receive PECO funding.<sup>110</sup> Projects considered for prioritization must be chosen from a preliminary selection group that includes projects that have previously had state funds appropriated that have not yet been completed<sup>111</sup> and the top two priorities of each state university.

<sup>101</sup> Section [1004.098, F.S.](#)

<sup>102</sup> Section [1004.098\(1\)-\(2\), F.S.](#)

<sup>103</sup> Florida Board of Governors, *Notice of Proposed Amended Regulation: 1.002, Presidential Search and Selection* (2024), available at [1.002 Proposed Amended Regulation Form-1.pdf](#).

<sup>104</sup> Section [119.15, F.S.](#)

<sup>105</sup> Section [1004.098\(3\), F.S.](#)

<sup>106</sup> Section [1004.085\(5\)\(a\), F.S.](#)

<sup>107</sup> Section [1004.085\(5\)\(b\), F.S.](#)

<sup>108</sup> Section [1007.25\(3\), F.S.](#)

<sup>109</sup> Section [1004.085\(5\)\(c\), F.S.](#)

<sup>110</sup> Section [1013.64\(4\), F.S.](#)

<sup>111</sup> Section [1001.706\(12\)\(d\), F.S.](#)

The BOG uses a points-based prioritization method to rank projects for consideration from the preliminary selection group that awards points for the degree to which a project meets specific criteria compared to other projects in the preliminary selection group. The project scoring the highest for each criterion shall be awarded the maximum points in the range of points within the points scale developed by the board.<sup>112</sup>

A new construction, remodeling, or renovation project that has not received an appropriation in a previous year must not be considered for inclusion on the prioritized list, unless:<sup>113</sup>

- A plan is provided to reserve funds in an escrow account, specific to the project, into which shall be deposited each year an amount of funds equal to 1 percent of the total value of the building for future maintenance;
- There exists sufficient capacity within the cash and bonding estimate of funds by the Revenue Estimating Conference to accommodate the project within the 3-year PECO funding cycle; and
- The project has been recommended in a state university's educational plant survey.<sup>114</sup>

### **Institute for Freedom in the Americas**

The Institute was established at Miami Dade College by the Legislature in 2024 with a mission to preserve the ideals of a free society and promote democracy in the Americas.<sup>115</sup> The Institute is dedicated to fostering a culture of freedom, democracy, and global governance. It prepares future leaders to make a lasting positive impact in their communities by championing democratic values and processes. Committed to promoting civic engagement and encouraging global dialogue, the Institute serves as a beacon for advancing democratic principles worldwide.<sup>116</sup>

### **School Grades**

School grades are used to explain a school's performance in a familiar, easy-to-understand manner for parents and the public.<sup>117</sup> School grades are also used to determine whether a school must select or implement a turnaround option.<sup>118</sup> The annual reports<sup>119</sup> must identify schools as having one of the following grades:<sup>120</sup>

- "A" for schools making excellent progress.
- "B" for schools making above average progress.
- "C" for schools making satisfactory progress.
- "D" for schools making less than satisfactory progress.
- "F" for schools failing to make adequate progress.

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<sup>112</sup> Section [1001.706\(12\)\(a\)-\(b\), F.S.](#)

<sup>113</sup> Section [1001.706\(12\)\(c\), F.S.](#)

<sup>114</sup> Section [1013.31, F.S.](#)

<sup>115</sup> Section [1004.89, F.S.](#)

<sup>116</sup> Miami Dade College, Institute for Freedom in the Americas, *Home*, [Institute for Freedom in the Americas | Miami Dade College](#) (last visited Apr. 15, 2025).

<sup>117</sup> Section [1008.34\(1\) and \(2\), F.S.](#)

<sup>118</sup> Section [1008.33\(4\), F.S.](#)

<sup>119</sup> Pursuant to DOE Emergency Order No. 2020-EO-1, spring K-12 statewide assessment test administrations for the 2019-20 school year were canceled and accountability measures reliant on such data were not calculated for the 2019-20 school year. Pursuant to DOE Emergency Order No. 2021-EO-02, only schools for which an opt in request was submitted by the school district superintendent or charter school governing board have a letter grade assigned for the 2020-21 school year. Additionally, in April 2020, the U.S. Department of Education provided a waiver for requirements related to certain assessments and accountability that are based on data from the 2019-20 school year. See DOE, *Emergency Order No. 2020-EO-1* (March 2020), available at <https://www.fldoe.org/core/fileparse.php/19861/urlt/DOEORDERNO2020-EO-01.pdf>; DOE, *Emergency Order No. 2021-EO-2* (April 2021), available at <https://www.fldoe.org/core/fileparse.php/19861/urlt/2021-EO-02.pdf>; and DOE, *Waiver Request* (March 2020), available at <https://www.fldoe.org/core/fileparse.php/14196/urlt/FloridaWaiverRequestUSED.pdf>.

<sup>120</sup> Section [1008.34\(2\), F.S.](#); r. 6A-1.09981(4), F.A.C. See DOE, *2023 Informational Baseline School Grades Overview*, available at <https://www.fldoe.org/core/fileparse.php/18534/urlt/SchoolGradesOverview23.pdf>.

Each school that earns a grade of “A” or improves at least two letter grades may have greater authority over the allocation of the school’s total budget generated from the Florida Education Finance Program (FEFP), state categoricals, lottery funds, grants, and local funds.<sup>121</sup>

Each school must assess at least 95 percent of its eligible students.<sup>122</sup> Each school must receive a school grade based on the school’s performance on the following components, each worth 100 points.<sup>123</sup>

### 2023-2024 School Grades Model

English Language Arts	Mathematics	Science	Social Studies	Graduation Rate	Acceleration Success
Achievement (0% to 100%)	Achievement (0% to 100%)	Achievement (0% to 100%)	Achievement (0% to 100%)	4-year Graduation Rate (0% to 100%)	High School (0% to 100%)
Grade 3 Achievement (0% to 100%)	Learning Gains (0% to 100%)				Middle School (0% to 100%)
Learning Gains (0% to 100%)	Learning Gains of the Lowest 25% (0% to 100%)				
Learning Gains of the Lowest 25% (0% to 100%)					

The “Achievement” components of the school grade include student performance on statewide, standardized assessments, including the comprehensive assessments and end-of-course (EOC) assessments. The components measure the percentage of full-year enrolled students who achieved a passing score.<sup>124</sup>

The “Learning Gains” components of the school grade include student performance on statewide, standardized assessments including the comprehensive assessments and EOC assessments for the current year and the prior year. The components measure the percentage of full-year enrolled students who achieved a learning gain from the prior year to the current year.<sup>125</sup> Students with 2 consecutive years of valid scores on the end-of-year progress monitoring assessments or the mathematics EOC assessments may demonstrate learning gains in four ways:<sup>126</sup>

- Increasing at least one achievement level on the statewide, standardized assessment in the same subject area.
- For students who score below Level 3, improving by at least one subcategory within Level 1 or Level 2, based on the student’s scale score, on the next year’s assessment for that subject area.
- For students who score a Level 3 or a Level 4, improving the scale score on the next year’s assessment for that subject area.
- For students who score a Level 5, scoring a Level 5 on the next year’s assessment for that subject area.

To be included in the “Achievement” and “Learning Gains” components of a school grade, a student must be present for both the second and third period full-time equivalent (FTE) student membership surveys and who is still enrolled at the time of statewide, standardized testing.<sup>127</sup>

<sup>121</sup> Section [1008.34\(2\), F.S.](#) (flush-left provision).

<sup>122</sup> Section [1008.34\(3\)\(a\), F.S.](#)

<sup>123</sup> Section [1008.34\(3\)\(b\)1, F.S.](#)

<sup>124</sup> Florida Department of Education, *2024 School Grades Overview*, available at <https://www.fldoe.org/core/fileparse.php/18534/urlt/SchoolGradesOverview24.pdf>.

<sup>125</sup> *Id.*

<sup>126</sup> Rule 6A-1.09981(2)(b)1, F.A.C.

<sup>127</sup> Rule 6A-1.09981(2)(a) and (4)(a), F.A.C.



The “Middle School Acceleration” component is based on the percentage of eligible students attending a middle school who passed a high school level EOC assessment or industry certification.<sup>128</sup>

For a school comprised of grades 9, 10, 11, and 12, or grades 10, 11, and 12, the school’s grade is also based on the following, each worth 100 points:<sup>129</sup>

- The “4-year Graduation Rate” component which is the 4-year high school graduation rate as defined by SBE rule.
- The “High School Acceleration” component which is the percentage of students who:
  - were eligible to earn college and career credit through an assessment identified by the DOE,<sup>130</sup> College Board Advanced Placement examinations, International Baccalaureate examinations, dual enrollment courses, including career dual enrollment courses resulting in the completion of 300 or more clock hours during high school, or Advanced International Certificate of Education examinations;
  - at any time during high school, earned national industry certification identified in the CAPE Industry Certification Funding List; or
  - earned an Armed Services Qualification Test score that falls within Category II or higher on the Armed Services Vocational Aptitude Battery and earned a minimum of two credits in Junior Reserve Officers’ Training Corps courses from the same branch of the United States Armed Forces.

The SBE must annually review the school grading scale to determine if the scale should be adjusted upward to meet raised expectations and encourage increased student performance. Current law requires that an adjustment must be made if the percentage of schools earning a grade of A or B in the current year represents 75 percent or more of all graded schools within a particular school type, which consists of elementary, middle, high, and combination.<sup>131</sup> This required adjustment must continue until the grading scale reaches the following scale for each school type:

- A = 90 percent of points or greater;
- B = 80 percent to 89 percent of points;
- C = 70 percent to 79 percent of points;
- D = 60 percent to 69 percent of points;
- F = 59 percent of points or less.<sup>132</sup>

On July 24, 2024, the SBE amended its rule, so that elementary schools are graded using the scale that was in place from 2014-2015 to 2021-2022, and all other school types are graded using a new scale.<sup>133</sup> This approach takes into consideration the different components included in the school grade formula for different school types. The resulting grading scales are as follows:<sup>134</sup>

- Elementary Schools;
  - A = 62 percent of points or greater;
  - B = 54 percent to 61 percent of points;
  - C = 41 percent to 53 percent of points;
  - D = 32 percent to 40 percent of points;
  - F = 31 percent of points or less;
- Middle, High and Combination Schools;
  - A = 64 percent of points or greater;

<sup>128</sup> Rule 6A-1.09981(2)(b)1., F.A.C.

<sup>129</sup> Section [1008.34\(3\)\(b\)2., F.S.](#)

<sup>130</sup> The DOE has identified the College Level Examination Program (CLEP) subject examination, College Board Advanced Placement Program examination, Advanced International Certificate of Education examination, International Baccalaureate examination, Excelsior College subject examination, Defense Activity for Non-Traditional Education Support (DANTES) subject standardized test, and Defense Language Proficiency Test (DLPT) as eligible assessments. See [s. 1007.27\(2\), F.S.](#)

<sup>131</sup> Section [1008.34\(3\)\(c\), F.S.](#) The adjustment must reset the minimum required percentage of points for each grade of A, B, C, or D at the next highest percentage ending in the numeral 5 or 0, whichever is closest to the current percentage.

<sup>132</sup> *Id.*

<sup>133</sup> Rule 6A-1.09981(4)(e)3., F.A.C.

<sup>134</sup> Florida Department of Education, *Florida School Grades: 2023-24 School Grades and School Improvement Rating*, p. 2, available at <https://www.fldoe.org/core/fileparse.php/18534/urlt/SchoolGradesResultsPacket24.pdf>.

- B = 57 percent to 63 percent of points;
- C = 44 percent to 56 percent of points;
- D = 34 percent to 43 percent of points;
- F = 33 percent of points or less.

### **Most Recent School Grades**<sup>135</sup>

<b>Grades</b>	<b>2023 Number</b>	<b>2023 Percent</b>	<b>2024 Number</b>	<b>2024 Percent</b>	<b>Number Change</b>	<b>Percent Change</b>
<b>A</b>	1,102	32%	1,299	38%	197	6%
<b>B</b>	859	25%	916	27%	57	2%
<b>C</b>	1,247	36%	1,119	32%	-128	-4%
<b>D</b>	184	5%	109	3%	-75	-2%
<b>F</b>	27	0.8%	8	0.2%	-19	-0.6%
<b>Total</b>	3,419		3,451		32	

### **School Grades and School Improvement**

If a school earns two consecutive grades of “D” or a grade of “F”, it must immediately implement a differentiated matrix of intervention and support strategies.<sup>136</sup> Districts with a school improvement designated school must coordinate with the DOE, the Regional Executive Director or designee, and the school to identify and implement tailored support and improvement strategies designed to address low performance at the school.<sup>137</sup>

Florida law specifies several intervention and support strategies for traditional public schools. These strategies include school improvement planning; leadership and educator quality improvement; professional development; curriculum review, pacing, and alignment across grade levels to improve background knowledge in social studies, science, and the arts; and the use of continuous improvement and monitoring plans and processes. In addition, the SBE may prescribe reporting requirements to review and monitor the progress of the schools.<sup>138</sup>

### **School Report Cards**

The DOE must annually develop, in collaboration with the school districts, a school report card that each school district must provide to parents within the district. The report card must include:<sup>139</sup>

- the school’s grade;
- student performance in ELA, mathematics, science, and social studies;
- information regarding school improvement;
- an explanation of school performance as evaluated by Every Student Succeeds Act;<sup>140</sup> and
- indicators of return on investment.

Each school’s report card must be published annually by the DOE on its website based upon the most recent data available.<sup>141</sup>

### **District Grades and Report Cards**

Each school district must annually receive a district grade (A-F) as part of a district report card.<sup>142</sup> The grade is calculated based on the same components used to grade the district’s schools using data from each eligible student

<sup>135</sup> Florida Department of Education, *Florida School Grades: 2023-24 School Grades and School Improvement Rating*, p. 4, available at <https://www.fldoe.org/core/fileparse.php/18534/urlt/SchoolGradesResultsPacket24.pdf>.

<sup>136</sup> Section 1008.33(4)(a), F.S.; r. 6A-1.099811(1), F.A.C.

<sup>137</sup> Rule 6A-1.099811(5)(a), F.A.C.

<sup>138</sup> Section 1008.33(3)(c), F.S.; r. 6A-1.099811(5), F.A.C.

<sup>139</sup> Section 1008.34(4), F.S.

<sup>140</sup> 20 U.S.C. s. 6301 et seq.

<sup>141</sup> Section 1008.34(4), F.S.

<sup>142</sup> Section 1008.34(5), F.S.

in the district, including students enrolled in charter schools.<sup>143</sup> In addition to the district's grade, the district report card must also include:<sup>144</sup>

- the percentage of students in the district, by school and grade level, demonstrating learning growth in ELA and mathematics;<sup>145</sup>
- the percentage of students in the district, by school and grade level, in both the highest and lowest quartiles demonstrating learning growth in ELA and mathematics;<sup>146</sup>
- measures of the district's progress in closing the achievement gap between higher- and lower-performing subgroups;
- measures of the district's progress in demonstrating learning gains of its highest-performing students;
- measures of the district's success in improving student attendance;
- the district's grade-level promotion of students scoring achievement levels 1 and 2 on statewide, standardized ELA and mathematics assessments; and
- measures of the district's performance in preparing students for the transition from elementary to middle school, middle to high school, and high school to postsecondary institutions and careers.

On July 24, 2024, the SBE amended its rule, so that the grading scale used to determine district grades is the same scale used to determine grades for combination schools.<sup>147</sup> The resulting grading scale is as follows:<sup>148</sup>

- A = 64 percent of points or greater;
- B = 57 percent to 63 percent of points;
- C = 44 percent to 56 percent of points;
- D = 34 percent to 43 percent of points;
- F = 33 percent of points or less.

### **Interventions for Students with a Substantial Deficiency in Reading or Mathematics**

Public schools that serve any students in kindergarten through grade 8 must implement an early warning system to identify students who need additional support to improve academic performance and stay engaged in school. Among other early warning indicators, the early warning system must identify a student with a substantial reading deficiency, from kindergarten through grade 3, or a student with a substantial mathematics deficiency, from kindergarten through grade 4.<sup>149</sup>

Florida law requires that any student in kindergarten through grade 3 with a substantial reading deficiency or who exhibits characteristics of dyslexia; or any student in kindergarten through grade 4 with a substantial mathematics deficiency or who exhibits characteristics of dyscalculia; based upon screening, diagnostic, progress monitoring, or assessment data; statewide assessments; or teacher observations must receive intervention.<sup>150</sup> The parent of the student who exhibits a substantial deficiency in reading or mathematics must be notified in writing of their child's status, the interventions provided, and the strategies for parents to use at home.<sup>151</sup>

Following the identification of a reading deficiency, a student in kindergarten through grade 3 must be provided daily targeted small group explicit, direct instruction. The instruction must be systematic, sequential, and cumulative in language development, phonological awareness, phonics, fluency vocabulary, and comprehension; and must be implemented during regular school hours. The DOE is required to provide a list of approved reading and intervention programs, in addition to the core reading instruction.<sup>152</sup>

<sup>143</sup> Rule 6A-1.09981(5), F.A.C. The calculation includes students who transfer between schools in the district or who are enrolled in a school that does not receive a grade. Section [1008.34\(5\), F.S.](#) However, students who are enrolled in a School of Hope pursuant to [s. 1002.333, F.S.](#) are not included in a district's grade. See [s. 1002.333\(6\)\(a\), F.S.](#)

<sup>144</sup> Section [1008.34\(5\), F.S.](#)

<sup>145</sup> Section [1008.345\(5\), F.S.](#)

<sup>146</sup> *Id.*

<sup>147</sup> Rule 6A-1.09981(4)(e)3., F.A.C.

<sup>148</sup> Florida Department of Education, *Florida School Grades: 2023-24 School Grades and School Improvement Rating*, p. 12, available at <https://www.fldoe.org/core/fileparse.php/18534/urlt/SchoolGradesResultsPacket24.pdf>.

<sup>149</sup> Section [1001.42\(18\)\(b\)1.e., F.S.](#) See r. 6A-6.053(6) and 6A-6.0533(5), F.A.C.

<sup>150</sup> Sections [1008.25\(5\)-\(6\), F.S.](#)

<sup>151</sup> Section [1008.25\(5\)\(d\)](#) and [s. 1008.25\(6\)\(c\), F.S.](#)

<sup>152</sup> Section [1008.25\(5\)\(a\)1., F.S.](#)

Similarly, immediately following the identification of a mathematics deficiency, a student in kindergarten through grade 4 must be provided systematic and explicit mathematics instruction to address his or her specific deficiencies. Instruction must be through either daily targeted small group mathematics interventions based on student need or supplemental, evidence-based mathematics interventions before or after school, or both, and delivered by a highly qualified teacher of mathematics or a trained tutor.<sup>153</sup>

Additionally, any student, in kindergarten through grade 3 who exhibits a substantial reading deficiency or characteristics of dyslexia or any student in kindergarten through grade 4 who exhibits a substantial deficiency in mathematics or characteristics of dyscalculia must be provided with a federally required student plan, such as an IEP or an individualized progress monitoring plan, or both, as necessary.<sup>154</sup> The plan must include, at a minimum:<sup>155</sup>

- the student's specific, identified reading or mathematics skill deficiency;
- goals and benchmarks for student growth in reading or mathematics;
- a description of the specific measures that will be used to evaluate and monitor the student's progress;
- for a substantial reading deficiency, the specific evidence-based literacy instruction grounded in the science of reading which the student will receive;
- strategies, resources, and materials that will be provided to the student's parent to support the student's progress; and
- any additional services the student's teacher deems available and appropriate to accelerate the student's reading or mathematics skill development.

### **Interventions for Voluntary Prekindergarten Students with a Substantial Deficiency in Early Reading or Mathematics Skills**

VPK students exhibiting a substantial deficiency in early literacy or mathematics skills based upon the results of the midyear or final administration of the Coordinated Screening and Progress Monitoring (CSPM) system must be referred to the local school district and may be eligible to receive intensive interventions before participating in kindergarten.<sup>156</sup> These students' parents must be immediately notified regarding the nature of the student's difficulty, the services they are currently receiving or could be provided, student progression requirements, and strategies the parent can use to help his or her child succeed.<sup>157</sup>

Students in a VPK program provided by a public school who demonstrate a substantial deficiency must be provided intensive, explicit, and systematic interventions immediately following the identification of the deficiency.<sup>158</sup> An individualized progress monitoring plan must be developed within 45 days after the results of the CSPM system become available.<sup>159</sup> District school boards must include such students when allocating remedial and supplemental instruction resources.<sup>160</sup>

Students enrolled in a VPK program who exhibit substantial deficiencies in early literacy or mathematics skills may receive a New Worlds Scholarship. School districts and VPK program providers are required to notify parents of eligible students of the process to request and receive a scholarship when providing results from the administration of each progress monitoring assessment.<sup>161</sup> The scholarship amount is \$1,200 per child.<sup>162</sup> Funds may be used to purchase instructional materials, curriculum, tutoring services, summer education programs, and after school education programs that are designed to improve reading, literacy, or mathematics skills.<sup>163</sup>

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<sup>153</sup> Section [1008.25\(6\)\(a\), F.S.](#)

<sup>154</sup> Sections [1002.20\(11\)](#) and [1008.25\(4\)\(c\), F.S.](#)

<sup>155</sup> Section [1008.25\(4\)\(c\), F.S.](#) See r. 6A-6.053(5) and 6A-6.0533(4), F.A.C.

<sup>156</sup> Section [1008.25 \(2\)\(a\), \(5\), and \(6\), F.S.](#)

<sup>157</sup> Section [1008.25\(5\)\(d\) and \(6\)\(c\), F.S.](#)

<sup>158</sup> Section [1008.25\(5\)\(a\) and \(6\)\(a\), F.S.](#)

<sup>159</sup> Section [1008.25\(4\)\(c\), F.S.](#)

<sup>160</sup> Section [1008.25\(3\), F.S.](#)

<sup>161</sup> Section [1002.411\(2\) and \(6\), F.S.](#)

<sup>162</sup> Specific Appropriation 101B, s. 2, ch. 2024-231, L.O.F.

<sup>163</sup> Section [1002.411\(3\)\(a\), F.S.](#)

VPK students scoring below the 10th percentile on the final administration of the CSPM system may be provided early literacy skill instructional support through the summer bridge program. The summer bridge program takes place the summer before participating in kindergarten, must meet requirements adopted by the DOE, and must consist of 4 hours of instruction per day for a minimum of 100 total hours.<sup>164</sup>

### **New Worlds Reading Initiative**

The New Worlds Reading Initiative (NWRI or initiative), Florida's first statewide book distribution program, provides at-home literacy supports for students identified with a substantial reading deficiency<sup>165</sup> or students who scored below a Level 3 on the preceding year's statewide, standardized ELA assessment.<sup>166</sup> To improve the literacy skills of students in prekindergarten through grade 12, the NWRI provides home delivery of high-quality, hardcopy free books on a monthly basis to eligible public and charter school students in prekindergarten through grade 5. The program is available to students who are reading below grade level.<sup>167</sup> School districts must notify parents of eligible students that their student can receive free, high-quality books mailed to their home on a monthly basis during the school year and provide parents with an application. Students remain in the initiative until they are promoted to grade 6 or their parent opts out.<sup>168</sup> Parents are provided resources to help improve their student's reading skills and instill a love of reading.<sup>169</sup>

The Lastinger Center for Learning at the University of Florida administers the NWRI and, in addition to reporting requirements, is responsible for:<sup>170</sup>

- Developing, in consultation with the Just Read, Florida! Office, a selection of high-quality books encompassing diverse subjects and genres for each grade level.
- Distributing books at no cost to students either directly or through an agreement with a book distribution company.
- Assisting local implementation of the initiative by providing marketing materials to school districts and any partnering nonprofit organizations to assist with public awareness campaigns and other activities designed to increase family engagement and instill a love of reading in students.
- Maintaining a clearinghouse for information on national, state, and local nonprofit organizations that support efforts to improve literacy and provide books to children.
- Developing, for parents of students in the initiative, resources and training materials that engage families in reading and support the reading achievement of their students.
- Providing professional development and resources to teachers that correlate with the books provided through the initiative.
- Developing a micro-credential that requires teachers to demonstrate competency to diagnose literacy difficulties and determine the appropriate range of literacy interventions based upon the age and literacy deficiency of the student; use evidence-based instructional and intervention practices; and effectively use progress monitoring and intervention materials.
- Administering the early literacy micro-credential program, designed specifically for instructional personnel in prekindergarten through grade 3, which includes components on content, student learning, pedagogy, and professional development, built on a strong foundation of scientifically researched and evidence-based reading instructional and intervention programs that incorporate explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and incorporate decodable or phonetic text instructional strategies.

The NWRI is funded by monetary contributions made by taxpayers who receive a dollar-for-dollar credit against the following Florida taxes:<sup>171</sup>

- Corporate income tax;

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<sup>164</sup> Section [1008.25\(5\)\(b\), F.S.](#)

<sup>165</sup> See [s. 1008.25\(5\)\(a\), F.S.](#)

<sup>166</sup> Sections [1003.485\(2\)](#) and [1008.22, F.S.](#)

<sup>167</sup> Section [1003.485\(2\), F.S.](#)

<sup>168</sup> Section [1003.485\(6\)\(e\), F.S.](#)

<sup>169</sup> Section [1003.485\(4\)\(e\), F.S.](#)

<sup>170</sup> Section [1003.485\(4\)\(a\)-\(h\), F.S.](#)

<sup>171</sup> See, <https://floridarevenue.com/taxes/taxesfees/Pages/newworlds.aspx> (last visited Apr. 15, 2025.)



- Excise tax on liquor, wine, and malt beverages;
- Gas and oil production tax;
- Insurance premium tax; and
- Use tax due under a direct pay permit.

For Fiscal Year 2021-2022 the tax credit cap amount was \$10 million; this amount increased to \$30 million for Fiscal Year 2022-2023 and for each fiscal year thereafter, the amount is \$60 million.<sup>172</sup>

The Revenue Estimating Conference's adopted March 2025 forecast estimates \$60 million in pledged tax credits for Fiscal Year 2025-2026 for the NWRI.<sup>173</sup>

### **Regional Educational Consortia**

School districts with 20,000 or fewer students, developmental research (laboratory) schools, and the Florida School for the Deaf and the Blind may enter into cooperative agreements to form a regional consortium service organization (regional consortium).<sup>174</sup> There are three regional consortia: the Heartland Educational Consortium (HEC),<sup>175</sup> the North East Florida Consortium (NEFEC),<sup>176</sup> and the Panhandle Area Educational Consortium (PAEC).<sup>177</sup>

Each regional consortium must provide, at a minimum, three of the following services: exceptional student education; teacher education centers; environmental education; federal grant procurement and coordination; data processing; health insurance; risk management insurance; staff development; purchasing; or planning and accountability.<sup>178</sup> Each regional consortium receives an incentive grant of \$50,000 per school district and eligible member to be used for the delivery of services within the participating school districts. The determination of services and use of such funds is determined by the board of directors of the regional consortium.<sup>179</sup>

The board of directors of a regional consortium may use various means to generate revenue in support of its activities, which may include patents, copyrights, and trademarks and licenses. Such funds must be used to support the organization's marketing and research and development activities in order to improve and increase services to its member districts.<sup>180</sup>

### **Instructional Personnel in Rural Districts**

Schools, especially those with inadequate resources, can experience difficulty hiring teachers and high turnover. These issues are linked with the availability of new teachers, salaries, and working conditions.<sup>181</sup> For example, rural schools may have limited instructional staff, which necessitates recruiting teachers with multiple subject endorsements. Staff members may teach multiple subjects, multiple grades, and sometimes multi-age students within the same classroom. More-rural schools face higher transportation costs that can siphon resources away from other budget items, such as teacher salaries. Housing shortages and limited access to hospitals, banks, stores, cultural facilities, and higher education institutions may also negatively impact teacher recruitment in rural

<sup>172</sup> Section [1003.485\(5\), F.S.](#)

<sup>173</sup> See, <https://edr.state.fl.us/Content/conferences/generalrevenue/grscholarshiptaxcreditestimates.pdf> (last visited Apr. 15, 2025.)

<sup>174</sup> Section [1001.451\(1\), F.S.](#)

<sup>175</sup> HEC serves six member districts: DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee.

<sup>176</sup> NEFEC serves 13 member districts: Baker, Bradford, Columbia, Dixie, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Nassau, Putnam, Suwannee, and Union. NEFEC also serves the Florida School for the Deaf and the Blind and the P.K. Yonge Developmental Research School.

<sup>177</sup> PAEC serves 13 member districts: Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Liberty, Madison, Taylor, Wakulla, Walton, Washington. PAEC also serves the FSU Collegiate School and FAMU Developmental Research School.

<sup>178</sup> Section [1001.451\(1\), F.S.](#)

<sup>179</sup> Section [1001.451\(2\), F.S.](#)

<sup>180</sup> Section [1001.451\(5\), F.S.](#)

<sup>181</sup> National Center for Education Statistics, *Difficulty Hiring Teachers in Rural Areas*, available at <https://nces.ed.gov/programs/coe/indicator/llc> (last visited Apr. 15, 2025).

areas.<sup>182</sup> Rural communities face challenges related to competition from higher urban compensation schedules, housing shortages, and a lack of support resources commonly found in urban areas.<sup>183</sup>

In 2020–21, a higher percentage of schools in rural areas than of schools in cities and suburban areas found it very difficult or not possible to fill teaching vacancies in foreign languages, English or language arts, social studies, mathematics, biology or life sciences, music or art, and physical education or health.<sup>184</sup> Additionally, more than 20 percent of private schools in rural areas that had teaching vacancies in specific fields found it very difficult to fill or were not able to fill vacancies in the physical education or health, special education, computer science, mathematics, foreign languages, physical sciences, and biology or life sciences.<sup>185</sup>

### **Special Facility Construction Accounts**

The SFCA within the DOE is used to provide necessary construction funds to school districts that have urgent construction needs but lack sufficient resources, and cannot reasonably anticipate sufficient resources within the next 3 years.<sup>186</sup> These projects typically are located in rural school districts that have an insufficient tax base to fund large construction projects. The state's smaller school districts, which serve 20,000 or fewer students, generally raise considerably less through local discretionary property taxes than larger Florida school districts. As a result, small school districts may have a difficult time raising the local funds needed to pay for new schools.<sup>187</sup>

A district that receives funds under the SFCA must, for three years prior to applying for funds, and for a continuing period necessary to meet its participation requirement, levy the maximum millage against the district's nonexempt assessed property value as authorized under s. 1011.71(2) or raise an equivalent amount of revenue from the school capital outlay surtax authorized under s. 212.055(6). In addition, a district must budget the value of 1 mill per year to the project until the participation requirement<sup>188</sup> related to the discretionary capital improvement levy or capital outlay surtax is satisfied.<sup>189</sup> A district may not receive funding for more than one approved project in any 3-year period or while any portion of the district's participation requirement is outstanding.<sup>190</sup>

### **Charter School Capital Outlay Funding**

Charter school capital outlay funding consists of state funds when such funds are appropriated in the General Appropriations Act and revenue resulting from the 1.5 mill discretionary capital improvement levy authorized in law.<sup>191</sup>

If the school board levies the discretionary capital improvement millage, the DOE must, when determining the amount of revenue that a school district must distribute to each eligible charter school, reduce from the total amount the total discretionary millage revenue by the school district's annual debt service obligation incurred as of March 1, 2017, which has not been subsequently retired, and any amount of participation requirement under the

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<sup>182</sup> Principal's Research Review, *Recruiting and Retaining Rural Educators: Challenges and Strategies*, p. 2 (v. 7, Issue 6, Nov. 2012) available at <https://nisnresourcehub.org/wp-content/uploads/2021/01/Recruiting-and-Retaining-Rural-Educators-Challenges-and-Strategies.pdf>.

<sup>183</sup> EdSource, *Rural counties far from universities struggle to recruit teachers*, available at <https://edsources.org/2024/rural-counties-far-from-universities-struggle-to-recruit-teachers/710566#:~:text=Rural%20teachers%20scarce,candidates%2C%20according%20to%20the%20study> (last visited Apr. 15, 2025).

<sup>184</sup> National Center for Education Statistics, *Difficulty Hiring Teachers in Rural Areas*, available at <https://nces.ed.gov/programs/coe/indicator/llc> (last visited Apr. 15, 2025).

<sup>185</sup> *Id.*

<sup>186</sup> Section 1013.64(2)(a), F.S.

<sup>187</sup> Office of Program Policy Analysis & Government Accountability, *Special Facility Construction Projects Appear Needed, but Have Excess Capacity*, pp. 1-2 (Report 11-02, Jan. 2011) available at <https://oppaga.fl.gov/Documents/Reports/11-02.pdf>.

<sup>188</sup> The participation requirement is unencumbered and future revenue from school bonds under Art. XII, s. 9(d), Fla. Const., the discretionary capital improvement levy under s. 1011.71(2), and the amounts from the Public Education Capital Outlay and Debt Service Trust Fund in the year of the initial appropriation and for the 2 years immediately following the initial appropriation. Section 1013.64(2)(a)11., F.S.

<sup>189</sup> Section 1013.64(2)(a)8., F.S.

<sup>190</sup> Section 1013.64(2)(a), F.S.

<sup>191</sup> Section 1013.62(1), F.S. The 1.5 mill discretionary capital improvement levy is authorized under s. 1011.71(2), F.S.

Special Facility Construction Account that is being satisfied by revenues raised by the discretionary millage.<sup>192</sup> Of the total calculated amount based on a district's discretionary millage and the total number of students in district charter schools, the school district must distribute 40 percent in 2024-2025, and 60 percent in 2025-2026.<sup>193</sup>

By October 1 of each year, each school district must certify to the DOE the amount of debt service and participation requirement that can be reduced from the total discretionary millage revenue. The Auditor General must verify compliance with these requirements during scheduled operational audits of school districts.<sup>194</sup>

For all school districts with charter schools in that district, the total 2025-2026 estimated local funds that must be shared with charter schools is \$214,219,713. Of the 29 fiscally constrained counties<sup>195</sup> that may be eligible for funds under the Special Facilities Construction Account, the 2025-2026 estimated local funds that must be shared with charter schools is \$1,292,083.<sup>196</sup>

## RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	<a href="#">CS/CS/HB 1285</a>	Canady	Burgess	Became law on July 1, 2024.
2023	<a href="#">CS/CS/CS/HB 1537</a>	Rizo, Daniels	Avila	Became law on July 1, 2023.
2023	<a href="#">CS/CS/HB 7039</a>	Trabulsy	Calatayud	Became law on July 1, 2023.
2022	<a href="#">CS/SB 1048</a>	Plasencia	Diaz	Became law on July 1, 2022, except as otherwise provided.
2022	<a href="#">SB 2524</a>	Fine	Perry	Became law on July 1, 2022, except as otherwise provided.
2022	<a href="#">CS/SB 520</a>	Garrison	Brandes	Became law on March 15, 2022.
2022	<a href="#">SB 7044</a>	Mariano	Diaz	Became law on July 1, 2022.
2021	<a href="#">CS/CS/SB 1028</a>	McClain	Hutson	Became law on July 1, 2021.

## OTHER RESOURCES:

[2023-24 School Grades Overview](#)

[2023-24 School Grades Results Packet](#)

[2023-24 Guide to Calculating School Grades, District Grades, and the Federal Percent of Points Index](#)

[Florida School Accountability Reports](#)

<sup>192</sup> Section [1013.62\(3\), F.S.](#)

<sup>193</sup> Section [1013.62\(3\)\(d\), F.S.](#)

<sup>194</sup> Section [1013.62\(3\), F.S.](#) Flush-left provision.

<sup>195</sup> Each county that is entirely within a rural area of opportunity as designated by the Governor pursuant to s. 288.0656 or each county for which the value of a mill will raise no more than \$5 million in revenue, based on the taxable value certified pursuant to s. 1011.62(4)(a)1.a., from the previous July 1, is considered a fiscally constrained county. Section [218.67\(1\), F.S.](#) See also Florida Department of Revenue, *Fiscally Constrained Counties*, available at [https://www.floridarevenue.com/property/Documents/fcc\\_map.pdf](https://www.floridarevenue.com/property/Documents/fcc_map.pdf) (last visited Apr. 15, 2025).

<sup>196</sup> The amount is derived from 60 percent of the calculation of each district's ad valorem taxes, after specified deductions, and eligible charter school full-time equivalent students. See [1013.62\(3\), F.S.](#)



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**BILL HISTORY**



COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Education &amp; Employment Committee</a>	13 Y, 5 N, As CS	4/17/2025	Hassell	Wolff
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> <li>• Authorized the establishment of educational villages on school board property and provided an exemption from local government restriction on use of such land for an educational village.</li> <li>• Required proposals for the use of K-12 educational facilities for purposes other than K-12 education be brought before a district school board at a publicly noticed meeting.</li> <li>• Authorized school districts to report prekindergarten students served in educational facilities but not reported for FEFP funding to the DOE prior to the publication of the underused, vacant, or surplus property list.</li> <li>• Provided for the transition from the current SBE defined grading scale to a traditional A-F grading system for school grades.</li> <li>• Expanded the provision of interventions provided to students with a substantial deficiency in reading or math to cover students in VPK through grade 8.</li> <li>• Expanded eligibility for the summer bridge program to assist students transitioning from VPK to kindergarten.</li> <li>• Created a competitive incentive program within the New Worlds Reading Initiative to provide classroom libraries to teachers in Title I schools.</li> <li>• Required school districts to notify students of their eligibility for New Worlds Reading Initiative and New Worlds Scholarship Accounts.</li> <li>• Repealed the presidential search public records exemption and prohibited a discussion of an anticipated vacancy or vacancy of the office of president at a SUS or FCS institution by certain individuals.</li> <li>• Allowed renewal of SUS and FCS presidential contracts for longer than one year, up to the term of the original contract.</li> <li>• Required SUS and FCS institutions to adopt a presidential succession plan and prohibits appointing an interim president unless the appointment is consistent with the succession plan or the search process.</li> <li>• Required a BOG or UBOT member to be a U.S. citizen and a resident or alumni of a Florida university.</li> <li>• Imposed term limits on BOG, SBE, UBOT, and FCS BOT members.</li> <li>• Required SUS institutions to publish program admission criteria and requires the BOG to audit compliance.</li> <li>• Prohibited SUS and FCS institutions from requiring a divisive course as a graduation requirement.</li> <li>• Revised requirements for textbook, instructional material, and course syllabi transparency.</li> <li>• Provided that certain escrow accounts for capital outlay projects do not have to be project-specific.</li> <li>• Repealed the requirement for Miami-Dade College to partner with the Adam Smith Center at FIU for workshops, symposiums and conferences and the requirement for MDC to establish a direct-support organization.</li> <li>• Provided additional funding and flexibility in the use of funding for Florida's Regional Educational Consortia.</li> <li>• Amended participation requirements for school districts receiving SFCA funding.</li> <li>• Created the RIPE program, to provide student loan reimbursement to specified teachers and administrators that work in fiscally constrained counties.</li> </ul>			

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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