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1
2 An act relating to education; creating s. 617.221,
3 F.S.; defining the term "membership association";
4 requiring the assessment of dues paid to a membership
5 association by certain elected and appointed officials
6 with public funds; amending s. 1001.42, F.S.; revising
7 the duties of a district school board; creating s.
8 1001.67, F.S.; establishing a collaboration between
9 the state board and the Legislature to designate
10 certain Florida College System institutions as
11 distinguished colleges; specifying standards for the
12 designation; requiring the state board to award the
13 designation to certain Florida College System
14 institutions; providing that the designated
15 institutions are eligible for funding as specified in
16 the General Appropriations Act; amending s. 1002.20,
17 F.S.; revising public school choice options available
18 to students to include CAPE digital tools, CAPE
19 industry certifications, and collegiate high school
20 programs; authorizing parents of public school
21 students to seek private educational choice options
22 through the Florida Personal Learning Scholarship
23 Accounts Program under certain circumstances; revising
24 student eligibility requirements for participating in
25 high school athletic competitions; authorizing public
26 schools to provide transportation to students



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27 participating in open enrollment; amending s. 1002.31,
28 F.S.; requiring each district school board and charter
29 school governing board to authorize a parent to have
30 his or her child participate in controlled open
31 enrollment; requiring the school district to report
32 the student for purposes of the school district's
33 funding; authorizing a school district to provide
34 transportation to such students; requiring that each
35 district school board adopt and publish on its website
36 a controlled open enrollment process; providing
37 criteria for the process; prohibiting a school
38 district from delaying or preventing a student who
39 participates in controlled open enrollment from being
40 immediately eligible to participate in certain
41 activities; prohibiting a student from participating
42 in a sport under certain circumstances; providing
43 exemptions; amending s. 1002.53, F.S.; revising
44 eligibility for the Voluntary Prekindergarten
45 Education Program; amending s. 1002.33, F.S.; making
46 technical changes relating to requirements for the
47 creation of a virtual charter school; conforming
48 cross-references; revising required contents of
49 charter school applications; requiring a person or
50 entity seeking to open a charter school to disclose
51 certain information; conforming provisions regarding
52 the appeal process for denial of a high-performing



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53 charter school application; requiring an applicant to
54 provide the sponsor with a copy of an appeal to an
55 application denial; authorizing a charter school to
56 defer the opening of its operations for up to a
57 specified time; requiring the charter school to
58 provide written notice to certain entities within a
59 specified timeframe; providing that a student may not
60 be dismissed from a charter school based on his or her
61 academic performance; revising provisions relating to
62 long-term charters and charter terminations;
63 specifying notice requirements for voluntary closure
64 of a charter school; requiring a charter school
65 applicant to provide monthly financial statements upon
66 approval of the charter contract; requiring a sponsor
67 to review each financial statement of a charter school
68 to identify the existence of certain conditions;
69 providing for the automatic termination of a charter
70 contract if certain conditions are met; requiring a
71 sponsor to notify certain parties when a charter
72 contract is terminated for specific reasons; requiring
73 governing board members to hold a certain number of
74 public meetings and participate in such meetings in
75 person or through communications media technology;
76 revising charter school student eligibility
77 requirements; providing that charter schools are
78 eligible for the research-based reading allocation if



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79 | certain criteria are met; revising requirements for
80 | payments to charter schools; requiring a charter
81 | school to be located in the state to be eligible for
82 | public education capital outlay funds; providing for
83 | an injunction under certain circumstances; amending s.
84 | 1002.331, F.S.; deleting obsolete provision relating
85 | to high-performing charter schools; conforming a
86 | cross-reference; creating s. 1001.66, F.S.; creating a
87 | Florida College System Performance-Based Incentive for
88 | Florida College System institutions; requiring the
89 | State Board of Education to adopt certain metrics and
90 | benchmarks; providing for funding and allocation of
91 | the incentives; authorizing the state board to
92 | withhold an institution's incentive under certain
93 | circumstances; requiring the Commissioner of Education
94 | to withhold certain disbursements under certain
95 | circumstances; providing for reporting and rulemaking;
96 | amending s. 1001.7065, F.S.; revising the academic and
97 | research excellence standards for the preeminent state
98 | research universities program; creating the "emerging
99 | preeminent state research university" designation;
100 | requiring an emerging preeminent state research
101 | university to submit a certain plan to the board and
102 | meet certain expectations to receive certain funds;
103 | providing for the distribution of certain funding
104 | increases; deleting the preeminent state research



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105 university enhancement initiative; revising the
106 requirements for the unique course requirement;
107 amending s. 1001.71, F.S.; providing for selection of
108 the chair and vice chair of each state university
109 board of trustees; specifying terms and duties of the
110 chair; providing grounds for the removal of a board
111 member; requiring each state university board of
112 trustees to post certain information on the
113 university's website; requiring the Board of Governors
114 to adopt regulations; amending s. 1001.92, F.S.;
115 requiring performance-based metrics to include
116 specified wage thresholds; requiring the board to
117 establish minimum performance funding eligibility
118 thresholds; prohibiting a state university that fails
119 to meet the state's threshold from eligibility for a
120 share of the state's investment performance funding;
121 requiring the board to adopt regulations; deleting an
122 expiration date; amending s. 1003.4282, F.S.; revising
123 the online course requirement; authorizing a district
124 school board or a charter school governing board to
125 offer options to meet the requirement; amending s.
126 1013.62, F.S.; revising requirements for a charter
127 school to be eligible for funding appropriated for
128 charter school capital outlay purposes; deleting
129 provisions relating to the priorities for charter
130 school capital outlay funding; deleting provisions



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131 relating to a charter school's allocation; revising
132 the funding allocation calculation; requiring the
133 Department of Education to calculate and periodically
134 recalculate, as necessary, the eligible charter school
135 funding allocations; deleting provisions relating to
136 certain duties of the Commissioner of Education;
137 amending s. 1013.64, F.S.; providing that a school
138 district may not receive funds from the Special
139 Facility Construction Account under certain
140 circumstances; revising the criteria for a request for
141 funding; authorizing the request for a preapplication
142 review to take place at any time; providing
143 exceptions; revising the timeframe for completion of
144 the review; providing that certain capital outlay
145 full-time equivalent student enrollment estimates be
146 determined by specified estimating conferences;
147 requiring surveys to be cooperatively prepared by
148 certain entities and approved by the Department of
149 Education; prohibiting certain consultants from
150 specified employment and compensation; providing an
151 exception to prohibiting the cost per student station
152 from exceeding a certain amount; requiring a school
153 district to levy the maximum millage against certain
154 property value under certain circumstances; reducing
155 the required millage to be budgeted for a project;
156 requiring certain plans to be finalized by a specified



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157 | date; requiring a representative of the department to
158 | chair the Special Facility Construction Committee;
159 | requiring school districts to maintain accurate
160 | documentation related to specified costs; requiring
161 | the Auditor General to review such documentation;
162 | providing that the department makes final
163 | determinations on compliance; requiring the Office of
164 | Economic and Demographic Research to conduct a study,
165 | in consultation with the department, on cost per
166 | student station amounts; requiring the Office of
167 | Program Policy Analysis and Government Accountability
168 | to conduct a study on the State Requirements for
169 | Education Facilities; requiring the reports to be
170 | submitted to the Governor and the Legislature by a
171 | specified date; prohibiting a district school board
172 | from using funds for specified purposes for certain
173 | projects; providing sanctions for school districts
174 | that exceed certain costs; providing an exemption to
175 | the sanctions; providing for the creation of a
176 | district capital outlay oversight committee; providing
177 | for membership of the oversight committee; requiring
178 | the department to provide certain reports to the
179 | Auditor General; deleting a provision relating to
180 | applicability of certain restrictions on the cost per
181 | student station of new construction; amending s.
182 | 1002.37, F.S.; revising the calculation of "full-time



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183 equivalent student"; amending s. 1002.391, F.S.;

184 revising the calculation of a matrix of services for

185 certain students beginning in a specific school year;

186 amending s. 1002.45, F.S.; conforming cross-

187 references; deleting a provision related to

188 educational funding for students enrolled in certain

189 virtual education courses; revising conditions for

190 termination of a virtual instruction provider's

191 contract; creating s. 1003.3101, F.S.; requiring each

192 school district board to establish a classroom teacher

193 transfer process for parents, to approve or deny a

194 transfer request within a certain timeframe, to notify

195 a parent of a denial, and to post an explanation of

196 the transfer process in the student handbook or a

197 similar publication; amending s. 1003.4295, F.S.;

198 revising the purpose of the Credit Acceleration

199 Program; requiring students to earn passing scores on

200 specified assessments and examinations to earn course

201 credit; amending s. 1004.935, F.S.; deleting the

202 scheduled termination of the Adults with Disabilities

203 Workforce Education Pilot Program; changing the name

204 of the program to the "Adults with Disabilities

205 Workforce Education Program"; amending s. 1006.15,

206 F.S.; defining the term "eligible to participate";

207 conforming provisions to changes made by the act;

208 prohibiting a school district from delaying or



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209 preventing a student who participates in open
210 controlled enrollment from being immediately eligible
211 to participate in certain activities; prohibiting a
212 student from participating in a sport under certain
213 circumstances; providing exemptions; authorizing a
214 transfer student to immediately participate in
215 interscholastic or intrascholastic activities under
216 certain circumstances; prohibiting a school district
217 or the Florida High School Athletic Association
218 (FHSAA) from declaring a transfer student ineligible
219 under certain circumstances; creating s. 1006.195,
220 F.S.; requiring district school boards to establish in
221 codes of student conduct eligibility standards and
222 disciplinary actions relating to students
223 participating in interscholastic and intrascholastic
224 extracurricular activities; providing guidelines and
225 applicability; requiring the FHSAA to comply with
226 certain requirements by a specified date; amending s.
227 1006.20, F.S.; requiring the FHSAA to allow a private
228 school to maintain full membership in the association
229 or to join by sport; prohibiting the FHSAA from
230 discouraging a private school from maintaining
231 membership in the FHSAA and another athletic
232 association; authorizing the FHSAA to allow a public
233 school to apply for consideration to join another
234 athletic association; revising student eligibility



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235 requirements; providing penalties for recruiting
236 violations; requiring a school to forfeit a
237 competition, including resulting honors, in which a
238 student who was recruited in a prohibitive manner;
239 revising circumstances under which a student may be
240 declared ineligible; amending s. 1007.35, F.S.;

241 revising the exams each public high school is required
242 to administer to all enrolled 10th grade students to
243 include ACT Aspire; amending s. 1009.893, F.S.;

244 changing the name of the "Florida National Merit
245 Scholar Incentive Program" to the "Benacquisto
246 Scholarship Program"; providing that a student who
247 receives a scholarship award under the program will be
248 referred to as a Benacquisto Scholar; encouraging all
249 eligible Florida public or independent postsecondary
250 educational institutions, and requiring all eligible
251 state universities, to become college sponsors of the
252 National Merit Scholarship Program; amending s.
253 1011.61, F.S.; revising the definition of "full-time
254 equivalent student"; amending s. 1011.62, F.S.;

255 conforming a cross-reference; revising the calculation
256 for certain supplemental funds for exceptional student
257 education programs; requiring the funds to be prorated
258 under certain circumstances; revising the funding of
259 full-time equivalent values for students who earn CAPE
260 industry certifications through dual enrollment;



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261 revising a provision prohibiting a teacher's bonus
262 from exceeding a specified amount; creating a
263 federally connected student supplement for school
264 districts; specifying eligibility requirements and
265 calculations for allocations of the supplement;
266 amending s. 1011.71, F.S.; conforming a cross-
267 reference; amending s. 1012.42, F.S.; authorizing a
268 parent of a child whose teacher is teaching outside
269 the teacher's field to request that the child be
270 transferred to another classroom teacher within the
271 school and grade in which the child is currently
272 enrolled within a specified timeframe; specifying that
273 a transfer does not provide a parent the right to
274 choose a specific teacher; amending s. 1012.56, F.S.;
275 authorizing a charter school to develop and operate a
276 professional development certification and education
277 competency program; creating s. 1012.583, F.S.;
278 requiring the Department of Education, in consultation
279 with the Statewide Office for Suicide Prevention and
280 suicide prevention experts, to develop a list of
281 approved materials for youth suicide awareness and
282 prevention training materials for certain purposes;
283 specifying requirements for training materials;
284 providing that a school which incorporates the
285 training materials into the existing continuing
286 education or inservice training requirements be



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287 | considered a "Suicide Prevention Certified School";
288 | requiring participating schools to report certain
289 | information to the department; requiring the
290 | department to maintain an updated record of
291 | participating schools; providing that no cause of
292 | action results from the implementation of this act;
293 | providing for rulemaking; amending s. 1012.795, F.S.;
294 | authorizing the Education Practices Commission to
295 | suspend the educator certificate of a person who has
296 | committed a third recruiting offense as determined by
297 | the FHSAA; requiring the FHSAA to report certain
298 | information to the department; amending s. 1012.796,
299 | F.S.; requiring department staff to advise the
300 | Commissioner of Education of all referrals by the
301 | FHSAA relating to recruiting offenses by certain
302 | individuals; providing that certain penalties are in
303 | addition to penalties required under s. 1006.20, F.S.;
304 | amending s. 1013.385, F.S.; authorizing a district
305 | school board to implement certain exceptions to the
306 | educational facilities construction requirements under
307 | certain circumstances; providing that the Office of
308 | Early Learning may not adopt a kindergarten readiness
309 | rate for specific Voluntary Prekindergarten Education
310 | Program years; providing that providers on probation
311 | for the 2013-2014 program year must remain on
312 | probation until certain criteria are met; providing an



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313 expiration date; amending s. 1012.33, F.S.; providing
314 for a retiree to be employed as instructional
315 personnel under a 1-year probationary contract;
316 authorizing the retiree to be hired under an annual
317 contract under certain circumstances; providing that
318 the retiree is ineligible for a professional service
319 contract; amending s. 413.207, F.S.; requiring the
320 Division of Vocational Rehabilitation to initiate, by
321 a specified date, a performance improvement plan
322 designed to achieve specific goals; requiring the
323 division to submit a performance report annually, by a
324 specified date, to the Governor and Legislature which
325 includes specified information; amending ss. 1012.795
326 and amending s. 1003.44, F.S.; requiring written
327 notice of a student's right not to participate in the
328 pledge of allegiance to be included in a specific
329 publication; providing that a student may be excused
330 from certain actions associated with the pledge of
331 allegiance; requiring unexcused students to show full
332 respect to the flag during the pledge of allegiance;
333 creating s. 1003.432, F.S.; defining terms;
334 establishing the program to recognize a high school
335 graduate who has attained a high level of competency
336 in one or more foreign languages; providing the
337 purpose of the program; specifying criteria to earn a
338 Gold Seal of Biliteracy or a Silver Seal of



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339 Biliteracy; requiring the Commissioner of Education
340 and school districts to perform specified duties to
341 administer the program; prohibiting a school district
342 or the Department of Education from charging a fee for
343 the seals; requiring the State Board of Education to
344 adopt rules; providing effective dates.

345

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

347

348 Section 1. Section 617.221, Florida Statutes, is created
349 to read:

350 617.221 Membership associations; reporting requirements;
351 restrictions on use of funds.—

352 (1) As used in this section, the term "membership
353 association" means a not-for-profit corporation, including a
354 department or division of such corporation, the majority of
355 whose board members are constitutional officers who, pursuant to
356 s. 1001.32(2), operate, control, and supervise public entities
357 that receive annual state appropriations through a statutorily
358 defined formulaic allocation that is funded and prescribed
359 annually in the General Appropriations Act or the substantive
360 bill implementing the annual appropriations act. The term does
361 not include a labor organization as defined in s. 447.02 or an
362 entity funded through the Justice Administrative Commission.

363 (2) Dues paid to a membership association which are paid
364 with public funds shall be assessed for each elected or



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365 appointed public officer and may be paid to a membership
366 association. If a public officer elects not to join the
367 membership association, the dues assessed to that public officer
368 may not be paid to the membership association.

369 Section 2. Present subsection (27) of section 1001.42,
370 Florida Statutes, is redesignated as subsection (28), and a new
371 subsection (27) is added to that section, to read:

372 1001.42 Powers and duties of district school board.—The
373 district school board, acting as a board, shall exercise all
374 powers and perform all duties listed below:

375 (27) VISITATION OF SCHOOLS.—Visit the schools, observe the
376 management and instruction, give suggestions for improvement,
377 and advise citizens with the view of promoting interest in
378 education and improving the school.

379 Section 3. Section 1001.67, Florida Statutes, is created
380 to read:

381 1001.67 Distinguished Florida College System Program.—A
382 collaborative partnership is established between the State Board
383 of Education and the Legislature to recognize the excellence of
384 Florida's highest-performing Florida College system
385 institutions.

386 (1) EXCELLENCE STANDARDS.—The following excellence
387 standards are established for the program:

388 (a) A 150 percent-of-normal-time completion rate of 50
389 percent or higher, as calculated by the Division of Florida
390 Colleges.



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391 (b) A 150 percent-of-normal-time completion rate for Pell
 392 Grant recipients of 40 percent or higher, as calculated by the
 393 Division of Florida Colleges.

394 (c) A retention rate of 70 percent or higher, as
 395 calculated by the Division of Florida Colleges.

396 (d) A continuing education, or transfer, rate of 72
 397 percent or higher for students graduating with an associate of
 398 arts degree, as reported by the Florida Education and Training
 399 Placement Information Program (FETPIP).

400 (e) A licensure passage rate on the National Council
 401 Licensure Examination for Registered Nurses (NCLEX-RN) of 90
 402 percent or higher for first-time exam takers, as reported by the
 403 Board of Nursing.

404 (f) A job placement or continuing education rate of 88
 405 percent or higher for workforce programs, as reported by FETPIP.

406 (g) A time-to-degree for students graduating with an
 407 associate of arts degree of 2.25 years or less for first-time-
 408 in-college students with accelerated college credits, as
 409 reported by the Southern Regional Education Board.

410 (2) DISTINGUISHED COLLEGE DESIGNATION.—The State Board of
 411 Education shall designate each Florida College System
 412 institution that meets five of the seven standards identified in
 413 subsection (1) as a distinguished college.

414 (3) DISTINGUISHED COLLEGE SUPPORT.—A Florida College
 415 System institution designated as a distinguished college by the
 416 State Board of Education is eligible for funding as specified in



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417 | the General Appropriations Act.

418 | Section 4. Paragraphs (a) and (b) of subsection (6),
419 | subsection (16), paragraph (a) of subsection (17), and paragraph
420 | (a) of subsection (22) of section 1002.20, Florida Statutes, are
421 | amended, to read:

422 | 1002.20 K-12 student and parent rights.—Parents of public
423 | school students must receive accurate and timely information
424 | regarding their child's academic progress and must be informed
425 | of ways they can help their child to succeed in school. K-12
426 | students and their parents are afforded numerous statutory
427 | rights including, but not limited to, the following:

428 | (6) EDUCATIONAL CHOICE.—

429 | (a) *Public educational school choices.*—Parents of public
430 | school students may seek any ~~whatever~~ public educational school
431 | choice options that are applicable and available to students
432 | throughout the state ~~in their school districts~~. These options
433 | may include controlled open enrollment, single-gender programs,
434 | lab schools, virtual instruction programs, charter schools,
435 | charter technical career centers, magnet schools, alternative
436 | schools, special programs, auditory-oral education programs,
437 | advanced placement, dual enrollment, International
438 | Baccalaureate, International General Certificate of Secondary
439 | Education (pre-AICE), CAPE digital tools, CAPE industry
440 | certifications, collegiate high school programs, Advanced
441 | International Certificate of Education, early admissions, credit
442 | by examination or demonstration of competency, the New World



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443 School of the Arts, the Florida School for the Deaf and the
444 Blind, and the Florida Virtual School. These options may also
445 include the public educational ~~school~~ choice options of the
446 Opportunity Scholarship Program and the McKay Scholarships for
447 Students with Disabilities Program.

448 (b) *Private educational ~~school~~ choices.*—Parents of public
449 school students may seek private educational ~~school~~ choice
450 options under certain programs.

451 1. Under the McKay Scholarships for Students with
452 Disabilities Program, the parent of a public school student with
453 a disability may request and receive a McKay Scholarship for the
454 student to attend a private school in accordance with s.
455 1002.39.

456 2. Under the Florida Tax Credit Scholarship Program, the
457 parent of a student who qualifies for free or reduced-price
458 school lunch or who is currently placed, or during the previous
459 state fiscal year was placed, in foster care as defined in s.
460 39.01 may seek a scholarship from an eligible nonprofit
461 scholarship-funding organization in accordance with s. 1002.395.

462 3. Under the Florida Personal Learning Scholarship
463 Accounts Program, the parent of a student with a qualifying
464 disability may apply for a personal learning scholarship to be
465 used for individual educational needs in accordance with s.
466 1002.385.

467 (16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT RATING
468 REPORTS; FISCAL TRANSPARENCY.—Parents of public school students



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469 have the right ~~are entitled~~ to an easy-to-read report card about
470 the school's grade designation or, if applicable under s.
471 1008.341, the school's improvement rating, and the school's
472 accountability report, including the school financial report as
473 required under s. 1010.215. The school financial report must be
474 provided to the parents and indicate the average amount of money
475 expended per student in the school, which must also be included
476 in the student handbook or a similar publication.

477 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

478 (a) *Eligibility.*—Eligibility requirements for all students
479 participating in high school athletic competition must allow a
480 student to be immediately eligible in the school in which he or
481 she first enrolls each school year, the school in which the
482 student makes himself or herself a candidate for an athletic
483 team by engaging in practice before enrolling, or the school to
484 which the student has transferred ~~with approval of the district~~
485 ~~school board~~, in accordance with ~~the provisions of~~ s.
486 1006.20(2)(a).

487 (22) TRANSPORTATION.—

488 (a) *Transportation to school.*—Public school students shall
489 be provided transportation to school, in accordance with ~~the~~
490 ~~provisions of~~ s. 1006.21(3)(a). Public school students may be
491 provided transportation to school in accordance with the
492 controlled open enrollment provisions of s. 1002.31(2).

493 Section 5. Section 1002.31, Florida Statutes, is amended
494 to read:



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495 | 1002.31 Controlled open enrollment; Public school parental
496 | choice.-

497 | (1) As used in this section, "controlled open enrollment"
498 | means a public education delivery system that allows school
499 | districts to make student school assignments using parents'
500 | indicated preferential educational ~~school~~ choice as a
501 | significant factor.

502 | (2) (a) Beginning by the 2017-2018 school year, as part of
503 | a school district's or charter school's controlled open
504 | enrollment process, and in addition to the existing public
505 | school choice programs provided in s. 1002.20(6)(a), each
506 | district school board or charter school shall allow a parent
507 | from any school district in the state whose child is not subject
508 | to a current expulsion or suspension to enroll his or her child
509 | in and transport his or her child to any public school,
510 | including charter schools, that has not reached capacity in the
511 | district, subject to the maximum class size pursuant to s.
512 | 1003.03 and s. 1, Art. IX of the State Constitution. The school
513 | district or charter school shall accept the student, pursuant to
514 | that school district's or charter school's controlled open
515 | enrollment process, and report the student for purposes of the
516 | school district's or charter school's funding pursuant to the
517 | Florida Education Finance Program. A school district or charter
518 | school may provide transportation to students described under
519 | this section.

520 | (b) Each school district and charter school capacity



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521 determinations for its schools must be current and must be
522 identified on the school district and charter school's websites.
523 In determining the capacity of each district school, the
524 district school board shall incorporate the specifications,
525 plans, elements, and commitments contained in the school
526 district educational facilities plan and the long-term work
527 programs required under s. 1013.35. Each charter school
528 governing board shall determine capacity based upon its charter
529 school contract.

530 (c) Each district school board must provide preferential
531 treatment in its controlled open enrollment process to all of
532 the following:

533 1. Dependent children of active duty military personnel
534 whose move resulted from military orders.

535 2. Children who have been relocated due to a foster care
536 placement in a different school zone.

537 3. Children who move due to a court-ordered change in
538 custody due to separation or divorce, or the serious illness or
539 death of a custodial parent.

540 4. Students residing in the school district.

541 (d) As part of its controlled open enrollment process, a
542 charter school may provide preferential treatment in its
543 controlled open enrollment participation process to the
544 enrollment limitations pursuant to s. 1002.33(10), if such
545 special purposes are identified in the charter agreement. Each
546 charter school shall annually post on its website the



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547 application process required to participate in controlled open
548 enrollment, consistent with this section and s. 1002.33.

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

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

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

565 (a) Adhere to federal desegregation requirements.

566 (b) Allow ~~Include an application process required to~~
567 ~~participate in controlled open enrollment that allows~~ parents to
568 declare school preferences, including placement of siblings
569 within the same school.

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

572 (d) Afford parents of students in multiple session schools



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573 preferred access to controlled open enrollment.

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

576 (f) Address the availability of transportation.

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

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

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

583 (4) In accordance with the reporting requirements of s.
584 1011.62, each district school board shall annually report the
585 number of students exercising public school choice, by type
586 ~~attending the various types of public schools of choice in the~~
587 ~~district, in accordance with including schools such as virtual~~
588 ~~instruction programs, magnet schools, and public charter~~
589 ~~schools, according to~~ rules adopted by the State Board of
590 Education.

591 (5) For a school or program that is a public school of
592 choice under this section, the calculation for compliance with
593 maximum class size pursuant to s. 1003.03(4) ~~s. 1003.03~~ is the
594 average number of students at the school level.

595 (6)(a) A school district or charter school may not delay
596 eligibility or otherwise prevent a student participating in
597 controlled open enrollment or a choice program from being
598 immediately eligible to participate in interscholastic and



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599 | intrascholastic extracurricular activities.

600 | (b) A student may not participate in a sport if the
601 | student participated in that same sport at another school during
602 | that school year, unless the student meets one of the following
603 | criteria:

604 | 1. Dependent children of active duty military personnel
605 | whose move resulted from military orders.

606 | 2. Children who have been relocated due to a foster care
607 | placement in a different school zone.

608 | 3. Children who move due to a court-ordered change in
609 | custody due to separation or divorce, or the serious illness or
610 | death of a custodial parent.

611 | 4. Authorized for good cause in district or charter school
612 | policy.

613 | Section 6. Subsections (1) and (2) of section 1002.53,
614 | Florida Statutes, are amended to read:

615 | 1002.53 Voluntary Prekindergarten Education Program;
616 | eligibility and enrollment.—

617 | (1) The Voluntary Prekindergarten Education Program is
618 | created and shall be organized, designed, and delivered in
619 | accordance with s. 1(b) and (c), Art. IX of the State
620 | Constitution.

621 | (2) Each child who resides in this state who will have
622 | attained the age of 4 years on or before September 1 of the
623 | school year is eligible for the Voluntary Prekindergarten
624 | Education Program during either that school year or the



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625 following school year. The child remains eligible until ~~the~~
626 ~~beginning of the school year for which the child is eligible for~~
627 ~~admission to kindergarten in a public school under s.~~
628 ~~1003.21(1)(a)2. or until~~ the child is admitted to kindergarten,
629 or unless he or she will have attained the age of 6 years by
630 February 1 of any school year under s. 1003.21(1)(a)1 ~~whichever~~
631 ~~occurs first.~~

632 Section 7. Subsection (1), paragraph (a) of subsection
633 (2), paragraphs (a) and (b) of subsection (6), paragraphs (a)
634 and (d) of subsection (7), paragraphs (g), (n), and (p) of
635 subsection (9), paragraph (d) of subsection (10), paragraphs (b)
636 and (e) of subsection (17), paragraph (a) of subsection (18),
637 and paragraph (a) of subsection (20) of section 1002.33, Florida
638 Statutes, are amended, and a new paragraph (g) is added to
639 subsection (17) of that section, to read:

640 1002.33 Charter schools.—

641 (1) AUTHORIZATION.—Charter schools shall be part of the
642 state's program of public education. All charter schools in
643 Florida are public schools. A charter school may be formed by
644 creating a new school or converting an existing public school to
645 charter status. A charter school may operate a virtual charter
646 school pursuant to s. 1002.45(1)(d) to provide full-time online
647 instruction to eligible students, pursuant to s. 1002.455, in
648 kindergarten through grade 12. An existing A charter school that
649 is seeking to become a virtual charter school must amend its
650 charter or submit a new application pursuant to subsection (6)



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651 to become a virtual charter school. A virtual charter school is
652 subject to the requirements of this section; however, a virtual
653 charter school is exempt from subsections (18) and (19),
654 subparagraphs (20)(a)2., 4., 5., and 7., paragraph (20)(c), and
655 s. 1003.03. A public school may not use the term charter in its
656 name unless it has been approved under this section.

657 (2) GUIDING PRINCIPLES; PURPOSE.—

658 (a) Charter schools in Florida shall be guided by the
659 following principles:

660 1. Meet high standards of student achievement while
661 providing parents flexibility to choose among diverse
662 educational opportunities within the state's public school
663 system.

664 2. Promote enhanced academic success and financial
665 efficiency by aligning responsibility with accountability.

666 3. Provide parents with sufficient information on whether
667 their child is reading at grade level and whether the child
668 gains at least a year's worth of learning for every year spent
669 in the charter school.

670 (6) APPLICATION PROCESS AND REVIEW.—Charter school
671 applications are subject to the following requirements:

672 (a) A person or entity seeking ~~wishing~~ to open a charter
673 school shall prepare and submit an application on a model
674 application form prepared by the Department of Education which:

675 1. Demonstrates how the school will use the guiding
676 principles and meet the statutorily defined purpose of a charter



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677 school.

678 2. Provides a detailed curriculum plan that illustrates
679 how students will be provided services to attain the Sunshine
680 State Standards.

681 3. Contains goals and objectives for improving student
682 learning and measuring that improvement. These goals and
683 objectives must indicate how much academic improvement students
684 are expected to show each year, how success will be evaluated,
685 and the specific results to be attained through instruction.

686 4. Describes the reading curriculum and differentiated
687 strategies that will be used for students reading at grade level
688 or higher and a separate curriculum and strategies for students
689 who are reading below grade level. A sponsor shall deny an
690 application ~~a charter~~ if the school does not propose a reading
691 curriculum that is consistent with effective teaching strategies
692 that are grounded in scientifically based reading research.

693 5. Contains an annual financial plan for each year
694 requested by the charter for operation of the school for up to 5
695 years. This plan must contain anticipated fund balances based on
696 revenue projections, a spending plan based on projected revenues
697 and expenses, and a description of controls that will safeguard
698 finances and projected enrollment trends.

699 6. Discloses the name of each applicant, governing board
700 member, and all proposed education services providers; the name
701 and sponsor of any charter school operated by each applicant,
702 each governing board member, and each proposed education



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703 services provider that has closed and the reasons for the
704 closure; and the academic and financial history of such charter
705 schools, which the sponsor shall consider in deciding whether to
706 approve or deny the application.

707 ~~7.6.~~ Contains additional information a sponsor may
708 require, which shall be attached as an addendum to the charter
709 school application described in this paragraph.

710 ~~8.7.~~ For the establishment of a virtual charter school,
711 documents that the applicant has contracted with a provider of
712 virtual instruction services pursuant to s. 1002.45(1)(d).

713 (b) A sponsor shall receive and review all applications
714 for a charter school using the ~~an~~ evaluation instrument
715 developed by the Department of Education. A sponsor shall
716 receive and consider charter school applications received on or
717 before August 1 of each calendar year for charter schools to be
718 opened at the beginning of the school district's next school
719 year, or to be opened at a time agreed to by the applicant and
720 the sponsor. A sponsor may not refuse to receive a charter
721 school application submitted before August 1 and may receive an
722 application submitted later than August 1 if it chooses. In
723 order to facilitate greater collaboration in the application
724 process, an applicant may submit a draft charter school
725 application on or before May 1 with an application fee of \$500.
726 If a draft application is timely submitted, the sponsor shall
727 review and provide feedback as to material deficiencies in the
728 application by July 1. The applicant shall then have until



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729 August 1 to resubmit a revised and final application. The
730 sponsor may approve the draft application. Except as provided
731 for a draft application, a sponsor may not charge an applicant
732 for a charter any fee for the processing or consideration of an
733 application, and a sponsor may not base its consideration or
734 approval of a final application upon the promise of future
735 payment of any kind. Before approving or denying any final
736 application, the sponsor shall allow the applicant, upon receipt
737 of written notification, at least 7 calendar days to make
738 technical or nonsubstantive corrections and clarifications,
739 including, but not limited to, corrections of grammatical,
740 typographical, and like errors or missing signatures, if such
741 errors are identified by the sponsor as cause to deny the final
742 application.

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

752 2. In order to ensure fiscal responsibility, an
753 application for a charter school shall include a full accounting
754 of expected assets, a projection of expected sources and amounts



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755 of income, including income derived from projected student
756 enrollments and from community support, and an expense
757 projection that includes full accounting of the costs of
758 operation, including start-up costs.

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

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

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

778 (II) The charter school proposed in the application does
779 not materially comply with the requirements in paragraphs

780 (9) (a) - (f);



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781 (III) The proposed charter school's educational program
782 does not substantially replicate that of the applicant or one of
783 the applicant's high-performing charter schools;

784 (IV) The applicant has made a material misrepresentation
785 or false statement or concealed an essential or material fact
786 during the application process; or

787 (V) The proposed charter school's educational program and
788 financial management practices do not materially comply with the
789 requirements of this section.

790
791 Material noncompliance is a failure to follow requirements or a
792 violation of prohibitions applicable to charter school
793 applications, which failure is quantitatively or qualitatively
794 significant either individually or when aggregated with other
795 noncompliance. An applicant is considered to be replicating a
796 high-performing charter school if the proposed school is
797 substantially similar to at least one of the applicant's high-
798 performing charter schools and the organization or individuals
799 involved in the establishment and operation of the proposed
800 school are significantly involved in the operation of replicated
801 schools.

802 c. If the sponsor denies an application submitted by a
803 high-performing charter school, the sponsor must, within 10
804 calendar days after such denial, state in writing the specific
805 reasons, based upon the criteria in sub-subparagraph b.,
806 supporting its denial of the application and must provide the



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807 letter of denial and supporting documentation to the applicant
808 and to the Department of Education. The applicant may appeal the
809 sponsor's denial of the application directly to the State Board
810 of Education and, if an appeal is filed, must provide a copy of
811 the appeal to the sponsor pursuant to paragraph (c) ~~sub-~~
812 subparagraph (c)3.b.

813 4. For budget projection purposes, the sponsor shall
814 report to the Department of Education the approval or denial of
815 an a-charter application within 10 calendar days after such
816 approval or denial. In the event of approval, the report to the
817 Department of Education shall include the final projected FTE
818 for the approved charter school.

819 5. Upon approval of an a-charter application, the initial
820 startup shall commence with the beginning of the public school
821 calendar for the district in which the charter is granted. A
822 charter school may defer the opening of the school's operations
823 for up to 2 years to provide time for adequate facility
824 planning. The charter school must provide written notice of such
825 intent to the sponsor and the parents of enrolled students at
826 least 30 calendar days before the first day of school unless the
827 sponsor allows a waiver of this subparagraph for good cause.

828 (7) CHARTER.—The major issues involving the operation of a
829 charter school shall be considered in advance and written into
830 the charter. The charter shall be signed by the governing board
831 of the charter school and the sponsor, following a public
832 hearing to ensure community input.



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

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

837 2. The focus of the curriculum, the instructional methods
838 to be used, any distinctive instructional techniques to be
839 employed, and identification and acquisition of appropriate
840 technologies needed to improve educational and administrative
841 performance which include a means for promoting safe, ethical,
842 and appropriate uses of technology which comply with legal and
843 professional standards.

844 a. The charter shall ensure that reading is a primary
845 focus of the curriculum and that resources are provided to
846 identify and provide specialized instruction for students who
847 are reading below grade level. The curriculum and instructional
848 strategies for reading must be consistent with the Next
849 Generation Sunshine State Standards and grounded in
850 scientifically based reading research.

851 b. In order to provide students with access to diverse
852 instructional delivery models, to facilitate the integration of
853 technology within traditional classroom instruction, and to
854 provide students with the skills they need to compete in the
855 21st century economy, the Legislature encourages instructional
856 methods for blended learning courses consisting of both
857 traditional classroom and online instructional techniques.
858 Charter schools may implement blended learning courses which



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859 combine traditional classroom instruction and virtual
860 instruction. Students in a blended learning course must be full-
861 time students of the charter school and receive the online
862 instruction in a classroom setting at the charter school.
863 Instructional personnel certified pursuant to s. 1012.55 who
864 provide virtual instruction for blended learning courses may be
865 employees of the charter school or may be under contract to
866 provide instructional services to charter school students. At a
867 minimum, such instructional personnel must hold an active state
868 or school district adjunct certification under s. 1012.57 for
869 the subject area of the blended learning course. The funding and
870 performance accountability requirements for blended learning
871 courses are the same as those for traditional courses.

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

876 a. How the baseline student academic achievement levels
877 and prior rates of academic progress will be established.

878 b. How these baseline rates will be compared to rates of
879 academic progress achieved by these same students while
880 attending the charter school.

881 c. To the extent possible, how these rates of progress
882 will be evaluated and compared with rates of progress of other
883 closely comparable student populations.

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885 The district school board is required to provide academic
886 student performance data to charter schools for each of their
887 students coming from the district school system, as well as
888 rates of academic progress of comparable student populations in
889 the district school system.

890 4. The methods used to identify the educational strengths
891 and needs of students and how well educational goals and
892 performance standards are met by students attending the charter
893 school. The methods shall provide a means for the charter school
894 to ensure accountability to its constituents by analyzing
895 student performance data and by evaluating the effectiveness and
896 efficiency of its major educational programs. Students in
897 charter schools shall, at a minimum, participate in the
898 statewide assessment program created under s. 1008.22.

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

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

904 7. The admissions procedures and dismissal procedures,
905 including the school's code of student conduct. Admission or
906 dismissal must not be based on a student's academic performance.

907 8. The ways by which the school will achieve a
908 racial/ethnic balance reflective of the community it serves or
909 within the racial/ethnic range of other public schools in the
910 same school district.



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911 9. The financial and administrative management of the
912 school, including a reasonable demonstration of the professional
913 experience or competence of those individuals or organizations
914 applying to operate the charter school or those hired or
915 retained to perform such professional services and the
916 description of clearly delineated responsibilities and the
917 policies and practices needed to effectively manage the charter
918 school. A description of internal audit procedures and
919 establishment of controls to ensure that financial resources are
920 properly managed must be included. Both public sector and
921 private sector professional experience shall be equally valid in
922 such a consideration.

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

927 11. A description of procedures that identify various
928 risks and provide for a comprehensive approach to reduce the
929 impact of losses; plans to ensure the safety and security of
930 students and staff; plans to identify, minimize, and protect
931 others from violent or disruptive student behavior; and the
932 manner in which the school will be insured, including whether or
933 not the school will be required to have liability insurance,
934 and, if so, the terms and conditions thereof and the amounts of
935 coverage.

936 12. The term of the charter which shall provide for



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937 cancellation of the charter if insufficient progress has been
938 made in attaining the student achievement objectives of the
939 charter and if it is not likely that such objectives can be
940 achieved before expiration of the charter. The initial term of a
941 charter shall be for 4 or 5 years. In order to facilitate access
942 to long-term financial resources for charter school
943 construction, charter schools that are operated by a
944 municipality or other public entity as provided by law are
945 eligible for up to a 15-year charter, subject to approval by the
946 district school board. A charter lab school is eligible for a
947 charter for a term of up to 15 years. In addition, to facilitate
948 access to long-term financial resources for charter school
949 construction, charter schools that are operated by a private,
950 not-for-profit, s. 501(c)(3) status corporation are eligible for
951 up to a 15-year charter, subject to approval by the district
952 school board. Such long-term charters remain subject to annual
953 review and may be terminated during the term of the charter, but
954 only according to the provisions set forth in subsection (8).

955 13. The facilities to be used and their location. The
956 sponsor may not require a charter school to have a certificate
957 of occupancy or a temporary certificate of occupancy for such a
958 facility earlier than 15 calendar days before the first day of
959 school.

960 14. The qualifications to be required of the teachers and
961 the potential strategies used to recruit, hire, train, and
962 retain qualified staff to achieve best value.



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

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

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

981 18. Full disclosure of the identity of all relatives
982 employed by the charter school who are related to the charter
983 school owner, president, chairperson of the governing board of
984 directors, superintendent, governing board member, principal,
985 assistant principal, or any other person employed by the charter
986 school who has equivalent decisionmaking authority. For the
987 purpose of this subparagraph, the term "relative" means father,
988 mother, son, daughter, brother, sister, uncle, aunt, first



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989 | cousin, nephew, niece, husband, wife, father-in-law, mother-in-
 990 | law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
 991 | stepfather, stepmother, stepson, stepdaughter, stepbrother,
 992 | stepsister, half brother, or half sister.

993 | 19. Implementation of the activities authorized under s.
 994 | 1002.331 by the charter school when it satisfies the eligibility
 995 | requirements for a high-performing charter school. A high-
 996 | performing charter school shall notify its sponsor in writing by
 997 | March 1 if it intends to increase enrollment or expand grade
 998 | levels the following school year. The written notice shall
 999 | specify the amount of the enrollment increase and the grade
 1000 | levels that will be added, as applicable.

1001 | (d)~~1~~. A charter may be terminated by a charter school's
 1002 | governing board through voluntary closure. The decision to cease
 1003 | operations must be determined at a public meeting. The governing
 1004 | board shall notify the parents and sponsor of the public meeting
 1005 | in writing before the public meeting. The governing board must
 1006 | notify the sponsor, parents of enrolled students, and the
 1007 | department in writing within 24 hours after the public meeting
 1008 | of its determination. The notice shall state the charter
 1009 | school's intent to continue operations or the reason for the
 1010 | closure and acknowledge that the governing board agrees to
 1011 | follow the procedures for dissolution and reversion of public
 1012 | funds pursuant to paragraphs (8) (e)-(g) and (9) (o) ~~Each charter~~
 1013 | ~~school's governing board must appoint a representative to~~
 1014 | ~~facilitate parental involvement, provide access to information,~~



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1015 ~~assist parents and others with questions and concerns, and~~
1016 ~~resolve disputes. The representative must reside in the school~~
1017 ~~district in which the charter school is located and may be a~~
1018 ~~governing board member, charter school employee, or individual~~
1019 ~~contracted to represent the governing board. If the governing~~
1020 ~~board oversees multiple charter schools in the same school~~
1021 ~~district, the governing board must appoint a separate individual~~
1022 ~~representative for each charter school in the district. The~~
1023 ~~representative's contact information must be provided annually~~
1024 ~~in writing to parents and posted prominently on the charter~~
1025 ~~school's website if a website is maintained by the school. The~~
1026 ~~sponsor may not require that governing board members reside in~~
1027 ~~the school district in which the charter school is located if~~
1028 ~~the charter school complies with this paragraph.~~

1029 ~~2. Each charter school's governing board must hold at~~
1030 ~~least two public meetings per school year in the school~~
1031 ~~district. The meetings must be noticed, open, and accessible to~~
1032 ~~the public, and attendees must be provided an opportunity to~~
1033 ~~receive information and provide input regarding the charter~~
1034 ~~school's operations. The appointed representative and charter~~
1035 ~~school principal or director, or his or her equivalent, must be~~
1036 ~~physically present at each meeting.~~

1037 (9) CHARTER SCHOOL REQUIREMENTS.—

1038 (g)1. In order to provide financial information that is
1039 comparable to that reported for other public schools, charter
1040 schools are to maintain all financial records that constitute



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1041 their accounting system:

1042 a. In accordance with the accounts and codes prescribed in
1043 the most recent issuance of the publication titled "Financial
1044 and Program Cost Accounting and Reporting for Florida Schools";
1045 or

1046 b. At the discretion of the charter school's governing
1047 board, a charter school may elect to follow generally accepted
1048 accounting standards for not-for-profit organizations, but must
1049 reformat this information for reporting according to this
1050 paragraph.

1051 2. Charter schools shall provide annual financial report
1052 and program cost report information in the state-required
1053 formats for inclusion in district reporting in compliance with
1054 s. 1011.60(1). Charter schools that are operated by a
1055 municipality or are a component unit of a parent nonprofit
1056 organization may use the accounting system of the municipality
1057 or the parent but must reformat this information for reporting
1058 according to this paragraph.

1059 3. A charter school shall, upon approval of the charter
1060 contract, provide the sponsor with a concise, uniform, monthly
1061 financial statement summary sheet that contains a balance sheet
1062 and a statement of revenue, expenditures, and changes in fund
1063 balance. The balance sheet and the statement of revenue,
1064 expenditures, and changes in fund balance shall be in the
1065 governmental funds format prescribed by the Governmental
1066 Accounting Standards Board. A high-performing charter school



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1067 pursuant to s. 1002.331 may provide a quarterly financial
1068 statement in the same format and requirements as the uniform
1069 monthly financial statement summary sheet. The sponsor shall
1070 review each monthly or quarterly financial statement to identify
1071 the existence of any conditions identified in s. 1002.345(1)(a).

1072 4. A charter school shall maintain and provide financial
1073 information as required in this paragraph. The financial
1074 statement required in subparagraph 3. must be in a form
1075 prescribed by the Department of Education.

1076 (n)1. The director and a representative of the governing
1077 board of a charter school that has earned a grade of "D" or "F"
1078 pursuant to s. 1008.34 shall appear before the sponsor to
1079 present information concerning each contract component having
1080 noted deficiencies. The director and a representative of the
1081 governing board shall submit to the sponsor for approval a
1082 school improvement plan to raise student performance. Upon
1083 approval by the sponsor, the charter school shall begin
1084 implementation of the school improvement plan. The department
1085 shall offer technical assistance and training to the charter
1086 school and its governing board and establish guidelines for
1087 developing, submitting, and approving such plans.

1088 2.a. If a charter school earns three consecutive grades of
1089 "D," two consecutive grades of "D" followed by a grade of "F,"
1090 or two nonconsecutive grades of "F" within a 3-year period, the
1091 charter school governing board shall choose one of the following
1092 corrective actions:



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1093 (I) Contract for educational services to be provided
 1094 directly to students, instructional personnel, and school
 1095 administrators, as prescribed in state board rule;
 1096 (II) Contract with an outside entity that has a
 1097 demonstrated record of effectiveness to operate the school;
 1098 (III) Reorganize the school under a new director or
 1099 principal who is authorized to hire new staff; or
 1100 (IV) Voluntarily close the charter school.
 1101 b. The charter school must implement the corrective action
 1102 in the school year following receipt of a third consecutive
 1103 grade of "D," a grade of "F" following two consecutive grades of
 1104 "D," or a second nonconsecutive grade of "F" within a 3-year
 1105 period.
 1106 c. The sponsor may annually waive a corrective action if
 1107 it determines that the charter school is likely to improve a
 1108 letter grade if additional time is provided to implement the
 1109 intervention and support strategies prescribed by the school
 1110 improvement plan. Notwithstanding this sub-subparagraph, a
 1111 charter school that earns a second consecutive grade of "F" is
 1112 subject to subparagraph 4.
 1113 d. A charter school is no longer required to implement a
 1114 corrective action if it improves by at least one letter grade.
 1115 However, the charter school must continue to implement
 1116 strategies identified in the school improvement plan. The
 1117 sponsor must annually review implementation of the school
 1118 improvement plan to monitor the school's continued improvement



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1119 pursuant to subparagraph 5.

1120 e. A charter school implementing a corrective action that
1121 does not improve by at least one letter grade after 2 full
1122 school years of implementing the corrective action must select a
1123 different corrective action. Implementation of the new
1124 corrective action must begin in the school year following the
1125 implementation period of the existing corrective action, unless
1126 the sponsor determines that the charter school is likely to
1127 improve a letter grade if additional time is provided to
1128 implement the existing corrective action. Notwithstanding this
1129 sub-subparagraph, a charter school that earns a second
1130 consecutive grade of "F" while implementing a corrective action
1131 is subject to subparagraph 4.

1132 3. A charter school with a grade of "D" or "F" that
1133 improves by at least one letter grade must continue to implement
1134 the strategies identified in the school improvement plan. The
1135 sponsor must annually review implementation of the school
1136 improvement plan to monitor the school's continued improvement
1137 pursuant to subparagraph 5.

1138 4. A charter school's charter contract is automatically
1139 terminated if the school earns two consecutive grades of "F"
1140 after all school grade appeals are final ~~The sponsor shall~~
1141 ~~terminate a charter if the charter school earns two consecutive~~
1142 ~~grades of "F" unless:~~

1143 a. The charter school is established to turn around the
1144 performance of a district public school pursuant to s.



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1145 1008.33(4)(b)3. Such charter schools shall be governed by s.
1146 1008.33;

1147 b. The charter school serves a student population the
1148 majority of which resides in a school zone served by a district
1149 public school that earned a grade of "F" in the year before the
1150 charter school opened and the charter school earns at least a
1151 grade of "D" in its third year of operation. The exception
1152 provided under this sub-subparagraph does not apply to a charter
1153 school in its fourth year of operation and thereafter; or

1154 c. The state board grants the charter school a waiver of
1155 termination. The charter school must request the waiver within
1156 15 days after the department's official release of school
1157 grades. The state board may waive termination if the charter
1158 school demonstrates that the Learning Gains of its students on
1159 statewide assessments are comparable to or better than the
1160 Learning Gains of similarly situated students enrolled in nearby
1161 district public schools. The waiver is valid for 1 year and may
1162 only be granted once. Charter schools that have been in
1163 operation for more than 5 years are not eligible for a waiver
1164 under this sub-subparagraph.

1165
1166 The sponsor shall notify the charter school's governing board,
1167 the charter school principal, and the department in writing when
1168 a charter contract is terminated under this subparagraph. The
1169 letter of termination must meet the requirements of paragraph
1170 (8)(c). A charter terminated under this subparagraph must follow



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1171 the procedures for dissolution and reversion of public funds
1172 pursuant to paragraphs (8)(e)-(g) and (9)(o).

1173 5. The director and a representative of the governing
1174 board of a graded charter school that has implemented a school
1175 improvement plan under this paragraph shall appear before the
1176 sponsor at least once a year to present information regarding
1177 the progress of intervention and support strategies implemented
1178 by the school pursuant to the school improvement plan and
1179 corrective actions, if applicable. The sponsor shall communicate
1180 at the meeting, and in writing to the director, the services
1181 provided to the school to help the school address its
1182 deficiencies.

1183 6. Notwithstanding any provision of this paragraph except
1184 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter
1185 at any time pursuant to subsection (8).

1186 (p)1. Each charter school shall maintain a website that
1187 enables the public to obtain information regarding the school;
1188 the school's academic performance; the names of the governing
1189 board members; the programs at the school; any management
1190 companies, service providers, or education management
1191 corporations associated with the school; the school's annual
1192 budget and its annual independent fiscal audit; the school's
1193 grade pursuant to s. 1008.34; and, on a quarterly basis, the
1194 minutes of governing board meetings.

1195 2. Each charter school's governing board must appoint a
1196 representative to facilitate parental involvement, provide



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1197 access to information, assist parents and others with questions
1198 and concerns, and resolve disputes. The representative must
1199 reside in the school district in which the charter school is
1200 located and may be a governing board member, a charter school
1201 employee, or an individual contracted to represent the governing
1202 board. If the governing board oversees multiple charter schools
1203 in the same school district, the governing board must appoint a
1204 separate representative for each charter school in the district.
1205 The representative's contact information must be provided
1206 annually in writing to parents and posted prominently on the
1207 charter school's website. The sponsor may not require governing
1208 board members to reside in the school district in which the
1209 charter school is located if the charter school complies with
1210 this subparagraph.

1211 3. Each charter school's governing board must hold at
1212 least two public meetings per school year in the school district
1213 where the charter school is located. The meetings must be
1214 noticed, open, and accessible to the public, and attendees must
1215 be provided an opportunity to receive information and provide
1216 input regarding the charter school's operations. The appointed
1217 representative and charter school principal or director, or his
1218 or her designee, must be physically present at each meeting.
1219 Members of the governing board may attend in person or by means
1220 of communications media technology used in accordance with rules
1221 adopted by the Administration Commission under s. 120.54(5).

1222 (10) ELIGIBLE STUDENTS.—



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1223 (d) A charter school may give enrollment preference to the
 1224 following student populations:

1225 1. Students who are siblings of a student enrolled in the
 1226 charter school.

1227 2. Students who are the children of a member of the
 1228 governing board of the charter school.

1229 3. Students who are the children of an employee of the
 1230 charter school.

1231 4. Students who are the children of:

1232 a. An employee of the business partner of a charter
 1233 school-in-the-workplace established under paragraph (15)(b) or a
 1234 resident of the municipality in which such charter school is
 1235 located; or

1236 b. A resident or employee of a municipality that operates
 1237 a charter school-in-a-municipality pursuant to paragraph (15)(c)
 1238 or allows a charter school to use a school facility or portion
 1239 of land provided by the municipality for the operation of the
 1240 charter school.

1241 5. Students who have successfully completed a voluntary
 1242 prekindergarten education program under ss. 1002.51-1002.79
 1243 provided by the charter school or the charter school's governing
 1244 board during the previous year.

1245 6. Students who are the children of an active duty member
 1246 of any branch of the United States Armed Forces.

1247 7. Students who attended or are assigned to failing
 1248 schools pursuant to s. 1002.38(2).



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1249 (17) FUNDING.—Students enrolled in a charter school,
1250 regardless of the sponsorship, shall be funded as if they are in
1251 a basic program or a special program, the same as students
1252 enrolled in other public schools in the school district. Funding
1253 for a charter lab school shall be as provided in s. 1002.32.

1254 (b) The basis for the agreement for funding students
1255 enrolled in a charter school shall be the sum of the school
1256 district's operating funds from the Florida Education Finance
1257 Program as provided in s. 1011.62 and the General Appropriations
1258 Act, including gross state and local funds, discretionary
1259 lottery funds, and funds from the school district's current
1260 operating discretionary millage levy; divided by total funded
1261 weighted full-time equivalent students in the school district;
1262 multiplied by the weighted full-time equivalent students for the
1263 charter school. Charter schools whose students or programs meet
1264 the eligibility criteria in law are entitled to their
1265 proportionate share of categorical program funds included in the
1266 total funds available in the Florida Education Finance Program
1267 by the Legislature, including transportation, the research-based
1268 reading allocation, and the Florida digital classrooms
1269 allocation. Total funding for each charter school shall be
1270 recalculated during the year to reflect the revised calculations
1271 under the Florida Education Finance Program by the state and the
1272 actual weighted full-time equivalent students reported by the
1273 charter school during the full-time equivalent student survey
1274 periods designated by the Commissioner of Education.



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1275 (e) District school boards shall make timely and efficient
 1276 payment and reimbursement to charter schools, including
 1277 processing paperwork required to access special state and
 1278 federal funding for which they may be eligible. Payments of
 1279 funds under paragraph (b) shall be made monthly or twice a
 1280 month, beginning with the start of the district school board's
 1281 fiscal year. Each payment shall be one-twelfth, or one twenty-
 1282 fourth, as applicable, of the total state and local funds
 1283 described in paragraph (b) and adjusted as set forth therein.
 1284 For the first 2 years of a charter school's operation, if a
 1285 minimum of 75 percent of the projected enrollment is entered
 1286 into the sponsor's student information system by the first day
 1287 of the current month, the district school board shall ~~may~~
 1288 distribute funds to the ~~a charter~~ school for the ~~up to 3~~ months
 1289 of July through October based on the projected full-time
 1290 equivalent student membership of the charter school as submitted
 1291 in the approved application. If less than 75 percent of the
 1292 projected enrollment is entered into the sponsor's student
 1293 information system by the first day of the current month, the
 1294 sponsor shall base payments on the actual number of student
 1295 enrollment entered into the sponsor's student information
 1296 system. Thereafter, the results of full-time equivalent student
 1297 membership surveys shall be used in adjusting the amount of
 1298 funds distributed monthly to the charter school for the
 1299 remainder of the fiscal year. The ~~payments~~ payment ~~shall be~~
 1300 issued no later than 10 working days after the district school



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1301 board receives a distribution of state or federal funds or the
1302 date the payment is due pursuant to this subsection. If a
1303 warrant for payment is not issued within 10 working days after
1304 receipt of funding by the district school board, the school
1305 district shall pay to the charter school, in addition to the
1306 amount of the scheduled disbursement, interest at a rate of 1
1307 percent per month calculated on a daily basis on the unpaid
1308 balance from the expiration of the 10 working days until such
1309 time as the warrant is issued. The district school board may not
1310 delay payment to a charter school of any portion of the funds
1311 provided in paragraph (b) based on the timing of receipt of
1312 local funds by the district school board.

1313 (g) To be eligible for public education capital outlay
1314 (PECO) funds, a charter school must be located in the State of
1315 Florida.

1316 (18) FACILITIES.—

1317 (a) A startup charter school shall utilize facilities
1318 which comply with the Florida Building Code pursuant to chapter
1319 553 except for the State Requirements for Educational
1320 Facilities. Conversion charter schools shall utilize facilities
1321 that comply with the State Requirements for Educational
1322 Facilities provided that the school district and the charter
1323 school have entered into a mutual management plan for the
1324 reasonable maintenance of such facilities. The mutual management
1325 plan shall contain a provision by which the district school
1326 board agrees to maintain charter school facilities in the same



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1327 manner as its other public schools within the district. Charter
1328 schools, with the exception of conversion charter schools, are
1329 not required to comply, but may choose to comply, with the State
1330 Requirements for Educational Facilities of the Florida Building
1331 Code adopted pursuant to s. 1013.37. The local governing
1332 authority shall not adopt or impose any local building
1333 requirements or site-development restrictions, such as parking
1334 and site-size criteria, that are addressed by and more stringent
1335 than those found in the State Requirements for Educational
1336 Facilities of the Florida Building Code. ~~Beginning July 1, 2011,~~
1337 A local governing authority must treat charter schools equitably
1338 in comparison to similar requirements, restrictions, and site
1339 planning processes imposed upon public schools that are not
1340 charter schools. The agency having jurisdiction for inspection
1341 of a facility and issuance of a certificate of occupancy or use
1342 shall be the local municipality or, if in an unincorporated
1343 area, the county governing authority. If an official or employee
1344 of the local governing authority refuses to comply with this
1345 paragraph, the aggrieved school or entity has an immediate right
1346 to bring an action in circuit court to enforce its rights by
1347 injunction. An aggrieved party that receives injunctive relief
1348 may be awarded attorney fees and court costs.

1349 (20) SERVICES.—

1350 (a)1. A sponsor shall provide certain administrative and
1351 educational services to charter schools. These services shall
1352 include contract management services; full-time equivalent and



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1353 data reporting services; exceptional student education
1354 administration services; services related to eligibility and
1355 reporting duties required to ensure that school lunch services
1356 under the federal lunch program, consistent with the needs of
1357 the charter school, are provided by the school district at the
1358 request of the charter school, that any funds due to the charter
1359 school under the federal lunch program be paid to the charter
1360 school as soon as the charter school begins serving food under
1361 the federal lunch program, and that the charter school is paid
1362 at the same time and in the same manner under the federal lunch
1363 program as other public schools serviced by the sponsor or the
1364 school district; test administration services, including payment
1365 of the costs of state-required or district-required student
1366 assessments; processing of teacher certificate data services;
1367 and information services, including equal access to student
1368 information systems that are used by public schools in the
1369 district in which the charter school is located. Student
1370 performance data for each student in a charter school,
1371 including, but not limited to, FCAT scores, standardized test
1372 scores, previous public school student report cards, and student
1373 performance measures, shall be provided by the sponsor to a
1374 charter school in the same manner provided to other public
1375 schools in the district.

1376 2. A total administrative fee for the provision of such
1377 services shall be calculated based upon up to 5 percent of the
1378 available funds defined in paragraph (17) (b) for all students,



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1379 | except that when 75 percent or more of the students enrolled in
1380 | the charter school are exceptional students as defined in s.
1381 | 1003.01(3), the 5 percent of those available funds shall be
1382 | calculated based on unweighted full-time equivalent students.
1383 | However, a sponsor may only withhold up to a 5-percent
1384 | administrative fee for enrollment for up to and including 250
1385 | students. For charter schools with a population of 251 or more
1386 | students, the difference between the total administrative fee
1387 | calculation and the amount of the administrative fee withheld
1388 | may only be used for capital outlay purposes specified in s.
1389 | 1013.62(3) ~~s. 1013.62(2)~~.

1390 | 3. For high-performing charter schools, as defined in s.
1391 | 1002.331 ~~ch. 2011-232~~, a sponsor may withhold a total
1392 | administrative fee of up to 2 percent for enrollment up to and
1393 | including 250 students per school.

1394 | 4. In addition, a sponsor may withhold only up to a 5-
1395 | percent administrative fee for enrollment for up to and
1396 | including 500 students within a system of charter schools which
1397 | meets all of the following:

1398 | a. Includes both conversion charter schools and
1399 | nonconversion charter schools;

1400 | b. Has all schools located in the same county;

1401 | c. Has a total enrollment exceeding the total enrollment
1402 | of at least one school district in the state;

1403 | d. Has the same governing board; and

1404 | e. Does not contract with a for-profit service provider



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1405 for management of school operations.

1406 5. The difference between the total administrative fee
1407 calculation and the amount of the administrative fee withheld
1408 pursuant to subparagraph 4. may be used for instructional and
1409 administrative purposes as well as for capital outlay purposes
1410 specified in s. 1013.62(3) ~~s. 1013.62(2)~~.

1411 6. For a high-performing charter school system that also
1412 meets the requirements in subparagraph 4., a sponsor may
1413 withhold a 2-percent administrative fee for enrollments up to
1414 and including 500 students per system.

1415 7. Sponsors shall not charge charter schools any
1416 additional fees or surcharges for administrative and educational
1417 services in addition to the maximum 5-percent administrative fee
1418 withheld pursuant to this paragraph.

1419 8. The sponsor of a virtual charter school may withhold a
1420 fee of up to 5 percent. The funds shall be used to cover the
1421 cost of services provided under subparagraph 1. and
1422 implementation of the school district's digital classrooms plan
1423 pursuant to s. 1011.62.

1424 Section 8. Paragraph (a) of subsection (3) and subsection
1425 (4) of section 1002.331, Florida Statutes, are amended to read:

1426 1002.331 High-performing charter schools.—

1427 (3) (a) A high-performing charter school may submit an
1428 application pursuant to s. 1002.33(6) in any school district in
1429 the state to establish and operate a new charter school that
1430 will substantially replicate its educational program. An



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1431 application submitted by a high-performing charter school must
1432 state that the application is being submitted pursuant to this
1433 paragraph and must include the verification letter provided by
1434 the Commissioner of Education pursuant to subsection (4) ~~(5)~~. If
1435 the sponsor fails to act on the application within 60 days after
1436 receipt, the application is deemed approved and the procedure in
1437 s. 1002.33(6)(h) applies. If the sponsor denies the application,
1438 the high-performing charter school may appeal pursuant to s.
1439 1002.33(6).

1440 ~~(4) A high-performing charter school may not increase~~
1441 ~~enrollment or expand grade levels following any school year in~~
1442 ~~which it receives a school grade of "C" or below. If the charter~~
1443 ~~school receives a school grade of "C" or below in any 2 years~~
1444 ~~during the term of the charter awarded under subsection (2), the~~
1445 ~~term of the charter may be modified by the sponsor and the~~
1446 ~~charter school loses its high-performing charter school status~~
1447 ~~until it regains that status under subsection (1).~~

1448 Section 9. Section 1001.66, Florida Statutes, is created
1449 to read:

1450 1001.66 Florida College System Performance-Based
1451 Incentive.-

1452 (1) A Florida College System Performance-Based Incentive
1453 shall be awarded to Florida College System institutions using
1454 performance-based metrics adopted by the State Board of
1455 Education. The performance-based metrics must include retention
1456 rates; program completion and graduation rates; postgraduation



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1457 employment, salaries, and continuing education for workforce
1458 education and baccalaureate programs, with wage thresholds that
1459 reflect the added value of the certificate or degree; and
1460 outcome measures appropriate for associate of arts degree
1461 recipients. The state board shall adopt benchmarks to evaluate
1462 each institution's performance on the metrics to measure the
1463 institution's achievement of institutional excellence or need
1464 for improvement and minimum requirements for eligibility to
1465 receive performance funding.

1466 (2) Each fiscal year, the amount of funds available for
1467 allocation to the Florida College System institutions based on
1468 the performance-based funding model shall consist of the state's
1469 investment in performance funding plus institutional investments
1470 consisting of funds to be redistributed from the base funding of
1471 the Florida College System Program Fund as determined in the
1472 General Appropriations Act. The State Board of Education shall
1473 establish minimum performance funding eligibility thresholds for
1474 the state's investment and the institutional investments. An
1475 institution that meets the minimum institutional investment
1476 eligibility threshold, but fails to meet the minimum state
1477 investment eligibility threshold, shall have its institutional
1478 investment restored but is ineligible for a share of the state's
1479 investment in performance funding. The institutional investment
1480 shall be restored for all institutions eligible for the state's
1481 investment under the performance-based funding model.

1482 (3) (a) Each Florida College System institution's share of



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1483 the performance funding shall be calculated based on its
1484 relative performance on the established metrics in conjunction
1485 with the institutional size and scope.

1486 (b) A Florida College System institution that fails to
1487 meet the State Board of Education's minimum institutional
1488 investment performance funding eligibility threshold shall have
1489 a portion of its institutional investment withheld by the state
1490 board and must submit an improvement plan to the state board
1491 which specifies the activities and strategies for improving the
1492 institution's performance. The state board must review and
1493 approve the improvement plan and, if the plan is approved, must
1494 monitor the institution's progress in implementing the
1495 activities and strategies specified in the improvement plan. The
1496 institution shall submit monitoring reports to the state board
1497 by December 31 and May 31 of each year in which an improvement
1498 plan is in place. Beginning in the 2017-2018 fiscal year, the
1499 ability of an institution to submit an improvement plan to the
1500 state board is limited to 1 fiscal year.

1501 (c) The Commissioner of Education shall withhold
1502 disbursement of the institutional investment until the
1503 monitoring report is approved by the State Board of Education. A
1504 Florida College System institution determined by the state board
1505 to be making satisfactory progress on implementing the
1506 improvement plan shall receive no more than one-half of the
1507 withheld institutional investment in January and the balance of
1508 the withheld institutional investment in June. An institution



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1509 that fails to make satisfactory progress may not have its full
1510 institutional investment restored. Any institutional investment
1511 funds that are not restored shall be redistributed in accordance
1512 with the state board's performance-based metrics.

1513 (4) Distributions of performance funding, as provided in
1514 this section, shall be made to each of the Florida College
1515 System institutions listed in the Florida Colleges category in
1516 the General Appropriations Act.

1517 (5) By October 1 of each year, the State Board of
1518 Education shall submit to the Governor, the President of the
1519 Senate, and the Speaker of the House of Representatives a report
1520 on the previous fiscal year's performance funding allocation,
1521 which must reflect the rankings and award distributions.

1522 (6) The State Board of Education shall adopt rules to
1523 administer this section.

1524 Section 10. Subsection (1) of section 1001.7065, Florida
1525 Statutes, is reenacted, and subsections (2), (3), and (5)
1526 through (8) of that section are amended, to read:

1527 1001.7065 Preeminent state research universities program.—

1528 (1) STATE UNIVERSITY SYSTEM SHARED GOVERNANCE
1529 COLLABORATION.—A collaborative partnership is established
1530 between the Board of Governors and the Legislature to elevate
1531 the academic and research preeminence of Florida's highest-
1532 performing state research universities in accordance with this
1533 section. The partnership stems from the State University System
1534 Governance Agreement executed on March 24, 2010, wherein the



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1535 Board of Governors and leaders of the Legislature agreed to a
1536 framework for the collaborative exercise of their joint
1537 authority and shared responsibility for the State University
1538 System. The governance agreement confirmed the commitment of the
1539 Board of Governors and the Legislature to continue collaboration
1540 on accountability measures, the use of data, and recommendations
1541 derived from such data.

1542 (2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS. ~~Effective~~
1543 ~~July 1, 2013,~~ The following academic and research excellence
1544 standards are established for the preeminent state research
1545 universities program:

1546 (a) An average weighted grade point average of 4.0 or
1547 higher on a 4.0 scale and an average SAT score of 1800 or higher
1548 on a 2400-point scale or 1200 or higher on a 1600-point scale
1549 for fall semester incoming freshmen, as reported annually.

1550 (b) A top-50 ranking on at least two well-known and highly
1551 respected national public university rankings, including, but
1552 not limited to, the U.S. News and World Report rankings,
1553 reflecting national preeminence, using most recent rankings.

1554 (c) A freshman retention rate of 90 percent or higher for
1555 full-time, first-time-in-college students, as reported annually
1556 to the Integrated Postsecondary Education Data System (IPEDS).

1557 (d) A 6-year graduation rate of 70 percent or higher for
1558 full-time, first-time-in-college students, as reported annually
1559 to the IPEDS.

1560 (e) Six or more faculty members at the state university



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1561 | who are members of a national academy, as reported by the Center
1562 | for Measuring University Performance in the Top American
1563 | Research Universities (TARU) annual report or the official
1564 | membership directories maintained by each national academy.

1565 | (f) Total annual research expenditures, including federal
1566 | research expenditures, of \$200 million or more, as reported
1567 | annually by the National Science Foundation (NSF).

1568 | (g) Total annual research expenditures in diversified
1569 | nonmedical sciences of \$150 million or more, based on data
1570 | reported annually by the NSF.

1571 | (h) A top-100 university national ranking for research
1572 | expenditures in five or more science, technology, engineering,
1573 | or mathematics fields of study, as reported annually by the NSF.

1574 | (i) One hundred or more total patents awarded by the
1575 | United States Patent and Trademark Office for the most recent 3-
1576 | year period.

1577 | (j) Four hundred or more doctoral degrees awarded
1578 | annually, including professional doctoral degrees awarded in
1579 | medical and health care disciplines, as reported in the Board of
1580 | Governors Annual Accountability Report.

1581 | (k) Two hundred or more postdoctoral appointees annually,
1582 | as reported in the TARU annual report.

1583 | (l) An endowment of \$500 million or more, as reported in
1584 | the Board of Governors Annual Accountability Report.

1585 | (3) PREEMINENT STATE RESEARCH UNIVERSITY DESIGNATION.—

1586 | (a) The Board of Governors shall designate each state



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1587 ~~research~~ university that annually meets at least 11 of the 12
1588 academic and research excellence standards identified in
1589 subsection (2) as a "preeminent state research university"
1590 ~~preeminent state research university.~~

1591 (b) The Board of Governors shall designate each state
1592 university that annually meets at least six of the 12 academic
1593 and research excellence standards identified in subsection (2)
1594 as an "emerging preeminent state research university."

1595 (5) PREEMINENT STATE RESEARCH UNIVERSITIES PROGRAM
1596 ~~UNIVERSITY SUPPORT.~~—

1597 (a) A state ~~research~~ university that is designated as a
1598 preeminent state research university, as of July 1, 2013, meets
1599 ~~all 12 of the academic and research excellence standards~~
1600 ~~identified in subsection (2), as verified by the Board of~~
1601 ~~Governors,~~ shall submit to the Board of Governors a 5-year
1602 benchmark plan with target rankings on key performance metrics
1603 for national excellence. Upon approval by the Board of
1604 Governors, and upon the university's meeting the benchmark plan
1605 goals annually, the Board of Governors shall award the
1606 university its proportionate share of any funds provided
1607 annually to support the program created under this section an
1608 ~~amount specified in the General Appropriations Act to be~~
1609 ~~provided annually throughout the 5-year period. Funding for this~~
1610 ~~purpose is contingent upon specific appropriation in the General~~
1611 ~~Appropriations Act.~~

1612 (b) A state university designated as an emerging



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1613 preeminent state research university shall submit to the Board
1614 of Governors a 5-year benchmark plan with target rankings on key
1615 performance metrics for national excellence. Upon approval by
1616 the Board of Governors, and upon the university's meeting the
1617 benchmark plan goals annually, the Board of Governors shall
1618 award the university its proportionate share of any funds
1619 provided annually to support the program created under this
1620 section.

1621 (c) The award of funds under this subsection is contingent
1622 upon funding provided in the General Appropriations Act to
1623 support the preeminent state research universities program
1624 created under this section. Funding increases appropriated
1625 beyond the amounts funded in the previous fiscal year shall be
1626 distributed as follows:

1627 1. Each designated preeminent state research university
1628 that meets the criteria in paragraph (a) shall receive an equal
1629 amount of funding.

1630 2. Each designated emerging preeminent state research
1631 university that meets the criteria in paragraph (b) shall
1632 receive an amount of funding that is equal to one-half of the
1633 total increased amount awarded to each designated preeminent
1634 state research university.

1635 ~~(6) PREEMINENT STATE RESEARCH UNIVERSITY ENHANCEMENT~~
1636 ~~INITIATIVE.—A state research university that, as of July 1,~~
1637 ~~2013, meets 11 of the 12 academic and research excellence~~
1638 ~~standards identified in subsection (2), as verified by the Board~~



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1639 ~~of Governors, shall submit to the Board of Governors a 5-year~~
1640 ~~benchmark plan with target rankings on key performance metrics~~
1641 ~~for national excellence. Upon the university's meeting the~~
1642 ~~benchmark plan goals annually, the Board of Governors shall~~
1643 ~~award the university an amount specified in the General~~
1644 ~~Appropriations Act to be provided annually throughout the 5-year~~
1645 ~~period for the purpose of recruiting National Academy Members,~~
1646 ~~expediting the provision of a master's degree in cloud~~
1647 ~~virtualization, and instituting an entrepreneurs-in-residence~~
1648 ~~program throughout its campus. Funding for this purpose is~~
1649 ~~contingent upon specific appropriation in the General~~
1650 ~~Appropriations Act.~~

1651 (6) ~~(7)~~ PREEMINENT STATE RESEARCH UNIVERSITY SPECIAL COURSE
1652 REQUIREMENT AUTHORITY.—In order to provide a jointly shared
1653 educational experience, a university that is designated a
1654 preeminent state research university may require its incoming
1655 first-time-in-college students to take a six-credit ~~9-to-12-~~
1656 ~~credit~~ set of unique courses specifically determined by the
1657 university and published on the university's website. The
1658 university may stipulate that credit for such courses may not be
1659 earned through any acceleration mechanism pursuant to s. 1007.27
1660 or s. 1007.271 or any other transfer credit. All accelerated
1661 credits earned up to the limits specified in ss. 1007.27 and
1662 1007.271 shall be applied toward graduation at the student's
1663 request.

1664 (7) ~~(8)~~ PREEMINENT STATE RESEARCH UNIVERSITY FLEXIBILITY



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1665 AUTHORITY.—The Board of Governors is encouraged to identify and
1666 grant all reasonable, feasible authority and flexibility to
1667 ensure that each ~~a~~ designated preeminent state research
1668 university and each designated emerging preeminent state
1669 research university is free from unnecessary restrictions.

1670 Section 11. Subsections (4) and (5) are added to section
1671 1001.71, Florida Statutes, to read:

1672 1001.71 University boards of trustees; membership.—

1673 (4) Each university board of trustees shall select its
1674 chair and vice chair from the appointed members. Each chair
1675 shall serve for 2 years and may be reselected for one additional
1676 consecutive 2-year term, except that, for each additional
1677 consecutive term beyond two terms, by a two-thirds vote, the
1678 board of trustees may reselect the chair for additional
1679 consecutive 2-year terms. The chair shall preside at all
1680 meetings of the board of trustees and may call special meetings
1681 of the board. The chair shall also attest to actions of the
1682 board of trustees. The chair shall notify the Governor or the
1683 Board of Governors, as applicable, in writing whenever a board
1684 member has three consecutive unexcused absences from regular
1685 board meetings in any fiscal year, which may be grounds for
1686 removal by the Governor or the Board of Governors, as
1687 applicable.

1688 (5) Each university board of trustees shall keep and,
1689 within 2 weeks after a board meeting, post prominently on the
1690 university's website detailed meeting minutes for all meetings,



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1691 including the vote history and attendance of each trustee. The
1692 Board of Governors shall adopt regulations to implement this
1693 subsection.

1694 Section 12. Section 1001.92, Florida Statutes, is amended
1695 to read:

1696 1001.92 State University System Performance-Based
1697 Incentive.—

1698 (1) A State University System Performance-Based Incentive
1699 shall be awarded to state universities using performance-based
1700 metrics adopted by the Board of Governors of the State
1701 University System. The performance-based metrics must include
1702 graduation rates;i~~r~~ retention rates;i~~r~~ postgraduation education
1703 rates;i~~r~~ degree production;i~~r~~ affordability;i~~r~~ postgraduation
1704 employment and salaries, including wage thresholds that reflect
1705 the added value of a baccalaureate degree; access;i~~r~~ and other
1706 metrics approved by the board in a formally noticed meeting. The
1707 board shall adopt benchmarks to evaluate each state university's
1708 performance on the metrics to measure the state university's
1709 achievement of institutional excellence or need for improvement
1710 and minimum requirements for eligibility to receive performance
1711 funding.

1712 (2) Each fiscal year, the amount of funds available for
1713 allocation to the state universities based on the performance-
1714 based funding model ~~metrics~~ shall consist of the state's
1715 investment in appropriation for performance funding, ~~including~~
1716 ~~increases in base funding~~ plus institutional investments



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1717 consisting of funds deducted from the base funding of each state
1718 university in the State University System, in an amount provided
1719 in the General Appropriations Act. The Board of Governors shall
1720 establish minimum performance funding eligibility thresholds for
1721 the state's investment and the institutional investments. A
1722 state university that meets the minimum institutional investment
1723 eligibility threshold, but fails to meet the minimum state
1724 investment eligibility threshold, shall have its institutional
1725 investment restored but is ineligible for a share of the state's
1726 investment in performance funding. The institutional investment
1727 shall be restored for each institution eligible for the state's
1728 investment under the performance-based funding model metrics.

1729 (3) (a) A state university that fails to meet the Board of
1730 Governors' minimum institutional investment performance funding
1731 eligibility threshold shall have ~~a portion of~~ its institutional
1732 investment withheld by the board and must submit an improvement
1733 plan to the board that specifies the activities and strategies
1734 for improving the state university's performance. The board must
1735 review and approve the improvement plan and, if the plan is
1736 approved, must monitor the state university's progress in
1737 implementing the activities and strategies specified in the
1738 improvement plan. The state university shall submit monitoring
1739 reports to the board by December 31 and May 31 of each year in
1740 which an improvement plan is in place. The ability of a state
1741 university to submit an improvement plan to the board is limited
1742 to 1 fiscal year.



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1743 (b) The Chancellor of the State University System shall
1744 withhold disbursement of the institutional investment until the
1745 monitoring report is approved by the Board of Governors. A state
1746 university ~~that is~~ determined by the board to be making
1747 satisfactory progress on implementing the improvement plan shall
1748 receive no more than one-half of the withheld institutional
1749 investment in January and the balance of the withheld
1750 institutional investment in June. A state university that fails
1751 to make satisfactory progress may not have its full
1752 institutional investment restored. Any institutional investment
1753 funds that are not restored shall be redistributed in accordance
1754 with the board's performance-based metrics.

1755 (4) Distributions of performance funding, as provided in
1756 this section, shall be made to each of the state universities
1757 listed in the Education and General Activities category in the
1758 General Appropriations Act.

1759 (5) By October 1 of each year, the Board of Governors
1760 shall submit to the Governor, the President of the Senate, and
1761 the Speaker of the House of Representatives a report on the
1762 previous fiscal year's performance funding allocation which must
1763 reflect the rankings and award distributions.

1764 (6) The Board of Governors shall adopt regulations to
1765 administer this section ~~expires July 1, 2016.~~

1766 Section 13. Subsection (4) of section 1003.4282, Florida
1767 Statutes, is amended to read:

1768 1003.4282 Requirements for a standard high school



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1769 diploma.—

1770 (4) ONLINE COURSE REQUIREMENT.—At least one course within
 1771 the 24 credits required under this section must be completed
 1772 through online learning. ~~A school district may not require a~~
 1773 ~~student to take the online course outside the school day or in~~
 1774 ~~addition to a student's courses for a given semester.~~

1775 (a) An online course taken in grade 6, grade 7, or grade 8
 1776 fulfills the requirements of this subsection ~~requirement~~. The
 1777 ~~This~~ requirement is met through an online course offered by the
 1778 Florida Virtual School, a virtual education provider approved by
 1779 the State Board of Education, a high school, or an online dual
 1780 enrollment course. A student who is enrolled in a full-time or
 1781 part-time virtual instruction program under s. 1002.45 meets the
 1782 ~~this~~ requirement.

1783 (b) A district school board or a charter school governing
 1784 board, as applicable, may offer students the following options
 1785 to satisfy the online course requirements of this subsection:

1786 1. Completion of a course in which a student earns a
 1787 nationally recognized industry certification in information
 1788 technology that is identified on the CAPE Industry Certification
 1789 Funding List pursuant to s. 1008.44 or passage of the
 1790 information technology certification examination without
 1791 enrollment in or completion of the corresponding course or
 1792 courses, as applicable.

1793 2. Passage of an online content assessment, without
 1794 enrollment in or completion of the corresponding course or



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1795 courses, as applicable, by which the student demonstrates skills
 1796 and competency in locating information and applying technology
 1797 for instructional purposes.

1798
 1799 For purposes of this subsection, a school district may not
 1800 require a student to take the online course outside the school
 1801 day or in addition to a student's courses for a given semester.

1802 This subsection ~~requirement~~ does not apply to a student who has
 1803 an individual education plan under s. 1003.57 which indicates
 1804 that an online course would be inappropriate or to an out-of-
 1805 state transfer student who is enrolled in a Florida high school
 1806 and has 1 academic year or less remaining in high school.

1807 Section 14. Section 1013.62, Florida Statutes, is amended
 1808 to read:

1809 1013.62 Charter schools capital outlay funding.—

1810 (1) In each year in which funds are appropriated for
 1811 charter school capital outlay purposes, the Commissioner of
 1812 Education shall allocate the funds among eligible charter
 1813 schools as specified in this section.

1814 (a) To be eligible for a funding allocation, a charter
 1815 school must:

1816 1.a. Have been in operation for 2 ~~3~~ or more years;

1817 b. Be governed by a governing board established in the
 1818 state for 3 or more years which operates both charter schools
 1819 and conversion charter schools within the state;

1820 c. Be an expanded feeder chain of a charter school within



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1821 the same school district that is currently receiving charter
1822 school capital outlay funds;

1823 d. Have been accredited by the Commission on Schools of
1824 the Southern Association of Colleges and Schools; or

1825 e. Serve students in facilities that are provided by a
1826 business partner for a charter school-in-the-workplace pursuant
1827 to s. 1002.33(15) (b) .

1828 2. Have an annual audit that does not reveal any of the
1829 financial emergency conditions provided in s. 218.503(1) for the
1830 most recent fiscal year for which such audit results are
1831 available ~~stability for future operation as a charter school.~~

1832 3. Have satisfactory student achievement based on state
1833 accountability standards applicable to the charter school.

1834 4. Have received final approval from its sponsor pursuant
1835 to s. 1002.33 for operation during that fiscal year.

1836 5. Serve students in facilities that are not provided by
1837 the charter school's sponsor.

1838 ~~(b) The first priority for charter school capital outlay~~
1839 ~~funding is to allocate to charter schools that received funding~~
1840 ~~in the 2005-2006 fiscal year an allocation of the same amount~~
1841 ~~per capital outlay full-time equivalent student, up to the~~
1842 ~~lesser of the actual number of capital outlay full-time~~
1843 ~~equivalent students in the current year, or the capital outlay~~
1844 ~~full-time equivalent students in the 2005-2006 fiscal year.~~
1845 ~~After calculating the first priority, the second priority is to~~
1846 ~~allocate excess funds remaining in the appropriation in an~~



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1847 ~~amount equal to the per capital outlay full-time equivalent~~
1848 ~~student amount in the first priority calculation to eligible~~
1849 ~~charter schools not included in the first priority calculation~~
1850 ~~and to schools in the first priority calculation with growth~~
1851 ~~greater than the 2005-2006 capital outlay full-time equivalent~~
1852 ~~students. After calculating the first and second priorities,~~
1853 ~~excess funds remaining in the appropriation must be allocated to~~
1854 ~~all eligible charter schools.~~

1855 ~~(c) A charter school's allocation may not exceed one-~~
1856 ~~fifteenth of the cost per student station specified in s.~~
1857 ~~1013.64(6)(b). Before releasing capital outlay funds to a school~~
1858 ~~district on behalf of the charter school, the Department of~~
1859 ~~Education must ensure that the district school board and the~~
1860 ~~charter school governing board enter into a written agreement~~
1861 ~~that provides for the reversion of any unencumbered funds and~~
1862 ~~all equipment and property purchased with public education funds~~
1863 ~~to the ownership of the district school board, as provided for~~
1864 ~~in subsection (3) if the school terminates operations. Any funds~~
1865 ~~recovered by the state shall be deposited in the General Revenue~~
1866 ~~Fund.~~

1867 ~~(b)-(d)~~ A charter school is not eligible for a funding
1868 allocation if it was created by the conversion of a public
1869 school and operates in facilities provided by the charter
1870 school's sponsor for a nominal fee, or at no charge, or if it is
1871 directly or indirectly operated by the school district.

1872 (c) The funding allocation for eligible charter schools



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1873 shall be calculated as follows:

1874 1. Eligible charter schools shall be grouped into
1875 categories based on their student populations according to the
1876 following criteria:

1877 a. Seventy-five percent or greater who are eligible for
1878 free or reduced-price school lunch.

1879 b. Twenty-five percent or greater with disabilities as
1880 defined in state board rule and consistent with the requirements
1881 of the Individuals with Disabilities Education Act.

1882 2. If an eligible charter school does not meet the
1883 criteria for either category under subparagraph 1., its FTE
1884 shall be provided as the base amount of funding and shall be
1885 assigned a weight of 1.0. An eligible charter school that meets
1886 the criteria under sub-subparagraph 1.a. or sub-subparagraph
1887 1.b. shall be provided an additional 25 percent above the base
1888 funding amount, and the total FTE shall be multiplied by a
1889 weight of 1.25. An eligible charter school that meets the
1890 criteria under both sub-subparagraphs 1.a. and 1.b. shall be
1891 provided an additional 50 percent above the base funding amount,
1892 and the FTE for that school shall be multiplied by a weight of
1893 1.5.

1894 3. The state appropriation for charter school capital
1895 outlay shall be divided by the total weighted FTE for all
1896 eligible charter schools to determine the base charter school
1897 per weighted FTE allocation amount. The per weighted FTE
1898 allocation amount shall be multiplied by the weighted FTE to



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1899 determine each charter school's capital outlay allocation.
 1900 ~~(e) Unless otherwise provided in the General~~
 1901 ~~Appropriations Act, the funding allocation for each eligible~~
 1902 ~~charter school is determined by multiplying the school's~~
 1903 ~~projected student enrollment by one fifteenth of the cost-per-~~
 1904 ~~student station specified in s. 1013.64(6)(b) for an elementary,~~
 1905 ~~middle, or high school, as appropriate. If the funds~~
 1906 ~~appropriated are not sufficient, the commissioner shall prorate~~
 1907 ~~the available funds among eligible charter schools. However, a~~
 1908 ~~charter school or charter lab school may not receive state~~
 1909 ~~charter school capital outlay funds greater than the one-~~
 1910 ~~fifteenth cost per student station formula if the charter~~
 1911 ~~school's combination of state charter school capital outlay~~
 1912 ~~funds, capital outlay funds calculated through the reduction in~~
 1913 ~~the administrative fee provided in s. 1002.33(20), and capital~~
 1914 ~~outlay funds allowed in s. 1002.32(9)(e) and (h) exceeds the~~
 1915 ~~one-fifteenth cost per student station formula.~~
 1916 (2)(a)-(f) The department shall calculate the eligible
 1917 charter school funding allocations. Funds shall be allocated
 1918 using distributed on the basis of the capital outlay full-time
 1919 equivalent membership from by grade level, which is calculated
 1920 by averaging the results of the second and third enrollment
 1921 surveys and free and reduced-price school lunch data. The
 1922 department shall recalculate the allocations periodically based
 1923 on the receipt of revised information, on a schedule established
 1924 by the Commissioner of Education.



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1925 **(b)** The department ~~of Education~~ shall distribute capital
1926 outlay funds monthly, beginning in the first quarter of the
1927 fiscal year, based on one-twelfth of the amount the department
1928 reasonably expects the charter school to receive during that
1929 fiscal year. The commissioner shall adjust subsequent
1930 distributions as necessary to reflect each charter school's
1931 recalculated allocation ~~actual student enrollment as reflected~~
1932 ~~in the second and third enrollment surveys. The commissioner~~
1933 ~~shall establish the intervals and procedures for determining the~~
1934 ~~projected and actual student enrollment of eligible charter~~
1935 ~~schools.~~

1936 **(3)(2)** A charter school's governing body may use charter
1937 school capital outlay funds for the following purposes:

1938 (a) Purchase of real property.

1939 (b) Construction of school facilities.

1940 (c) Purchase, lease-purchase, or lease of permanent or
1941 relocatable school facilities.

1942 (d) Purchase of vehicles to transport students to and from
1943 the charter school.

1944 (e) Renovation, repair, and maintenance of school
1945 facilities that the charter school owns or is purchasing through
1946 a lease-purchase or long-term lease of 5 years or longer.

1947 (f) Effective July 1, 2008, purchase, lease-purchase, or
1948 lease of new and replacement equipment, and enterprise resource
1949 software applications that are classified as capital assets in
1950 accordance with definitions of the Governmental Accounting



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1951 Standards Board, have a useful life of at least 5 years, and are
 1952 used to support schoolwide administration or state-mandated
 1953 reporting requirements.

1954 (g) Payment of the cost of premiums for property and
 1955 casualty insurance necessary to insure the school facilities.

1956 (h) Purchase, lease-purchase, or lease of driver's
 1957 education vehicles; motor vehicles used for the maintenance or
 1958 operation of plants and equipment; security vehicles; or
 1959 vehicles used in storing or distributing materials and
 1960 equipment.

1961
 1962 Conversion charter schools may use capital outlay funds received
 1963 through the reduction in the administrative fee provided in s.
 1964 1002.33(20) for renovation, repair, and maintenance of school
 1965 facilities that are owned by the sponsor.

1966 (4)~~(3)~~ If ~~When~~ a charter school is nonrenewed or
 1967 terminated, any unencumbered funds and all equipment and
 1968 property purchased with district public funds shall revert to
 1969 the ownership of the district school board, as provided for in
 1970 s. 1002.33(8) (e) and (f). In the case of a charter lab school,
 1971 any unencumbered funds and all equipment and property purchased
 1972 with university public funds shall revert to the ownership of
 1973 the state university that issued the charter. The reversion of
 1974 such equipment, property, and furnishings shall focus on
 1975 recoverable assets, but not on intangible or irrecoverable costs
 1976 such as rental or leasing fees, normal maintenance, and limited



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1977 renovations. The reversion of all property secured with public
 1978 funds is subject to the complete satisfaction of all lawful
 1979 liens or encumbrances. If there are additional local issues such
 1980 as the shared use of facilities or partial ownership of
 1981 facilities or property, these issues shall be agreed to in the
 1982 charter contract prior to the expenditure of funds.

1983 (5)~~(4)~~ The Commissioner of Education shall specify
 1984 procedures for submitting and approving requests for funding
 1985 under this section and procedures for documenting expenditures.

1986 (6)~~(5)~~ The annual legislative budget request of the
 1987 Department of Education shall include a request for capital
 1988 outlay funding for charter schools. The request shall be based
 1989 on the projected number of students to be served in charter
 1990 schools who meet the eligibility requirements of this section. A
 1991 ~~dedicated funding source, if identified in writing by the~~
 1992 ~~Commissioner of Education and submitted along with the annual~~
 1993 ~~charter school legislative budget request, may be considered an~~
 1994 ~~additional source of funding.~~

1995 ~~(6) Unless authorized otherwise by the Legislature,~~
 1996 ~~allocation and proration of charter school capital outlay funds~~
 1997 ~~shall be made to eligible charter schools by the Commissioner of~~
 1998 ~~Education in an amount and in a manner authorized by subsection~~
 1999 ~~(1).~~

2000 Section 15. Paragraphs (a) and (b) of subsection (2) and
 2001 paragraphs (b) through (e) of subsection (6) of section 1013.64,
 2002 Florida Statutes, are amended to read:



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2003 1013.64 Funds for comprehensive educational plant needs;
 2004 construction cost maximums for school district capital
 2005 projects.—Allocations from the Public Education Capital Outlay
 2006 and Debt Service Trust Fund to the various boards for capital
 2007 outlay projects shall be determined as follows:

2008 (2) (a) The department shall establish, as a part of the
 2009 Public Education Capital Outlay and Debt Service Trust Fund, a
 2010 separate account, in an amount determined by the Legislature, to
 2011 be known as the "Special Facility Construction Account." The
 2012 Special Facility Construction Account shall be used to provide
 2013 necessary construction funds to school districts which have
 2014 urgent construction needs but which lack sufficient resources at
 2015 present, and cannot reasonably anticipate sufficient resources
 2016 within the period of the next 3 years, for these purposes from
 2017 currently authorized sources of capital outlay revenue. A school
 2018 district requesting funding from the Special Facility
 2019 Construction Account shall submit one specific construction
 2020 project, not to exceed one complete educational plant, to the
 2021 Special Facility Construction Committee. A ~~No~~ district may not
 2022 ~~shall~~ receive funding for more than one approved project in any
 2023 3-year period or while any portion of the district's
 2024 participation requirement is outstanding. The first year of the
 2025 3-year period shall be the first year a district receives an
 2026 appropriation. The department shall encourage a construction
 2027 program that reduces the average size of schools in the
 2028 district. The request must meet the following criteria to be



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2029 considered by the committee:

2030 1. The project must be deemed a critical need and must be
2031 recommended for funding by the Special Facility Construction
2032 Committee. Before ~~Prior to~~ developing construction plans for the
2033 proposed facility, the district school board must request a
2034 preapplication review by the Special Facility Construction
2035 Committee or a project review subcommittee convened by the chair
2036 of the committee to include two representatives of the
2037 department and two staff members from school districts not
2038 eligible to participate in the program. A school district may
2039 request a preapplication review at any time; however, if the
2040 district school board seeks inclusion in the department's next
2041 annual capital outlay legislative budget request, the
2042 preapplication review request must be made before February 1.
2043 Within 90 ~~60~~ days after receiving the preapplication review
2044 request, the committee or subcommittee must meet in the school
2045 district to review the project proposal and existing facilities.
2046 To determine whether the proposed project is a critical need,
2047 the committee or subcommittee shall consider, at a minimum, the
2048 capacity of all existing facilities within the district as
2049 determined by the Florida Inventory of School Houses; the
2050 district's pattern of student growth; the district's existing
2051 and projected capital outlay full-time equivalent student
2052 enrollment as determined by the demographic, revenue, and
2053 education estimating conferences established in s. 216.136
2054 ~~department~~; the district's existing satisfactory student



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2055 stations; the use of all existing district property and
2056 facilities; grade level configurations; and any other
2057 information that may affect the need for the proposed project.

2058 2. The construction project must be recommended in the
2059 most recent survey or survey amendment cooperatively prepared
2060 ~~surveys~~ by the district and the department, and approved by the
2061 department under the rules of the State Board of Education. If a
2062 district employs a consultant in the preparation of a survey or
2063 survey amendment, the consultant may not be employed by or
2064 receive compensation from a third party that designs or
2065 constructs a project recommended by the survey.

2066 3. The construction project must appear on the district's
2067 approved project priority list under the rules of the State
2068 Board of Education.

2069 4. The district must have selected and had approved a site
2070 for the construction project in compliance with s. 1013.36 and
2071 the rules of the State Board of Education.

2072 5. The district shall have developed a district school
2073 board adopted list of facilities that do not exceed the norm for
2074 net square feet occupancy requirements under the State
2075 Requirements for Educational Facilities, using all possible
2076 programmatic combinations for multiple use of space to obtain
2077 maximum daily use of all spaces within the facility under
2078 consideration.

2079 6. Upon construction, the total cost per student station,
2080 including change orders, must not exceed the cost per student



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2081 station as provided in subsection (6) except for cost overruns
2082 created by a disaster as defined in s. 252.34 or an
2083 unforeseeable circumstance beyond the district's control as
2084 determined by the Special Facility Construction Committee.

2085 7. There shall be an agreement signed by the district
2086 school board stating that it will advertise for bids within 30
2087 days of receipt of its encumbrance authorization from the
2088 department.

2089 8. For construction projects for which Special Facilities
2090 Construction Account funding is sought before the 2019-2020
2091 fiscal year, the district shall, at the time of the request and
2092 for a continuing period necessary to meet the district's
2093 participation requirement of 3 years, levy the maximum millage
2094 against its ~~their~~ nonexempt assessed property value as allowed
2095 in s. 1011.71(2) or shall raise an equivalent amount of revenue
2096 from the school capital outlay surtax authorized under s.
2097 212.055(6). Beginning with construction projects for which
2098 Special Facilities Construction Account funding is sought in the
2099 2019-2020 fiscal year, the district shall, for a minimum of 3
2100 years before submitting the request and for a continuing period
2101 necessary to meet its participation requirement, levy the
2102 maximum millage against the district's nonexempt assessed
2103 property value as authorized under s. 1011.71(2) or shall raise
2104 an equivalent amount of revenue from the school capital outlay
2105 surtax authorized under s. 212.055(6). Any district with a new
2106 or active project, funded under the provisions of this



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2107 subsection, shall be required to budget no more than the value
2108 of 1 mill ~~1.5 mills~~ per year to the project until the district's
2109 ~~to satisfy the annual~~ participation requirement relating to the
2110 local discretionary capital improvement millage or the
2111 equivalent amount of revenue from the school capital outlay
2112 surtax is satisfied in the Special Facility Construction
2113 Account.

2114 9. If a contract has not been signed 90 days after the
2115 advertising of bids, the funding for the specific project shall
2116 revert to the Special Facility New Construction Account to be
2117 reallocated to other projects on the list. However, an
2118 additional 90 days may be granted by the commissioner.

2119 10. The department shall certify the inability of the
2120 district to fund the survey-recommended project over a
2121 continuous 3-year period using projected capital outlay revenue
2122 derived from s. 9(d), Art. XII of the State Constitution, as
2123 amended, paragraph (3)(a) of this section, and s. 1011.71(2).

2124 11. The district shall have on file with the department an
2125 adopted resolution acknowledging its ~~3-year~~ commitment to
2126 satisfy its participation requirement, which is equivalent to ~~of~~
2127 all unencumbered and future revenue acquired from s. 9(d), Art.
2128 XII of the State Constitution, as amended, paragraph (3)(a) of
2129 this section, and s. 1011.71(2), in the year of the initial
2130 appropriation and for the 2 years immediately following the
2131 initial appropriation.

2132 12. Final phase III plans must be certified by the



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2133 | district school board as complete and in compliance with the
 2134 | building and life safety codes before June 1 of the year the
 2135 | application is made ~~prior to August 1.~~

2136 | (b) The Special Facility Construction Committee shall be
 2137 | composed of the following: two representatives of the Department
 2138 | of Education, a representative from the Governor's office, a
 2139 | representative selected annually by the district school boards,
 2140 | and a representative selected annually by the superintendents. A
 2141 | representative of the department shall chair the committee.

2142 | (6)

2143 | (b)1. A district school board may ~~must~~ not use funds from
 2144 | the following sources: Public Education Capital Outlay and Debt
 2145 | Service Trust Fund; School District and Community College
 2146 | District Capital Outlay and Debt Service Trust Fund; Classrooms
 2147 | First Program funds provided in s. 1013.68; nonvoted 1.5-mill
 2148 | levy of ad valorem property taxes provided in s. 1011.71(2);
 2149 | Classrooms for Kids Program funds provided in s. 1013.735;
 2150 | District Effort Recognition Program funds provided in s.
 2151 | 1013.736; or High Growth District Capital Outlay Assistance
 2152 | Grant Program funds provided in s. 1013.738 for any new
 2153 | construction of educational plant space with a total cost per
 2154 | student station, including change orders, that equals more than:

- 2155 | a. \$17,952 for an elementary school,
- 2156 | b. \$19,386 for a middle school, or
- 2157 | c. \$25,181 for a high school,

2158 |



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2159 (January 2006) as adjusted annually to reflect increases or
2160 decreases in the Consumer Price Index.

2161 2. School districts shall maintain accurate documentation
2162 related to the costs of all new construction of educational
2163 plant space reported to the Department of Education pursuant to
2164 paragraph (d). The Auditor General shall review the
2165 documentation maintained by the school districts and verify
2166 compliance with the limits under this paragraph during its
2167 scheduled operational audits of the school district. The
2168 department shall make the final determination on district
2169 compliance based on the recommendation of the Auditor General.

2170 3. The Office of Economic and Demographic Research, in
2171 consultation with the department, shall conduct a study of the
2172 cost per student station amounts using the most recent available
2173 information on construction costs. In this study, the costs per
2174 student station should represent the costs of classroom
2175 construction and administrative offices as well as the
2176 supplemental costs of core facilities, including required media
2177 centers, gymnasiums, music rooms, cafeterias and their
2178 associated kitchens and food service areas, vocational areas,
2179 and other defined specialty areas, including exceptional student
2180 education areas. The study must take into account appropriate
2181 cost-effectiveness factors in school construction and should
2182 include input from industry experts. The Office of Economic and
2183 Demographic Research must provide the results of the study and
2184 recommendations on the cost per student station to the Governor,



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2185 the President of the Senate, and the Speaker of the House of
2186 Representatives no later than January 31, 2017.

2187 4. The Office of Program Policy Analysis and Government
2188 Accountability (OPPAGA) shall conduct a study of the State
2189 Requirements for Education Facilities (SREF) to identify current
2190 requirements that can be eliminated or modified in order to
2191 decrease the cost of construction of educational facilities
2192 while ensuring student safety. OPPAGA must provide the results
2193 of the study, and an overall recommendation as to whether SREF
2194 should be retained, to the Governor, the President of the
2195 Senate, and the Speaker of the House of Representatives no later
2196 than January 31, 2017.

2197 5. Effective July 1, 2017, in addition to the funding
2198 sources listed in subparagraph 1., a district school board may
2199 not use funds from any sources for new construction of
2200 educational plant space with a total cost per student station,
2201 including change orders, which equals more than the current
2202 adjusted amounts provided in sub-subparagraphs 1.a.-c. which
2203 shall subsequently be adjusted annually to reflect increases or
2204 decreases in the Consumer Price Index.

2205 6.2. A district school board must not use funds from the
2206 Public Education Capital Outlay and Debt Service Trust Fund or
2207 the School District and Community College District Capital
2208 Outlay and Debt Service Trust Fund for any new construction of
2209 an ancillary plant that exceeds 70 percent of the average cost
2210 per square foot of new construction for all schools.



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2211 (c) Except as otherwise provided, new construction
2212 initiated by a district school board on or after July 1, 2017,
2213 ~~may after June 30, 1997, must~~ not exceed the cost per student
2214 station as provided in paragraph (b). A school district that
2215 exceeds the cost per student station provided in paragraph (b),
2216 as determined by the Auditor General, shall be subject to
2217 sanctions. If the Auditor General determines that the cost per
2218 student station overage is de minimus or due to extraordinary
2219 circumstances outside the control of the district, the sanctions
2220 shall not apply. The sanctions are as follows:

2221 1. The school district shall be ineligible for allocations
2222 from the Public Education Capital Outlay and Debt Service Trust
2223 Fund for the next 3 years in which the school district would
2224 have received allocations had the violation not occurred.

2225 2. The school district shall be subject to the supervision
2226 of a district capital outlay oversight committee. The oversight
2227 committee is authorized to approve all capital outlay
2228 expenditures of the school district, including new construction,
2229 renovations, and remodeling, for 3 fiscal years following the
2230 violation.

2231 a. Each oversight committee shall be composed of the
2232 following:

2233 (I) One appointee of the Commissioner of Education who has
2234 significant financial management, school facilities
2235 construction, or related experience.

2236 (II) One appointee of the office of the state attorney



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2237 | with jurisdiction over the district.

2238 | (III) One appointee of the Chief Financial Officer who is

2239 | a licensed certified public accountant.

2240 | b. An appointee to the oversight committee may not be

2241 | employed by the school district; be a relative, as defined in s.

2242 | 1002.33(24)(a)2., of any school district employee; or be an

2243 | elected official. Each appointee must sign an affidavit

2244 | attesting to these conditions and affirming that no conflict of

2245 | interest exists in his or her oversight role.

2246 | (d) The department shall:

2247 | 1. Compute for each calendar year the statewide average

2248 | construction costs for facilities serving each instructional

2249 | level, for relocatable educational facilities, for

2250 | administrative facilities, and for other ancillary and auxiliary

2251 | facilities. The department shall compute the statewide average

2252 | costs per student station for each instructional level.

2253 | 2. Annually review the actual completed construction costs

2254 | of educational facilities in each school district. For any

2255 | school district in which the total actual cost per student

2256 | station, including change orders, exceeds the statewide limits

2257 | established in paragraph (b), the school district shall report

2258 | to the department the actual cost per student station and the

2259 | reason for the school district's inability to adhere to the

2260 | limits established in paragraph (b). The department shall

2261 | collect all such reports and shall provide these reports to the

2262 | Auditor General for verification purposes ~~report to the~~



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2263 ~~Governor, the President of the Senate, and the Speaker of the~~
2264 ~~House of Representatives by December 31 of each year a summary~~
2265 ~~of each school district's spending in excess of the cost per~~
2266 ~~student station provided in paragraph (b) as reported by the~~
2267 ~~school districts.~~

2268
2269 Cost per student station includes contract costs, legal and
2270 administrative costs, fees of architects and engineers,
2271 furniture and equipment, and site improvement costs. Cost per
2272 student station does not include the cost of purchasing or
2273 leasing the site for the construction or the cost of related
2274 offsite improvements.

2275 ~~(e) The restrictions of this subsection on the cost per~~
2276 ~~student station of new construction do not apply to a project~~
2277 ~~funded entirely from proceeds received by districts through~~
2278 ~~provisions of ss. 212.055 and 1011.73 and s. 9, Art. VII of the~~
2279 ~~State Constitution, if the school board approves the project by~~
2280 ~~majority vote.~~

2281 Section 16. Paragraph (a) of subsection (3) of section
2282 1002.37, Florida Statutes, is amended to read:

2283 1002.37 The Florida Virtual School.—

2284 (3) Funding for the Florida Virtual School shall be
2285 provided as follows:

2286 (a)1. The calculation of "full-time equivalent student"
2287 shall be as prescribed in s. 1011.61(1)(c)1.b.(V) and is subject
2288 to s. 1011.61(4) ~~For a student in grades 9 through 12, a "full-~~



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2289 ~~time equivalent student" is one student who has successfully~~
2290 ~~completed six full-credit courses that count toward the minimum~~
2291 ~~number of credits required for high school graduation. A student~~
2292 ~~who completes fewer than six full-credit courses is a fraction~~
2293 ~~of a full-time equivalent student. Half-credit course~~
2294 ~~completions shall be included in determining a full-time~~
2295 ~~equivalent student.~~

2296 ~~2. For a student in kindergarten through grade 8, a "full-~~
2297 ~~time equivalent student" is one student who has successfully~~
2298 ~~completed six courses or the prescribed level of content that~~
2299 ~~counts toward promotion to the next grade. A student who~~
2300 ~~completes fewer than six courses or the prescribed level of~~
2301 ~~content shall be a fraction of a full-time equivalent student.~~

2302 ~~2.3.~~ For a student in a home education program, funding
2303 shall be provided in accordance with this subsection upon course
2304 completion if the parent verifies, upon enrollment for each
2305 course, that the student is registered with the school district
2306 as a home education student pursuant to s. 1002.41(1)(a).
2307 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~
2308 ~~equivalent students and associated funding of students enrolled~~
2309 ~~in courses requiring passage of an end-of-course assessment~~
2310 ~~under s. 1003.4282 to earn a standard high school diploma shall~~
2311 ~~be adjusted if the student does not pass the end-of-course~~
2312 ~~assessment. However, no adjustment shall be made for home~~
2313 ~~education program students who choose not to take an end-of-~~
2314 ~~course assessment or for a student who enrolls in a segmented~~



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2315 ~~remedial course delivered online.~~

2316

2317 ~~For purposes of this paragraph, the calculation of "full-time~~
 2318 ~~equivalent student" shall be as prescribed in s.~~

2319 ~~1011.61(1)(c)1.b.(V) and is subject to the requirements in s.~~
 2320 ~~1011.61(4).~~

2321 Section 17. Subsection (4) is added to section 1002.391,
 2322 Florida Statutes, to read:

2323 1002.391 Auditory-oral education programs.—

2324 (4) Beginning with the 2017-2018 school year, a school
 2325 district shall add four special consideration points to the
 2326 calculation of a matrix of services for a student who is deaf
 2327 and enrolled in an auditory-oral education program.

2328 Section 18. Paragraphs (c) and (d) of subsection (1),
 2329 paragraph (e) of subsection (7), and paragraphs (c) and (d) of
 2330 subsection (8) of section 1002.45, Florida Statutes, are amended
 2331 to read:

2332 1002.45 Virtual instruction programs.—

2333 (1) PROGRAM.—

2334 (c) To provide students with the option of participating
 2335 in virtual instruction programs as required by paragraph (b), a
 2336 school district may:

2337 1. Contract with the Florida Virtual School or establish a
 2338 franchise of the Florida Virtual School for the provision of a
 2339 program under paragraph (b). Using this option is subject to the
 2340 requirements of this section and s. 1011.61(1)(c)1.b.(III) and



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2341 (IV) and (4). A district may report full-time equivalent student
 2342 membership for credit earned by a student who is enrolled in a
 2343 virtual education course provided by the district which was
 2344 completed after the end of the regular school year if the FTE is
 2345 reported no later than the deadline for amending the final
 2346 student membership report for that year.

2347 2. Contract with an approved provider under subsection (2)
 2348 for the provision of a full-time or part-time program under
 2349 paragraph (b).

2350 3. Enter into an agreement with other school districts to
 2351 allow the participation of its students in an approved virtual
 2352 instruction program provided by the other school district. The
 2353 agreement must indicate a process for the transfer of funds
 2354 required by paragraph (7)(e) ~~(7)(f)~~.

2355 4. Establish school district operated part-time or full-
 2356 time kindergarten through grade 12 virtual instruction programs
 2357 under paragraph (b) for students enrolled in the school
 2358 district. A full-time program shall operate under its own Master
 2359 School Identification Number.

2360 5. Enter into an agreement with a virtual charter school
 2361 authorized by the school district under s. 1002.33.

2362
 2363 Contracts under subparagraph 1. or subparagraph 2. may include
 2364 multidistrict contractual arrangements that may be executed by a
 2365 regional consortium for its member districts. A multidistrict
 2366 contractual arrangement or an agreement under subparagraph 3. is



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2367 | not subject to s. 1001.42(4)(d) and does not require the
 2368 | participating school districts to be contiguous. These
 2369 | arrangements may be used to fulfill the requirements of
 2370 | paragraph (b).

2371 | (d) A virtual charter school may provide full-time virtual
 2372 | instruction for students in kindergarten through grade 12 if the
 2373 | virtual charter school has a charter approved pursuant to s.
 2374 | 1002.33 authorizing full-time virtual instruction. A virtual
 2375 | charter school may:

- 2376 | 1. Contract with the Florida Virtual School.
- 2377 | 2. Contract with an approved provider under subsection
 2378 | (2).
- 2379 | 3. Enter into an agreement with a school district to allow
 2380 | the participation of the virtual charter school's students in
 2381 | the school district's virtual instruction program. The agreement
 2382 | must indicate a process for reporting of student enrollment and
 2383 | the transfer of funds required by paragraph (7)(e) ~~(7)(f)~~.

2384 | (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
 2385 | FUNDING.—

2386 | ~~(e) Beginning in the 2016-2017 fiscal year, the reported~~
 2387 | ~~full-time equivalent students and associated funding of students~~
 2388 | ~~enrolled in courses requiring passage of an end-of-course~~
 2389 | ~~assessment under s. 1003.4282 to earn a standard high school~~
 2390 | ~~diploma shall be adjusted if the student does not pass the end-~~
 2391 | ~~of-course assessment. However, no adjustment shall be made for a~~
 2392 | ~~student who enrolls in a segmented remedial course delivered~~



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2393 ~~online.~~

2394 (8) ASSESSMENT AND ACCOUNTABILITY.—

2395 (c) An approved provider that receives a school grade of
2396 "D" or "F" under s. 1008.34 or a school improvement rating of
2397 "Unsatisfactory" ~~"Declining"~~ under s. 1008.341 must file a
2398 school improvement plan with the department for consultation to
2399 determine the causes for low performance and to develop a plan
2400 for correction and improvement.

2401 (d) An approved provider's contract must be terminated if
2402 the provider receives a school grade of "D" or "F" under s.
2403 1008.34 or a school improvement rating of "Unsatisfactory"
2404 ~~"Declining"~~ under s. 1008.341 for 2 years during any consecutive
2405 4-year period or has violated any qualification requirement
2406 pursuant to subsection (2). A provider that has a contract
2407 terminated under this paragraph may not be an approved provider
2408 for a period of at least 1 year after the date upon which the
2409 contract was terminated and until the department determines that
2410 the provider is in compliance with subsection (2) and has
2411 corrected each cause of the provider's low performance.

2412 Section 19. Section 1003.3101, Florida Statutes, is
2413 created to read:

2414 1003.3101 Additional educational choice options.—Each
2415 school district board shall establish a transfer process for a
2416 parent to request his or her child be transferred to another
2417 classroom teacher. This section does not give a parent the right
2418 to choose a specific classroom teacher. A school must approve or



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2419 deny the transfer within 2 weeks after receiving a request. If a
2420 request for transfer is denied, the school must notify the
2421 parent and specify the reasons for the denial. An explanation of
2422 the transfer process must be made available in the student
2423 handbook or a similar publication.

2424 Section 20. Subsection (3) of section 1003.4295, Florida
2425 Statutes, is amended to read:

2426 1003.4295 Acceleration options.—

2427 (3) The Credit Acceleration Program (CAP) is created for
2428 the purpose of allowing a student to earn high school credit in
2429 courses required for high school graduation through passage of
2430 an end-of-course assessment Algebra I, Algebra II, geometry,
2431 ~~United States history, or biology if the student passes the~~
2432 ~~statewide, standardized assessment~~ administered under s.
2433 1008.22, an Advanced Placement Examination, or a College Level
2434 Examination Program (CLEP). Notwithstanding s. 1003.436, a
2435 school district shall award course credit to a student who is
2436 not enrolled in the course, or who has not completed the course,
2437 if the student attains a passing score on the corresponding end-
2438 of-course assessment, Advanced Placement Examination, or CLEP
2439 ~~statewide, standardized assessment~~. The school district shall
2440 permit a public school or home education student who is not
2441 enrolled in the course, or who has not completed the course, to
2442 take the assessment or examination during the regular
2443 administration of the assessment or examination.

2444 Section 21. Effective June 29, 2016, section 1004.935,



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2445 Florida Statutes, is amended to read:

2446 1004.935 Adults with Disabilities Workforce Education
 2447 ~~Pilot~~ Program.—

2448 (1) The Adults with Disabilities Workforce Education ~~Pilot~~
 2449 Program is established in the Department of Education ~~through~~
 2450 ~~June 30, 2016,~~ in Hardee, DeSoto, Manatee, and Sarasota Counties
 2451 to provide the option of receiving a scholarship for instruction
 2452 at private schools for up to 30 students who:

2453 (a) Have a disability;

2454 (b) Are 22 years of age;

2455 (c) Are receiving instruction from an instructor in a
 2456 private school to meet the high school graduation requirements
 2457 in s. 1002.3105(5) or s. 1003.4282;

2458 (d) Do not have a standard high school diploma or a
 2459 special high school diploma; and

2460 (e) Receive "supported employment services," which means
 2461 employment that is located or provided in an integrated work
 2462 setting with earnings paid on a commensurate wage basis and for
 2463 which continued support is needed for job maintenance.

2464
 2465 As used in this section, the term "student with a disability"
 2466 includes a student who is documented as having an intellectual
 2467 disability; a speech impairment; a language impairment; a
 2468 hearing impairment, including deafness; a visual impairment,
 2469 including blindness; a dual sensory impairment; an orthopedic
 2470 impairment; another health impairment; an emotional or



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2471 behavioral disability; a specific learning disability,
2472 including, but not limited to, dyslexia, dyscalculia, or
2473 developmental aphasia; a traumatic brain injury; a developmental
2474 delay; or autism spectrum disorder.

2475 (2) A student participating in the ~~pilot~~ program may
2476 continue to participate in the program until the student
2477 graduates from high school or reaches the age of 40 years,
2478 whichever occurs first.

2479 (3) Supported employment services may be provided at more
2480 than one site.

2481 (4) The provider of supported employment services must be
2482 a nonprofit corporation under s. 501(c)(3) of the Internal
2483 Revenue Code which serves Hardee County, DeSoto County, Manatee
2484 County, or Sarasota County and must contract with a private
2485 school in this state which meets the requirements in subsection
2486 (5).

2487 (5) A private school that participates in the ~~pilot~~
2488 program may be sectarian or nonsectarian and must:

2489 (a) Be academically accountable for meeting the
2490 educational needs of the student by annually providing to the
2491 provider of supported employment services a written explanation
2492 of the student's progress.

2493 (b) Comply with the antidiscrimination provisions of 42
2494 U.S.C. s. 2000d.

2495 (c) Meet state and local health and safety laws and codes.

2496 (d) Provide to the provider of supported employment



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2497 services all documentation required for a student's
2498 participation, including the private school's and student's fee
2499 schedules, at least 30 days before any quarterly scholarship
2500 payment is made for the student. A student is not eligible to
2501 receive a quarterly scholarship payment if the private school
2502 fails to meet this deadline.

2503
2504 The inability of a private school to meet the requirements of
2505 this subsection constitutes a basis for the ineligibility of the
2506 private school to participate in the ~~pilot~~ program.

2507 (6) (a) If the student chooses to participate in the ~~pilot~~
2508 program and is accepted by the provider of supported employment
2509 services, the student must notify the Department of Education of
2510 his or her acceptance into the program 60 days before the first
2511 scholarship payment and before participating in the ~~pilot~~
2512 program in order to be eligible for the scholarship.

2513 (b) Upon receipt of a scholarship warrant, the student or
2514 parent to whom the warrant is made must restrictively endorse
2515 the warrant to the provider of supported employment services for
2516 deposit into the account of the provider. The student or parent
2517 may not designate any entity or individual associated with the
2518 participating provider of supported employment services as the
2519 student's or parent's attorney in fact to endorse a scholarship
2520 warrant. A participant who fails to comply with this paragraph
2521 forfeits the scholarship.

2522 (7) Funds for the scholarship shall be provided from the



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2523 appropriation from the school district's Workforce Development
2524 Fund in the General Appropriations Act for students who reside
2525 in the Hardee County School District, the DeSoto County School
2526 District, the Manatee County School District, or the Sarasota
2527 County School District. ~~During the pilot program,~~ The
2528 scholarship amount granted for an eligible student with a
2529 disability shall be equal to the cost per unit of a full-time
2530 equivalent adult general education student, multiplied by the
2531 adult general education funding factor, and multiplied by the
2532 district cost differential pursuant to the formula required by
2533 s. 1011.80(6)(a) for the district in which the student resides.

2534 (8) Upon notification by the Department of Education that
2535 it has received the required documentation, the Chief Financial
2536 Officer shall make scholarship payments in four equal amounts no
2537 later than September 1, November 1, February 1, and April 1 of
2538 each academic year in which the scholarship is in force. The
2539 initial payment shall be made after the Department of Education
2540 verifies that the student was accepted into the ~~pilot~~ program,
2541 and subsequent payments shall be made upon verification of
2542 continued participation in the ~~pilot~~ program. Payment must be by
2543 individual warrant made payable to the student or parent and
2544 mailed by the Department of Education to the provider of
2545 supported employment services, and the student or parent shall
2546 restrictively endorse the warrant to the provider of supported
2547 employment services for deposit into the account of that
2548 provider.



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2549 (9) Subsequent to each scholarship payment, the Department
2550 of Education shall request from the Department of Financial
2551 Services a sample of endorsed warrants to review and confirm
2552 compliance with endorsement requirements.

2553 Section 22. Subsection (3) and paragraph (a) of subsection
2554 (8) of section 1006.15, Florida Statutes, are amended, and
2555 subsection (9) is added to that section, to read:

2556 1006.15 Student standards for participation in
2557 interscholastic and intrascholastic extracurricular student
2558 activities; regulation.—

2559 (3) (a) As used in this section and s. 1006.20, the term
2560 "eligible to participate" includes, but is not limited to, a
2561 student participating in tryouts, off-season conditioning,
2562 summer workouts, preseason conditioning, in-season practice, or
2563 contests. The term does not mean that a student must be placed
2564 on any specific team for interscholastic or intrascholastic
2565 extracurricular activities. To be eligible to participate in
2566 interscholastic extracurricular student activities, a student
2567 must:

2568 1. Maintain a grade point average of 2.0 or above on a 4.0
2569 scale, or its equivalent, in the previous semester or a
2570 cumulative grade point average of 2.0 or above on a 4.0 scale,
2571 or its equivalent, in the courses required by s. 1002.3105(5) or
2572 s. 1003.4282.

2573 2. Execute and fulfill the requirements of an academic
2574 performance contract between the student, the district school



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2575 board, the appropriate governing association, and the student's
2576 parents, if the student's cumulative grade point average falls
2577 below 2.0, or its equivalent, on a 4.0 scale in the courses
2578 required by s. 1002.3105(5) or s. 1003.4282. At a minimum, the
2579 contract must require that the student attend summer school, or
2580 its graded equivalent, between grades 9 and 10 or grades 10 and
2581 11, as necessary.

2582 3. Have a cumulative grade point average of 2.0 or above
2583 on a 4.0 scale, or its equivalent, in the courses required by s.
2584 1002.3105(5) or s. 1003.4282 during his or her junior or senior
2585 year.

2586 4. Maintain satisfactory conduct, including adherence to
2587 appropriate dress and other codes of student conduct policies
2588 described in s. 1006.07(2). If a student is convicted of, or is
2589 found to have committed, a felony or a delinquent act that would
2590 have been a felony if committed by an adult, regardless of
2591 whether adjudication is withheld, the student's participation in
2592 interscholastic extracurricular activities is contingent upon
2593 established and published district school board policy.

2594 (b) Any student who is exempt from attending a full school
2595 day based on rules adopted by the district school board for
2596 double session schools or programs, experimental schools, or
2597 schools operating under emergency conditions must maintain the
2598 grade point average required by this section and pass each class
2599 for which he or she is enrolled.

2600 (c) An individual home education student is eligible to



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2601 participate at the public school to which the student would be
2602 assigned according to district school board attendance area
2603 policies or which the student could choose to attend pursuant to
2604 s. 1002.31 ~~district or interdistrict controlled open enrollment~~
2605 ~~provisions~~, or may develop an agreement to participate at a
2606 private school, in the interscholastic extracurricular
2607 activities of that school, provided the following conditions are
2608 met:

2609 1. The home education student must meet the requirements
2610 of the home education program pursuant to s. 1002.41.

2611 2. During the period of participation at a school, the
2612 home education student must demonstrate educational progress as
2613 required in paragraph (b) in all subjects taken in the home
2614 education program by a method of evaluation agreed upon by the
2615 parent and the school principal which may include: review of the
2616 student's work by a certified teacher chosen by the parent;
2617 grades earned through correspondence; grades earned in courses
2618 taken at a Florida College System institution, university, or
2619 trade school; standardized test scores above the 35th
2620 percentile; or any other method designated in s. 1002.41.

2621 3. The home education student must meet the same residency
2622 requirements as other students in the school at which he or she
2623 participates.

2624 4. The home education student must meet the same standards
2625 of acceptance, behavior, and performance as required of other
2626 students in extracurricular activities.



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2627 5. The student must register with the school his or her
2628 intent to participate in interscholastic extracurricular
2629 activities as a representative of the school before the
2630 beginning date of the season for the activity in which he or she
2631 wishes to participate. A home education student must be able to
2632 participate in curricular activities if that is a requirement
2633 for an extracurricular activity.

2634 6. A student who transfers from a home education program
2635 to a public school before or during the first grading period of
2636 the school year is academically eligible to participate in
2637 interscholastic extracurricular activities during the first
2638 grading period provided the student has a successful evaluation
2639 from the previous school year, pursuant to subparagraph 2.

2640 7. Any public school or private school student who has
2641 been unable to maintain academic eligibility for participation
2642 in interscholastic extracurricular activities is ineligible to
2643 participate in such activities as a home education student until
2644 the student has successfully completed one grading period in
2645 home education pursuant to subparagraph 2. to become eligible to
2646 participate as a home education student.

2647 (d) An individual charter school student pursuant to s.
2648 1002.33 is eligible to participate at the public school to which
2649 the student would be assigned according to district school board
2650 attendance area policies or which the student could ~~choose to~~
2651 ~~attend, pursuant to district or interdistrict controlled open~~
2652 ~~enrollment provisions,~~ in any interscholastic extracurricular



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2653 activity of that school, unless such activity is provided by the
2654 student's charter school, if the following conditions are met:

2655 1. The charter school student must meet the requirements
2656 of the charter school education program as determined by the
2657 charter school governing board.

2658 2. During the period of participation at a school, the
2659 charter school student must demonstrate educational progress as
2660 required in paragraph (b).

2661 3. The charter school student must meet the same residency
2662 requirements as other students in the school at which he or she
2663 participates.

2664 4. The charter school student must meet the same standards
2665 of acceptance, behavior, and performance that are required of
2666 other students in extracurricular activities.

2667 5. The charter school student must register with the
2668 school his or her intent to participate in interscholastic
2669 extracurricular activities as a representative of the school
2670 before the beginning date of the season for the activity in
2671 which he or she wishes to participate. A charter school student
2672 must be able to participate in curricular activities if that is
2673 a requirement for an extracurricular activity.

2674 6. A student who transfers from a charter school program
2675 to a traditional public school before or during the first
2676 grading period of the school year is academically eligible to
2677 participate in interscholastic extracurricular activities during
2678 the first grading period if the student has a successful



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2679 evaluation from the previous school year, pursuant to
2680 subparagraph 2.

2681 7. Any public school or private school student who has
2682 been unable to maintain academic eligibility for participation
2683 in interscholastic extracurricular activities is ineligible to
2684 participate in such activities as a charter school student until
2685 the student has successfully completed one grading period in a
2686 charter school pursuant to subparagraph 2. to become eligible to
2687 participate as a charter school student.

2688 (e) A student of the Florida Virtual School full-time
2689 program may participate in any interscholastic extracurricular
2690 activity at the public school to which the student would be
2691 assigned according to district school board attendance area
2692 policies or which the student could choose to attend, pursuant
2693 to s. 1002.31 ~~district or interdistrict controlled open~~
2694 ~~enrollment policies,~~ if the student:

2695 1. During the period of participation in the
2696 interscholastic extracurricular activity, meets the requirements
2697 in paragraph (a).

2698 2. Meets any additional requirements as determined by the
2699 board of trustees of the Florida Virtual School.

2700 3. Meets the same residency requirements as other students
2701 in the school at which he or she participates.

2702 4. Meets the same standards of acceptance, behavior, and
2703 performance that are required of other students in
2704 extracurricular activities.



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2705 5. Registers his or her intent to participate in
2706 interscholastic extracurricular activities with the school
2707 before the beginning date of the season for the activity in
2708 which he or she wishes to participate. A Florida Virtual School
2709 student must be able to participate in curricular activities if
2710 that is a requirement for an extracurricular activity.

2711 (f) A student who transfers from the Florida Virtual
2712 School full-time program to a traditional public school before
2713 or during the first grading period of the school year is
2714 academically eligible to participate in interscholastic
2715 extracurricular activities during the first grading period if
2716 the student has a successful evaluation from the previous school
2717 year pursuant to paragraph (a).

2718 (g) A public school or private school student who has been
2719 unable to maintain academic eligibility for participation in
2720 interscholastic extracurricular activities is ineligible to
2721 participate in such activities as a Florida Virtual School
2722 student until the student successfully completes one grading
2723 period in the Florida Virtual School pursuant to paragraph (a).

2724 (h)1. A school district or charter school may not delay
2725 eligibility or otherwise prevent a student participating in
2726 controlled open enrollment, or a choice program, from being
2727 immediately eligible to participate in interscholastic and
2728 intrascholastic extracurricular activities.

2729 2. A student may not participate in a sport if the student
2730 participated in that same sport at another school during that



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2731 school year, unless the student meets one of the following
2732 criteria:

2733 a. Dependent children of active duty military personnel
2734 whose move resulted from military orders.

2735 b. Children who have been relocated due to a foster care
2736 placement in a different school zone.

2737 c. Children who move due to a court-ordered change in
2738 custody due to separation or divorce, or the serious illness or
2739 death of a custodial parent.

2740 d. Authorized for good cause in district or charter school
2741 policy.

2742 (8) (a) The Florida High School Athletic Association
2743 (FHSA), in cooperation with each district school board, shall
2744 facilitate a program in which a middle school or high school
2745 student who attends a private school shall be eligible to
2746 participate in an interscholastic or intrascholastic sport at a
2747 public high school, a public middle school, or a 6-12 public
2748 school that is zoned for the physical address at which the
2749 student resides if:

2750 1. The private school in which the student is enrolled is
2751 not a member of the FHSA ~~and does not offer an interscholastic~~
2752 ~~or intrascholastic athletic program.~~

2753 2. The private school student meets the guidelines for the
2754 conduct of the program established by the FHSA's board of
2755 directors and the district school board. At a minimum, such
2756 guidelines shall provide:



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2757 | a. A deadline for each sport by which the private school
2758 | student's parents must register with the public school in
2759 | writing their intent for their child to participate at that
2760 | school in the sport.

2761 | b. Requirements for a private school student to
2762 | participate, including, but not limited to, meeting the same
2763 | standards of eligibility, acceptance, behavior, educational
2764 | progress, and performance which apply to other students
2765 | participating in interscholastic or intrascholastic sports at a
2766 | public school or FHSAA member private school.

2767 | (9) (a) A student who transfers to a school during the
2768 | school year may seek to immediately join an existing team if the
2769 | roster for the specific interscholastic or intrascholastic
2770 | extracurricular activity has not reached the activity's
2771 | identified maximum size and if the coach for the activity
2772 | determines that the student has the requisite skill and ability
2773 | to participate. The FHSAA and school district or charter school
2774 | may not declare such a student ineligible because the student
2775 | did not have the opportunity to comply with qualifying
2776 | requirements.

2777 | (b) A student may not participate in a sport if the
2778 | student participated in that same sport at another school during
2779 | that school year, unless the student meets one of the following
2780 | criteria:

2781 | 1. Dependent children of active duty military personnel
2782 | whose move resulted from military orders.



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2783 2. Children who have been relocated due to a foster care
2784 placement in a different school zone.

2785 3. Children who move due to a court-ordered change in
2786 custody due to separation or divorce, or the serious illness or
2787 death of a custodial parent.

2788 4. Authorized for good cause in district or charter school
2789 policy.

2790 Section 23. Section 1006.195, Florida Statutes, is created
2791 to read:

2792 1006.195 District school board, charter school authority
2793 and responsibility to establish student eligibility regarding
2794 participation in interscholastic and intrascholastic
2795 extracurricular activities.—Notwithstanding any provision to the
2796 contrary in ss. 1006.15, 1006.18, and 1006.20, regarding student
2797 eligibility to participate in interscholastic and
2798 intrascholastic extracurricular activities:

2799 (1)(a) A district school board must establish, through its
2800 code of student conduct, student eligibility standards and
2801 related student disciplinary actions regarding student
2802 participation in interscholastic and intrascholastic
2803 extracurricular activities. The code of student conduct must
2804 provide that:

2805 1. A student not currently suspended from interscholastic
2806 or intrascholastic extracurricular activities, or suspended or
2807 expelled from school, pursuant to a district school board's
2808 suspension or expulsion powers provided in law, including ss.



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2809 | 1006.07, 1006.08, and 1006.09, is eligible to participate in
2810 | interscholastic and intrascholastic extracurricular activities.

2811 | 2. A student may not participate in a sport if the student
2812 | participated in that same sport at another school during that
2813 | school year, unless the student meets the criteria in s.
2814 | 1006.15(3)(h).

2815 | 3. A student's eligibility to participate in any
2816 | interscholastic or intrascholastic extracurricular activity may
2817 | not be affected by any alleged recruiting violation until final
2818 | disposition of the allegation pursuant to s. 1006.20(2)(b).

2819 | (b) Students who participate in interscholastic and
2820 | intrascholastic extracurricular activities for, but are not
2821 | enrolled in, a public school pursuant to s. 1006.15(3)(c)-(e)
2822 | and (8), are subject to the district school board's code of
2823 | student conduct for the limited purpose of establishing and
2824 | maintaining the student's eligibility to participate at the
2825 | school.

2826 | (c) The provisions of this subsection apply to
2827 | interscholastic and intrascholastic extracurricular activities
2828 | conducted by charter schools and private schools, as applicable,
2829 | except that the charter school governing board, or equivalent
2830 | private school authority, is responsible for the authority and
2831 | responsibility otherwise provided to district school boards.

2832 | (2)(a) The Florida High School Athletic Association
2833 | (FHSA) continues to retain jurisdiction over the following
2834 | provisions in s. 1006.20, which may not be implemented in a



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2835 manner contrary to this section: membership in the FHSAA;
2836 recruiting prohibitions and violations; student medical
2837 evaluations; investigations; and sanctions for coaches; school
2838 eligibility and forfeiture of contests; student concussions or
2839 head injuries; the sports medical advisory committee; and the
2840 general operational provisions of the FHSAA.

2841 (b) The FHSAA must adopt, and prominently publish, the
2842 text of this section on its website and in its bylaws, rules,
2843 procedures, training and education materials, and all other
2844 governing authority documents by August 1, 2016.

2845 Section 24. Subsection (1) and paragraphs (a), (b), (c),
2846 and (g) of subsection (2) of section 1006.20, Florida Statutes,
2847 are amended to read:

2848 1006.20 Athletics in public K-12 schools.—

2849 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High
2850 School Athletic Association (FHSAA) is designated as the
2851 governing nonprofit organization of athletics in Florida public
2852 schools. If the FHSAA fails to meet the provisions of this
2853 section, the commissioner shall designate a nonprofit
2854 organization to govern athletics with the approval of the State
2855 Board of Education. The FHSAA is not a state agency as defined
2856 in s. 120.52. The FHSAA shall be subject to the provisions of s.
2857 1006.19. A private school that wishes to engage in high school
2858 athletic competition with a public high school may become a
2859 member of the FHSAA. Any high school in the state, including
2860 charter schools, virtual schools, and home education



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2861 cooperatives, may become a member of the FHSAA and participate
2862 in the activities of the FHSAA. However, membership in the FHSAA
2863 is not mandatory for any school. The FHSAA must allow a private
2864 school the option of maintaining full membership in the
2865 association or joining by sport and may not discourage a private
2866 school from simultaneously maintaining membership in another
2867 athletic association. The FHSAA may allow a public school the
2868 option to apply for consideration to join another athletic
2869 association. The FHSAA may not deny or discourage
2870 interscholastic competition between its member schools and non-
2871 FHSAA member Florida schools, including members of another
2872 athletic governing organization, and may not take any
2873 retributory or discriminatory action against any of its member
2874 schools that participate in interscholastic competition with
2875 non-FHSAA member Florida schools. The FHSAA may not unreasonably
2876 withhold its approval of an application to become an affiliate
2877 member of the National Federation of State High School
2878 Associations submitted by any other organization that governs
2879 interscholastic athletic competition in this state. The bylaws
2880 of the FHSAA are the rules by which high school athletic
2881 programs in its member schools, and the students who participate
2882 in them, are governed, unless otherwise specifically provided by
2883 statute. For the purposes of this section, "high school"
2884 includes grades 6 through 12.

2885 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

2886 (a) The FHSAA shall adopt bylaws that, unless specifically



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2887 provided by statute, establish eligibility requirements for all
2888 students who participate in high school athletic competition in
2889 its member schools. The bylaws governing residence and transfer
2890 shall allow the student to be immediately eligible in the school
2891 in which he or she first enrolls each school year or the school
2892 in which the student makes himself or herself a candidate for an
2893 athletic team by engaging in a practice prior to enrolling in
2894 the school. The bylaws shall also allow the student to be
2895 immediately eligible in the school to which the student has
2896 transferred ~~during the school year if the transfer is made by a~~
2897 ~~deadline established by the FHSAA, which may not be prior to the~~
2898 ~~date authorized for the beginning of practice for the sport.~~
2899 ~~These transfers shall be allowed pursuant to the district school~~
2900 ~~board policies in the case of transfer to a public school or~~
2901 ~~pursuant to the private school policies in the case of transfer~~
2902 ~~to a private school.~~ The student shall be eligible in that
2903 school so long as he or she remains enrolled in that school.
2904 Subsequent eligibility shall be determined and enforced through
2905 the FHSAA's bylaws. Requirements governing eligibility and
2906 transfer between member schools shall be applied similarly to
2907 public school students and private school students.

2908 (b) The FHSAA shall adopt bylaws that specifically
2909 prohibit the recruiting of students for athletic purposes. The
2910 bylaws shall prescribe penalties and an appeals process for
2911 athletic recruiting violations.

2912 1. If it is determined that a school has recruited a



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2913 student in violation of FHSAA bylaws, the FHSAA may require the
2914 school to participate in a higher classification for the sport
2915 in which the recruited student competes for a minimum of one
2916 classification cycle, in addition to the penalties in
2917 subparagraphs 2. and 3. and any other appropriate fine ~~or~~ and
2918 sanction imposed on the school, its coaches, or adult
2919 representatives who violate recruiting rules.

2920 2. Any recruitment by a school district employee or
2921 contractor in violation of FHSAA bylaws results in escalating
2922 punishments as follows:

2923 a. For a first offense, a \$5,000 forfeiture of pay for the
2924 school district employee or contractor who committed the
2925 violation.

2926 b. For a second offense, suspension without pay for 12
2927 months from coaching, directing, or advertising an
2928 extracurricular activity and a \$5,000 forfeiture of pay for the
2929 school district employee or contractor who committed the
2930 violation.

2931 c. For a third offense, a \$5,000 forfeiture of pay for the
2932 school district employee or contractor who committed the
2933 violation. If the individual who committed the violation holds
2934 an educator certificate, the FHSAA shall also refer the
2935 violation to the department for review pursuant to s. 1012.796
2936 to determine whether probable cause exists, and, if there is a
2937 finding of probable cause, the commissioner shall file a formal
2938 complaint against the individual. If the complaint is upheld,



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2939 the individual's educator certificate shall be revoked for 3
2940 years, in addition to any penalties available under s. 1012.796.
2941 Additionally, the department shall revoke any adjunct teaching
2942 certificates issued pursuant to s. 1012.57 and all permissions
2943 under ss. 1012.39 and 1012.43, and the educator is ineligible
2944 for such certificates or permissions for a period of time equal
2945 to the period of revocation of his or her state-issued
2946 certificate.

2947 3. Notwithstanding any other provision of law, a school,
2948 team, or activity shall forfeit all competitions, including
2949 honors resulting from such competitions, in which a student who
2950 participated in any fashion was recruited in a manner prohibited
2951 pursuant to state law or the FHSAA bylaws.

2952 4. A student may not be declared ineligible based on
2953 violation of recruiting rules unless the student or parent has
2954 falsified any enrollment or eligibility document or accepted any
2955 benefit ~~or any promise of benefit~~ if such benefit is not
2956 generally available to the school's students or family members
2957 or is based in any way on athletic interest, potential, or
2958 performance.

2959 5. A student's eligibility to participate in any
2960 interscholastic or intrascholastic extracurricular activity, as
2961 determined by a district school board pursuant to s.
2962 1006.195(1)(a)3., may not be affected by any alleged recruiting
2963 violation until final disposition of the allegation.

2964 (c) The FHSAA shall adopt bylaws that require all students



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2965 participating in interscholastic athletic competition or who are
2966 candidates for an interscholastic athletic team to
2967 satisfactorily pass a medical evaluation each year prior to
2968 participating in interscholastic athletic competition or
2969 engaging in any practice, tryout, workout, or other physical
2970 activity associated with the student's candidacy for an
2971 interscholastic athletic team. Such medical evaluation may be
2972 administered only by a practitioner licensed under chapter 458,
2973 chapter 459, chapter 460, or s. 464.012, and in good standing
2974 with the practitioner's regulatory board. The bylaws shall
2975 establish requirements for eliciting a student's medical history
2976 and performing the medical evaluation required under this
2977 paragraph, which shall include a physical assessment of the
2978 student's physical capabilities to participate in
2979 interscholastic athletic competition as contained in a uniform
2980 preparticipation physical evaluation and history form. The
2981 evaluation form shall incorporate the recommendations of the
2982 American Heart Association for participation cardiovascular
2983 screening and shall provide a place for the signature of the
2984 practitioner performing the evaluation with an attestation that
2985 each examination procedure listed on the form was performed by
2986 the practitioner or by someone under the direct supervision of
2987 the practitioner. The form shall also contain a place for the
2988 practitioner to indicate if a referral to another practitioner
2989 was made in lieu of completion of a certain examination
2990 procedure. The form shall provide a place for the practitioner



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2991 to whom the student was referred to complete the remaining
2992 sections and attest to that portion of the examination. The
2993 preparticipation physical evaluation form shall advise students
2994 to complete a cardiovascular assessment and shall include
2995 information concerning alternative cardiovascular evaluation and
2996 diagnostic tests. Results of such medical evaluation must be
2997 provided to the school. A student is not ~~No student shall be~~
2998 eligible to participate, as provided in s. 1006.15(3), in any
2999 interscholastic athletic competition or engage in any practice,
3000 tryout, workout, or other physical activity associated with the
3001 student's candidacy for an interscholastic athletic team until
3002 the results of the medical evaluation have been received and
3003 approved by the school.

3004 (g) The FHSAA shall adopt bylaws establishing the process
3005 and standards by which FHSAA determinations of eligibility are
3006 made. Such bylaws shall provide that:

3007 1. Ineligibility must be established by a preponderance of
3008 the ~~clear and convincing~~ evidence;

3009 2. Student athletes, parents, and schools must have notice
3010 of the initiation of any investigation or other inquiry into
3011 eligibility and may present, to the investigator and to the
3012 individual making the eligibility determination, any information
3013 or evidence that is credible, persuasive, and of a kind
3014 reasonably prudent persons rely upon in the conduct of serious
3015 affairs;

3016 3. An investigator may not determine matters of



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3017 eligibility but must submit information and evidence to the
3018 executive director or a person designated by the executive
3019 director or by the board of directors for an unbiased and
3020 objective determination of eligibility; and

3021 4. A determination of ineligibility must be made in
3022 writing, setting forth the findings of fact and specific
3023 violation upon which the decision is based.

3024 Section 25. Subsection (5), paragraph (j) of subsection
3025 (6), and paragraph (a) of subsection (8) of section 1007.35,
3026 Florida Statutes, are amended to read:

3027 1007.35 Florida Partnership for Minority and
3028 Underrepresented Student Achievement.—

3029 (5) Each public high school, including, but not limited
3030 to, schools and alternative sites and centers of the Department
3031 of Juvenile Justice, shall provide for the administration of the
3032 Preliminary SAT/National Merit Scholarship Qualifying Test
3033 (PSAT/NMSQT), or ACT Aspire ~~Preliminary ACT (PLAN)~~ to all
3034 enrolled 10th grade students. However, a written notice shall be
3035 provided to each parent that shall include the opportunity to
3036 exempt his or her child from taking the PSAT/NMSQT or ACT Aspire
3037 ~~PLAN~~.

3038 (a) Test results will provide each high school with a
3039 database of student assessment data which certified school
3040 counselors will use to identify students who are prepared or who
3041 need additional work to be prepared to enroll and be successful
3042 in AP courses or other advanced high school courses.



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3043 (b) Funding for the PSAT/NMSQT or ACT Aspire ~~PLAN~~ for all
 3044 10th grade students shall be contingent upon annual funding in
 3045 the General Appropriations Act.

3046 (c) Public school districts must choose either the
 3047 PSAT/NMSQT or ACT Aspire ~~PLAN~~ for districtwide administration.

3048 (6) The partnership shall:

3049 (j) Provide information to students, parents, teachers,
 3050 counselors, administrators, districts, Florida College System
 3051 institutions, and state universities regarding PSAT/NMSQT or ACT
 3052 Aspire ~~PLAN~~ administration, including, but not limited to:

- 3053 1. Test administration dates and times.
- 3054 2. That participation in the PSAT/NMSQT or ACT Aspire ~~PLAN~~
 3055 is open to all 10th grade ~~10~~ students.
- 3056 3. The value of such tests in providing diagnostic
 3057 feedback on student skills.
- 3058 4. The value of student scores in predicting the
 3059 probability of success on AP or other advanced course
 3060 examinations.

3061 (8) (a) By September 30 of each year, the partnership shall
 3062 submit to the department a report that contains an evaluation of
 3063 the effectiveness of the delivered services and activities.
 3064 Activities and services must be evaluated on their effectiveness
 3065 at raising student achievement and increasing the number of AP
 3066 or other advanced course examinations in low-performing middle
 3067 and high schools. Other indicators that must be addressed in the
 3068 evaluation report include the number of middle and high school



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3069 teachers trained; the effectiveness of the training; measures of
3070 postsecondary readiness of the students affected by the program;
3071 levels of participation in 10th grade PSAT/NMSQT or ACT Aspire
3072 ~~PLAN~~ testing; and measures of student, parent, and teacher
3073 awareness of and satisfaction with the services of the
3074 partnership.

3075 Section 26. Section 1009.893, Florida Statutes, is amended
3076 to read:

3077 1009.893 Benacquisto Scholarship ~~Florida National Merit~~
3078 ~~Scholar Incentive~~ Program.—

3079 (1) As used in this section, the term:

3080 (a) "Department" means the Department of Education.

3081 (b) "Scholarship Incentive program" means the Benacquisto
3082 Scholarship ~~Florida National Merit Scholar Incentive~~ Program.

3083 (2) The Benacquisto Scholarship ~~Florida National Merit~~
3084 ~~Scholar Incentive~~ Program is created to reward any Florida high
3085 school graduate who receives recognition as a National Merit
3086 Scholar or National Achievement Scholar and who initially
3087 enrolls in the 2014-2015 academic year or, later, in a
3088 baccalaureate degree program at an eligible Florida public or
3089 independent postsecondary educational institution.

3090 (3) The department shall administer the scholarship
3091 ~~incentive~~ program according to rules and procedures established
3092 by the State Board of Education. The department shall advertise
3093 the availability of the scholarship ~~incentive~~ program and notify
3094 students, teachers, parents, certified school counselors, and



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3095 principals or other relevant school administrators of the
3096 criteria.

3097 (4) In order to be eligible for an award under the
3098 scholarship ~~incentive~~ program, a student must:

3099 (a) Be a state resident as determined in s. 1009.40 and
3100 rules of the State Board of Education;

3101 (b) Earn a standard Florida high school diploma or its
3102 equivalent pursuant to s. 1002.3105, s. 1003.4281, s. 1003.4282,
3103 or s. 1003.435 unless:

3104 1. The student completes a home education program
3105 according to s. 1002.41; or

3106 2. The student earns a high school diploma from a non-
3107 Florida school while living with a parent who is on military or
3108 public service assignment out of this state;

3109 (c) Be accepted by and enroll in a Florida public or
3110 independent postsecondary educational institution that is
3111 regionally accredited; and

3112 (d) Be enrolled full-time in a baccalaureate degree
3113 program at an eligible regionally accredited Florida public or
3114 independent postsecondary educational institution during the
3115 fall academic term following high school graduation.

3116 (5) (a) An eligible student who is a National Merit Scholar
3117 or National Achievement Scholar and who attends a Florida public
3118 postsecondary educational institution shall receive a
3119 scholarship ~~an incentive~~ award equal to the institutional cost
3120 of attendance minus the sum of the student's Florida Bright



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3121 Futures Scholarship and National Merit Scholarship or National
3122 Achievement Scholarship.

3123 (b) An eligible student who is a National Merit Scholar or
3124 National Achievement Scholar and who attends a Florida
3125 independent postsecondary educational institution shall receive
3126 a scholarship ~~an incentive~~ award equal to the highest cost of
3127 attendance at a Florida public university, as reported by the
3128 Board of Governors of the State University System, minus the sum
3129 of the student's Florida Bright Futures Scholarship and National
3130 Merit Scholarship or National Achievement Scholarship.

3131 (6) (a) To be eligible for a renewal award, a student must
3132 earn all credits for which he or she was enrolled and maintain a
3133 3.0 or higher grade point average.

3134 (b) A student may receive the scholarship ~~incentive~~ award
3135 for a maximum of 100 percent of the number of credit hours
3136 required to complete a baccalaureate degree program, or until
3137 completion of a baccalaureate degree program, whichever comes
3138 first.

3139 (7) The department shall annually issue awards from the
3140 scholarship ~~incentive~~ program. Before the registration period
3141 each semester, the department shall transmit payment for each
3142 award to the president or director of the postsecondary
3143 educational institution, or his or her representative, except
3144 that the department may withhold payment if the receiving
3145 institution fails to report or to make refunds to the department
3146 as required in this section.



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3147 (a) Each institution shall certify to the department the
3148 eligibility status of each student to receive a disbursement
3149 within 30 days before the end of its regular registration
3150 period, inclusive of a drop and add period. An institution is
3151 not required to reevaluate the student eligibility after the end
3152 of the drop and add period.

3153 (b) An institution that receives funds from the
3154 scholarship ~~incentive~~ program must certify to the department the
3155 amount of funds disbursed to each student and remit to the
3156 department any undisbursed advances within 60 days after the end
3157 of regular registration.

3158 (c) If funds appropriated are not adequate to provide the
3159 maximum allowable award to each eligible student, awards must be
3160 prorated using the same percentage reduction.

3161 (8) Funds from any award within the scholarship ~~incentive~~
3162 program may not be used to pay for remedial coursework or
3163 developmental education.

3164 (9) A student may use an award for a summer term if funds
3165 are available and appropriated by the Legislature.

3166 (10) The department shall allocate funds to the
3167 appropriate institutions and collect and maintain data regarding
3168 the scholarship ~~incentive~~ program within the student financial
3169 assistance database as specified in s. 1009.94.

3170 (11) Section 1009.40(4) does not apply to awards issued
3171 under this section.

3172 (12) A student who receives an award under the scholarship



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3173 program shall be known as a Benacquisto Scholar.

3174 (13) All eligible Florida public or independent
 3175 postsecondary educational institutions are encouraged to become,
 3176 and all eligible state universities shall become, college
 3177 sponsors of the National Merit Scholarship Program.

3178 ~~(14)-(12)~~ The State Board of Education shall adopt rules
 3179 necessary to administer this section.

3180 Section 27. Subsection (1) of section 1011.61, Florida
 3181 Statutes, is amended to read:

3182 1011.61 Definitions.—Notwithstanding the provisions of s.
 3183 1000.21, the following terms are defined as follows for the
 3184 purposes of the Florida Education Finance Program:

3185 (1) A "full-time equivalent student" in each program of
 3186 the district is defined in terms of full-time students and part-
 3187 time students as follows:

3188 (a) A "full-time student" is one student on the membership
 3189 roll of one school program or a combination of school programs
 3190 listed in s. 1011.62(1)(c) for the school year or the equivalent
 3191 for:

3192 1. Instruction in a standard school, comprising not less
 3193 than 900 net hours for a student in or at the grade level of 4
 3194 through 12, or not less than 720 net hours for a student in or
 3195 at the grade level of kindergarten through grade 3 or in an
 3196 authorized prekindergarten exceptional program; or

3197 ~~2. Instruction in a double-session school or a school~~
 3198 ~~utilizing an experimental school calendar approved by the~~



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3199 ~~Department of Education, comprising not less than the equivalent~~
3200 ~~of 810 net hours in grades 4 through 12 or not less than 630 net~~
3201 ~~hours in kindergarten through grade 3; or~~

3202 2.3. Instruction comprising the appropriate number of net
3203 hours set forth in subparagraph 1. ~~or subparagraph 2.~~ for
3204 students who, within the past year, have moved with their
3205 parents for the purpose of engaging in the farm labor or fish
3206 industries, if a plan furnishing such an extended school day or
3207 week, or a combination thereof, has been approved by the
3208 commissioner. Such plan may be approved to accommodate the needs
3209 of migrant students only or may serve all students in schools
3210 having a high percentage of migrant students. The plan described
3211 in this subparagraph is optional for any school district and is
3212 not mandated by the state.

3213 (b) A "part-time student" is a student on the active
3214 membership roll of a school program or combination of school
3215 programs listed in s. 1011.62(1)(c) who is less than a full-time
3216 student. A student who receives instruction in a school that
3217 operates for less than the minimum term shall generate full-time
3218 equivalent student membership proportional to the amount of
3219 instructional hours provided by the school divided by the
3220 minimum term requirement as provided in s. 1011.60(2).

3221 (c)1. A "full-time equivalent student" is:

3222 a. A full-time student in any one of the programs listed
3223 in s. 1011.62(1)(c); or

3224 b. A combination of full-time or part-time students in any



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3225 one of the programs listed in s. 1011.62(1)(c) which is the
3226 equivalent of one full-time student based on the following
3227 calculations:

3228 (I) A full-time student in a combination of programs
3229 listed in s. 1011.62(1)(c) shall be a fraction of a full-time
3230 equivalent membership in each special program equal to the
3231 number of net hours per school year for which he or she is a
3232 member, divided by the appropriate number of hours set forth in
3233 subparagraph (a)1. ~~or subparagraph (a)2.~~ The difference between
3234 that fraction or sum of fractions and the maximum value as set
3235 forth in subsection (4) for each full-time student is presumed
3236 to be the balance of the student's time not spent in a special
3237 program and shall be recorded as time in the appropriate basic
3238 program.

3239 (II) A prekindergarten student with a disability shall
3240 meet the requirements specified for kindergarten students.

3241 (III) A full-time equivalent student for students in
3242 kindergarten through grade 12 in a full-time virtual instruction
3243 program under s. 1002.45 or a virtual charter school under s.
3244 1002.33 shall consist of six full-credit completions or the
3245 prescribed level of content that counts toward promotion to the
3246 next grade in programs listed in s. 1011.62(1)(c). Credit
3247 completions may be a combination of full-credit courses or half-
3248 credit courses. ~~Beginning in the 2016-2017 fiscal year, the~~
3249 ~~reported full-time equivalent students and associated funding of~~
3250 ~~students enrolled in courses requiring passage of an end-of-~~



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3251 ~~course assessment under s. 1003.4282 to earn a standard high~~
3252 ~~school diploma shall be adjusted if the student does not pass~~
3253 ~~the end of course assessment. However, no adjustment shall be~~
3254 ~~made for a student who enrolls in a segmented remedial course~~
3255 ~~delivered online.~~

3256 (IV) A full-time equivalent student for students in
3257 kindergarten through grade 12 in a part-time virtual instruction
3258 program under s. 1002.45 shall consist of six full-credit
3259 completions in programs listed in s. 1011.62(1)(c)1. and 3.
3260 Credit completions may be a combination of full-credit courses
3261 or half-credit courses. ~~Beginning in the 2016-2017 fiscal year,~~
3262 ~~the reported full-time equivalent students and associated~~
3263 ~~funding of students enrolled in courses requiring passage of an~~
3264 ~~end-of-course assessment under s. 1003.4282 to earn a standard~~
3265 ~~high school diploma shall be adjusted if the student does not~~
3266 ~~pass the end of course assessment. However, no adjustment shall~~
3267 ~~be made for a student who enrolls in a segmented remedial course~~
3268 ~~delivered online.~~

3269 (V) A Florida Virtual School full-time equivalent student
3270 shall consist of six full-credit completions or the prescribed
3271 level of content that counts toward promotion to the next grade
3272 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
3273 participating in kindergarten through grade 12 part-time virtual
3274 instruction and the programs listed in s. 1011.62(1)(c) for
3275 students participating in kindergarten through grade 12 full-
3276 time virtual instruction. Credit completions may be a



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3277 combination of full-credit courses or half-credit courses.
3278 ~~Beginning in the 2016-2017 fiscal year, the reported full-time~~
3279 ~~equivalent students and associated funding of students enrolled~~
3280 ~~in courses requiring passage of an end-of-course assessment~~
3281 ~~under s. 1003.4282 to earn a standard high school diploma shall~~
3282 ~~be adjusted if the student does not pass the end-of-course~~
3283 ~~assessment. However, no adjustment shall be made for a student~~
3284 ~~who enrolls in a segmented remedial course delivered online.~~

3285 (VI) Each successfully completed full-credit course earned
3286 through an online course delivered by a district other than the
3287 one in which the student resides shall be calculated as 1/6
3288 FTE.

3289 (VII) A full-time equivalent student for courses requiring
3290 passage of a statewide, standardized end-of-course assessment
3291 under s. 1003.4282 to earn a standard high school diploma shall
3292 be defined and reported based on the number of instructional
3293 hours as provided in this subsection ~~until the 2016-2017 fiscal~~
3294 ~~year. Beginning in the 2016-2017 fiscal year, the FTE for the~~
3295 ~~course shall be assessment-based and shall be equal to 1/6 FTE.~~
3296 ~~The reported FTE shall be adjusted if the student does not pass~~
3297 ~~the end-of-course assessment. However, no adjustment shall be~~
3298 ~~made for a student who enrolls in a segmented remedial course~~
3299 ~~delivered online.~~

3300 (VIII) For students enrolled in a school district as a
3301 full-time student, the district may report 1/6 FTE for each
3302 student who passes a statewide, standardized end-of-course



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3303 assessment without being enrolled in the corresponding course.

3304 2. A student in membership in a program scheduled for more
3305 or less than 180 school days or the equivalent on an hourly
3306 basis as specified by rules of the State Board of Education is a
3307 fraction of a full-time equivalent membership equal to the
3308 number of instructional hours in membership divided by the
3309 appropriate number of hours set forth in subparagraph (a)1.;

3310 however, for the purposes of this subparagraph, membership in
3311 programs scheduled for more than 180 days is limited to students
3312 enrolled in:

3313 a. Juvenile justice education programs.

3314 b. The Florida Virtual School.

3315 c. Virtual instruction programs and virtual charter
3316 schools for the purpose of course completion and credit recovery
3317 pursuant to ss. 1002.45 and 1003.498. Course completion applies
3318 only to a student who is reported during the second or third
3319 membership surveys and who does not complete a virtual education
3320 course by the end of the regular school year. The course must be
3321 completed no later than the deadline for amending the final
3322 student enrollment survey for that year. Credit recovery applies
3323 only to a student who has unsuccessfully completed a traditional
3324 or virtual education course during the regular school year and
3325 must re-take the course in order to be eligible to graduate with
3326 the student's class.

3327

3328 The full-time equivalent student enrollment calculated under



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3329 | this subsection is subject to the requirements in subsection
 3330 | (4).

3331 |
 3332 | The department shall determine and implement an equitable method
 3333 | of equivalent funding for ~~experimental schools and for~~ schools
 3334 | operating under emergency conditions, which schools have been
 3335 | approved by the department to operate for less than the minimum
 3336 | term as provided in s. 1011.60(2) ~~school day~~.

3337 | Section 28. Effective July 1, 2016, and upon the
 3338 | expiration of the amendments made to section 1011.62, Florida
 3339 | Statutes, by chapter 2015-222, Laws of Florida, paragraphs (e)
 3340 | and (o) of subsection (1), paragraph (a) of subsection (4), and
 3341 | present subsection (13) of that section are amended, present
 3342 | subsections (13), (14), and (15) of that section are renumbered
 3343 | as subsections (14), (15), and (16), respectively, and a new
 3344 | subsection (13) is added to that section, to read:

3345 | 1011.62 Funds for operation of schools.—If the annual
 3346 | allocation from the Florida Education Finance Program to each
 3347 | district for operation of schools is not determined in the
 3348 | annual appropriations act or the substantive bill implementing
 3349 | the annual appropriations act, it shall be determined as
 3350 | follows:

3351 | (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 3352 | OPERATION.—The following procedure shall be followed in
 3353 | determining the annual allocation to each district for
 3354 | operation:



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3355 (e) Funding model for exceptional student education
3356 programs.—

3357 1.a. The funding model uses basic, at-risk, support levels
3358 IV and V for exceptional students and career Florida Education
3359 Finance Program cost factors, and a guaranteed allocation for
3360 exceptional student education programs. Exceptional education
3361 cost factors are determined by using a matrix of services to
3362 document the services that each exceptional student will
3363 receive. The nature and intensity of the services indicated on
3364 the matrix shall be consistent with the services described in
3365 each exceptional student's individual educational plan. The
3366 Department of Education shall review and revise the descriptions
3367 of the services and supports included in the matrix of services
3368 for exceptional students and shall implement those revisions
3369 before the beginning of the 2012-2013 school year.

3370 b. In order to generate funds using one of the two
3371 weighted cost factors, a matrix of services must be completed at
3372 the time of the student's initial placement into an exceptional
3373 student education program and at least once every 3 years by
3374 personnel who have received approved training. Nothing listed in
3375 the matrix shall be construed as limiting the services a school
3376 district must provide in order to ensure that exceptional
3377 students are provided a free, appropriate public education.

3378 c. Students identified as exceptional, in accordance with
3379 chapter 6A-6, Florida Administrative Code, who do not have a
3380 matrix of services as specified in sub-subparagraph b. shall



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3381 generate funds on the basis of full-time-equivalent student
3382 membership in the Florida Education Finance Program at the same
3383 funding level per student as provided for basic students.
3384 Additional funds for these exceptional students will be provided
3385 through the guaranteed allocation designated in subparagraph 2.
3386 2. For students identified as exceptional who do not have
3387 a matrix of services and students who are gifted in grades K
3388 through 8, there is created a guaranteed allocation to provide
3389 these students with a free appropriate public education, in
3390 accordance with s. 1001.42(4)(1) and rules of the State Board of
3391 Education, which shall be allocated initially ~~annually~~ to each
3392 school district in the amount provided in the General
3393 Appropriations Act. These funds shall be supplemental ~~in~~
3394 ~~addition~~ to the funds appropriated for the basic funding level
3395 ~~on the basis of FTE student membership in the Florida Education~~
3396 ~~Finance Program~~, and the amount allocated for each school
3397 district shall ~~not~~ be recalculated once during the year, based
3398 on actual student membership from the October FTE survey. Upon
3399 recalculation, if the generated allocation is greater than the
3400 amount provided in the General Appropriations Act, the total
3401 shall be prorated to the level of the appropriation based on
3402 each district's share of the total recalculated amount. These
3403 funds shall be used to provide special education and related
3404 services for exceptional students and students who are gifted in
3405 grades K through 8. ~~Beginning with the 2007-2008 fiscal year, A~~
3406 district's expenditure of funds from the guaranteed allocation



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3407 | for students in grades 9 through 12 who are gifted may not be
3408 | greater than the amount expended during the 2006-2007 fiscal
3409 | year for gifted students in grades 9 through 12.

3410 | (o) Calculation of additional full-time equivalent
3411 | membership based on successful completion of a career-themed
3412 | course pursuant to ss. 1003.491, 1003.492, and 1003.493, or
3413 | courses with embedded CAPE industry certifications or CAPE
3414 | Digital Tool certificates, and issuance of industry
3415 | certification identified on the CAPE Industry Certification
3416 | Funding List pursuant to rules adopted by the State Board of
3417 | Education or CAPE Digital Tool certificates pursuant to s.
3418 | 1003.4203.—

3419 | 1.a. A value of 0.025 full-time equivalent student
3420 | membership shall be calculated for CAPE Digital Tool
3421 | certificates earned by students in elementary and middle school
3422 | grades.

3423 | b. A value of 0.1 or 0.2 full-time equivalent student
3424 | membership shall be calculated for each student who completes a
3425 | course as defined in s. 1003.493(1)(b) or courses with embedded
3426 | CAPE industry certifications and who is issued an industry
3427 | certification identified annually on the CAPE Industry
3428 | Certification Funding List approved under rules adopted by the
3429 | State Board of Education. A value of 0.2 full-time equivalent
3430 | membership shall be calculated for each student who is issued a
3431 | CAPE industry certification that has a statewide articulation
3432 | agreement for college credit approved by the State Board of



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3433 Education. For CAPE industry certifications that do not
3434 articulate for college credit, the Department of Education shall
3435 assign a full-time equivalent value of 0.1 for each
3436 certification. Middle grades students who earn additional FTE
3437 membership for a CAPE Digital Tool certificate pursuant to sub-
3438 subparagraph a. may not use the previously funded examination to
3439 satisfy the requirements for earning an industry certification
3440 under this sub-subparagraph. Additional FTE membership for an
3441 elementary or middle grades student may ~~shall~~ not exceed 0.1 for
3442 certificates or certifications earned within the same fiscal
3443 year. The State Board of Education shall include the assigned
3444 values on the CAPE Industry Certification Funding List under
3445 rules adopted by the state board. Such value shall be added to
3446 the total full-time equivalent student membership for grades 6
3447 through 12 in the subsequent year ~~for courses that were not~~
3448 ~~provided through dual enrollment~~. CAPE industry certifications
3449 earned through dual enrollment must be reported and funded
3450 pursuant to s. 1011.80. However, if a student earns a
3451 certification through a dual enrollment course and the
3452 certification is not a fundable certification on the
3453 postsecondary certification funding list, or the dual enrollment
3454 certification is earned as a result of an agreement between a
3455 school district and a nonpublic postsecondary institution, the
3456 bonus value shall be funded in the same manner as other nondual
3457 enrollment course industry certifications. In such cases, the
3458 school district may provide for an agreement between the high



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3459 school and the technical center, or the school district and the
3460 postsecondary institution may enter into an agreement for
3461 equitable distribution of the bonus funds.

3462 c. A value of 0.3 full-time equivalent student membership
3463 shall be calculated for student completion of the courses and
3464 the embedded certifications identified on the CAPE Industry
3465 Certification Funding List and approved by the commissioner
3466 pursuant to ss. 1003.4203(5) (a) and 1008.44.

3467 d. A value of 0.5 full-time equivalent student membership
3468 shall be calculated for CAPE Acceleration Industry
3469 Certifications that articulate for 15 to 29 college credit
3470 hours, and 1.0 full-time equivalent student membership shall be
3471 calculated for CAPE Acceleration Industry Certifications that
3472 articulate for 30 or more college credit hours pursuant to CAPE
3473 Acceleration Industry Certifications approved by the
3474 commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

3475 2. Each district must allocate at least 80 percent of the
3476 funds provided for CAPE industry certification, in accordance
3477 with this paragraph, to the program that generated the funds.
3478 This allocation may not be used to supplant funds provided for
3479 basic operation of the program.

3480 3. For CAPE industry certifications earned in the 2013-
3481 2014 school year and in subsequent years, the school district
3482 shall distribute to each classroom teacher who provided direct
3483 instruction toward the attainment of a CAPE industry
3484 certification that qualified for additional full-time equivalent



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3485 membership under subparagraph 1.:

3486 a. A bonus ~~in the amount~~ of \$25 for each student taught by
3487 a teacher who provided instruction in a course that led to the
3488 attainment of a CAPE industry certification on the CAPE Industry
3489 Certification Funding List with a weight of 0.1.

3490 b. A bonus ~~in the amount~~ of \$50 for each student taught by
3491 a teacher who provided instruction in a course that led to the
3492 attainment of a CAPE industry certification on the CAPE Industry
3493 Certification Funding List with a weight of 0.2, ~~0.3, 0.5, and~~
3494 ~~1.0~~.

3495 c. A bonus of \$75 for each student taught by a teacher who
3496 provided instruction in a course that led to the attainment of a
3497 CAPE industry certification on the CAPE Industry Certification
3498 Funding List with a weight of 0.3.

3499 d. A bonus of \$100 for each student taught by a teacher
3500 who provided instruction in a course that led to the attainment
3501 of a CAPE industry certification on the CAPE Industry
3502 Certification Funding List with a weight of 0.5 or 1.0.

3503
3504 Bonuses awarded pursuant to this paragraph shall be provided to
3505 teachers who are employed by the district in the year in which
3506 the additional FTE membership calculation is included in the
3507 calculation. Bonuses shall be calculated based upon the
3508 associated weight of a CAPE industry certification on the CAPE
3509 Industry Certification Funding List for the year in which the
3510 certification is earned by the student. Any bonus awarded to a



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3511 teacher under this paragraph may not exceed \$3,000 ~~\$2,000~~ in any
3512 given school year and is in addition to any regular wage or
3513 other bonus the teacher received or is scheduled to receive.

3514 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The
3515 Legislature shall prescribe the aggregate required local effort
3516 for all school districts collectively as an item in the General
3517 Appropriations Act for each fiscal year. The amount that each
3518 district shall provide annually toward the cost of the Florida
3519 Education Finance Program for kindergarten through grade 12
3520 programs shall be calculated as follows:

3521 (a) Estimated taxable value calculations.—

3522 1.a. Not later than 2 working days before ~~prior to~~ July
3523 19, the Department of Revenue shall certify to the Commissioner
3524 of Education its most recent estimate of the taxable value for
3525 school purposes in each school district and the total for all
3526 school districts in the state for the current calendar year
3527 based on the latest available data obtained from the local
3528 property appraisers. The value certified shall be the taxable
3529 value for school purposes for that year, and no further
3530 adjustments shall be made, except those made pursuant to
3531 paragraphs (c) and (d), or an assessment roll change required by
3532 final judicial decisions as specified in paragraph (15) (b)
3533 ~~(14) (b)~~. Not later than July 19, the Commissioner of Education
3534 shall compute a millage rate, rounded to the next highest one
3535 one-thousandth of a mill, which, when applied to 96 percent of
3536 the estimated state total taxable value for school purposes,



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3537 would generate the prescribed aggregate required local effort
3538 for that year for all districts. The Commissioner of Education
3539 shall certify to each district school board the millage rate,
3540 computed as prescribed in this subparagraph, as the minimum
3541 millage rate necessary to provide the district required local
3542 effort for that year.

3543 b. The General Appropriations Act shall direct the
3544 computation of the statewide adjusted aggregate amount for
3545 required local effort for all school districts collectively from
3546 ad valorem taxes to ensure that no school district's revenue
3547 from required local effort millage will produce more than 90
3548 percent of the district's total Florida Education Finance
3549 Program calculation as calculated and adopted by the
3550 Legislature, and the adjustment of the required local effort
3551 millage rate of each district that produces more than 90 percent
3552 of its total Florida Education Finance Program entitlement to a
3553 level that will produce only 90 percent of its total Florida
3554 Education Finance Program entitlement in the July calculation.

3555 2. On the same date as the certification in sub-
3556 subparagraph 1.a., the Department of Revenue shall certify to
3557 the Commissioner of Education for each district:

3558 a. Each year for which the property appraiser has
3559 certified the taxable value pursuant to s. 193.122(2) or (3), if
3560 applicable, since the prior certification under sub-subparagraph
3561 1.a.

3562 b. For each year identified in sub-subparagraph a., the



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3563 taxable value certified by the appraiser pursuant to s.
3564 193.122(2) or (3), if applicable, since the prior certification
3565 under sub-subparagraph 1.a. This is the certification that
3566 reflects all final administrative actions of the value
3567 adjustment board.

3568 (13) FEDERALLY CONNECTED STUDENT SUPPLEMENT.—The federally
3569 connected student supplement is created to provide supplemental
3570 funding for school districts to support the education of
3571 students connected with federally owned military installations,
3572 National Aeronautics and Space Administration (NASA) real
3573 property, and Indian lands. To be eligible for this supplement,
3574 the district must be eligible for federal Impact Aid Program
3575 funds under s. 8003 of Title VIII of the Elementary and
3576 Secondary Education Act of 1965. The supplement shall be
3577 allocated annually to each eligible school district in the
3578 amount provided in the General Appropriations Act. The
3579 supplement shall be the sum of the student allocation and an
3580 exempt property allocation.

3581 (a) The student allocation shall be calculated based on
3582 the number of students reported for federal Impact Aid Program
3583 funds, including students with disabilities, who meet one of the
3584 following criteria:

3585 1. The student has a parent who is on active duty in the
3586 uniformed services or is an accredited foreign government
3587 official and military officer. Students with disabilities shall
3588 also be reported separately for this category.



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3589 2. The student resides on eligible federally owned Indian
3590 land. Students with disabilities shall also be reported
3591 separately for this category.

3592 3. The student resides with a civilian parent who lives or
3593 works on eligible federal property connected with a military
3594 installation or NASA. The number of these students shall be
3595 multiplied by a factor of 0.5.

3596 (b) The total number of federally connected students
3597 calculated under paragraph (a) shall be multiplied by a
3598 percentage of the base student allocation as provided in the
3599 General Appropriations Act. The total of the number of students
3600 with disabilities as reported separately under subparagraphs
3601 (a)1. and (a)2. shall be multiplied by an additional percentage
3602 of the base student allocation as provided in the General
3603 Appropriations Act. The base amount and the amount for students
3604 with disabilities shall be summed to provide the student
3605 allocation.

3606 (c) The exempt property allocation shall be equal to the
3607 tax-exempt value of federal impact aid lands reserved as
3608 military installations, real property owned by NASA, or eligible
3609 federally owned Indian lands located in the district, as of
3610 January 1 of the previous year, multiplied by the millage
3611 authorized and levied under s. 1011.71(2).

3612 (14)-(13) QUALITY ASSURANCE GUARANTEE.—The Legislature may
3613 annually in the General Appropriations Act determine a
3614 percentage increase in funds per K-12 unweighted FTE as a



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3615 | minimum guarantee to each school district. The guarantee shall
3616 | be calculated from prior year base funding per unweighted FTE
3617 | student which shall include the adjusted FTE dollars as provided
3618 | in subsection (15) ~~(14)~~, quality guarantee funds, and actual
3619 | nonvoted discretionary local effort from taxes. From the base
3620 | funding per unweighted FTE, the increase shall be calculated for
3621 | the current year. The current year funds from which the
3622 | guarantee shall be determined shall include the adjusted FTE
3623 | dollars as provided in subsection (15) ~~(14)~~ and potential
3624 | nonvoted discretionary local effort from taxes. A comparison of
3625 | current year funds per unweighted FTE to prior year funds per
3626 | unweighted FTE shall be computed. For those school districts
3627 | which have less than the legislatively assigned percentage
3628 | increase, funds shall be provided to guarantee the assigned
3629 | percentage increase in funds per unweighted FTE student. Should
3630 | appropriated funds be less than the sum of this calculated
3631 | amount for all districts, the commissioner shall prorate each
3632 | district's allocation. This provision shall be implemented to
3633 | the extent specifically funded.

3634 | Section 29. Effective July 1, 2016, and upon the
3635 | expiration of the amendments made to section 1011.71, Florida
3636 | Statutes, by chapter 2015-222, Laws of Florida, subsection (1)
3637 | of that section is amended to read:

3638 | 1011.71 District school tax.—

3639 | (1) If the district school tax is not provided in the
3640 | General Appropriations Act or the substantive bill implementing



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3641 the General Appropriations Act, each district school board
3642 desiring to participate in the state allocation of funds for
3643 current operation as prescribed by s. 1011.62(15) ~~s. 1011.62(14)~~
3644 shall levy on the taxable value for school purposes of the
3645 district, exclusive of millage voted under ~~the provisions of s.~~
3646 9(b) or s. 12, Art. VII of the State Constitution, a millage
3647 rate not to exceed the amount certified by the commissioner as
3648 the minimum millage rate necessary to provide the district
3649 required local effort for the current year, pursuant to s.
3650 1011.62(4)(a)1. In addition to the required local effort millage
3651 levy, each district school board may levy a nonvoted current
3652 operating discretionary millage. The Legislature shall prescribe
3653 annually in the appropriations act the maximum amount of millage
3654 a district may levy.

3655 Section 30. Subsection (2) of section 1012.42, Florida
3656 Statutes, is amended to read:

3657 1012.42 Teacher teaching out-of-field.—

3658 (2) NOTIFICATION REQUIREMENTS.—When a teacher in a
3659 district school system is assigned teaching duties in a class
3660 dealing with subject matter that is outside the field in which
3661 the teacher is certified, outside the field that was the
3662 applicant's minor field of study, or outside the field in which
3663 the applicant has demonstrated sufficient subject area
3664 expertise, as determined by district school board policy in the
3665 subject area to be taught, the parents of all students in the
3666 class shall be notified in writing of such assignment, and each



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3667 | school district shall report out-of-field teachers on the
3668 | district's website within 30 days before the beginning of each
3669 | semester. A parent whose student is assigned an out-of-field
3670 | teacher may request that his or her child be transferred to an
3671 | in-field classroom teacher within the school and grade in which
3672 | the student is currently enrolled. The school district must
3673 | approve or deny the parent's request and transfer the student to
3674 | a different classroom teacher within a reasonable period of
3675 | time, not to exceed 2 weeks, if an in-field teacher for that
3676 | course or grade level is employed by the school and the transfer
3677 | does not violate maximum class size pursuant to s. 1003.03 and
3678 | s. 1, Art. IX of the State Constitution. If a request for
3679 | transfer is denied, the school must notify the parent and
3680 | specify the reasons for the denial. An explanation of the
3681 | transfer process must be made available in the student handbook
3682 | or a similar publication. This subsection does not provide a
3683 | parent the right to choose a specific teacher.

3684 | Section 31. Paragraph (b) of subsection (8) of section
3685 | 1012.56, Florida Statutes, is amended to read:

3686 | 1012.56 Educator certification requirements.—

3687 | (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION
3688 | COMPETENCY PROGRAM.—

3689 | (b)1. Each school district must and a private school or
3690 | state-supported ~~state-supported~~ public school, including a
3691 | charter school, ~~or a private school~~ may develop and maintain a
3692 | system by which members of the instructional staff may



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3693 demonstrate mastery of professional preparation and education
3694 competence as required by law. Each program must be based on
3695 classroom application of the Florida Educator Accomplished
3696 Practices and instructional performance and, for public schools,
3697 must be aligned with the district's or state-supported public
3698 school's evaluation system established ~~approved~~ under s.
3699 1012.34, as applicable.

3700 2. The Commissioner of Education shall determine the
3701 continued approval of programs implemented under this paragraph,
3702 based upon the department's review of performance data. The
3703 department shall review the performance data as a part of the
3704 periodic review of each school district's professional
3705 development system required under s. 1012.98.

3706 Section 32. Section 1012.583, Florida Statutes, is created
3707 to read:

3708 1012.583 Continuing education and inservice training for
3709 youth suicide awareness and prevention.-

3710 (1) Beginning with the 2016-2017 school year, the Department
3711 of Education, in consultation with the Statewide Office for
3712 Suicide Prevention and suicide prevention experts, shall develop
3713 a list of approved youth suicide awareness and prevention
3714 training materials that may be used for training in youth
3715 suicide awareness and prevention for instructional personnel in
3716 elementary school, middle school, and high school. The approved
3717 list of materials:

3718 (a) Must include training on how to identify appropriate



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3719 mental health services and how to refer youth and their families
3720 to those services.

3721 (b) May include materials currently being used by a school
3722 district if such materials meet any criteria established by the
3723 department.

3724 (c) May include programs that instructional personnel can
3725 complete through a self-review of approved youth suicide
3726 awareness and prevention materials.

3727 (2) A school that chooses to incorporate 2 hours of
3728 training offered pursuant to this section shall be considered a
3729 "Suicide Prevention Certified School." The training must be
3730 included in the existing continuing education or inservice
3731 training requirements for instructional personnel and may not
3732 add to the total hours currently required by the department. A
3733 school that chooses to participate in the training must require
3734 all instructional personnel to participate.

3735 (3) A school that participates in the suicide awareness
3736 and prevention training pursuant to this section must report its
3737 participation to the department. The department shall keep an
3738 updated record of all Suicide Prevention Certified Schools.

3739 (4) A person has no cause of action for any loss or damage
3740 caused by an act or omission resulting from the implementation
3741 of this section or resulting from any training required by this
3742 section unless the loss or damage was caused by willful or
3743 wanton misconduct. This section does not create any new duty of
3744 care or basis of liability.



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3745 (5) The State Board of Education may adopt rules to
3746 implement this section.

3747 Section 33. Paragraph (o) is added to subsection (1) of
3748 section 1012.795, Florida Statutes, and subsection (5) of that
3749 section is amended, to read:

3750 1012.795 Education Practices Commission; authority to
3751 discipline.—

3752 (1) The Education Practices Commission may suspend the
3753 educator certificate of any person as defined in s. 1012.01(2)
3754 or (3) for up to 5 years, thereby denying that person the right
3755 to teach or otherwise be employed by a district school board or
3756 public school in any capacity requiring direct contact with
3757 students for that period of time, after which the holder may
3758 return to teaching as provided in subsection (4); may revoke the
3759 educator certificate of any person, thereby denying that person
3760 the right to teach or otherwise be employed by a district school
3761 board or public school in any capacity requiring direct contact
3762 with students for up to 10 years, with reinstatement subject to
3763 the provisions of subsection (4); may revoke permanently the
3764 educator certificate of any person thereby denying that person
3765 the right to teach or otherwise be employed by a district school
3766 board or public school in any capacity requiring direct contact
3767 with students; may suspend the educator certificate, upon an
3768 order of the court or notice by the Department of Revenue
3769 relating to the payment of child support; or may impose any
3770 other penalty provided by law, if the person:



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3771 (o) Has committed a third recruiting offense as determined
3772 by the Florida High School Athletic Association (FHSAA) pursuant
3773 to s. 1006.20(2)(b).

3774 (5) Each district school superintendent and the governing
3775 authority of each university lab school, state-supported school,
3776 ~~or~~ private school, and the FHSAA shall report to the department
3777 the name of any person certified pursuant to this chapter or
3778 employed and qualified pursuant to s. 1012.39:

3779 (a) Who has been convicted of, or who has pled nolo
3780 contendere to, a misdemeanor, felony, or any other criminal
3781 charge, other than a minor traffic infraction;

3782 (b) Who that official has reason to believe has committed
3783 or is found to have committed any act which would be a ground
3784 for revocation or suspension under subsection (1); or

3785 (c) Who has been dismissed or severed from employment
3786 because of conduct involving any immoral, unnatural, or
3787 lascivious act.

3788 Section 34. Subsections (3) and (7) of section 1012.796,
3789 Florida Statutes, are amended to read:

3790 1012.796 Complaints against teachers and administrators;
3791 procedure; penalties.—

3792 (3) The department staff shall advise the commissioner
3793 concerning the findings of the investigation and of all
3794 referrals by the Florida High School Athletic Association
3795 (FHSAA) pursuant to ss. 1006.20(2)(b) and 1012.795. The
3796 department general counsel or members of that staff shall review



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3797 the investigation or the referral and advise the commissioner
3798 concerning probable cause or lack thereof. The determination of
3799 probable cause shall be made by the commissioner. The
3800 commissioner shall provide an opportunity for a conference, if
3801 requested, prior to determining probable cause. The commissioner
3802 may enter into deferred prosecution agreements in lieu of
3803 finding probable cause if, in his or her judgment, such
3804 agreements are in the best interests of the department, the
3805 certificateholder, and the public. Such deferred prosecution
3806 agreements shall become effective when filed with the clerk of
3807 the Education Practices Commission. However, a deferred
3808 prosecution agreement shall not be entered into if there is
3809 probable cause to believe that a felony or an act of moral
3810 turpitude, as defined by rule of the State Board of Education,
3811 has occurred, or for referrals by the FHSAA. Upon finding no
3812 probable cause, the commissioner shall dismiss the complaint.

3813 (7) A panel of the commission shall enter a final order
3814 either dismissing the complaint or imposing one or more of the
3815 following penalties:

3816 (a) Denial of an application for a teaching certificate or
3817 for an administrative or supervisory endorsement on a teaching
3818 certificate. The denial may provide that the applicant may not
3819 reapply for certification, and that the department may refuse to
3820 consider that applicant's application, for a specified period of
3821 time or permanently.

3822 (b) Revocation or suspension of a certificate.



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3823 (c) Imposition of an administrative fine not to exceed
3824 \$2,000 for each count or separate offense.

3825 (d) Placement of the teacher, administrator, or supervisor
3826 on probation for a period of time and subject to such conditions
3827 as the commission may specify, including requiring the certified
3828 teacher, administrator, or supervisor to complete additional
3829 appropriate college courses or work with another certified
3830 educator, with the administrative costs of monitoring the
3831 probation assessed to the educator placed on probation. An
3832 educator who has been placed on probation shall, at a minimum:

3833 1. Immediately notify the investigative office in the
3834 Department of Education upon employment or termination of
3835 employment in the state in any public or private position
3836 requiring a Florida educator's certificate.

3837 2. Have his or her immediate supervisor submit annual
3838 performance reports to the investigative office in the
3839 Department of Education.

3840 3. Pay to the commission within the first 6 months of each
3841 probation year the administrative costs of monitoring probation
3842 assessed to the educator.

3843 4. Violate no law and shall fully comply with all district
3844 school board policies, school rules, and State Board of
3845 Education rules.

3846 5. Satisfactorily perform his or her assigned duties in a
3847 competent, professional manner.

3848 6. Bear all costs of complying with the terms of a final



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3849 order entered by the commission.

3850 (e) Restriction of the authorized scope of practice of the
3851 teacher, administrator, or supervisor.

3852 (f) Reprimand of the teacher, administrator, or supervisor
3853 in writing, with a copy to be placed in the certification file
3854 of such person.

3855 (g) Imposition of an administrative sanction, upon a
3856 person whose teaching certificate has expired, for an act or
3857 acts committed while that person possessed a teaching
3858 certificate or an expired certificate subject to late renewal,
3859 which sanction bars that person from applying for a new
3860 certificate for a period of 10 years or less, or permanently.

3861 (h) Refer the teacher, administrator, or supervisor to the
3862 recovery network program provided in s. 1012.798 under such
3863 terms and conditions as the commission may specify.

3864

3865 The penalties imposed under this subsection are in addition to,
3866 and not in lieu of, the penalties required for a third
3867 recruiting offense pursuant to s. 1006.20(2)(b).

3868 Section 35. Section 1013.385, Florida Statutes, is created
3869 to read:

3870 1013.385 School district construction flexibility.—

3871 (1) A district school board may, with a supermajority vote
3872 at a public meeting that begins no earlier than 5 p.m., adopt a
3873 resolution to implement one or more of the exceptions to the
3874 educational facilities construction requirements provided in



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3875 this section. Before voting on the resolution, a district school
3876 board must conduct a cost-benefit analysis prepared according to
3877 a professionally accepted methodology that describes how each
3878 exception selected by the district school board achieves cost
3879 savings, improves the efficient use of school district
3880 resources, and impacts the life-cycle costs and life span for
3881 each educational facility to be constructed, as applicable, and
3882 demonstrates that implementation of the exception will not
3883 compromise student safety or the quality of student instruction.
3884 The district school board must conduct at least one public
3885 workshop to discuss and receive public comment on the proposed
3886 resolution and cost-benefit analysis, which must begin no
3887 earlier than 5 p.m. and may occur at the same meeting at which
3888 the resolution will be voted upon.

3889 (2) A resolution adopted under this section may propose
3890 implementation of exceptions to requirements of the uniform
3891 statewide building code for the planning and construction of
3892 public educational and ancillary plants adopted pursuant to ss.
3893 553.73 and 1013.37 relating to:

3894 (a) Interior non-load-bearing walls, by approving the use
3895 of fire-rated wood stud walls in new construction or remodeling
3896 for interior non-load-bearing wall assemblies that will not be
3897 exposed to water or located in wet areas.

3898 (b) Walkways, roadways, driveways, and parking areas, by
3899 approving the use of designated, stabilized, and well-drained
3900 gravel or grassed student parking areas.



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3901 (c) Standards for relocatables used as classroom space, as
3902 specified in s. 1013.20, by approving construction
3903 specifications for installation of relocatable buildings that do
3904 not have covered walkways leading to the permanent buildings
3905 onsite.

3906 (d) Site lighting, by approving construction
3907 specifications regarding site lighting that:

3908 1. Do not provide for lighting of gravel or grassed
3909 auxiliary or student parking areas.

3910 2. Provide lighting for walkways, roadways, driveways,
3911 paved parking lots, exterior stairs, ramps, and walkways from
3912 the exterior of the building to a public walkway through
3913 installation of a timer that is set to provide lighting only
3914 during periods when the site is occupied.

3915 3. Allow lighting for building entrances and exits to be
3916 installed with a timer that is set to provide lighting only
3917 during periods in which the building is occupied. The minimum
3918 illumination level at single-door exits may be reduced to no
3919 less than 1 foot-candle.

3920 Section 36. Notwithstanding s. 1002.69(5), Florida
3921 Statutes, for the 2014-2015 and 2015-2016 Voluntary
3922 Prekindergarten Education Program years, the office shall not
3923 adopt a kindergarten readiness rate. Any private prekindergarten
3924 provider or public school that was on probation pursuant to s.
3925 1002.67(4)(c), Florida Statutes, for the 2013-2014 program year
3926 shall remain on probation until the provider or school meets the



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3927 minimum rate adopted by the office. This section expires July 1,
3928 2017.

3929 Section 37. Effective upon this act becoming a law,
3930 subsection (8) of section 1012.33, Florida Statutes, is amended
3931 to read:

3932 1012.33 Contracts with instructional staff, supervisors,
3933 and school principals.—

3934 (8) Notwithstanding any other provision of law, a retired
3935 member may interrupt retirement and be reemployed in any public
3936 school as instructional personnel under a 1-year probationary
3937 contract as defined in s. 1012.335(1). If the retiree
3938 successfully completes the probationary contract, the district
3939 school board may reemploy the retiree under an annual contract
3940 as defined in s. 1012.335(1). The retiree is not eligible for a
3941 professional service contract ~~A member reemployed by the same~~
3942 ~~district from which he or she retired may be employed on a~~
3943 ~~probationary contractual basis as provided in subsection (1).~~

3944 Section 38. Section 413.207, Florida Statutes, is amended
3945 to read:

3946 413.207 Division of Vocational Rehabilitation; quality
3947 assurance; performance improvement plan.—

3948 (1) The Division of Vocational Rehabilitation shall
3949 maintain an internal system of quality assurance, have proven
3950 functional systems, perform due diligence, review provider
3951 systems of quality assurance, and be subject to monitoring for
3952 compliance with state and federal laws, rules, and regulations.



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3953 (2) No later than October 1, 2016, the division shall
3954 develop and implement a performance improvement plan designed to
3955 achieve the following goals:

3956 (a) Decrease the average wait list time for reportable
3957 individuals.

3958 (b) Increase the percentage of participants who are in
3959 unsubsidized employment during the second quarter after they
3960 exit the program.

3961 (c) Increase the percentage of participants who are in
3962 unsubsidized employment during the fourth quarter after they
3963 exit the program.

3964 (d) Increase the number of persons earning CAPE industry
3965 certifications and CAPE postsecondary industry certifications
3966 approved pursuant to s. 1008.44.

3967 (e) Increase the median earnings of participants who are
3968 in unsubsidized employment during the second quarter after they
3969 exit the program.

3970 (f) Increase the percentage of participants who obtained a
3971 recognized postsecondary credential or a secondary school
3972 diploma or its recognized equivalent during participation in, or
3973 within 1 year after they exit, the program.

3974 (g) Increase the percentage of youth who received
3975 preemployment transition services without applying for
3976 additional vocational rehabilitation services and who obtained a
3977 recognized postsecondary credential or a secondary school
3978 diploma or its recognized equivalent during participation in, or



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3979 within 1 year after they exit, the program.

3980 (h) Increase the percentage of participants who, during a
3981 program year, are in an education or training program that leads
3982 to a recognized postsecondary credential or to employment and
3983 who are achieving a measurable gain of skill, including
3984 documented academic, technical, occupational gains or other
3985 forms of progress toward a postsecondary credential or
3986 employment.

3987 (i) Increase the number of students receiving
3988 preemployment transition services.

3989 (j) Increase the division's effectiveness in serving
3990 employers, based on indicators developed as required by section
3991 116(b)(2)(A)(iv) of the federal Workforce Innovation and
3992 Opportunity Act.

3993 (3) The goals established under subsection (2) must be
3994 designed to elevate the state vocational rehabilitation program
3995 to one of the top 10 in the nation.

3996 (4) By December 1 of each year, the division shall submit
3997 a performance report to the Governor, the President of the
3998 Senate, and the Speaker of the House of Representatives which
3999 includes the following information for each of the 5 most recent
4000 fiscal years:

4001 (a) Caseload data, including the number of individuals who
4002 apply for services and who receive services, by service type,
4003 reported statewide and by service area.

4004 (b) Service use data, by service type, including the



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4005 number of units of service provided, statewide and by service
4006 area.

4007 (c) Financial data, by service type, including
4008 expenditures for administration and the provision of services.
4009 Expenditure data shall be reported on a statewide basis and by
4010 service area, and expenditures for education-related services
4011 must be identified in specific categories such as tuition and
4012 fees, program fees, and support services.

4013 (d) Outcome data, statewide and by service area, including
4014 the number of cases closed without employment and the number of
4015 cases closed with employment. Employment data must be provided
4016 separately for supported employment.

4017 Section 39. Subsection (1) of section 1003.44, Florida
4018 Statutes, is amended to read:

4019 1003.44 Patriotic programs; rules.—

4020 (1) Each district school board may adopt rules to require,
4021 in all of the schools of the district, programs of a patriotic
4022 nature to encourage greater respect for the government of the
4023 United States and its national anthem and flag, subject always
4024 to other existing pertinent laws of the United States or of the
4025 state. When the national anthem is played, students and all
4026 civilians shall stand at attention, men removing the headdress,
4027 except when such headdress is worn for religious purposes. The
4028 pledge of allegiance to the flag, "I pledge allegiance to the
4029 flag of the United States of America and to the republic for
4030 which it stands, one nation under God, indivisible, with liberty



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4031 and justice for all," shall be rendered by students standing
4032 with the right hand over the heart. The pledge of allegiance to
4033 the flag shall be recited at the beginning of the day in each
4034 public elementary, middle, and high school in the state. Each
4035 student shall be informed by a written notice published in the
4036 student handbook or a similar publication pursuant to s.
4037 1006.07(2) ~~posting a notice in a conspicuous place~~ that the
4038 student has the right not to participate in reciting the pledge.
4039 Upon written request by his or her parent, the student must be
4040 excused from reciting the pledge, including standing and placing
4041 the right hand over his or her heart. When the pledge is given,
4042 unexcused students ~~civilians~~ must show full respect to the flag
4043 by standing at attention, men removing the headdress, except
4044 when such headdress is worn for religious purposes, as provided
4045 by Pub. L. ch. 77-435, s. 7, approved June 22, 1942, 56 Stat.
4046 377, as amended by Pub. L. ch. 77-806, 56 Stat. 1074, approved
4047 December 22, 1942.

4048 Section 40. Section 1003.432, Florida Statutes, is created
4049 to read:

4050 1003.432 Florida Seal of Biliteracy Program for high
4051 school graduates.—

4052 (1) As used in this section, the term:

4053 (a) "Biliteracy" means attainment of a high level of
4054 competency in listening, speaking, reading, and writing in one
4055 or more foreign languages in addition to English, which is
4056 signified on a high school graduate's diploma and transcript as



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4057 either a Gold Seal of Biliteracy or a Silver Seal of Biliteracy.

4058 (b) "Foreign language" means a language other than English
4059 and includes American Sign Language, classical languages, and
4060 indigenous languages.

4061 (c) "Gold" means the highest level of competency certified
4062 by the Florida Seal of Biliteracy Program.

4063 (d) "Silver" means the second-highest level of competency
4064 certified by the Florida Seal of Biliteracy Program.

4065 (2) The Florida Seal of Biliteracy Program is established
4066 to recognize a high school graduate who has attained a high
4067 level of competency in listening, speaking, reading, and writing
4068 in one or more foreign languages in addition to English. The
4069 Commissioner of Education shall award the Seal of Biliteracy
4070 upon graduation to a high school student who meets the
4071 qualifications in this section. The seal must differentiate
4072 between two levels of competency, designated as Gold and Silver,
4073 which must be at least as rigorous as is recommended in the
4074 biliteracy seal guidelines established by national organizations
4075 supporting foreign languages instruction.

4076 (3) The purpose of the Florida Seal of Biliteracy Program
4077 is to:

4078 (a) Encourage students to study foreign languages.

4079 (b) Certify attainment of biliteracy.

4080 (c) Provide employers with a method of identifying an
4081 individual with biliteracy skills who is seeking employment.

4082 (d) Provide a postsecondary institution with a method of



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4083 recognizing an applicant with biliteracy skills who is seeking
4084 admission to the postsecondary institution.

4085 (e) Recognize and promote foreign language instruction in
4086 public schools.

4087 (f) Affirm the value of diversity, honor multiple cultures
4088 and foreign languages, and strengthen the relationships between
4089 multiple cultures in a community.

4090 (4) Beginning with the 2016-2017 school year, the Gold
4091 Seal of Biliteracy or the Silver Seal of Biliteracy must be
4092 awarded to a high school student who has earned a standard high
4093 school diploma and who:

4094 (a) Has earned four foreign language course credits in the
4095 same foreign language with a cumulative 3.0 grade point average
4096 or higher on a 4.0 scale;

4097 (b) Has achieved a qualifying score on a foreign language
4098 assessment; or

4099 (c) Has satisfied alternative requirements as determined
4100 by the State Board of Education pursuant to subsection (8).

4101 (5) The Commissioner of Education shall:

4102 (a) Prepare and provide to each school district an
4103 appropriate insignia to be affixed to the student's diploma
4104 indicating that the student has been awarded the Gold Seal of
4105 Biliteracy or the Silver Seal of Biliteracy.

4106 (b) Provide information necessary for a school district to
4107 successfully implement the program.

4108 (6) Each school district shall:



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4109 (a) Maintain appropriate records to identify a student who
4110 has met the requirements to receive the Gold Seal of Biliteracy
4111 or the Silver Seal of Biliteracy.

4112 (b) Provide the Commissioner of Education with the number
4113 of students who have met the requirements to receive the Gold
4114 Seal of Biliteracy or the Silver Seal of Biliteracy.

4115 (c) Affix the appropriate insignia to the student's
4116 diploma and indicate on the student's transcript that the
4117 student has earned the Gold Seal of Biliteracy or the Silver
4118 Seal of Biliteracy.

4119 (7) A school district or the Department of Education may
4120 not charge a fee for the Gold Seal of Biliteracy or the Silver
4121 Seal of Biliteracy.

4122 (8) The State Board of Education shall adopt rules to
4123 implement this section. Such rules, at a minimum, must include:

4124 (a) A process to confirm a student's successful completion
4125 of the requirements in subsection (4).

4126 (b) The assessments and corresponding passing scores
4127 required to earn the Gold Seal of Biliteracy or the Silver Seal
4128 of Biliteracy, which may not be lower than the passing scores on
4129 at least one of the following:

4130 1. An International Baccalaureate examination in the
4131 foreign language;

4132 2. An Advanced Placement examination in the foreign
4133 language;

4134 3. An SAT Subject Test examination in the foreign



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4135 | language; or

4136 | 4. An Advanced International Certificate of Education
4137 | examination in the foreign language.

4138 | (c) Alternative requirements a student may satisfy to
4139 | demonstrate equivalent competency in a foreign language,
4140 | including requirements a student whose native language is not
4141 | English may satisfy to demonstrate competency in his or her
4142 | native language to earn the Gold Seal of Biliteracy or the
4143 | Silver Seal of Biliteracy.

4144 | (d) A process to award foreign language course credits to
4145 | a student who was not enrolled in a foreign language course or
4146 | who did not complete the course but has demonstrated competency
4147 | in a foreign language as provided in this subsection.

4148 | Section 41. Except as otherwise expressly provided in this
4149 | act and except for this section, which shall take effect upon
4150 | this act becoming law, this act shall take effect July 1, 2016.