

1 A bill to be entitled
2 An act relating to education; amending s. 11.45, F.S.;
3 revising the duties of the Auditor General; amending
4 s. 112.313, F.S.; prohibiting former appointed
5 district school superintendents from conducting
6 certain lobbying activities; amending s. 112.31455,
7 F.S.; requiring the governing body of a district
8 school board to be notified if an officer or employee
9 of the body owes a certain fine; requiring the
10 governing body of a district school board to take
11 specified actions under such circumstances; creating
12 s. 212.1832, F.S.; authorizing certain persons to
13 receive a tax credit for certain contributions to
14 eligible nonprofit scholarship-funding organizations
15 for the Hope Scholarship Program; providing
16 requirements for motor vehicle dealers; requiring the
17 Department of Revenue to disregard certain tax credits
18 for specified purposes; providing that specified
19 provisions apply to certain provisions; amending s.
20 213.053, F.S.; requiring the Department of Revenue to
21 share specified information with eligible nonprofit
22 scholarship-funding organizations; providing that
23 certain requirements apply to such organizations;
24 creating s. 250.483, F.S.; providing requirements
25 relating to licensure or qualification of persons

26 | ordered into active duty; amending s. 446.041, F.S.;

27 | providing duties of the Department of Education;

28 | amending s. 446.081, F.S.; providing construction;

29 | creating s. 683.147, F.S.; designating March 25 of

30 | each year as "Medal of Honor Day"; amending s.

31 | 1001.10, F.S.; authorizing the Commissioner of

32 | Education to coordinate resources during an emergency;

33 | amending s. 1001.20, F.S.; requiring the Office of

34 | Inspector General to investigate certain allegations

35 | and reports made by specified individuals; amending s.

36 | 1001.39, F.S.; requiring a district school board

37 | member's travel outside of the school district to be

38 | preapproved and meet certain criteria; providing

39 | requirements for such member's request for travel

40 | outside of the state; providing an opportunity for the

41 | public to speak on such travel; amending s. 1001.395,

42 | F.S.; providing that certain requirements for the

43 | salaries of district school board members apply every,

44 | rather than one specific, fiscal year; amending s.

45 | 1001.42, F.S.; providing that the standards of ethical

46 | conduct apply to administrative personnel and school

47 | officers; authorizing district school board members to

48 | request and receive specified budget information;

49 | requiring employment of internal auditors in certain

50 | school districts; revising provisions relating to the

51 duties of such internal auditors; amending s. 1001.51,
52 F.S.; revising the duties and responsibilities of
53 school district superintendents relating to the
54 organization and operation of schools; amending s.
55 1002.33, F.S.; revising the criteria for denying high-
56 performing charter school system applications;
57 revising the requirements for the term of a charter;
58 revising provisions for the modification of and the
59 nonrenewal or termination of a charter; revising the
60 process for resolving contractual disputes; amending
61 s. 1002.331, F.S.; revising the criteria for
62 designation as a high-performing charter school;
63 revising the calculation used to determine facility
64 capacity for such charter schools; revising the number
65 of schools that can be established by a high-
66 performing charter school; amending s. 1002.333, F.S.;
67 providing for certain funds for the Schools of Hope
68 Program to be carried forward for a specified number
69 of years; amending s. 1002.37, F.S.; providing that
70 certain students shall be given priority; requiring
71 school districts to provide Florida Virtual School
72 students access to certain examinations and
73 assessments and certain information; amending s.
74 1002.385, F.S.; revising eligible expenditures for the
75 Gardiner Scholarship Program; conforming provisions to

76 | changes made by the act; amending s. 1002.39, F.S.;

77 | conforming provisions to changes made by the act;

78 | amending s. 1002.395, F.S.; revising the requirements

79 | for an annual report of certain student data for the

80 | Florida Tax Credit Scholarship Program; conforming

81 | provisions to changes made by the act; creating s.

82 | 1002.40, F.S.; establishing the Hope Scholarship

83 | Program; providing the purpose of the program;

84 | providing definitions; providing eligibility

85 | requirements; prohibiting the payment of a scholarship

86 | under certain circumstances; requiring a school

87 | principal to investigate a report of physical violence

88 | or emotional abuse; requiring a school district to

89 | notify an eligible student's parent of the program;

90 | requiring a school district to provide certain

91 | information relating to the statewide assessment

92 | program; providing requirements and obligations for

93 | eligible private schools; providing department

94 | obligations relating to participating students and

95 | private schools and program requirements; providing

96 | parent and student responsibilities for initial and

97 | continued participation in the program; providing

98 | eligible nonprofit scholarship-funding organization

99 | obligations; providing for the calculation of the

100 | scholarship amount; providing the scholarship amount

101 for students transferred to certain public schools;
102 requiring verification of specified information before
103 a scholarship may be disbursed; providing requirements
104 for the scholarship payments; providing funds for
105 administrative expenses for certain nonprofit
106 scholarship-funding organizations; providing
107 requirements for administrative expenses; prohibiting
108 an eligible nonprofit scholarship-funding organization
109 from charging an application fee; providing Auditor
110 General obligations; providing requirements for
111 taxpayer elections to contribute to the program;
112 requiring the Department of Revenue to adopt forms to
113 administer the program; providing reporting
114 requirements for eligible nonprofit scholarship-
115 funding organizations relating to taxpayer
116 contributions; providing requirements for certain
117 agents of the Department of Revenue and motor vehicle
118 dealers; providing penalties; providing for the
119 restitution of specified funds under certain
120 circumstances; providing that the state is not liable
121 for the award or use of program funds; prohibiting
122 additional regulations for private schools
123 participating in the program beyond those necessary to
124 enforce program requirements; requiring the State
125 Board of Education and the Department of Revenue to

126 | adopt rules to administer the program; creating s.
127 | 1002.411, F.S.; establishing reading scholarship
128 | accounts for specified purposes; providing for
129 | eligibility for scholarships; providing for
130 | administration; providing duties of the Department of
131 | Education; providing school district obligations;
132 | specifying options for parents; providing that maximum
133 | funding shall be specified in the General
134 | Appropriations Act; providing for payment of funds;
135 | specifying that no state liability arises from the
136 | award or use of such an account; amending s. 1002.421,
137 | F.S.; providing private school requirements for
138 | participation in educational scholarship programs;
139 | providing background screening requirements and
140 | procedures for owners of private schools; providing
141 | that a private school is ineligible to participate in
142 | an educational scholarship program under certain
143 | circumstances; providing department obligations
144 | relating to educational scholarship programs;
145 | providing commissioner authority and responsibilities
146 | for educational scholarship programs; authorizing the
147 | commissioner to deny, suspend, or revoke a private
148 | school's participation in an educational scholarship
149 | program; amending s. 1003.42, F.S.; revising the
150 | requirements for certain required instruction;

151 providing for a character development program that
152 incorporates the values of the recipients of the
153 Congressional Medal of Honor; amending s. 1003.576,
154 F.S.; requiring a specified IEP system to be used
155 statewide; deleting an obsolete date; amending s.
156 1006.07, F.S.; revising district school board duties
157 to include security risk assessments; requiring
158 certain self-assessments to be in a specified format;
159 amending s. 1007.271, F.S.; deleting a requirement for
160 a home education student to provide his or her own
161 instructional materials; revising the requirements for
162 home education and private school articulation
163 agreements; amending s. 1008.22, F.S.; requiring
164 certain portions of the English Language Arts
165 assessments to include social studies content;
166 revising the format requirements for certain statewide
167 assessments; requiring published assessment items to
168 be in a format that meets certain criteria; amending
169 s. 1010.20, F.S.; requiring each school district to
170 report certain expenditures to the Department of
171 Education; providing department responsibilities;
172 amending s. 1010.30, F.S.; requiring certain entities
173 to provide an audit overview under certain
174 circumstances; providing for the contents of the
175 overview; amending ss. 1011.01 and 1011.03, F.S.;

176 conforming provisions to changes made by the act;
177 amending s. 1011.035, F.S.; requiring each district
178 school board to post on its website certain graphical
179 representations and a link to a certain web-based
180 tool; providing requirements for such graphical
181 representations; amending s. 1011.051, F.S.; requiring
182 a district school board to limit certain expenditures
183 by a specified amount if certain financial conditions
184 exist for a specified period of time; requiring the
185 department to contract with a third party to conduct
186 an investigation under certain circumstances;
187 providing requirements for such investigation;
188 requiring the results of such investigation to include
189 certain information and be provided to certain
190 entities; amending s. 1011.06, F.S.; requiring each
191 district school board to approve certain expenditures
192 by complying with specified provisions and amending
193 its budget; requiring such board to provide a public
194 explanation for such budget amendments; amending s.
195 1011.09, F.S.; providing certain expenditure
196 limitations for a school district that meets specified
197 criteria; amending s. 1011.10, F.S.; requiring certain
198 school districts to withhold district school board
199 member and school district superintendent salaries
200 until certain conditions are corrected; amending s.

201 1011.60, F.S.; conforming cross-references; amending
202 s. 1011.62, F.S.; renaming the "supplemental academic
203 instruction categorical fund" as the "supplemental
204 academic instruction allocation"; requiring certain
205 school districts to use the allocation for specified
206 purposes; deleting an obsolete date; deleting a
207 provision authorizing the Florida State University
208 School to expend specified funds for certain purposes;
209 prohibiting the award of certain bonuses to teachers
210 who fail to maintain the security of certain
211 examinations or violate certain protocols; authorizing
212 the state board to adopt rules for specified purposes;
213 conforming provisions to changes made by the act;
214 revising the research-based reading instruction
215 allocation; revising the criteria for establishing the
216 300 lowest-performing elementary schools; providing
217 requirements for staffing summer reading camps funded
218 through the allocation; requiring school districts
219 that meet specified criteria, rather than all school
220 districts, to submit a comprehensive reading plan for
221 specified purposes; deleting provisions for the
222 release or withholding of funds based on a school
223 district's comprehensive reading plan; revising a
224 definition; amending s. 1011.6202, F.S.; renaming the
225 "Principal Autonomy Pilot Program" as the "Principal

226 | Autonomy Program"; providing that any school district
227 | may apply to participate in the program; providing
228 | that a school shall retain its exemption from
229 | specified laws under specified circumstances;
230 | requiring a designated leadership team at a
231 | participating school to complete a certain turnaround
232 | program; deleting a provision providing a specified
233 | amount of funds to a participating school district
234 | that completes the turnaround program; authorizing
235 | certain principals to manage additional schools under
236 | the control of an independent governing board;
237 | providing requirements for such schools; providing for
238 | such schools to participate in the program; providing
239 | requirements for such participation; specifying that
240 | no school district liability arises from the
241 | management of such schools; deleting a school's
242 | authority to renew participation in the program;
243 | deleting reporting requirements; providing for
244 | funding; revising the principal eligibility criteria
245 | for a salary supplement through the program; repealing
246 | s. 1011.64, F.S., relating to school district minimum
247 | classroom expenditure requirements; amending s.
248 | 1011.69, F.S.; authorizing certain high schools to
249 | receive Title I funds; providing that a school
250 | district may withhold Title I funds for specified

251 purposes; authorizing certain schools to use Title I
252 funds for specified purposes; amending s. 1011.71,
253 F.S.; prohibiting a school district from withholding
254 charter school administrative fees under certain
255 circumstances; amending s. 1012.23, F.S.; prohibiting
256 a school district superintendent and district school
257 board from appointing or employing certain individuals
258 in certain positions; providing an exception;
259 requiring the Commission on Ethics to investigate
260 alleged violations; amending s. 1012.2315, F.S.;
261 requiring certain employee organizations to include
262 specified information in a specified application and
263 to petition for recertification for specified
264 purposes; amending s. 1012.28, F.S.; conforming
265 provisions to changes made by the act; amending s.
266 1012.32, F.S.; requiring a district school board to
267 reimburse certain costs if it fails to notify a
268 charter school of the eligibility status of certain
269 persons; amending s. 1012.55, F.S.; requiring the
270 state board to issue a temporary certificate in
271 educational leadership to certain persons; providing
272 that certain instructors may receive the funds through
273 a specified program; amending s. 1012.56, F.S.;
274 requiring the state board to adopt certain rules
275 relating to temporary educator certificates; amending

276 s. 1012.562, F.S.; authorizing charter schools and
277 charter management organizations to offer school
278 leader preparation programs; amending s. 1012.59,
279 F.S.; requiring the state board to waive certain fees
280 for specified persons; amending s. 1012.98, F.S.;
281 requiring professional development resources to
282 include sample course-at-a-glance and unit overview
283 templates; providing requirements for such templates;
284 amending s. 1013.28, F.S.; requiring school districts
285 to provide charter schools access to certain property
286 on the same basis as public schools; prohibiting
287 certain actions by a charter school without the
288 written permission of the school district; amending s.
289 1013.385, F.S.; providing additional exceptions to
290 certain building code regulations for school
291 districts; amending s. 1013.62, F.S.; revising
292 requirements for charter school capital outlay
293 funding; conforming provisions to changes made by the
294 act; providing appropriations; authorizing the
295 Department of Revenue to adopt emergency rules for
296 specified purposes; providing an effective date.

297
298 Be It Enacted by the Legislature of the State of Florida:

299
300 Section 1. Paragraph (k) of subsection (2) of section

301 11.45, Florida Statutes, is redesignated as paragraph (l), and a
 302 new paragraph (k) is added to that subsection to read:

303 11.45 Definitions; duties; authorities; reports; rules.—

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

305 (k) Contact each district school board, as defined in s.
 306 1003.01(1), with the findings and recommendations contained
 307 within the Auditor General's previous operational audit report.
 308 The district school board shall provide the Auditor General with
 309 evidence of the initiation of corrective action within 45 days
 310 after the date it is requested by the Auditor General and
 311 evidence of completion of corrective action within 180 days
 312 after the date it is requested by the Auditor General. If the
 313 district school board fails to comply with the Auditor General's
 314 request or is unable to take corrective action within the
 315 required timeframe, the Auditor General shall notify the
 316 Legislative Auditing Committee.

317
 318 The Auditor General shall perform his or her duties
 319 independently but under the general policies established by the
 320 Legislative Auditing Committee. This subsection does not limit
 321 the Auditor General's discretionary authority to conduct other
 322 audits or engagements of governmental entities as authorized in
 323 subsection (3).

324 Section 2. Subsection (14) of section 112.313, Florida
 325 Statutes, is amended to read:

326 112.313 Standards of conduct for public officers,
 327 employees of agencies, and local government attorneys.—

328 (14) LOBBYING BY FORMER LOCAL OFFICERS; PROHIBITION.—A
 329 person who has been elected to any county, municipal, special
 330 district, or school district office or an appointed
 331 superintendent of a school district may not personally represent
 332 another person or entity for compensation before the government
 333 body or agency of which the person was an officer for a period
 334 of 2 years after vacating that office. For purposes of this
 335 subsection:

336 (a) The "government body or agency" of a member of a board
 337 of county commissioners consists of the commission, the chief
 338 administrative officer or employee of the county, and their
 339 immediate support staff.

340 (b) The "government body or agency" of any other county
 341 elected officer is the office or department headed by that
 342 officer, including all subordinate employees.

343 (c) The "government body or agency" of an elected
 344 municipal officer consists of the governing body of the
 345 municipality, the chief administrative officer or employee of
 346 the municipality, and their immediate support staff.

347 (d) The "government body or agency" of an elected special
 348 district officer is the special district.

349 (e) The "government body or agency" of an elected school
 350 district officer is the school district.

351 Section 3. Subsection (1) of section 112.31455, Florida
352 Statutes, is amended to read:

353 112.31455 Collection methods for unpaid automatic fines
354 for failure to timely file disclosure of financial interests.—

355 (1) Before referring any unpaid fine accrued pursuant to
356 s. 112.3144(5) or s. 112.3145(7) to the Department of Financial
357 Services, the commission shall attempt to determine whether the
358 individual owing such a fine is a current public officer or
359 current public employee. If so, the commission may notify the
360 Chief Financial Officer or the governing body of the appropriate
361 county, municipality, district school board, or special district
362 of the total amount of any fine owed to the commission by such
363 individual.

364 (a) After receipt and verification of the notice from the
365 commission, the Chief Financial Officer or the governing body of
366 the county, municipality, district school board, or special
367 district shall begin withholding the lesser of 10 percent or the
368 maximum amount allowed under federal law from any salary-related
369 payment. The withheld payments shall be remitted to the
370 commission until the fine is satisfied.

371 (b) The Chief Financial Officer or the governing body of
372 the county, municipality, district school board, or special
373 district may retain an amount of each withheld payment, as
374 provided in s. 77.0305, to cover the administrative costs
375 incurred under this section.

376 Section 4. Section 212.1832, Florida Statutes, is created
377 to read:

378 212.1832 Credit for contributions to the Hope Scholarship
379 Program.—

380 (1) Upon adoption of rules, the purchaser of a motor
381 vehicle shall be granted a credit of 100 percent of an eligible
382 contribution made to an eligible nonprofit scholarship-funding
383 organization under s. 1002.40 against any tax imposed by the
384 state and collected from the purchaser by a dealer, designated
385 agent, or private tag agent as a result of the purchase or
386 acquisition of a motor vehicle. For purposes of this subsection,
387 the term "purchase" does not include the lease or rental of a
388 motor vehicle.

389 (2) A dealer shall take a credit against any tax imposed
390 by the state under this chapter on the purchase of a motor
391 vehicle in an amount equal to the credit granted to the
392 purchaser under subsection (1).

393 (3) For purposes of the distributions of tax revenue under
394 s. 212.20, the department shall disregard any tax credits
395 allowed under this section to ensure that any reduction in tax
396 revenue received that is attributable to the tax credits results
397 only in a reduction in distributions to the General Revenue
398 Fund. The provisions of s. 1002.40 apply to the credit
399 authorized by this section.

400 Section 5. Subsection (21) is added to section 213.053,

401 Florida Statutes, to read:

402 213.053 Confidentiality and information sharing.—

403 (21) (a) The department may provide to an eligible
 404 nonprofit scholarship-funding organization, as defined in s.
 405 1002.40, a dealer's name, address, federal employer
 406 identification number, and information related to differences
 407 between credits taken by the dealer pursuant to s. 212.1832(2)
 408 and amounts remitted to the eligible nonprofit scholarship-
 409 funding organization under s. 1002.40(13)(b)3. The eligible
 410 nonprofit scholarship-funding organization may use the
 411 information for purposes of recovering eligible contributions
 412 designated for that organization that were collected by the
 413 dealer but never remitted to the organization.

414 (b) Nothing in this subsection authorizes the disclosure
 415 of information if such disclosure is prohibited by federal law.
 416 An eligible nonprofit scholarship-funding organization is bound
 417 by the same requirements of confidentiality and the same
 418 penalties for a violation of the requirements as the department.

419 Section 6. Section 250.483, Florida Statutes, is created
 420 to read:

421 250.483 Active duty; licensure or qualification.—

422 (1) If a member of the Florida National Guard or the
 423 United States Armed Forces Reserves seeking licensure or
 424 qualification for a trade, occupation, or profession is ordered
 425 into state active duty or into active duty as defined in this

426 chapter, and his or her period of training, study,
427 apprenticeship, or practical experience is interrupted or the
428 start thereof is delayed, he or she is entitled to licensure or
429 qualification under the laws covering his or her licensure or
430 qualification at the time of entrance into active duty pursuant
431 to subsection (2).

432 (2) A board of examiners or other qualification board
433 regulated under general law shall accept periods of training and
434 practical experience in the Florida National Guard or the United
435 States Armed Forces Reserves in place of the interrupted or
436 delayed periods of training, study, apprenticeship, or practical
437 experience if the board finds the standard and type of work or
438 training performed in the Florida National Guard or the United
439 States Armed Forces Reserves to be substantially the same as the
440 standard and type required under the laws of this state.

441 (3) A member of the Florida National Guard or the United
442 States Armed Forces Reserves must request licensure or
443 qualification pursuant to this section by the respective board
444 of examiners or other qualification board within 6 months after
445 release from active duty with the Florida National Guard or the
446 United States Armed Forces Reserves.

447 Section 7. Subsections (7) through (12) of section
448 446.041, Florida Statutes, are renumbered as subsections (8)
449 through (13), respectively, and a new subsection (7) is added to
450 that section to read:

451 446.041 Apprenticeship program, duties of the department.—
 452 The department shall:

453 (7) Lead and coordinate outreach efforts to educate
 454 veterans about apprenticeship and career opportunities.

455 Section 8. Subsection (4) is added to section 446.081,
 456 Florida Statutes, to read:

457 446.081 Limitation.—

458 (4) Nothing in ss. 446.011-446.092 or in any rules adopted
 459 or contained in any approved apprentice agreement under such
 460 sections invalidates any special provision for veterans,
 461 minority persons, or women in the standards, qualifications, or
 462 operation of the apprenticeship program which is not otherwise
 463 prohibited by any applicable general law, rule, or regulation.

464 Section 9. Section 683.147, Florida Statutes, is created
 465 to read:

466 683.147 Medal of Honor Day.—

467 (1) March 25 of each year is designated as "Medal of Honor
 468 Day."

469 (2) The Governor may annually issue a proclamation
 470 designating March 25 as Medal of Honor Day and calling upon
 471 public officials, schools, private organizations, and all
 472 residents of the state to commemorate Medal of Honor Day and
 473 honor recipients of the Congressional Medal of Honor who
 474 distinguished themselves through their conspicuous bravery and
 475 gallantry during wartime, and at considerable risk to their own

476 lives, while serving as members of the United States Armed
477 Forces.

478 Section 10. Subsection (8) is added to section 1001.10,
479 Florida Statutes, to read:

480 1001.10 Commissioner of Education; general powers and
481 duties.—

482 (8) In the event of an emergency, the commissioner may
483 coordinate through the most appropriate means of communication
484 with local school districts, Florida College System
485 institutions, and satellite offices of the Division of Blind
486 Services and the Division of Vocational Rehabilitation to assess
487 the need for resources and assistance to enable each school,
488 institution, or satellite office to reopen as soon as possible
489 after considering the health, safety, and welfare of students
490 and clients.

491 Section 11. Paragraph (e) of subsection (4) of section
492 1001.20, Florida Statutes, is amended to read:

493 1001.20 Department under direction of state board.—

494 (4) The Department of Education shall establish the
495 following offices within the Office of the Commissioner of
496 Education which shall coordinate their activities with all other
497 divisions and offices:

498 (e) Office of Inspector General.—Organized using existing
499 resources and funds and responsible for promoting
500 accountability, efficiency, and effectiveness and detecting

501 fraud and abuse within school districts, the Florida School for
502 the Deaf and the Blind, and Florida College System institutions
503 in Florida. If the Commissioner of Education determines that a
504 district school board, the Board of Trustees for the Florida
505 School for the Deaf and the Blind, or a Florida College System
506 institution board of trustees is unwilling or unable to address
507 substantiated allegations made by any person relating to waste,
508 fraud, or financial mismanagement within the school district,
509 the Florida School for the Deaf and the Blind, or the Florida
510 College System institution, the office shall conduct,
511 coordinate, or request investigations into such substantiated
512 allegations. The office shall investigate allegations or reports
513 of possible fraud or abuse against a district school board made
514 by any member of the Cabinet; the presiding officer of either
515 house of the Legislature; a chair of a substantive or
516 appropriations committee with jurisdiction; or a member of the
517 board for which an investigation is sought. The office shall
518 have access to all information and personnel necessary to
519 perform its duties and shall have all of its current powers,
520 duties, and responsibilities authorized in s. 20.055.

521 Section 12. Subsection (1) of section 1001.39, Florida
522 Statutes, is amended to read:

523 1001.39 District school board members; travel expenses.—

524 (1) In addition to the salary provided in s. 1001.395,
525 each member of a district school board shall be allowed, from

526 | the district school fund, reimbursement of travel expenses as
 527 | authorized in s. 112.061, ~~except as provided that in subsection~~
 528 | ~~(2)~~. any travel outside the district requires prior approval by
 529 | the district school board to confirm that such travel is for
 530 | official business of the school district and complies with ~~shall~~
 531 | ~~also be governed by the rules of the State Board of Education.~~
 532 | Any request for travel outside the state must include an
 533 | itemized list detailing all anticipated travel expenses,
 534 | including, but not limited to, the anticipated costs of all
 535 | means of travel, lodging, and subsistence. Immediately preceding
 536 | a request, the public must have an opportunity to speak on the
 537 | specific travel agenda item.

538 | Section 13. Subsection (3) of section 1001.395, Florida
 539 | Statutes, is amended to read:

540 | 1001.395 District school board members; compensation.—

541 | (3) Notwithstanding the provisions of this section and s.
 542 | 145.19, ~~for the 2010-2011 fiscal year,~~ the salary of each
 543 | district school board member shall be the amount calculated
 544 | pursuant to subsection (1) or the district's beginning salary
 545 | for teachers who hold baccalaureate degrees, whichever is less.

546 | Section 14. Subsections (6) and (7), paragraphs (b) and
 547 | (1) of subsection (12), and paragraph (b) of subsection (17) of
 548 | section 1001.42, Florida Statutes, are amended to read:

549 | 1001.42 Powers and duties of district school board.—The
 550 | district school board, acting as a board, shall exercise all

551 powers and perform all duties listed below:

552 (6) STANDARDS OF ETHICAL CONDUCT FOR INSTRUCTIONAL
553 PERSONNEL, ADMINISTRATIVE PERSONNEL, AND SCHOOL OFFICERS
554 ~~ADMINISTRATORS~~.—Adopt policies establishing standards of ethical
555 conduct for instructional personnel, administrative personnel,
556 and school officers ~~administrators~~. The policies must require
557 all instructional personnel, administrative personnel, and
558 school officers ~~administrators~~, as defined in s. 1012.01, to
559 complete training on the standards; establish the duty of
560 instructional personnel, administrative personnel, and school
561 officers ~~administrators~~ to report, and procedures for reporting,
562 alleged misconduct by other instructional or administrative
563 personnel and school officers ~~school administrators~~ which
564 affects the health, safety, or welfare of a student; and include
565 an explanation of the liability protections provided under ss.
566 39.203 and 768.095. A district school board, or any of its
567 employees, may not enter into a confidentiality agreement
568 regarding terminated or dismissed instructional or
569 administrative personnel or school officers ~~administrators~~, ~~or~~
570 ~~personnel or administrators~~ who resign in lieu of termination,
571 based in whole or in part on misconduct that affects the health,
572 safety, or welfare of a student, and may not provide
573 instructional personnel, administrative personnel, or school
574 officers ~~administrators~~ with employment references or discuss
575 the personnel's or officers' ~~administrators'~~ performance with

576 prospective employers in another educational setting, without
577 disclosing the personnel's or officers' ~~administrators'~~
578 misconduct. Any part of an agreement or contract that has the
579 purpose or effect of concealing misconduct by instructional
580 personnel, administrative personnel, or school officers
581 ~~administrators~~ which affects the health, safety, or welfare of a
582 student is void, is contrary to public policy, and may not be
583 enforced.

584 (7) DISQUALIFICATION FROM EMPLOYMENT.—Disqualify
585 instructional personnel and administrative personnel ~~school~~
586 ~~administrators~~, as defined in s. 1012.01, from employment in any
587 position that requires direct contact with students if the
588 personnel ~~or administrators~~ are ineligible for such employment
589 under s. 1012.315. An elected or appointed school board official
590 forfeits his or her salary for 1 year if:

591 (a) The school board official knowingly signs and
592 transmits to any state official a report of alleged misconduct
593 by instructional personnel or administrative personnel ~~school~~
594 ~~administrators~~ which affects the health, safety, or welfare of a
595 student and the school board official knows the report to be
596 false or incorrect; or

597 (b) The school board official knowingly fails to adopt
598 policies that require instructional personnel and administrative
599 personnel ~~school administrators~~ to report alleged misconduct by
600 other instructional personnel and administrative personnel

601 ~~school administrators~~, or that require the investigation of all
 602 reports of alleged misconduct by instructional personnel and
 603 administrative personnel ~~school administrators~~, if the
 604 misconduct affects the health, safety, or welfare of a student.

605 (12) FINANCE.—Take steps to assure students adequate
 606 educational facilities through the financial procedure
 607 authorized in chapters 1010 and 1011 and as prescribed below:

608 (b) Annual budget.—

609 1. Cause to be prepared, adopt, and have submitted to the
 610 Department of Education as required by law and rules of the
 611 State Board of Education, the annual school budget, such budget
 612 to be so prepared and executed as to promote the improvement of
 613 the district school system.

614 2. An individual school board member may request and shall
 615 receive any proposed, tentative, and official budget documents,
 616 including all supporting and background information.

617 (1) Internal auditor.—May or, in the case of a school
 618 district receiving annual federal, state, and local funds in
 619 excess of \$500 million, shall employ an internal auditor. The
 620 duties of the internal auditor shall include oversight of every
 621 functional and program area of the school system.

622 1. The internal auditor shall ~~to~~ perform ongoing financial
 623 verification of the financial records of the school district, a
 624 comprehensive risk assessment of all areas of the school system
 625 every 5 years, and other audits and reviews as the district

626 school board directs for determining:

627 a. The adequacy of internal controls designed to prevent

628 and detect fraud, waste, and abuse.

629 b. Compliance with applicable laws, rules, contracts,

630 grant agreements, district school board-approved policies, and

631 best practices.

632 c. The efficiency of operations.

633 d. The reliability of financial records and reports.

634 e. The safeguarding of assets.

635 f. Financial solvency.

636 g. Projected revenues and expenditures.

637 h. The rate of change in the general fund balance.

638 2. The internal auditor shall prepare audit reports of his

639 or her findings and report directly to the district school board

640 or its designee.

641 3. Any person responsible for furnishing or producing any

642 book, record, paper, document, data, or sufficient information

643 necessary to conduct a proper audit or examination which the

644 internal auditor is by law authorized to perform is subject to

645 s. 11.47(3) and (4).

646 (17) PUBLIC INFORMATION AND PARENTAL INVOLVEMENT PROGRAM.—

647 (b) Adopt rules to strengthen family involvement and

648 empowerment pursuant to s. 1002.23. The rules shall be developed

649 in collaboration with administrative personnel ~~school~~

650 ~~administrators~~, parents, teachers, and community partners.

651 Section 15. Subsection (6) of section 1001.51, Florida
652 Statutes, is amended to read:

653 1001.51 Duties and responsibilities of district school
654 superintendent.—The district school superintendent shall
655 exercise all powers and perform all duties listed below and
656 elsewhere in the law, provided that, in so doing, he or she
657 shall advise and counsel with the district school board. The
658 district school superintendent shall perform all tasks necessary
659 to make sound recommendations, nominations, proposals, and
660 reports required by law to be acted upon by the district school
661 board. All such recommendations, nominations, proposals, and
662 reports by the district school superintendent shall be either
663 recorded in the minutes or shall be made in writing, noted in
664 the minutes, and filed in the public records of the district
665 school board. It shall be presumed that, in the absence of the
666 record required in this section, the recommendations,
667 nominations, and proposals required of the district school
668 superintendent were not contrary to the action taken by the
669 district school board in such matters.

670 (6) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS,
671 CLASSES, AND SERVICES.—Recommend the establishment,
672 organization, and operation of such schools, classes, and
673 services as are needed to provide adequate educational
674 opportunities for all children in the district. Recommendations
675 may include the organization and operation of schools by an

676 independent governing board to create the optimal learning
677 environment to address the academic needs of students by giving
678 instructional personnel freedom from burdensome regulations. To
679 avoid any conflict of interest regarding the review, approval,
680 and oversight of the school, members of the governing board may
681 not be employees of the school district or any school operated
682 by the governing board. Any school in which all instructional
683 personnel are employees of an independent governing board shall
684 operate in accordance with:

685 (a) The contract between the independent governing board
686 and the district school board.

687 (b) The exemptions from law provided in s. 1011.6202(3)(a)
688 and (b).

689 (c) The provisions of s. 1011.6202(5)(b) and (c), relating
690 to tort liability and employer status.

691 Section 16. Paragraphs (d) through (g) of subsection (8)
692 of section 1002.33, Florida Statutes, are redesignated as
693 paragraphs (c) through (f), respectively, and paragraph (b) of
694 subsection (6), paragraphs (a), (d), and (e) of subsection (7),
695 present paragraphs (a), (b), and (c) of subsection (8),
696 paragraph (n) of subsection (9), and paragraph (b) of subsection
697 (20) of that section are amended to read:

698 1002.33 Charter schools.—

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

701 (b) A sponsor shall receive and review all applications
702 for a charter school using the evaluation instrument developed
703 by the Department of Education. A sponsor shall receive and
704 consider charter school applications received on or before
705 August 1 of each calendar year for charter schools to be opened
706 at the beginning of the school district's next school year, or
707 to be opened at a time agreed to by the applicant and the
708 sponsor. A sponsor may not refuse to receive a charter school
709 application submitted before August 1 and may receive an
710 application submitted later than August 1 if it chooses.
711 Beginning in 2018 and thereafter, a sponsor shall receive and
712 consider charter school applications received on or before
713 February 1 of each calendar year for charter schools to be
714 opened 18 months later at the beginning of the school district's
715 school year, or to be opened at a time agreed to by the
716 applicant and the sponsor. A sponsor may not refuse to receive a
717 charter school application submitted before February 1 and may
718 receive an application submitted later than February 1 if it
719 chooses. A sponsor may not charge an applicant for a charter any
720 fee for the processing or consideration of an application, and a
721 sponsor may not base its consideration or approval of a final
722 application upon the promise of future payment of any kind.
723 Before approving or denying any application, the sponsor shall
724 allow the applicant, upon receipt of written notification, at
725 least 7 calendar days to make technical or nonsubstantive

726 corrections and clarifications, including, but not limited to,
727 corrections of grammatical, typographical, and like errors or
728 missing signatures, if such errors are identified by the sponsor
729 as cause to deny the final application.

730 1. In order to facilitate an accurate budget projection
731 process, a sponsor shall be held harmless for FTE students who
732 are not included in the FTE projection due to approval of
733 charter school applications after the FTE projection deadline.
734 In a further effort to facilitate an accurate budget projection,
735 within 15 calendar days after receipt of a charter school
736 application, a sponsor shall report to the Department of
737 Education the name of the applicant entity, the proposed charter
738 school location, and its projected FTE.

739 2. In order to ensure fiscal responsibility, an
740 application for a charter school shall include a full accounting
741 of expected assets, a projection of expected sources and amounts
742 of income, including income derived from projected student
743 enrollments and from community support, and an expense
744 projection that includes full accounting of the costs of
745 operation, including start-up costs.

746 3.a. A sponsor shall by a majority vote approve or deny an
747 application no later than 90 calendar days after the application
748 is received, unless the sponsor and the applicant mutually agree
749 in writing to temporarily postpone the vote to a specific date,
750 at which time the sponsor shall by a majority vote approve or

751 deny the application. If the sponsor fails to act on the
752 application, an applicant may appeal to the State Board of
753 Education as provided in paragraph (c). If an application is
754 denied, the sponsor shall, within 10 calendar days after such
755 denial, articulate in writing the specific reasons, based upon
756 good cause, supporting its denial of the application and shall
757 provide the letter of denial and supporting documentation to the
758 applicant and to the Department of Education.

759 b. An application submitted by a high-performing charter
760 school identified pursuant to s. 1002.331 or a high-performing
761 charter school system identified pursuant to s. 1002.332 may be
762 denied by the sponsor only if the sponsor demonstrates by clear
763 and convincing evidence that:

764 (I) The application of a high-performing charter school
765 does not materially comply with the requirements in paragraph
766 (a) or, for a high-performing charter school system, the
767 application does not materially comply with s. 1002.332(2)(b);

768 (II) The charter school proposed in the application does
769 not materially comply with the requirements in paragraphs
770 (9) (a)-(f);

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

774 (IV) The applicant has made a material misrepresentation
775 or false statement or concealed an essential or material fact

776 during the application process; or

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

780

781 Material noncompliance is a failure to follow requirements or a
782 violation of prohibitions applicable to charter school
783 applications, which failure is quantitatively or qualitatively
784 significant either individually or when aggregated with other
785 noncompliance. An applicant is considered to be replicating a
786 high-performing charter school if the proposed school is
787 substantially similar to at least one of the applicant's high-
788 performing charter schools and the organization or individuals
789 involved in the establishment and operation of the proposed
790 school are significantly involved in the operation of replicated
791 schools.

792 c. If the sponsor denies an application submitted by a
793 high-performing charter school or a high-performing charter
794 school system, the sponsor must, within 10 calendar days after
795 such denial, state in writing the specific reasons, based upon
796 the criteria in sub-subparagraph b., supporting its denial of
797 the application and must provide the letter of denial and
798 supporting documentation to the applicant and to the Department
799 of Education. The applicant may appeal the sponsor's denial of
800 the application in accordance with paragraph (c).

801 4. For budget projection purposes, the sponsor shall
802 report to the Department of Education the approval or denial of
803 an application within 10 calendar days after such approval or
804 denial. In the event of approval, the report to the Department
805 of Education shall include the final projected FTE for the
806 approved charter school.

807 5. Upon approval of an application, the initial startup
808 shall commence with the beginning of the public school calendar
809 for the district in which the charter is granted. A charter
810 school may defer the opening of the school's operations for up
811 to 3 ~~2~~ years to provide time for adequate facility planning. The
812 charter school must provide written notice of such intent to the
813 sponsor and the parents of enrolled students at least 30
814 calendar days before the first day of school.

815 (7) CHARTER.—The terms and conditions for the operation of
816 a charter school shall be set forth by the sponsor and the
817 applicant in a written contractual agreement, called a charter.
818 The sponsor and the governing board of the charter school shall
819 use the standard charter contract pursuant to subsection (21),
820 which shall incorporate the approved application and any addenda
821 approved with the application. Any term or condition of a
822 proposed charter contract that differs from the standard charter
823 contract adopted by rule of the State Board of Education shall
824 be presumed a limitation on charter school flexibility. The
825 sponsor may not impose unreasonable rules or regulations that

826 | violate the intent of giving charter schools greater flexibility
827 | to meet educational goals. The charter shall be signed by the
828 | governing board of the charter school and the sponsor, following
829 | a public hearing to ensure community input.

830 | (a) The charter shall address and criteria for approval of
831 | the charter shall be based on:

832 | 1. The school's mission, the students to be served, and
833 | the ages and grades to be included.

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

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

848 | b. In order to provide students with access to diverse
849 | instructional delivery models, to facilitate the integration of
850 | technology within traditional classroom instruction, and to

851 provide students with the skills they need to compete in the
852 21st century economy, the Legislature encourages instructional
853 methods for blended learning courses consisting of both
854 traditional classroom and online instructional techniques.
855 Charter schools may implement blended learning courses which
856 combine traditional classroom instruction and virtual
857 instruction. Students in a blended learning course must be full-
858 time students of the charter school pursuant to s.
859 1011.61(1)(a)1. Instructional personnel certified pursuant to s.
860 1012.55 who provide virtual instruction for blended learning
861 courses may be employees of the charter school or may be under
862 contract to provide instructional services to charter school
863 students. At a minimum, such instructional personnel must hold
864 an active state or school district adjunct certification under
865 s. 1012.57 for the subject area of the blended learning course.
866 The funding and performance accountability requirements for
867 blended learning courses are the same as those for traditional
868 courses.

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

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

875 b. How these baseline rates will be compared to rates of

876 academic progress achieved by these same students while
877 attending the charter school.

878 c. To the extent possible, how these rates of progress
879 will be evaluated and compared with rates of progress of other
880 closely comparable student populations.

881
882 The district school board is required to provide academic
883 student performance data to charter schools for each of their
884 students coming from the district school system, as well as
885 rates of academic progress of comparable student populations in
886 the district school system.

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

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

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

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

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

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

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

924 11. A description of procedures that identify various
925 risks and provide for a comprehensive approach to reduce the

926 impact of losses; plans to ensure the safety and security of
927 students and staff; plans to identify, minimize, and protect
928 others from violent or disruptive student behavior; and the
929 manner in which the school will be insured, including whether or
930 not the school will be required to have liability insurance,
931 and, if so, the terms and conditions thereof and the amounts of
932 coverage.

933 12. The term of the charter which shall provide for
934 cancellation of the charter if insufficient progress has been
935 made in attaining the student achievement objectives of the
936 charter and if it is not likely that such objectives can be
937 achieved before expiration of the charter. The initial term of a
938 charter shall be for ~~4 or~~ 5 years, excluding 1 planning year. In
939 order to facilitate access to long-term financial resources for
940 charter school construction, charter schools that are operated
941 by a municipality or other public entity as provided by law are
942 eligible for up to a 15-year charter, subject to approval by the
943 district school board. A charter lab school is eligible for a
944 charter for a term of up to 15 years. In addition, to facilitate
945 access to long-term financial resources for charter school
946 construction, charter schools that are operated by a private,
947 not-for-profit, s. 501(c)(3) status corporation are eligible for
948 up to a 15-year charter, subject to approval by the district
949 school board. Such long-term charters remain subject to annual
950 review and may be terminated during the term of the charter, but

951 only according to the provisions set forth in subsection (8).

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

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

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

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

967 17. In the case of an existing public school that is being
968 converted to charter status, alternative arrangements for
969 current students who choose not to attend the charter school and
970 for current teachers who choose not to teach in the charter
971 school after conversion in accordance with the existing
972 collective bargaining agreement or district school board rule in
973 the absence of a collective bargaining agreement. However,
974 alternative arrangements shall not be required for current
975 teachers who choose not to teach in a charter lab school, except

976 as authorized by the employment policies of the state university
977 which grants the charter to the lab school.

978 18. Full disclosure of the identity of all relatives
979 employed by the charter school who are related to the charter
980 school owner, president, chairperson of the governing board of
981 directors, superintendent, governing board member, principal,
982 assistant principal, or any other person employed by the charter
983 school who has equivalent decisionmaking authority. For the
984 purpose of this subparagraph, the term "relative" means father,
985 mother, son, daughter, brother, sister, uncle, aunt, first
986 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
987 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
988 stepfather, stepmother, stepson, stepdaughter, stepbrother,
989 stepsister, half brother, or half sister.

990 19. Implementation of the activities authorized under s.
991 1002.331 by the charter school when it satisfies the eligibility
992 requirements for a high-performing charter school. A high-
993 performing charter school shall notify its sponsor in writing by
994 March 1 if it intends to increase enrollment or expand grade
995 levels the following school year. The written notice shall
996 specify the amount of the enrollment increase and the grade
997 levels that will be added, as applicable.

998 (d) A charter may be modified during its initial term or
999 any renewal term upon the recommendation of the sponsor or the
1000 charter school's governing board and the approval of both

1001 parties to the agreement. Modification during any term may
1002 include, but is not limited to, consolidation of multiple
1003 charters into a single charter if the charters are operated
1004 under the same governing board ~~and physically located on the~~
1005 ~~same campus~~, regardless of the renewal cycle. A charter school
1006 with a grade of "C" or higher that closes as part of a
1007 consolidation shall be reported by the school district as a
1008 consolidation.

1009 (e) A charter may be terminated by a charter school's
1010 governing board through voluntary closure. The decision to cease
1011 operations must be determined at a public meeting. The governing
1012 board shall notify the parents and sponsor of the public meeting
1013 in writing before the public meeting. The governing board must
1014 notify the sponsor, parents of enrolled students, and the
1015 department in writing within 24 hours after the public meeting
1016 of its determination. The notice shall state the charter
1017 school's intent to continue operations or the reason for the
1018 closure and acknowledge that the governing board agrees to
1019 follow the procedures for dissolution and reversion of public
1020 funds pursuant to paragraphs (8) (d)-(f) and (9) (o) ~~paragraphs~~
1021 ~~(8) (e)-(g) and (9) (e)~~.

1022 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

1023 (a) The sponsor shall make student academic achievement
1024 for all students the most important factor when determining
1025 whether to renew or terminate the charter. The sponsor may also

1026 | choose not to renew or may terminate the charter if the sponsor
 1027 | finds that one of the grounds set forth below exists by clear
 1028 | and convincing evidence ~~for any of the following grounds:~~

1029 | 1. Failure to participate in the state's education
 1030 | accountability system created in s. 1008.31, as required in this
 1031 | section, or failure to meet the requirements for student
 1032 | performance stated in the charter.

1033 | 2. Failure to meet generally accepted standards of fiscal
 1034 | management.

1035 | 3. Material violation of law.

1036 | 4. Other good cause shown.

1037 | (b) At least 90 days before renewing, nonrenewing, or
 1038 | terminating a charter, the sponsor shall notify the governing
 1039 | board of the school of the proposed action in writing. The
 1040 | notice shall state in reasonable detail the grounds for the
 1041 | proposed action and stipulate that the school's governing board
 1042 | may, within 14 calendar days after receiving the notice, request
 1043 | a hearing. The hearing shall be conducted ~~at the sponsor's~~
 1044 | ~~election in accordance with one of the following procedures:~~

1045 | ~~1. A direct hearing conducted by the sponsor within 60~~
 1046 | ~~days after receipt of the request for a hearing. The hearing~~
 1047 | ~~shall be conducted in accordance with ss. 120.569 and 120.57.~~

1048 | ~~The sponsor shall decide upon nonrenewal or termination by a~~
 1049 | ~~majority vote. The sponsor's decision shall be a final order; or~~

1050 | ~~2. A hearing conducted by an administrative law judge~~

1051 assigned by the Division of Administrative Hearings. The hearing
1052 shall be conducted within 90 ~~60~~ days after receipt of the
1053 request for a hearing and in accordance with chapter 120. The
1054 administrative law judge's final ~~recommended~~ order shall be
1055 submitted to the sponsor. The administrative law judge shall
1056 award the prevailing party reasonable attorney fees and costs
1057 incurred during the administrative proceeding and any appeals ~~A~~
1058 ~~majority vote by the sponsor shall be required to adopt or~~
1059 ~~modify the administrative law judge's recommended order. The~~
1060 ~~sponsor shall issue a final order.~~

1061 ~~(c) The final order shall state the specific reasons for~~
1062 ~~the sponsor's decision. The sponsor shall provide its final~~
1063 ~~order to the charter school's governing board and the Department~~
1064 ~~of Education no later than 10 calendar days after its issuance.~~
1065 The charter school's governing board may, within 30 calendar
1066 days after receiving the ~~sponsor's~~ final order, appeal the
1067 decision pursuant to s. 120.68.

1068 (9) CHARTER SCHOOL REQUIREMENTS.—

1069 (n)1. The director and a representative of the governing
1070 board of a charter school that has earned a grade of "D" or "F"
1071 pursuant to s. 1008.34 shall appear before the sponsor to
1072 present information concerning each contract component having
1073 noted deficiencies. The director and a representative of the
1074 governing board shall submit to the sponsor for approval a
1075 school improvement plan to raise student performance. Upon

1076 approval by the sponsor, the charter school shall begin
1077 implementation of the school improvement plan. The department
1078 shall offer technical assistance and training to the charter
1079 school and its governing board and establish guidelines for
1080 developing, submitting, and approving such plans.

1081 2.a. If a charter school earns three consecutive grades
1082 below a "C," the charter school governing board shall choose one
1083 of the following corrective actions:

1084 (I) Contract for educational services to be provided
1085 directly to students, instructional personnel, and school
1086 administrators, as prescribed in state board rule;

1087 (II) Contract with an outside entity that has a
1088 demonstrated record of effectiveness to operate the school;

1089 (III) Reorganize the school under a new director or
1090 principal who is authorized to hire new staff; or

1091 (IV) Voluntarily close the charter school.

1092 b. The charter school must implement the corrective action
1093 in the school year following receipt of a third consecutive
1094 grade below a "C."

1095 c. The sponsor may annually waive a corrective action if
1096 it determines that the charter school is likely to improve a
1097 letter grade if additional time is provided to implement the
1098 intervention and support strategies prescribed by the school
1099 improvement plan. Notwithstanding this sub-subparagraph, a
1100 charter school that earns a second consecutive grade of "F" is

1101 subject to subparagraph 3.

1102 d. A charter school is no longer required to implement a
1103 corrective action if it improves to a "C" or higher. However,
1104 the charter school must continue to implement strategies
1105 identified in the school improvement plan. The sponsor must
1106 annually review implementation of the school improvement plan to
1107 monitor the school's continued improvement pursuant to
1108 subparagraph 4.

1109 e. A charter school implementing a corrective action that
1110 does not improve to a "C" or higher after 2 full school years of
1111 implementing the corrective action must select a different
1112 corrective action. Implementation of the new corrective action
1113 must begin in the school year following the implementation
1114 period of the existing corrective action, unless the sponsor
1115 determines that the charter school is likely to improve to a "C"
1116 or higher if additional time is provided to implement the
1117 existing corrective action. Notwithstanding this sub-
1118 subparagraph, a charter school that earns a second consecutive
1119 grade of "F" while implementing a corrective action is subject
1120 to subparagraph 3.

1121 3. A charter school's charter contract is automatically
1122 terminated if the school earns two consecutive grades of "F"
1123 after all school grade appeals are final unless:

1124 a. The charter school is established to turn around the
1125 performance of a district public school pursuant to s.

1126 | 1008.33(4)(b)2. Such charter schools shall be governed by s.
 1127 | 1008.33;

1128 | b. The charter school serves a student population the
 1129 | majority of which resides in a school zone served by a district
 1130 | public school subject to s. 1008.33(4) and the charter school
 1131 | earns at least a grade of "D" in its third year of operation.
 1132 | The exception provided under this sub-subparagraph does not
 1133 | apply to a charter school in its fourth year of operation and
 1134 | thereafter; or

1135 | c. The state board grants the charter school a waiver of
 1136 | termination. The charter school must request the waiver within
 1137 | 15 days after the department's official release of school
 1138 | grades. The state board may waive termination if the charter
 1139 | school demonstrates that the Learning Gains of its students on
 1140 | statewide assessments are comparable to or better than the
 1141 | Learning Gains of similarly situated students enrolled in nearby
 1142 | district public schools. The waiver is valid for 1 year and may
 1143 | only be granted once. Charter schools that have been in
 1144 | operation for more than 5 years are not eligible for a waiver
 1145 | under this sub-subparagraph.

1146 |
 1147 | The sponsor shall notify the charter school's governing board,
 1148 | the charter school principal, and the department in writing when
 1149 | a charter contract is terminated under this subparagraph. ~~The~~
 1150 | ~~letter of termination must meet the requirements of paragraph~~

1151 ~~(8)(e)~~. A charter terminated under this subparagraph must follow
1152 the procedures for dissolution and reversion of public funds
1153 pursuant to paragraphs (8)(d)-(f) and (9)(o) ~~paragraphs (8)(e)-~~
1154 ~~(g) and (9)(e)~~.

1155 4. The director and a representative of the governing
1156 board of a graded charter school that has implemented a school
1157 improvement plan under this paragraph shall appear before the
1158 sponsor at least once a year to present information regarding
1159 the progress of intervention and support strategies implemented
1160 by the school pursuant to the school improvement plan and
1161 corrective actions, if applicable. The sponsor shall communicate
1162 at the meeting, and in writing to the director, the services
1163 provided to the school to help the school address its
1164 deficiencies.

1165 5. Notwithstanding any provision of this paragraph except
1166 sub-subparagraphs 3.a.-c., the sponsor may terminate the charter
1167 at any time pursuant to subsection (8).

1168 (20) SERVICES.—

1169 (b) If goods and services are made available to the
1170 charter school through the contract with the school district,
1171 they shall be provided to the charter school at a rate no
1172 greater than the district's actual cost unless mutually agreed
1173 upon by the charter school and the sponsor in a contract
1174 negotiated separately from the charter. When mediation has
1175 failed to resolve disputes over contracted services or

1176 contractual matters not included in the charter, an appeal may
1177 be made to an administrative law judge appointed by the Division
1178 of Administrative Hearings. The administrative law judge has
1179 final order authority to rule on the dispute. The administrative
1180 law judge shall award the prevailing party reasonable attorney
1181 fees and costs incurred during the mediation process,
1182 administrative proceeding, and any appeals, to be paid by the
1183 party whom the administrative law judge rules against ~~for a~~
1184 ~~dispute resolution hearing before the Charter School Appeal~~
1185 ~~Commission.~~ To maximize the use of state funds, school districts
1186 shall allow charter schools to participate in the sponsor's bulk
1187 purchasing program if applicable.

1188 Section 17. Subsection (1), paragraph (a) of subsection
1189 (2), and paragraph (b) of subsection (3) of section 1002.331,
1190 Florida Statutes, are amended to read:

1191 1002.331 High-performing charter schools.—

1192 (1) A charter school is a high-performing charter school
1193 if it:

1194 (a) Received at least two school grades of "A" and no
1195 school grade below "B," pursuant to s. 1008.34, during each of
1196 the previous 3 school years or received at least two consecutive
1197 school grades of "A" in the most recent 2 school years.

1198 (b) Received an unqualified opinion on each annual
1199 financial audit required under s. 218.39 in the most recent 3
1200 fiscal years for which such audits are available.

1201 (c) Did not receive a financial audit that revealed one or
1202 more of the financial emergency conditions set forth in s.
1203 218.503(1) in the most recent 3 fiscal years for which such
1204 audits are available. However, this requirement is deemed met
1205 for a charter school-in-the-workplace if there is a finding in
1206 an audit that the school has the monetary resources available to
1207 cover any reported deficiency or that the deficiency does not
1208 result in a deteriorating financial condition pursuant to s.
1209 1002.345(1)(a)3.

1210
1211 For purposes of determining initial eligibility, the
1212 requirements of paragraphs (b) and (c) only apply for the most
1213 recent 2 fiscal years if the charter school earns two
1214 consecutive grades of "A." A virtual charter school established
1215 under s. 1002.33 is not eligible for designation as a high-
1216 performing charter school.

1217 (2) A high-performing charter school is authorized to:

1218 (a) Increase its student enrollment once per school year
1219 to more than the capacity identified in the charter, but student
1220 enrollment may not exceed the ~~current facility~~ capacity of the
1221 facility at the time of enrollment. Facility capacity for
1222 purposes of grade level expansion shall include any improvements
1223 to an existing facility or any new facility in which a majority
1224 of the students of the high-performing charter school will
1225 enroll.

1226
1227 A high-performing charter school shall notify its sponsor in
1228 writing by March 1 if it intends to increase enrollment or
1229 expand grade levels the following school year. The written
1230 notice shall specify the amount of the enrollment increase and
1231 the grade levels that will be added, as applicable. If a charter
1232 school notifies the sponsor of its intent to expand, the sponsor
1233 shall modify the charter within 90 days to include the new
1234 enrollment maximum and may not make any other changes. The
1235 sponsor may deny a request to increase the enrollment of a high-
1236 performing charter school if the commissioner has declassified
1237 the charter school as high-performing. If a high-performing
1238 charter school requests to consolidate multiple charters, the
1239 sponsor shall have 40 days after receipt of that request to
1240 provide an initial draft charter to the charter school. The
1241 sponsor and charter school shall have 50 days thereafter to
1242 negotiate and notice the charter contract for final approval by
1243 the sponsor.

1244 (3)

1245 (b) A high-performing charter school may not establish
1246 more than two ~~one~~ charter schools ~~school~~ within the state under
1247 paragraph (a) in any year. A subsequent application to establish
1248 a charter school under paragraph (a) may not be submitted unless
1249 each charter school established in this manner achieves high-
1250 performing charter school status. However, a high-performing

1251 charter school may establish more than one charter school within
 1252 the state under paragraph (a) in any year if it operates in the
 1253 area of a persistently low-performing school and serves students
 1254 from that school.

1255 Section 18. Paragraph (d) is added to subsection (10) of
 1256 section 1002.333, Florida Statutes, to read:

1257 1002.333 Persistently low-performing schools.—

1258 (10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program
 1259 is created within the Department of Education.

1260 (d) Notwithstanding s. 216.301 and pursuant to s. 216.351,
 1261 funds allocated for the purpose of this subsection which are not
 1262 disbursed by June 30 of the fiscal year in which the funds are
 1263 allocated may be carried forward for up to 5 years after the
 1264 effective date of the original appropriation.

1265 Section 19. Paragraph (b) of subsection (1) and present
 1266 paragraph (c) of subsection (9) of section 1002.37, Florida
 1267 Statutes, are amended, and a new paragraph (c) is added to
 1268 subsection (9) of that section, to read:

1269 1002.37 The Florida Virtual School.—

1270 (1)

1271 (b) The mission of the Florida Virtual School is to
 1272 provide students with technology-based educational opportunities
 1273 to gain the knowledge and skills necessary to succeed. The
 1274 school shall serve any student in the state who meets the
 1275 profile for success in this educational delivery context and

1276 shall give priority to:

1277 1. Students who need expanded access to courses in order
 1278 to meet their educational goals, such as home education students
 1279 and students in inner-city and rural high schools who do not
 1280 have access to higher-level courses.

1281 2. Students seeking accelerated access in order to obtain
 1282 a high school diploma at least one semester early.

1283 3. Students who are children of an active duty member of
 1284 the United States Armed Forces who is not stationed in this
 1285 state whose home of record or state of legal residence is
 1286 Florida.

1287
 1288 The board of trustees of the Florida Virtual School shall
 1289 identify appropriate performance measures and standards based on
 1290 student achievement that reflect the school's statutory mission
 1291 and priorities, and shall implement an accountability system for
 1292 the school that includes assessment of its effectiveness and
 1293 efficiency in providing quality services that encourage high
 1294 student achievement, seamless articulation, and maximum access.

1295 (9)

1296 (c) Industry certification examinations, national
 1297 assessments, and statewide assessments offered by the school
 1298 district shall be available to all Florida Virtual School
 1299 students.

1300 (d)~~(e)~~ Unless an alternative testing site is mutually

1301 | agreed to by the Florida Virtual School and the school district
 1302 | or as contracted under s. 1008.24, all industry certification
 1303 | examinations, national assessments, and statewide assessments
 1304 | must be taken at the school to which the student would be
 1305 | assigned according to district school board attendance areas. A
 1306 | school district must provide the student with access to the
 1307 | school's testing facilities and the date and time of the
 1308 | administration of each examination or assessment.

1309 | Section 20. Paragraph (e) of subsection (2), paragraphs
 1310 | (d) and (h) of subsection (5), subsection (8), paragraph (c) of
 1311 | subsection (9), paragraph (a) of subsection (10), and paragraph
 1312 | (a) of subsection (11) of section 1002.385, Florida Statutes,
 1313 | are amended, and paragraph (p) is added to subsection (5) of
 1314 | that section, to read:

1315 | 1002.385 The Gardiner Scholarship.—

1316 | (2) DEFINITIONS.—As used in this section, the term:

1317 | (e) "Eligible nonprofit scholarship-funding organization"
 1318 | or "organization" means a nonprofit scholarship-funding
 1319 | organization that is approved pursuant to s. 1002.395(15) ~~s.~~
 1320 | ~~1002.395(16)~~.

1321 | (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must
 1322 | be used to meet the individual educational needs of an eligible
 1323 | student and may be spent for the following purposes:

1324 | (d) ~~Enrollment in, or~~ Tuition or fees associated with
 1325 | full-time or part-time enrollment in, a home education program,

1326 an eligible private school, an eligible postsecondary
1327 educational institution or a program offered by the
1328 postsecondary institution, a private tutoring program authorized
1329 under s. 1002.43, a virtual program offered by a department-
1330 approved private online provider that meets the provider
1331 qualifications specified in s. 1002.45(2)(a), the Florida
1332 Virtual School as a private paying student, or an approved
1333 online course offered pursuant to s. 1003.499 or s. 1004.0961.

1334 (h) Tuition and fees for part-time tutoring services
1335 provided by a person who holds a valid Florida educator's
1336 certificate pursuant to s. 1012.56; a person who holds an
1337 adjunct teaching certificate pursuant to s. 1012.57; a person
1338 who has a bachelor's degree or a graduate degree in the subject
1339 area in which instruction is given; or a person who has
1340 demonstrated a mastery of subject area knowledge pursuant to s.
1341 1012.56(5). As used in this paragraph, the term "part-time
1342 tutoring services" does not qualify as regular school attendance
1343 as defined in s. 1003.01(13)(e).

1344 (p) Tuition or fees associated with enrollment in a
1345 nationally or internationally recognized research-based training
1346 program for a child with a neurological disorder or brain
1347 damage.

1348
1349 A provider of any services receiving payments pursuant to this
1350 subsection may not share, refund, or rebate any moneys from the

1351 Gardiner Scholarship with the parent or participating student in
1352 any manner. A parent, student, or provider of any services may
1353 not bill an insurance company, Medicaid, or any other agency for
1354 the same services that are paid for using Gardiner Scholarship
1355 funds.

1356 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An
1357 eligible private school may be sectarian or nonsectarian and
1358 shall:

1359 (a) Comply with all requirements for private schools
1360 participating in state school choice scholarship programs
1361 pursuant to s. 1002.421.

1362 ~~(b) Provide to the organization, upon request, all~~
1363 ~~documentation required for the student's participation,~~
1364 ~~including the private school's and student's fee schedules.~~

1365 ~~(c) Be academically accountable to the parent for meeting~~
1366 ~~the educational needs of the student by:~~

1367 ~~1. At a minimum, annually providing to the parent a~~
1368 ~~written explanation of the student's progress.~~

1369 ~~(b)1.2.~~ Annually administer or make administering or
1370 ~~making~~ provision for students participating in the program in
1371 grades 3 through 10 to take one of the nationally norm-
1372 referenced tests identified by the Department of Education or
1373 the statewide assessments pursuant to s. 1008.22. Students with
1374 disabilities for whom standardized testing is not appropriate
1375 are exempt from this requirement. A participating private school

1376 shall report a student's scores to the parent.

1377 ~~2.3. Administer~~ Cooperating with the scholarship student
1378 whose parent chooses to have the student participate in the
1379 statewide assessments pursuant to s. 1008.22 ~~or~~, if a private
1380 school chooses to offer the statewide assessments, ~~administering~~
1381 ~~the assessments at the school.~~

1382 ~~a.~~ A participating private school may choose to offer and
1383 administer the statewide assessments to all students who attend
1384 the private school in grades 3 through 10 and must.

1385 ~~b.~~ A participating private school shall submit a request
1386 in writing to the Department of Education by March 1 of each
1387 year in order to administer the statewide assessments in the
1388 subsequent school year.

1389 ~~(d)~~ Employ or contract with teachers who have regular and
1390 direct contact with each student receiving a scholarship under
1391 this section at the school's physical location.

1392 ~~(e)~~ Provide a report from an independent certified public
1393 accountant who performs the agreed upon procedures developed
1394 under s. 1002.395(6)(e) if the private school receives more than
1395 \$250,000 in funds from scholarships awarded under this section
1396 in a state fiscal year. A private school subject to this
1397 paragraph must annually submit the report by September 15 to the
1398 organization that awarded the majority of the school's
1399 scholarship funds. The agreed upon procedures must be conducted
1400 in accordance with attestation standards established by the

1401 ~~American Institute of Certified Public Accountants.~~

1402

1403 If a private school fails ~~is unable~~ to meet the requirements of
 1404 this subsection or s. 1002.421 ~~or has consecutive years of~~
 1405 ~~material exceptions listed in the report required under~~
 1406 ~~paragraph (e)~~, the commissioner may determine that the private
 1407 school is ineligible to participate in the scholarship program.

1408 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
 1409 shall:

1410 (c) Investigate any written complaint of a violation of
 1411 this section by a parent, a student, a private school, a public
 1412 school or a school district, an organization, a provider, or
 1413 another appropriate party in accordance with the process
 1414 established by s. 1002.421 ~~s. 1002.395(9)(f)~~.

1415 (10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

1416 (a) The Commissioner of Education:

1417 1. May suspend or revoke program participation or use of
 1418 program funds by the student or participation or eligibility of
 1419 an organization, ~~eligible private school~~, eligible postsecondary
 1420 educational institution, approved provider, or other party for a
 1421 violation of this section.

1422 2. May determine the length of, and conditions for
 1423 lifting, a suspension or revocation specified in this
 1424 subsection.

1425 3. May recover unexpended program funds or withhold

1426 payment of an equal amount of program funds to recover program
1427 funds that were not authorized for use.

1428 4. Shall deny or terminate program participation upon a
1429 parent's forfeiture of a Gardiner Scholarship pursuant to
1430 subsection (11).

1431 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
1432 PARTICIPATION.—A parent who applies for program participation
1433 under this section is exercising his or her parental option to
1434 determine the appropriate placement or the services that best
1435 meet the needs of his or her child. The scholarship award for a
1436 student is based on a matrix that assigns the student to support
1437 Level III services. If a parent receives an IEP and a matrix of
1438 services from the school district pursuant to subsection (7),
1439 the amount of the payment shall be adjusted as needed, when the
1440 school district completes the matrix.

1441 (a) To satisfy or maintain program eligibility, including
1442 eligibility to receive and spend program payments, the parent
1443 must sign an agreement with the organization and annually submit
1444 a notarized, sworn compliance statement to the organization to:

1445 1. Affirm that the student is enrolled in a program that
1446 meets regular school attendance requirements as provided in s.
1447 1003.01(13)(b)-(d).

1448 2. Affirm that the program funds are used only for
1449 authorized purposes serving the student's educational needs, as
1450 described in subsection (5).

1451 3. Affirm that the parent is responsible for the education
1452 of his or her student by, as applicable:

1453 a. Requiring the student to take an assessment in
1454 accordance with paragraph (8) (b) ~~paragraph (8) (c)~~;

1455 b. Providing an annual evaluation in accordance with s.
1456 1002.41(1)(c); or

1457 c. Requiring the child to take any preassessments and
1458 postassessments selected by the provider if the child is 4 years
1459 of age and is enrolled in a program provided by an eligible
1460 Voluntary Prekindergarten Education Program provider. A student
1461 with disabilities for whom a preassessment and postassessment is
1462 not appropriate is exempt from this requirement. A participating
1463 provider shall report a student's scores to the parent.

1464 4. Affirm that the student remains in good standing with
1465 the provider or school if those options are selected by the
1466 parent.

1467
1468 A parent who fails to comply with this subsection forfeits the
1469 Gardiner Scholarship.

1470 Section 21. Subsections (8) through (14) of section
1471 1002.39, Florida Statutes, are renumbered as subsections (7)
1472 through (13), respectively, and paragraph (b) of subsection (2),
1473 paragraph (h) of subsection (3), and present subsections (6),
1474 (7), and (8) of that section are amended to read:

1475 1002.39 The John M. McKay Scholarships for Students with

1476 Disabilities Program.—There is established a program that is
1477 separate and distinct from the Opportunity Scholarship Program
1478 and is named the John M. McKay Scholarships for Students with
1479 Disabilities Program.

1480 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a
1481 student with a disability may request and receive from the state
1482 a John M. McKay Scholarship for the child to enroll in and
1483 attend a private school in accordance with this section if:

1484 (b) The parent has obtained acceptance for admission of
1485 the student to a private school that is eligible for the program
1486 under subsection (7) ~~subsection (8)~~ and has requested from the
1487 department a scholarship at least 60 days before the date of the
1488 first scholarship payment. The request must be communicated
1489 directly to the department in a manner that creates a written or
1490 electronic record of the request and the date of receipt of the
1491 request. The department must notify the district of the parent's
1492 intent upon receipt of the parent's request.

1493 (3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is
1494 not eligible for a John M. McKay Scholarship:

1495 (h) While he or she is not having regular and direct
1496 contact with his or her private school teachers at the school's
1497 physical location unless he or she is enrolled in the private
1498 school's transition-to-work program pursuant to subsection (9)
1499 ~~subsection (10)~~; or

1500 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department

1501 shall:

1502 ~~(a) Establish a toll-free hotline that provides parents~~
 1503 ~~and private schools with information on participation in the~~
 1504 ~~John M. McKay Scholarships for Students with Disabilities~~
 1505 ~~Program.~~

1506 ~~(b) Annually verify the eligibility of private schools~~
 1507 ~~that meet the requirements of subsection (8).~~

1508 ~~(c) Establish a process by which individuals may notify~~
 1509 ~~the department of any violation by a parent, private school, or~~
 1510 ~~school district of state laws relating to program participation.~~
 1511 ~~The department shall conduct an inquiry of any written complaint~~
 1512 ~~of a violation of this section, or make a referral to the~~
 1513 ~~appropriate agency for an investigation, if the complaint is~~
 1514 ~~signed by the complainant and is legally sufficient. A complaint~~
 1515 ~~is legally sufficient if it contains ultimate facts that show~~
 1516 ~~that a violation of this section or any rule adopted by the~~
 1517 ~~State Board of Education has occurred. In order to determine~~
 1518 ~~legal sufficiency, the department may require supporting~~
 1519 ~~information or documentation from the complainant. A department~~
 1520 ~~inquiry is not subject to the requirements of chapter 120.~~

1521 ~~(d) Require an annual, notarized, sworn compliance~~
 1522 ~~statement by participating private schools certifying compliance~~
 1523 ~~with state laws and shall retain such records.~~

1524 ~~(e) cross-check the list of participating scholarship~~
 1525 ~~students with the public school enrollment lists prior to each~~

1526 scholarship payment to avoid duplication.

1527 ~~(f)1. Conduct random site visits to private schools~~
1528 ~~participating in the John M. McKay Scholarships for Students~~
1529 ~~with Disabilities Program. The purpose of the site visits is~~
1530 ~~solely to verify the information reported by the schools~~
1531 ~~concerning the enrollment and attendance of students, the~~
1532 ~~credentials of teachers, background screening of teachers, and~~
1533 ~~teachers' fingerprinting results, which information is required~~
1534 ~~by rules of the State Board of Education, subsection (8), and s.~~
1535 ~~1002.421. The Department of Education may not make more than~~
1536 ~~three random site visits each year and may not make more than~~
1537 ~~one random site visit each year to the same private school.~~

1538 ~~2. Annually, by December 15, report to the Governor, the~~
1539 ~~President of the Senate, and the Speaker of the House of~~
1540 ~~Representatives the Department of Education's actions with~~
1541 ~~respect to implementing accountability in the scholarship~~
1542 ~~program under this section and s. 1002.421, any substantiated~~
1543 ~~allegations or violations of law or rule by an eligible private~~
1544 ~~school under this program concerning the enrollment and~~
1545 ~~attendance of students, the credentials of teachers, background~~
1546 ~~screening of teachers, and teachers' fingerprinting results and~~
1547 ~~the corrective action taken by the Department of Education.~~

1548 ~~(7) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.~~

1549 ~~(a) The Commissioner of Education:~~

1550 ~~1. Shall deny, suspend, or revoke a private school's~~

1551 ~~participation in the scholarship program if it is determined~~
1552 ~~that the private school has failed to comply with the provisions~~
1553 ~~of this section. However, if the noncompliance is correctable~~
1554 ~~within a reasonable amount of time and if the health, safety, or~~
1555 ~~welfare of the students is not threatened, the commissioner may~~
1556 ~~issue a notice of noncompliance which provides the private~~
1557 ~~school with a timeframe within which to provide evidence of~~
1558 ~~compliance before taking action to suspend or revoke the private~~
1559 ~~school's participation in the scholarship program.~~

1560 ~~2. May deny, suspend, or revoke a private school's~~
1561 ~~participation in the scholarship program if the commissioner~~
1562 ~~determines that an owner or operator of the private school is~~
1563 ~~operating or has operated an educational institution in this~~
1564 ~~state or in another state or jurisdiction in a manner contrary~~
1565 ~~to the health, safety, or welfare of the public.~~

1566 ~~a. In making such a determination, the commissioner may~~
1567 ~~consider factors that include, but are not limited to, acts or~~
1568 ~~omissions by an owner or operator which led to a previous denial~~
1569 ~~or revocation of participation in an education scholarship~~
1570 ~~program; an owner's or operator's failure to reimburse the~~
1571 ~~Department of Education for scholarship funds improperly~~
1572 ~~received or retained by a school; imposition of a prior criminal~~
1573 ~~sanction related to an owner's or operator's management or~~
1574 ~~operation of an educational institution; imposition of a civil~~
1575 ~~fine or administrative fine, license revocation or suspension,~~

1576 ~~or program eligibility suspension, termination, or revocation~~
1577 ~~related to an owner's or operator's management or operation of~~
1578 ~~an educational institution; or other types of criminal~~
1579 ~~proceedings in which an owner or operator was found guilty of,~~
1580 ~~regardless of adjudication, or entered a plea of nolo contendere~~
1581 ~~or guilty to, any offense involving fraud, deceit, dishonesty,~~
1582 ~~or moral turpitude.~~

1583 ~~b. For purposes of this subparagraph, the term "owner or~~
1584 ~~operator" includes an owner, operator, superintendent, or~~
1585 ~~principal of, or a person who has equivalent decisionmaking~~
1586 ~~authority over, a private school participating in the~~
1587 ~~scholarship program.~~

1588 ~~(b) The commissioner's determination is subject to the~~
1589 ~~following:~~

1590 ~~1. If the commissioner intends to deny, suspend, or revoke~~
1591 ~~a private school's participation in the scholarship program, the~~
1592 ~~department shall notify the private school of such proposed~~
1593 ~~action in writing by certified mail and regular mail to the~~
1594 ~~private school's address of record with the department. The~~
1595 ~~notification shall include the reasons for the proposed action~~
1596 ~~and notice of the timelines and procedures set forth in this~~
1597 ~~paragraph.~~

1598 ~~2. The private school that is adversely affected by the~~
1599 ~~proposed action shall have 15 days from receipt of the notice of~~
1600 ~~proposed action to file with the department's agency clerk a~~

1601 ~~request for a proceeding pursuant to ss. 120.569 and 120.57. If~~
1602 ~~the private school is entitled to a hearing under s. 120.57(1),~~
1603 ~~the department shall forward the request to the Division of~~
1604 ~~Administrative Hearings.~~

1605 ~~3. Upon receipt of a request referred pursuant to this~~
1606 ~~paragraph, the director of the Division of Administrative~~
1607 ~~Hearings shall expedite the hearing and assign an administrative~~
1608 ~~law judge who shall commence a hearing within 30 days after the~~
1609 ~~receipt of the formal written request by the division and enter~~
1610 ~~a recommended order within 30 days after the hearing or within~~
1611 ~~30 days after receipt of the hearing transcript, whichever is~~
1612 ~~later. Each party shall be allowed 10 days in which to submit~~
1613 ~~written exceptions to the recommended order. A final order shall~~
1614 ~~be entered by the agency within 30 days after the entry of a~~
1615 ~~recommended order. The provisions of this subparagraph may be~~
1616 ~~waived upon stipulation by all parties.~~

1617 ~~(c) The commissioner may immediately suspend payment of~~
1618 ~~scholarship funds if it is determined that there is probable~~
1619 ~~cause to believe that there is:~~

1620 ~~1. An imminent threat to the health, safety, or welfare of~~
1621 ~~the students; or~~

1622 ~~2. Fraudulent activity on the part of the private school.~~
1623 ~~Notwithstanding s. 1002.22, in incidents of alleged fraudulent~~
1624 ~~activity pursuant to this section, the Department of Education's~~
1625 ~~Office of Inspector General is authorized to release personally~~

1626 ~~identifiable records or reports of students to the following~~
 1627 ~~persons or organizations:~~

1628 ~~a. A court of competent jurisdiction in compliance with an~~
 1629 ~~order of that court or the attorney of record in accordance with~~
 1630 ~~a lawfully issued subpoena, consistent with the Family~~
 1631 ~~Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.~~

1632 ~~b. A person or entity authorized by a court of competent~~
 1633 ~~jurisdiction in compliance with an order of that court or the~~
 1634 ~~attorney of record pursuant to a lawfully issued subpoena,~~
 1635 ~~consistent with the Family Educational Rights and Privacy Act,~~
 1636 ~~20 U.S.C. s. 1232g.~~

1637 ~~c. Any person, entity, or authority issuing a subpoena for~~
 1638 ~~law enforcement purposes when the court or other issuing agency~~
 1639 ~~has ordered that the existence or the contents of the subpoena~~
 1640 ~~or the information furnished in response to the subpoena not be~~
 1641 ~~disclosed, consistent with the Family Educational Rights and~~
 1642 ~~Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.~~

1643
 1644 ~~The commissioner's order suspending payment pursuant to this~~
 1645 ~~paragraph may be appealed pursuant to the same procedures and~~
 1646 ~~timelines as the notice of proposed action set forth in~~
 1647 ~~paragraph (b).~~

1648 (7) ~~(8)~~ PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be
 1649 eligible to participate in the John M. McKay Scholarships for
 1650 Students with Disabilities Program, a private school may be

1651 | sectarian or nonsectarian and must:

1652 | (a) Comply with all requirements for private schools
1653 | participating in state school choice scholarship programs
1654 | pursuant to s. 1002.421.

1655 | (b) Provide to the department all documentation required
1656 | for a student's participation, including the private school's
1657 | and student's fee schedules, at least 30 days before any
1658 | quarterly scholarship payment is made for the student pursuant
1659 | to paragraph (10) (e) ~~paragraph (11) (e)~~. A student is not
1660 | eligible to receive a quarterly scholarship payment if the
1661 | private school fails to meet this deadline.

1662 | ~~(c) Be academically accountable to the parent for meeting
1663 | the educational needs of the student by:~~

1664 | 1. ~~At a minimum, annually providing to the parent a
1665 | written explanation of the student's progress.~~

1666 | 2. ~~Cooperating with the scholarship student whose parent
1667 | chooses to participate in the statewide assessments pursuant to
1668 | s. 1008.22.~~

1669 | ~~(d) Maintain in this state a physical location where a
1670 | scholarship student regularly attends classes.~~

1671 |
1672 | If The inability of a private school fails to meet the
1673 | requirements of this subsection or s. 1002.421, the commissioner
1674 | may determine that the private school is ineligible shall
1675 | constitute a basis for the ineligibility of the private school

1676 to participate in the scholarship program ~~as determined by the~~
 1677 ~~department.~~

1678 Section 22. Subsections (12) through (16) of section
 1679 1002.395, Florida Statutes, are renumbered as subsections (11)
 1680 through (15), respectively, and paragraph (f) of subsection (2),
 1681 paragraphs (n), (o), and (p) of subsection (6), and present
 1682 subsections (8), (9), and (11) of that section are amended to
 1683 read:

1684 1002.395 Florida Tax Credit Scholarship Program.—

1685 (2) DEFINITIONS.—As used in this section, the term:

1686 (f) "Eligible nonprofit scholarship-funding organization"
 1687 means a state university; or an independent college or
 1688 university that is eligible to participate in the William L.
 1689 Boyd, IV, Florida Resident Access Grant Program, located and
 1690 chartered in this state, is not for profit, and is accredited by
 1691 the Commission on Colleges of the Southern Association of
 1692 Colleges and Schools; or is a charitable organization that:

1693 1. Is exempt from federal income tax pursuant to s.
 1694 501(c)(3) of the Internal Revenue Code;

1695 2. Is a Florida entity formed under chapter 605, chapter
 1696 607, or chapter 617 and whose principal office is located in the
 1697 state; and

1698 3. Complies with subsections (6) and (15) ~~subsections (6)~~
 1699 ~~and (16)~~.

1700 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING

1701 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
1702 organization:

1703 (n) Must prepare and submit quarterly reports to the
1704 Department of Education pursuant to paragraph (9)(i) ~~paragraph~~
1705 ~~(9)(m)~~. In addition, an eligible nonprofit scholarship-funding
1706 organization must submit in a timely manner any information
1707 requested by the Department of Education relating to the
1708 scholarship program.

1709 (o)1.a. Must participate in the joint development of
1710 agreed-upon procedures ~~to be performed by an independent~~
1711 ~~certified public accountant as required under paragraph (8)(e)~~
1712 ~~if the scholarship-funding organization provided more than~~
1713 ~~\$250,000 in scholarship funds to an eligible private school~~
1714 ~~under this section~~ during the 2009-2010 state fiscal year. The
1715 agreed-upon procedures must uniformly apply to all private
1716 schools and must determine, at a minimum, whether the private
1717 school has been verified as eligible by the Department of
1718 Education under s. 1002.421 ~~paragraph (9)(e)~~; has an adequate
1719 accounting system, system of financial controls, and process for
1720 deposit and classification of scholarship funds; and has
1721 properly expended scholarship funds for education-related
1722 expenses. During the development of the procedures, the
1723 participating scholarship-funding organizations shall specify
1724 guidelines governing the materiality of exceptions that may be
1725 found during the accountant's performance of the procedures. The

1726 | procedures and guidelines shall be provided to private schools
 1727 | and the Commissioner of Education by March 15, 2011.

1728 | b. Must participate in a joint review of the agreed-upon
 1729 | procedures and guidelines developed under sub-subparagraph a.,
 1730 | by February of each biennium ~~2013 and biennially thereafter~~, if
 1731 | the scholarship-funding organization provided more than \$250,000
 1732 | in scholarship funds to an eligible private school under this
 1733 | chapter section during the state fiscal year preceding the
 1734 | biennial review. If the procedures and guidelines are revised,
 1735 | the revisions must be provided to private schools and the
 1736 | Commissioner of Education by March 15 of the year in which the
 1737 | revisions were completed. The revised agreed-upon procedures
 1738 | shall take effect the subsequent school year. For the 2018-2019
 1739 | school year only, the joint review of the agreed-upon procedures
 1740 | must be completed and the revisions submitted to the
 1741 | commissioner no later than September 15, 2018. The revised
 1742 | procedures are applicable to the 2018-2019 school year, 2013,
 1743 | and biennially thereafter.

1744 | c. Must monitor the compliance of a private school with
 1745 | s. 1002.421(1)(q) ~~paragraph (8)(e)~~ if the scholarship-funding
 1746 | organization provided the majority of the scholarship funding to
 1747 | the school. For each private school subject to s. 1002.421(1)(q)
 1748 | ~~paragraph (8)(e)~~, the appropriate scholarship-funding
 1749 | organization shall annually notify the Commissioner of Education
 1750 | by October 30, ~~2011, and annually thereafter~~ of:

1751 (I) A private school's failure to submit a report required
1752 under s. 1002.421(1)(q) ~~paragraph (8)(e)~~; or

1753 (II) Any material exceptions set forth in the report
1754 required under s. 1002.421(1)(q) ~~paragraph (8)(e)~~.

1755 2. Must seek input from the accrediting associations that
1756 are members of the Florida Association of Academic Nonpublic
1757 Schools and the Department of Education when jointly developing
1758 the agreed-upon procedures and guidelines under sub-subparagraph
1759 1.a. and conducting a review of those procedures and guidelines
1760 under sub-subparagraph 1.b.

1761 (p) Must maintain the surety bond or letter of credit
1762 required by subsection (15) ~~subsection (16)~~. The amount of the
1763 surety bond or letter of credit may be adjusted quarterly to
1764 equal the actual amount of undisbursed funds based upon
1765 submission by the organization of a statement from a certified
1766 public accountant verifying the amount of undisbursed funds. The
1767 requirements of this paragraph are waived if the cost of
1768 acquiring a surety bond or letter of credit exceeds the average
1769 10-year cost of acquiring a surety bond or letter of credit by
1770 200 percent. The requirements of this paragraph are waived for a
1771 state university; or an independent college or university which
1772 is eligible to participate in the William L. Boyd, IV, Florida
1773 Resident Access Grant Program, located and chartered in this
1774 state, is not for profit, and is accredited by the Commission on
1775 Colleges of the Southern Association of Colleges and Schools.

1776
 1777 Information and documentation provided to the Department of
 1778 Education and the Auditor General relating to the identity of a
 1779 taxpayer that provides an eligible contribution under this
 1780 section shall remain confidential at all times in accordance
 1781 with s. 213.053.

1782 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An
 1783 eligible private school may be sectarian or nonsectarian and
 1784 must:

1785 (a) Comply with all requirements for private schools
 1786 participating in state school choice scholarship programs
 1787 pursuant to s. 1002.421.

1788 ~~(b) Provide to the eligible nonprofit scholarship funding~~
 1789 ~~organization, upon request, all documentation required for the~~
 1790 ~~student's participation, including the private school's and~~
 1791 ~~student's fee schedules.~~

1792 ~~(c) Be academically accountable to the parent for meeting~~
 1793 ~~the educational needs of the student by:~~

1794 ~~1. At a minimum, annually providing to the parent a~~
 1795 ~~written explanation of the student's progress.~~

1796 (b)1.2. Annually administer or make administering or
 1797 making provision for students participating in the scholarship
 1798 program in grades 3 through 10 to take one of the nationally
 1799 norm-referenced tests identified by the Department of Education
 1800 or the statewide assessments pursuant to s. 1008.22. Students

1801 with disabilities for whom standardized testing is not
1802 appropriate are exempt from this requirement. A participating
1803 private school must report a student's scores to the parent. A
1804 participating private school must annually report by August 15
1805 the scores of all participating students to a state university
1806 ~~the Learning System Institute~~ described in paragraph (9) (f)
1807 ~~paragraph (9) (j)~~.

1808 2. Administer ~~3. Cooperating with the scholarship student~~
1809 ~~whose parent chooses to have the student participate in the~~
1810 statewide assessments pursuant to s. 1008.22 ~~or~~, if a private
1811 school chooses to offer the statewide assessments, ~~administering~~
1812 ~~the assessments at the school.~~

1813 ~~a.~~ A participating private school may choose to offer and
1814 administer the statewide assessments to all students who attend
1815 the private school in grades 3 through 10 and.

1816 ~~b.~~ ~~A participating private school~~ must submit a request in
1817 writing to the Department of Education by March 1 of each year
1818 in order to administer the statewide assessments in the
1819 subsequent school year.

1820 ~~(d)~~ ~~Employ or contract with teachers who have regular and~~
1821 ~~direct contact with each student receiving a scholarship under~~
1822 ~~this section at the school's physical location.~~

1823 ~~(e)~~ ~~Provide a report from an independent certified public~~
1824 ~~accountant who performs the agreed-upon procedures developed~~
1825 ~~under paragraph (6) (o) if the private school receives more than~~

1826 ~~§250,000 in funds from scholarships awarded under this section~~
1827 ~~in a state fiscal year. A private school subject to this~~
1828 ~~paragraph must annually submit the report by September 15 to the~~
1829 ~~scholarship-funding organization that awarded the majority of~~
1830 ~~the school's scholarship funds. The agreed-upon procedures must~~
1831 ~~be conducted in accordance with attestation standards~~
1832 ~~established by the American Institute of Certified Public~~
1833 ~~Accountants.~~

1834
1835 If a private school fails ~~is unable~~ to meet the requirements of
1836 this subsection or s. 1002.421 ~~or has consecutive years of~~
1837 ~~material exceptions listed in the report required under~~
1838 ~~paragraph (e)~~, the commissioner may determine that the private
1839 school is ineligible to participate in the scholarship program
1840 ~~as determined by the Department of Education.~~

1841 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
1842 Education shall:

1843 (a) Annually submit to the department and division, by
1844 March 15, a list of eligible nonprofit scholarship-funding
1845 organizations that meet the requirements of paragraph (2) (f).

1846 (b) Annually verify the eligibility of nonprofit
1847 scholarship-funding organizations that meet the requirements of
1848 paragraph (2) (f).

1849 ~~(c) Annually verify the eligibility of private schools~~
1850 ~~that meet the requirements of subsection (8).~~

1851 ~~(c)-(d)~~ Annually verify the eligibility of expenditures as
 1852 provided in paragraph (6) (d) using the audit required by
 1853 paragraph (6) (m) and s. 11.45(2)(l) ~~s. 11.45(2)(k)~~.

1854 ~~(e)~~ Establish a toll-free hotline that provides parents
 1855 and private schools with information on participation in the
 1856 scholarship program.

1857 ~~(f)~~ Establish a process by which individuals may notify
 1858 the Department of Education of any violation by a parent,
 1859 private school, or school district of state laws relating to
 1860 program participation. The Department of Education shall conduct
 1861 an inquiry of any written complaint of a violation of this
 1862 section, or make a referral to the appropriate agency for an
 1863 investigation, if the complaint is signed by the complainant and
 1864 is legally sufficient. A complaint is legally sufficient if it
 1865 contains ultimate facts that show that a violation of this
 1866 section or any rule adopted by the State Board of Education has
 1867 occurred. In order to determine legal sufficiency, the
 1868 Department of Education may require supporting information or
 1869 documentation from the complainant. A department inquiry is not
 1870 subject to the requirements of chapter 120.

1871 ~~(g)~~ Require an annual, notarized, sworn compliance
 1872 statement by participating private schools certifying compliance
 1873 with state laws and shall retain such records.

1874 ~~(d)-(h)~~ Cross-check the list of participating scholarship
 1875 students with the public school enrollment lists to avoid

1876 duplication.

1877 (e)~~(i)~~ Maintain a list of nationally norm-referenced tests
1878 identified for purposes of satisfying the testing requirement in
1879 subparagraph (8) (b)1 ~~subparagraph (8) (c)2~~. The tests must meet
1880 industry standards of quality in accordance with State Board of
1881 Education rule.

1882 (f)~~(j)~~ Issue a project grant award to a state university
1883 ~~the Learning System Institute at the Florida State University,~~
1884 to which participating private schools must report the scores of
1885 participating students on the nationally norm-referenced tests
1886 or the statewide assessments administered by the private school
1887 in grades 3 through 10. The project term is 2 years, and the
1888 amount of the project is up to \$250,000 ~~\$500,000~~ per year. The
1889 project grant award must be reissued in 2-year intervals in
1890 accordance with this paragraph.

1891 1. The state university ~~Learning System Institute~~ must
1892 annually report to the Department of Education on the student
1893 performance of participating students:

1894 a. On a statewide basis. The report shall also include, to
1895 the extent possible, a comparison of scholarship students'
1896 performance to the statewide student performance of public
1897 school students with socioeconomic backgrounds similar to those
1898 of students participating in the scholarship program. To
1899 minimize costs and reduce time required for the state
1900 university's ~~Learning System Institute's~~ analysis and

1901 evaluation, the Department of Education shall coordinate with
1902 the state university ~~Learning System Institute~~ to provide data
1903 to the state university ~~Learning System Institute~~ in order to
1904 conduct analyses of matched students from public school
1905 assessment data and calculate control group student performance
1906 using an agreed-upon methodology with the state university
1907 ~~Learning System Institute~~; and

1908 b. On an individual school basis. The annual report must
1909 include student performance for each participating private
1910 school in which at least 51 percent of the total enrolled
1911 students in the private school participated in the Florida Tax
1912 Credit Scholarship Program in the prior school year. The report
1913 shall be according to each participating private school, and for
1914 participating students, in which there are at least 30
1915 participating students who have scores for tests administered.
1916 If the state university ~~Learning System Institute~~ determines
1917 that the 30-participating-student cell size may be reduced
1918 without disclosing personally identifiable information, as
1919 described in 34 C.F.R. s. 99.12, of a participating student, the
1920 state university ~~Learning System Institute~~ may reduce the
1921 participating-student cell size, but the cell size must not be
1922 reduced to less than 10 participating students. The department
1923 shall provide each private school's prior school year's student
1924 enrollment information to the state university ~~Learning System~~
1925 ~~Institute~~ no later than June 15 of each year, or as requested by

1926 | the state university ~~Learning System Institute~~.

1927 | 2. The sharing and reporting of student performance data
 1928 | under this paragraph must be in accordance with requirements of
 1929 | ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family
 1930 | Educational Rights and Privacy Act, and the applicable rules and
 1931 | regulations issued pursuant thereto, and shall be for the sole
 1932 | purpose of creating the annual report required by subparagraph
 1933 | 1. All parties must preserve the confidentiality of such
 1934 | information as required by law. The annual report must not
 1935 | disaggregate data to a level that will identify individual
 1936 | participating schools, except as required under sub-subparagraph
 1937 | 1.b., or disclose the academic level of individual students.

1938 | 3. The annual report required by subparagraph 1. shall be
 1939 | published by the Department of Education on its website.

1940 | (g) ~~(k)~~ Notify an eligible nonprofit scholarship-funding
 1941 | organization of any of the organization's identified students
 1942 | who are receiving educational scholarships pursuant to chapter
 1943 | 1002.

1944 | (h) ~~(l)~~ Notify an eligible nonprofit scholarship-funding
 1945 | organization of any of the organization's identified students
 1946 | who are receiving tax credit scholarships from other eligible
 1947 | nonprofit scholarship-funding organizations.

1948 | (i) ~~(m)~~ Require quarterly reports by an eligible nonprofit
 1949 | scholarship-funding organization regarding the number of
 1950 | students participating in the scholarship program, the private

1951 schools at which the students are enrolled, and other
1952 information deemed necessary by the Department of Education.

1953 ~~(n)1. Conduct site visits to private schools participating~~
1954 ~~in the Florida Tax Credit Scholarship Program. The purpose of~~
1955 ~~the site visits is solely to verify the information reported by~~
1956 ~~the schools concerning the enrollment and attendance of~~
1957 ~~students, the credentials of teachers, background screening of~~
1958 ~~teachers, and teachers' fingerprinting results. The Department~~
1959 ~~of Education may not make more than seven site visits each year;~~
1960 ~~however, the department may make additional site visits at any~~
1961 ~~time to any school that has received a notice of noncompliance~~
1962 ~~or a notice of proposed action within the previous 2 years.~~

1963 ~~2. Annually, by December 15, report to the Governor, the~~
1964 ~~President of the Senate, and the Speaker of the House of~~
1965 ~~Representatives the Department of Education's actions with~~
1966 ~~respect to implementing accountability in the scholarship~~
1967 ~~program under this section and s. 1002.421, any substantiated~~
1968 ~~allegations or violations of law or rule by an eligible private~~
1969 ~~school under this program concerning the enrollment and~~
1970 ~~attendance of students, the credentials of teachers, background~~
1971 ~~screening of teachers, and teachers' fingerprinting results and~~
1972 ~~the corrective action taken by the Department of Education.~~

1973 (j) ~~(o)~~ Provide a process to match the direct certification
1974 list with the scholarship application data submitted by any
1975 nonprofit scholarship-funding organization eligible to receive

1976 | the 3-percent administrative allowance under paragraph (6) (j).
 1977 | ~~(p) Upon the request of a participating private school,~~
 1978 | ~~provide at no cost to the school the statewide assessments~~
 1979 | ~~administered under s. 1008.22 and any related materials for~~
 1980 | ~~administering the assessments. Students at a private school may~~
 1981 | ~~be assessed using the statewide assessments if the addition of~~
 1982 | ~~those students and the school does not cause the state to exceed~~
 1983 | ~~its contractual caps for the number of students tested and the~~
 1984 | ~~number of testing sites. The state shall provide the same~~
 1985 | ~~materials and support to a private school that it provides to a~~
 1986 | ~~public school. A private school that chooses to administer~~
 1987 | ~~statewide assessments under s. 1008.22 shall follow the~~
 1988 | ~~requirements set forth in ss. 1008.22 and 1008.24, rules adopted~~
 1989 | ~~by the State Board of Education to implement those sections, and~~
 1990 | ~~district-level testing policies established by the district~~
 1991 | ~~school board.~~

1992 | ~~(11) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—~~
 1993 | ~~(a)1. The Commissioner of Education shall deny, suspend,~~
 1994 | ~~or revoke a private school's participation in the scholarship~~
 1995 | ~~program if it is determined that the private school has failed~~
 1996 | ~~to comply with the provisions of this section. However, in~~
 1997 | ~~instances in which the noncompliance is correctable within a~~
 1998 | ~~reasonable amount of time and in which the health, safety, or~~
 1999 | ~~welfare of the students is not threatened, the commissioner may~~
 2000 | ~~issue a notice of noncompliance that shall provide the private~~

2001 ~~school with a timeframe within which to provide evidence of~~
 2002 ~~compliance prior to taking action to suspend or revoke the~~
 2003 ~~private school's participation in the scholarship program.~~

2004 ~~2. The Commissioner of Education may deny, suspend, or~~
 2005 ~~revoke a private school's participation in the scholarship~~
 2006 ~~program if the commissioner determines that:~~

2007 ~~a. An owner or operator of a private school has exhibited~~
 2008 ~~a previous pattern of failure to comply with this section or s.~~
 2009 ~~1002.421; or~~

2010 ~~b. An owner or operator of the private school is operating~~
 2011 ~~or has operated an educational institution in this state or~~
 2012 ~~another state or jurisdiction in a manner contrary to the~~
 2013 ~~health, safety, or welfare of the public.~~

2014
 2015 ~~In making the determination under this subparagraph, the~~
 2016 ~~commissioner may consider factors that include, but are not~~
 2017 ~~limited to, acts or omissions by an owner or operator that led~~
 2018 ~~to a previous denial or revocation of participation in an~~
 2019 ~~education scholarship program; an owner's or operator's failure~~
 2020 ~~to reimburse the Department of Education or a nonprofit~~
 2021 ~~scholarship funding organization for scholarship funds~~
 2022 ~~improperly received or retained by a school; imposition of a~~
 2023 ~~prior criminal sanction, civil fine, administrative fine,~~
 2024 ~~license revocation or suspension, or program eligibility~~
 2025 ~~suspension, termination, or revocation related to an owner's or~~

2026 ~~operator's management or operation of an educational~~
2027 ~~institution; or other types of criminal proceedings in which the~~
2028 ~~owner or operator was found guilty of, regardless of~~
2029 ~~adjudication, or entered a plea of nolo contendere or guilty to,~~
2030 ~~any offense involving fraud, deceit, dishonesty, or moral~~
2031 ~~turpitude.~~

2032 ~~(b) The commissioner's determination is subject to the~~
2033 ~~following:~~

2034 ~~1. If the commissioner intends to deny, suspend, or revoke~~
2035 ~~a private school's participation in the scholarship program, the~~
2036 ~~Department of Education shall notify the private school of such~~
2037 ~~proposed action in writing by certified mail and regular mail to~~
2038 ~~the private school's address of record with the Department of~~
2039 ~~Education. The notification shall include the reasons for the~~
2040 ~~proposed action and notice of the timelines and procedures set~~
2041 ~~forth in this paragraph.~~

2042 ~~2. The private school that is adversely affected by the~~
2043 ~~proposed action shall have 15 days from receipt of the notice of~~
2044 ~~proposed action to file with the Department of Education's~~
2045 ~~agency clerk a request for a proceeding pursuant to ss. 120.569~~
2046 ~~and 120.57. If the private school is entitled to a hearing under~~
2047 ~~s. 120.57(1), the Department of Education shall forward the~~
2048 ~~request to the Division of Administrative Hearings.~~

2049 ~~3. Upon receipt of a request referred pursuant to this~~
2050 ~~paragraph, the director of the Division of Administrative~~

2051 ~~Hearings shall expedite the hearing and assign an administrative~~
2052 ~~law judge who shall commence a hearing within 30 days after the~~
2053 ~~receipt of the formal written request by the division and enter~~
2054 ~~a recommended order within 30 days after the hearing or within~~
2055 ~~30 days after receipt of the hearing transcript, whichever is~~
2056 ~~later. Each party shall be allowed 10 days in which to submit~~
2057 ~~written exceptions to the recommended order. A final order shall~~
2058 ~~be entered by the agency within 30 days after the entry of a~~
2059 ~~recommended order. The provisions of this subparagraph may be~~
2060 ~~waived upon stipulation by all parties.~~

2061 ~~(c) The commissioner may immediately suspend payment of~~
2062 ~~scholarship funds if it is determined that there is probable~~
2063 ~~cause to believe that there is:~~

2064 ~~1. An imminent threat to the health, safety, and welfare~~
2065 ~~of the students;~~

2066 ~~2. A previous pattern of failure to comply with this~~
2067 ~~section or s. 1002.421; or~~

2068 ~~3. Fraudulent activity on the part of the private school.~~
2069 ~~Notwithstanding s. 1002.22, in incidents of alleged fraudulent~~
2070 ~~activity pursuant to this section, the Department of Education's~~
2071 ~~Office of Inspector General is authorized to release personally~~
2072 ~~identifiable records or reports of students to the following~~
2073 ~~persons or organizations:~~

2074 ~~a. A court of competent jurisdiction in compliance with an~~
2075 ~~order of that court or the attorney of record in accordance with~~

2076 ~~a lawfully issued subpoena, consistent with the Family~~
2077 ~~Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.~~

2078 ~~b. A person or entity authorized by a court of competent~~
2079 ~~jurisdiction in compliance with an order of that court or the~~
2080 ~~attorney of record pursuant to a lawfully issued subpoena,~~
2081 ~~consistent with the Family Educational Rights and Privacy Act,~~
2082 ~~20 U.S.C. s. 1232g.~~

2083 ~~e. Any person, entity, or authority issuing a subpoena for~~
2084 ~~law enforcement purposes when the court or other issuing agency~~
2085 ~~has ordered that the existence or the contents of the subpoena~~
2086 ~~or the information furnished in response to the subpoena not be~~
2087 ~~disclosed, consistent with the Family Educational Rights and~~
2088 ~~Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.~~

2089
2090 ~~The commissioner's order suspending payment pursuant to this~~
2091 ~~paragraph may be appealed pursuant to the same procedures and~~
2092 ~~timelines as the notice of proposed action set forth in~~
2093 ~~paragraph (b).~~

2094 Section 23. Section 1002.40, Florida Statutes, is created
2095 to read:

2096 1002.40 The Hope Scholarship Program.—

2097 (1) PURPOSE.—The Hope Scholarship Program is established
2098 to provide the parent of a public school student who was
2099 subjected to an incident listed in subsection (3) an opportunity
2100 to transfer the student to another public school or to request a

2101 scholarship for the student to enroll in and attend an eligible
2102 private school.

2103 (2) DEFINITIONS.—As used in this section, the term:

2104 (a) "Dealer" has the same meaning as provided in s.

2105 212.06.

2106 (b) "Department" means the Department of Education.

2107 (c) "Designated agent" has the same meaning as provided in
2108 s. 212.06(10).

2109 (d) "Eligible contribution" or "contribution" means a
2110 monetary contribution from a person purchasing a motor vehicle,
2111 subject to the restrictions provided in this section, to an
2112 eligible nonprofit scholarship-funding organization. The person
2113 making the contribution may not designate a specific student as
2114 the beneficiary of the contribution.

2115 (e) "Eligible nonprofit scholarship-funding organization"
2116 or "organization" has the same meaning as provided in s.
2117 1002.395(2)(f).

2118 (f) "Eligible private school" has the same meaning as
2119 provided in s. 1002.395(2)(g).

2120 (g) "Motor vehicle" has the same meaning as provided in s.
2121 320.01(1)(a), but does not include a heavy truck, truck tractor,
2122 trailer, or motorcycle.

2123 (h) "Parent" means a resident of this state who is a
2124 parent, as defined in s. 1000.21, and whose student was
2125 subjected to an incident listed in subsection (3).

2126 (i) "Program" means the Hope Scholarship Program.
 2127 (j) "School" means any educational program or activity
 2128 conducted by a public K-12 educational institution, any school-
 2129 related or school-sponsored program or activity, and riding on a
 2130 school bus, as defined in s. 1006.25(1), including waiting at a
 2131 school bus stop.
 2132 (k) "Unweighted FTE funding amount" means the statewide
 2133 average total funds per unweighted full-time equivalent funding
 2134 amount that is incorporated by reference in the General
 2135 Appropriations Act, or by a subsequent special appropriations
 2136 act, for the applicable state fiscal year.
 2137 (3) PROGRAM ELIGIBILITY.—Beginning with the 2018-2019
 2138 school year, contingent upon available funds, and on a first-
 2139 come, first-served basis, a student enrolled in a Florida public
 2140 school in kindergarten through grade 12 is eligible for a
 2141 scholarship under this program if the student has been subjected
 2142 to an incident of battery; harassment; hazing; bullying;
 2143 kidnapping; physical attack; robbery; sexual offenses,
 2144 harassment, assault, or battery; threat or intimidation; or
 2145 fighting at school.
 2146 (4) PROGRAM PROHIBITIONS.—Payment of a scholarship to a
 2147 student enrolled in a private school may not be made if a
 2148 student is:
 2149 (a) Enrolled in a public school, including, but not
 2150 limited to, the Florida School for the Deaf and the Blind; the

2151 College-Preparatory Boarding Academy; a developmental research
2152 school authorized under s. 1002.32; or a charter school
2153 authorized under s. 1002.33, s. 1002.331, or s. 1002.332;

2154 (b) Enrolled in a school operating for the purpose of
2155 providing educational services to youth in the Department of
2156 Juvenile Justice commitment programs;

2157 (c) Participating in a virtual school, correspondence
2158 school, or distance learning program that receives state funding
2159 pursuant to the student's participation unless the participation
2160 is limited to no more than two courses per school year; or

2161 (d) Receiving any other educational scholarship pursuant
2162 to this chapter.

2163 (5) TERM OF HOPE SCHOLARSHIP.-For purposes of continuity
2164 of educational choice, a Hope scholarship shall remain in force
2165 until the student returns to public school or graduates from
2166 high school, whichever occurs first. A scholarship student who
2167 enrolls in a public school or public school program is
2168 considered to have returned to a public school for the purpose
2169 of determining the end of the scholarship's term.

2170 (6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.-

2171 (a) Upon receipt of a report of an incident listed in
2172 subsection (3), the school principal shall provide a copy of the
2173 report to the parent and investigate the incident to determine
2174 if the incident must be reported as required by s. 1006.09(6).
2175 Upon conclusion of the investigation or within 15 days after the

2176 incident was reported, whichever occurs first, the school
2177 district shall notify the parent of the program and offer the
2178 parent an opportunity to enroll his or her student in another
2179 public school or to request and receive a scholarship to attend
2180 an eligible private school, subject to available funding. A
2181 parent who chooses to enroll his or her student in a public
2182 school located outside the district in which the student resides
2183 pursuant to s. 1002.31 shall be eligible for a scholarship to
2184 transport the student as provided in paragraph (11) (b).

2185 (b) For each student participating in the program in an
2186 eligible private school who chooses to participate in the
2187 statewide assessments under s. 1008.22 or the Florida Alternate
2188 Assessment, the school district in which the student resides
2189 must notify the student and his or her parent about the
2190 locations and times to take all statewide assessments.

2191 (7) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An
2192 eligible private school may be sectarian or nonsectarian and
2193 shall:

2194 (a) Comply with all requirements for private schools
2195 participating in state school choice scholarship programs
2196 pursuant to this section and s. 1002.421.

2197 (b)1. Annually administer or make provision for students
2198 participating in the program in grades 3 through 10 to take one
2199 of the nationally norm-referenced tests identified by the
2200 department or the statewide assessments pursuant to s. 1008.22.

2201 Students with disabilities for whom standardized testing is not
2202 appropriate are exempt from this requirement. A participating
2203 private school shall report a student's scores to his or her
2204 parent.

2205 2. Administer the statewide assessments pursuant to s.
2206 1008.22 if a private school chooses to offer the statewide
2207 assessments. A participating private school may choose to offer
2208 and administer the statewide assessments to all students who
2209 attend the private school in grades 3 through 10 and must submit
2210 a request in writing to the department by March 1 of each year
2211 in order to administer the statewide assessments in the
2212 subsequent school year.

2213
2214 If a private school fails to meet the requirements of this
2215 subsection or s. 1002.421, the commissioner may determine that
2216 the private school is ineligible to participate in the program.

2217 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
2218 shall:

2219 (a) Cross-check the list of participating scholarship
2220 students with the public school enrollment lists to avoid
2221 duplication.

2222 (b) Maintain a list of nationally norm-referenced tests
2223 identified for purposes of satisfying the testing requirement in
2224 paragraph (9) (f). The tests must meet industry standards of
2225 quality in accordance with State Board of Education rule.

2226 (c) Require quarterly reports by an eligible nonprofit
2227 scholarship-funding organization regarding the number of
2228 students participating in the program, the private schools in
2229 which the students are enrolled, and other information deemed
2230 necessary by the department.

2231 (d) Contract with an independent entity to provide an
2232 annual evaluation of the program by:

2233 1. Reviewing the school climate and code of student
2234 conduct of each public school from which 10 or more students
2235 transferred to another public school or private school using the
2236 Hope scholarship to determine areas in the school or school
2237 district procedures involving reporting, investigating, and
2238 communicating a parent's and student's rights that are in need
2239 of improvement. At a minimum, the review must include:

2240 a. An assessment of the investigation time and quality of
2241 the response of the school and the school district.

2242 b. An assessment of the effectiveness of communication
2243 procedures with the students involved in an incident, the
2244 students' parents, and the school and school district personnel.

2245 c. An analysis of school incident and discipline data.

2246 d. The challenges and obstacles relating to implementing
2247 recommendations from the review.

2248 2. Reviewing the school climate and code of student
2249 conduct of each public school to which a student transferred if
2250 the student was from a school identified in subparagraph 1. in

2251 order to identify best practices and make recommendations to a
2252 public school at which the incidents occurred.

2253 3. Reviewing the performance of participating students
2254 enrolled in a private school in which at least 51 percent of the
2255 total enrolled students in the prior school year participated in
2256 the program and in which there are at least 10 participating
2257 students who have scores for tests administered.

2258 4. Surveying the parents of participating students to
2259 determine academic, safety, and school climate satisfaction and
2260 to identify any challenges to or obstacles in addressing the
2261 incident or relating to the use of the scholarship.

2262 (9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
2263 PARTICIPATION.—A parent who applies for a Hope scholarship is
2264 exercising his or her parental option to place his or her
2265 student in an eligible private school.

2266 (a) The parent must select an eligible private school and
2267 apply for the admission of his or her student.

2268 (b) The parent must inform the student's school district
2269 when the parent withdraws his or her student to attend an
2270 eligible private school.

2271 (c) Any student participating in the program must remain
2272 in attendance throughout the school year unless excused by the
2273 school for illness or other good cause.

2274 (d) Each parent and each student has an obligation to the
2275 private school to comply with such school's published policies.

2276 (e) Upon reasonable notice to the department and the
2277 school district, the parent may remove the student from the
2278 private school and place the student in a public school in
2279 accordance with this section.

2280 (f) The parent must ensure that the student participating
2281 in the program takes the norm-referenced assessment offered by
2282 the private school. The parent may also choose to have the
2283 student participate in the statewide assessments pursuant to s.
2284 1008.22. If the parent requests that the student take the
2285 statewide assessments pursuant to s. 1008.22 and the private
2286 school has not chosen to offer and administer the statewide
2287 assessments, the parent is responsible for transporting the
2288 student to the assessment site designated by the school
2289 district.

2290 (g) Upon receipt of a scholarship warrant, the parent to
2291 whom the warrant is made must restrictively endorse the warrant
2292 to the private school for deposit into the account of such
2293 school. If payment is made by funds transfer in accordance with
2294 paragraph (11) (d), the parent must approve each payment before
2295 the scholarship funds may be deposited. The parent may not
2296 designate any entity or individual associated with the
2297 participating private school as the parent's attorney in fact to
2298 endorse a scholarship warrant or approve a funds transfer. A
2299 parent who fails to comply with this paragraph forfeits the
2300 scholarship.

2301 (10) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
 2302 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
 2303 organization may establish scholarships for eligible students
 2304 by:

2305 (a) Receiving applications and determining student
 2306 eligibility in accordance with the requirements of this section.

2307 (b) Notifying parents of their receipt of a scholarship on
 2308 a first-come, first-served basis, based upon available funds.

2309 (c) Establishing a date by which the parent of a
 2310 participating student must confirm continuing participation in
 2311 the program.

2312 (d) Awarding scholarship funds to eligible students,
 2313 giving priority to renewing students from the previous year.

2314 (e) Preparing and submitting quarterly reports to the
 2315 department pursuant to paragraph (8)(c). In addition, an
 2316 eligible nonprofit scholarship-funding organization must submit
 2317 in a timely manner any information requested by the department
 2318 relating to the program.

2319 (f) Notifying the department of any violation of this
 2320 section.

2321 (11) FUNDING AND PAYMENT.—

2322 (a) The maximum amount awarded to a student enrolled in an
 2323 eligible private school shall be determined as a percentage of
 2324 the unweighted FTE funding amount for that state fiscal year and
 2325 thereafter as follows:

2326 1. Eighty-eight percent for a student enrolled in
 2327 kindergarten through grade 5.

2328 2. Ninety-two percent for a student enrolled in grade 6
 2329 through grade 8.

2330 3. Ninety-six percent for a student enrolled in grade 9
 2331 through grade 12.

2332 (b) The maximum amount awarded to a student enrolled in a
 2333 public school located outside of the district in which the
 2334 student resides shall be \$750.

2335 (c) When a student enters the program, the eligible
 2336 nonprofit scholarship-funding organization must receive all
 2337 documentation required for the student's participation,
 2338 including a copy of the report of the incident received pursuant
 2339 to subsection (6) and the private school's and student's fee
 2340 schedules. The initial payment shall be made after verification
 2341 of admission acceptance, and subsequent payments shall be made
 2342 upon verification of continued enrollment and attendance at the
 2343 private school.

2344 (d) Payment of the scholarship by the eligible nonprofit
 2345 scholarship-funding organization may be by individual warrant
 2346 made payable to the student's parent or by funds transfer,
 2347 including, but not limited to, debit cards, electronic payment
 2348 cards, or any other means of payment that the department deems
 2349 to be commercially viable or cost-effective. If payment is made
 2350 by warrant, the warrant must be delivered by the eligible

2351 nonprofit scholarship-funding organization to the private school
2352 of the parent's choice, and the parent shall restrictively
2353 endorse the warrant to the private school. If payments are made
2354 by funds transfer, the parent must approve each payment before
2355 the scholarship funds may be deposited. The parent may not
2356 designate any entity or individual associated with the
2357 participating private school as the parent's attorney in fact to
2358 endorse a scholarship warrant or approve a funds transfer.

2359 (e) An eligible nonprofit scholarship-funding organization
2360 shall obtain verification from the private school of a student's
2361 continued attendance at the school for each period covered by a
2362 scholarship payment.

2363 (f) Payment of the scholarship shall be made by the
2364 eligible nonprofit scholarship-funding organization no less
2365 frequently than on a quarterly basis.

2366 (g) An eligible nonprofit scholarship-funding organization
2367 may use up to 3 percent of eligible contributions received
2368 during the state fiscal year in which such contributions are
2369 collected for administrative expenses if the organization has
2370 operated as an eligible nonprofit scholarship-funding
2371 organization for at least the preceding 3 fiscal years and did
2372 not have any findings of material weakness or material
2373 noncompliance in its most recent audit under s. 1002.395(6)(m).
2374 Such administrative expenses must be reasonable and necessary
2375 for the organization's management and distribution of eligible

2376 contributions under this section. Funds authorized under this
2377 paragraph may not be used for lobbying or political activity or
2378 expenses related to lobbying or political activity. Up to one-
2379 third of the funds authorized for administrative expenses under
2380 this paragraph may be used for expenses related to the
2381 recruitment of contributions. An eligible nonprofit scholarship-
2382 funding organization may not charge an application fee.

2383 (h) Moneys received pursuant to this section do not
2384 constitute taxable income to the qualified student or his or her
2385 parent.

2386 (12) OBLIGATIONS OF THE AUDITOR GENERAL.—

2387 (a) The Auditor General shall conduct an annual
2388 operational audit of accounts and records of each organization
2389 that participates in the program. As part of this audit, the
2390 Auditor General shall verify, at a minimum, the total number of
2391 students served and transmit that information to the department.
2392 The Auditor General shall provide the commissioner with a copy
2393 of each annual operational audit performed pursuant to this
2394 paragraph within 10 days after the audit is finalized.

2395 (b) The Auditor General shall notify the department of any
2396 organization that fails to comply with a request for
2397 information.

2398 (13) SCHOLARSHIP FUNDING TAX CREDITS—

2399 (a) A tax credit is available under s. 212.1832(1) for use
2400 by a person that makes an eligible contribution. Each eligible

2401 contribution is limited to a single payment of \$105 per motor
2402 vehicle purchased at the time of purchase of a motor vehicle or
2403 a single payment of \$105 per motor vehicle purchased at the time
2404 of registration of a motor vehicle that was not purchased from a
2405 dealer. Payments of contributions shall be made to a dealer at
2406 the time of purchase of a motor vehicle or to a designated agent
2407 or private tag agent at the time of registration of a motor
2408 vehicle that was not purchased from a dealer. An eligible
2409 contribution shall be accompanied by a contribution election
2410 form provided by the Department of Revenue. The form shall
2411 include, at a minimum, a brief description of the Hope
2412 Scholarship Program and a section allowing the consumer to
2413 designate, from all participating scholarship funding
2414 organizations, which organization will receive his or her
2415 donation. For purposes of this subsection, the term "purchase"
2416 does not include the lease or rental of a motor vehicle.

2417 (b) A dealer, designated agent, or private tag agent
2418 shall:

2419 1. Provide the purchaser the contribution election form,
2420 as provided by the Department of Revenue, at the time of
2421 purchase of a motor vehicle or at the time of registration of a
2422 motor vehicle that was not purchased from a dealer.

2423 2. Collect eligible contributions.

2424 3. Using a form provided by the Department of Revenue,
2425 which shall include the dealer's or agent's federal employer

2426 identification number, remit to an organization no later than
2427 the date the return filed pursuant to s. 212.11 is due the total
2428 amount of contributions made to that organization and collected
2429 during the preceding reporting period. The dealer or agent shall
2430 also report this information to the Department of Revenue no
2431 later than the date the return filed pursuant to s. 212.11 is
2432 due.

2433 4. Report to the Department of Revenue on each return
2434 filed pursuant to s. 212.11 the total amount of credits granted
2435 under s. 212.1832 for the preceding reporting period.

2436 (c) An organization shall report to the Department of
2437 Revenue, on or before the 20th day of each month, the total
2438 amount of contributions received pursuant to paragraph (b) in
2439 the preceding calendar month on a form provided by the
2440 Department of Revenue. Such report shall include:

2441 1. The federal employer identification number of each
2442 designated agent, private tag agent, or dealer who remitted
2443 contributions to the organization during that reporting period.

2444 2. The amount of contributions received from each
2445 designated agent, private tag agent, or dealer during that
2446 reporting period.

2447 (d) A person who, with the intent to unlawfully deprive or
2448 defraud the program of its moneys or the use or benefit thereof,
2449 fails to remit a contribution collected under this section is
2450 guilty of theft, punishable as follows:

2451 1. If the total amount stolen is less than \$300, the
2452 offense is a misdemeanor of the second degree, punishable as
2453 provided in s. 775.082 or s. 775.083. Upon a second conviction,
2454 the offender is guilty of a misdemeanor of the first degree,
2455 punishable as provided in s. 775.082 or s. 775.083. Upon a third
2456 or subsequent conviction, the offender is guilty of a felony of
2457 the third degree, punishable as provided in s. 775.082, s.
2458 775.083, or s. 775.084.

2459 2. If the total amount stolen is \$300 or more, but less
2460 than \$20,000, the offense is a felony of the third degree,
2461 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2462 3. If the total amount stolen is \$20,000 or more, but less
2463 than \$100,000, the offense is a felony of the second degree,
2464 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2465 4. If the total amount stolen is \$100,000 or more, the
2466 offense is a felony of the first degree, punishable as provided
2467 in s. 775.082, s. 775.083, or s. 775.084.

2468 (e) A person convicted of an offense under paragraph (d)
2469 shall be ordered by the sentencing judge to make restitution to
2470 the organization in the amount that was stolen from the program.

2471 (f) Upon a finding that a dealer failed to remit a
2472 contribution under subparagraph (b)3. for which the dealer
2473 claimed a credit pursuant to s. 212.1832(2), the Department of
2474 Revenue shall notify the dealer of such finding and request
2475 evidence from the dealer that demonstrates the remittance

2476 obligation was met within 30 days after such notice was issued.
2477 If, within 30 days after such notice was issued, the dealer
2478 fails to provide evidence to the Department of Revenue that the
2479 contribution in question was remitted, the Department of Revenue
2480 may impose a civil fine in an amount equal to twice the amount
2481 of contributions the dealer failed to remit, which fine shall be
2482 transferred into the General Revenue Fund. If the fine is not
2483 paid within 60 days after it is imposed, the Department of
2484 Revenue may bring a civil action under s. 120.69 to recover such
2485 fine.

2486 (g) Any dealer, designated agent, private tag agent, or
2487 organization that fails to timely submit reports to the
2488 Department of Revenue as required in paragraphs (b) and (c) is
2489 subject to a penalty of \$1,000 for every month, or part thereof,
2490 the report is not provided, up to a maximum amount of \$10,000.
2491 Such penalty shall be collected by the Department of Revenue and
2492 shall be transferred into the General Revenue Fund. Such penalty
2493 must be settled or compromised if it is determined by the
2494 Department of Revenue that the noncompliance is due to
2495 reasonable cause and not due to willful negligence, willful
2496 neglect, or fraud.

2497 (14) LIABILITY.—The state is not liable for the award of
2498 or any use of awarded funds under this section.

2499 (15) SCOPE OF AUTHORITY.—This section does not expand the
2500 regulatory authority of this state, its officers, or any school

2501 district to impose additional regulation on participating
 2502 private schools beyond those reasonably necessary to enforce
 2503 requirements expressly set forth in this section.

2504 (16) RULES.—The State Board of Education shall adopt rules
 2505 to administer this section, except the Department of Revenue
 2506 shall adopt rules to administer subsection (13).

2507 Section 24. Section 1002.411, Florida Statutes, is created
 2508 to read:

2509 1002.411 Reading scholarship accounts.—

2510 (1) READING SCHOLARSHIP ACCOUNTS.—Reading scholarship
 2511 accounts are established to provide educational options for
 2512 students.

2513 (2) ELIGIBILITY.—Contingent upon available funds, and on a
 2514 first-come, first-served basis, each student in grades 3 through
 2515 5 who is enrolled in a Florida public school is eligible for a
 2516 reading scholarship account if the student scored below a Level
 2517 3 on the grade 3 or grade 4 statewide, standardized English
 2518 Language Arts (ELA) assessment in the prior school year.

2519 (3) PARENT AND STUDENT RESPONSIBILITIES FOR
 2520 PARTICIPATION.—

2521 (a) For an eligible student to receive a reading
 2522 scholarship account, the student's parent must:

2523 1. Submit an application to an eligible nonprofit
 2524 scholarship-funding organization by the deadline established by
 2525 such organization; and

2526 2. Submit eligible expenses to the eligible nonprofit
 2527 scholarship-funding organization for reimbursement of qualifying
 2528 expenditures, which may include:

2529 a. Instructional materials.

2530 b. Curriculum. As used in this sub-subparagraph, the term
 2531 "curriculum" means a complete course of study for a particular
 2532 content area or grade level, including any required supplemental
 2533 materials and associated online instruction.

2534 c. Tuition and fees for part-time tutoring services
 2535 provided by a person who holds a baccalaureate or graduate
 2536 degree in the subject area; a person who holds an adjunct
 2537 teaching certificate pursuant to s. 1012.57; or a person who has
 2538 demonstrated a mastery of subject area knowledge pursuant to s.
 2539 1012.56(5).

2540 d. Fees for summer education programs.

2541 e. Fees for after-school education programs.

2542 f. Specialized services by approved providers or by a
 2543 hospital in this state which are selected by the parent. These
 2544 specialized services may include, but are not limited to:

2545 (I) Applied behavior analysis services as provided in ss.
 2546 627.6686 and 641.31098.

2547 (II) Services provided by speech-language pathologists as
 2548 defined in s. 468.1125.

2549 (III) Occupational therapy services as defined in s.
 2550 468.203.

2551 (IV) Services provided by physical therapists as defined
2552 in s. 486.021.

2553 (V) Services provided by listening and spoken language
2554 specialists and an appropriate acoustical environment for a
2555 child who is deaf or hard of hearing and who has received an
2556 implant or assistive hearing device.

2557
2558 A provider of any services receiving payments pursuant to this
2559 subparagraph may not share any moneys from the reading
2560 scholarship with, or provide a refund or rebate of any moneys
2561 from such scholarship to, the parent or participating student in
2562 any manner. A parent, student, or provider of any services may
2563 not bill an insurance company, Medicaid, or any other agency for
2564 the same services that are paid for using reading scholarship
2565 funds.

2566 (b) The parent is responsible for the payment of all
2567 eligible expenses in excess of the amount in the account in
2568 accordance with the terms agreed to between the parent and any
2569 providers and may not receive any refund or rebate of any
2570 expenditures made in accordance with paragraph (a).

2571 (4) ADMINISTRATION.—An eligible nonprofit scholarship-
2572 funding organization participating in the Florida Tax Credit
2573 Scholarship Program established by s. 1002.395 may establish
2574 reading scholarship accounts for eligible students in accordance
2575 with the requirements of eligible nonprofit scholarship-funding

2576 organizations under this chapter.

2577 (5) DEPARTMENT OBLIGATIONS.—The department shall have the
2578 same duties imposed by this chapter upon the department
2579 regarding oversight of scholarship programs administered by an
2580 eligible nonprofit scholarship-funding organization.

2581 (6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—By
2582 September 30, the school district shall notify the parent of
2583 each student in grades 3 through 5 who scored below a level 3 on
2584 the statewide, standardized ELA assessment in the prior school
2585 year of the process to request and receive a reading
2586 scholarship, subject to available funds.

2587 (7) ACCOUNT FUNDING AND PAYMENT.—

2588 (a) The maximum amount granted for an eligible student
2589 shall be provided in the General Appropriations Act.

2590 (b) One hundred percent of the funds appropriated for the
2591 reading scholarship accounts shall be released to the department
2592 at the beginning of the first quarter of each fiscal year.

2593 (c) Upon notification from the eligible nonprofit
2594 scholarship-funding organization that a student has been
2595 determined eligible for a reading scholarship, the department
2596 shall release the student's scholarship funds to such
2597 organization to be deposited into the student's account.

2598 (d) Accrued interest in the student's account is in
2599 addition to, and not part of, the awarded funds. Account funds
2600 include both the awarded funds and accrued interest.

2601 (e) The eligible nonprofit scholarship-funding
2602 organization may develop a system for payment of scholarship
2603 funds by funds transfer, including, but not limited to, debit
2604 cards, electronic payment cards, or any other means of payment
2605 that the department deems to be commercially viable or cost-
2606 effective. A student's scholarship award may not be reduced for
2607 debit card or electronic payment fees. Commodities or services
2608 related to the development of such a system shall be procured by
2609 competitive solicitation unless they are purchased from a state
2610 term contract pursuant to s. 287.056.

2611 (f) Payment of the scholarship shall be made by the
2612 eligible nonprofit scholarship-funding organization no less
2613 frequently than on a quarterly basis.

2614 (g) In addition to funds appropriated for scholarships and
2615 subject to a separate, specific legislative appropriation, an
2616 organization may receive an amount equivalent to not more than 3
2617 percent of the amount of each scholarship from state funds for
2618 administrative expenses if the organization has operated as a
2619 nonprofit entity for at least the preceding 3 fiscal years and
2620 did not have any findings of material weakness or material
2621 noncompliance in its most recent audit under s. 1002.395. Such
2622 administrative expenses must be reasonable and necessary for the
2623 organization's management and distribution of scholarships under
2624 this section. Funds authorized under this paragraph may not be
2625 used for lobbying or political activity or expenses related to

2626 lobbying or political activity. An organization may not charge
 2627 an application fee for a scholarship. Administrative expenses
 2628 may not be deducted from funds appropriated for scholarships.

2629 (h) Moneys received pursuant to this section do not
 2630 constitute taxable income to the qualified student or his or her
 2631 parent.

2632 (i) A student's scholarship account must be closed and any
 2633 remaining funds shall revert to the state after:

2634 1. Denial or revocation of scholarship eligibility by the
 2635 commissioner for fraud or abuse, including, but not limited to,
 2636 the student or student's parent accepting any payment, refund,
 2637 or rebate, in any manner, from a provider of any services
 2638 received pursuant to subsection (3); or

2639 2. Three consecutive fiscal years in which an account has
 2640 been inactive.

2641 (8) LIABILITY.—No liability shall arise on the part of the
 2642 state based on the award or use of a reading scholarship
 2643 account.

2644 Section 25. Section 1002.421, Florida Statutes, is amended
 2645 to read:

2646 1002.421 ~~Accountability of private schools participating~~
 2647 ~~in~~ State school choice scholarship program accountability and
 2648 oversight programs.—

2649 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A Florida
 2650 private school participating in the Florida Tax Credit

2651 ~~Scholarship Program established pursuant to s. 1002.395 or an~~
2652 educational scholarship program established pursuant to this
2653 chapter must be a Florida private school as defined in s.
2654 1002.01(2), be registered, and be in compliance ~~comply~~ with all
2655 requirements of this section in addition to private school
2656 requirements outlined in s. 1002.42, specific requirements
2657 identified within respective scholarship program laws, and other
2658 provisions of Florida law that apply to private schools, and
2659 must:-

2660 ~~(2) A private school participating in a scholarship~~
2661 ~~program must be a Florida private school as defined in s.~~
2662 ~~1002.01(2), must be registered in accordance with s. 1002.42,~~
2663 ~~and must:-~~

2664 (a) Comply with the antidiscrimination provisions of 42
2665 U.S.C. s. 2000d.

2666 (b) Notify the department of its intent to participate in
2667 a scholarship program.

2668 (c) Notify the department of any change in the school's
2669 name, school director, mailing address, or physical location
2670 within 15 days after the change.

2671 (d) Provide to the department or scholarship-funding
2672 organization all documentation required for a student's
2673 participation, including the private school's and student's
2674 individual fee schedule, and ~~Complete student enrollment and~~
2675 ~~attendance verification requirements, including use of an online~~

2676 attendance verification as required by the department or
 2677 scholarship-funding organization form, prior to scholarship
 2678 payment.

2679 (e) Annually complete and submit to the department a
 2680 notarized scholarship compliance statement certifying that all
 2681 school employees and contracted personnel with direct student
 2682 contact have undergone background screening pursuant to s.
 2683 943.0542 and have met the screening standards of s. 435.04.

2684 (f) Demonstrate fiscal soundness and accountability by:
 2685 1. Being in operation for at least 3 school years or
 2686 obtaining a surety bond or letter of credit for the amount equal
 2687 to the scholarship funds for any quarter and filing the surety
 2688 bond or letter of credit with the department.

2689 2. Requiring the parent of each scholarship student to
 2690 personally restrictively endorse the scholarship warrant to the
 2691 school or approve a funds transfer before any funds are
 2692 deposited for a student. The school may not act as attorney in
 2693 fact for the parent of a scholarship student under the authority
 2694 of a power of attorney executed by such parent, or under any
 2695 other authority, to endorse a scholarship warrant or approve a
 2696 funds transfer warrants on behalf of such parent.

2697 (g) Meet applicable state and local health, safety, and
 2698 welfare laws, codes, and rules, including:

- 2699 1. Firesafety.
- 2700 2. Building safety.

2701 (h) Employ or contract with teachers who hold
 2702 baccalaureate or higher degrees, have at least 3 years of
 2703 teaching experience in public or private schools, or have
 2704 special skills, knowledge, or expertise that qualifies them to
 2705 provide instruction in subjects taught.

2706 (i) Maintain a physical location in the state at which
 2707 each student has regular and direct contact with teachers.

2708 (j) Publish on the school's website, or in a written
 2709 format, information for parents regarding the school, including,
 2710 but not limited to, programs, services, and the qualifications
 2711 of classroom teachers.

2712 (k) At a minimum, provide the parent of each scholarship
 2713 student with a written explanation of the student's progress on
 2714 a quarterly basis.

2715 (l) Cooperate with a student whose parent chooses to
 2716 participate in the statewide assessments pursuant to s. 1008.22.

2717 (m) ~~(i)~~ Require each employee and contracted personnel with
 2718 direct student contact, upon employment or engagement to provide
 2719 services, to undergo a state and national background screening,
 2720 pursuant to s. 943.0542, by electronically filing with the
 2721 Department of Law Enforcement a complete set of fingerprints
 2722 taken by an authorized law enforcement agency or an employee of
 2723 the private school, a school district, or a private company who
 2724 is trained to take fingerprints and deny employment to or
 2725 terminate an employee if he or she fails to meet the screening

2726 standards under s. 435.04. Results of the screening shall be
 2727 provided to the participating private school. For purposes of
 2728 this paragraph:

2729 1. An "employee or contracted personnel with direct
 2730 student contact" means any employee or contracted personnel who
 2731 has unsupervised access to a scholarship student for whom the
 2732 private school is responsible.

2733 2. The costs of fingerprinting and the background check
 2734 shall not be borne by the state.

2735 3. Continued employment of an employee or contracted
 2736 personnel after notification that he or she has failed the
 2737 background screening under this paragraph shall cause a private
 2738 school to be ineligible for participation in a scholarship
 2739 program.

2740 4. An employee or contracted personnel holding a valid
 2741 Florida teaching certificate who has been fingerprinted pursuant
 2742 to s. 1012.32 is not required to comply with the provisions of
 2743 this paragraph.

2744 5.~~(3)(a)~~ All fingerprints submitted to the Department of
 2745 Law Enforcement as required by this section shall be retained by
 2746 the Department of Law Enforcement in a manner provided by rule
 2747 and entered in the statewide automated biometric identification
 2748 system authorized by s. 943.05(2)(b). Such fingerprints shall
 2749 thereafter be available for all purposes and uses authorized for
 2750 arrest fingerprints entered in the statewide automated biometric

2751 identification system pursuant to s. 943.051.

2752 6.~~(b)~~ The Department of Law Enforcement shall search all
2753 arrest fingerprints received under s. 943.051 against the
2754 fingerprints retained in the statewide automated biometric
2755 identification system under subparagraph 5 ~~paragraph (a)~~. Any
2756 arrest record that is identified with the retained fingerprints
2757 of a person subject to the background screening under this
2758 section shall be reported to the employing school with which the
2759 person is affiliated. Each private school participating in a
2760 scholarship program is required to participate in this search
2761 process by informing the Department of Law Enforcement of any
2762 change in the employment or contractual status of its personnel
2763 whose fingerprints are retained under subparagraph 5 ~~paragraph~~
2764 ~~(a)~~. The Department of Law Enforcement shall adopt a rule
2765 setting the amount of the annual fee to be imposed upon each
2766 private school for performing these searches and establishing
2767 the procedures for the retention of private school employee and
2768 contracted personnel fingerprints and the dissemination of
2769 search results. The fee may be borne by the private school or
2770 the person fingerprinted.

2771 7.~~(e)~~ Employees and contracted personnel whose
2772 fingerprints are not retained by the Department of Law
2773 Enforcement under subparagraphs 5. and 6. ~~paragraphs (a) and (b)~~
2774 are required to be refingerprinted and must meet state and
2775 national background screening requirements upon reemployment or

2776 reengagement to provide services in order to comply with the
 2777 requirements of this section.

2778 8.~~(d)~~ Every 5 years following employment or engagement to
 2779 provide services with a private school, employees or contracted
 2780 personnel required to be screened under this section must meet
 2781 screening standards under s. 435.04, at which time the private
 2782 school shall request the Department of Law Enforcement to
 2783 forward the fingerprints to the Federal Bureau of Investigation
 2784 for national processing. If the fingerprints of employees or
 2785 contracted personnel are not retained by the Department of Law
 2786 Enforcement under subparagraph 5. ~~paragraph (a)~~, employees and
 2787 contracted personnel must electronically file a complete set of
 2788 fingerprints with the Department of Law Enforcement. Upon
 2789 submission of fingerprints for this purpose, the private school
 2790 shall request that the Department of Law Enforcement forward the
 2791 fingerprints to the Federal Bureau of Investigation for national
 2792 processing, and the fingerprints shall be retained by the
 2793 Department of Law Enforcement under subparagraph 5 ~~paragraph~~
 2794 ~~(a)~~.

2795 ~~(4) A private school that accepts scholarship students~~
 2796 ~~under s. 1002.39 or s. 1002.395 must:~~

2797 ~~(a) Disqualify instructional personnel and school~~
 2798 ~~administrators, as defined in s. 1012.01, from employment in any~~
 2799 ~~position that requires direct contact with students if the~~
 2800 ~~personnel or administrators are ineligible for such employment~~

2801 ~~under s. 1012.315.~~

2802 (n) ~~(b)~~ Adopt policies establishing standards of ethical
2803 conduct for instructional personnel and school administrators.
2804 The policies must require all instructional personnel and school
2805 administrators, as defined in s. 1012.01, to complete training
2806 on the standards; establish the duty of instructional personnel
2807 and school administrators to report, and procedures for
2808 reporting, alleged misconduct by other instructional personnel
2809 and school administrators which affects the health, safety, or
2810 welfare of a student; and include an explanation of the
2811 liability protections provided under ss. 39.203 and 768.095. A
2812 private school, or any of its employees, may not enter into a
2813 confidentiality agreement regarding terminated or dismissed
2814 instructional personnel or school administrators, or personnel
2815 or administrators who resign in lieu of termination, based in
2816 whole or in part on misconduct that affects the health, safety,
2817 or welfare of a student, and may not provide the instructional
2818 personnel or school administrators with employment references or
2819 discuss the personnel's or administrators' performance with
2820 prospective employers in another educational setting, without
2821 disclosing the personnel's or administrators' misconduct. Any
2822 part of an agreement or contract that has the purpose or effect
2823 of concealing misconduct by instructional personnel or school
2824 administrators which affects the health, safety, or welfare of a
2825 student is void, is contrary to public policy, and may not be

2826 | enforced.

2827 | ~~(o)(e)~~ Before employing instructional personnel or school
2828 | administrators in any position that requires direct contact with
2829 | students, conduct employment history checks of each of the
2830 | personnel's or administrators' previous employers, screen the
2831 | personnel or administrators through use of the educator
2832 | screening tools described in s. 1001.10(5), and document the
2833 | findings. If unable to contact a previous employer, the private
2834 | school must document efforts to contact the employer.

2835 | (p) Require each owner or operator of the private school,
2836 | prior to employment or engagement to provide services, to
2837 | undergo level 2 background screening as provided under chapter
2838 | 435. For purposes of this paragraph, the term "owner or
2839 | operator" means an owner, operator, superintendent, or principal
2840 | of, or a person with equivalent decisionmaking authority over, a
2841 | private school participating in a scholarship program
2842 | established pursuant to this chapter. The fingerprints for the
2843 | background screening must be electronically submitted to the
2844 | Department of Law Enforcement and may be taken by an authorized
2845 | law enforcement agency or a private company who is trained to
2846 | take fingerprints. However, the complete set of fingerprints of
2847 | an owner or operator may not be taken by the owner or operator.
2848 | The owner or operator shall provide a copy of the results of the
2849 | state and national criminal history check to the Department of
2850 | Education. The cost of the background screening may be borne by

2851 the owner or operator.

2852 1. Every 5 years following employment or engagement to
2853 provide services, each owner or operator must meet level 2
2854 screening standards as described in s. 435.04, at which time the
2855 owner or operator shall request the Department of Law
2856 Enforcement to forward the fingerprints to the Federal Bureau of
2857 Investigation for level 2 screening. If the fingerprints of an
2858 owner or operator are not retained by the Department of Law
2859 Enforcement under subparagraph 2., the owner or operator must
2860 electronically file a complete set of fingerprints with the
2861 Department of Law Enforcement. Upon submission of fingerprints
2862 for this purpose, the owner or operator shall request that the
2863 Department of Law Enforcement forward the fingerprints to the
2864 Federal Bureau of Investigation for level 2 screening, and the
2865 fingerprints shall be retained by the Department of Law
2866 Enforcement under subparagraph 2.

2867 2. Fingerprints submitted to the Department of Law
2868 Enforcement as required by this paragraph must be retained by
2869 the Department of Law Enforcement in a manner approved by rule
2870 and entered in the statewide automated biometric identification
2871 system authorized by s. 943.05(2)(b). The fingerprints must
2872 thereafter be available for all purposes and uses authorized for
2873 arrest fingerprints entered in the statewide automated biometric
2874 identification system pursuant to s. 943.051.

2875 3. The Department of Law Enforcement shall search all

2876 arrest fingerprints received under s. 943.051 against the
2877 fingerprints retained in the statewide automated biometric
2878 identification system under subparagraph 2. Any arrest record
2879 that is identified with an owner's or operator's fingerprints
2880 must be reported to the owner or operator, who must report to
2881 the Department of Education. Any costs associated with the
2882 search shall be borne by the owner or operator.

2883 4. An owner or operator who fails the level 2 background
2884 screening is not eligible to participate in a scholarship
2885 program under this chapter.

2886 5. In addition to the offenses listed in s. 435.04, a
2887 person required to undergo background screening pursuant to this
2888 part or authorizing statutes must not have an arrest awaiting
2889 final disposition for, must not have been found guilty of, or
2890 entered a plea of nolo contendere to, regardless of
2891 adjudication, and must not have been adjudicated delinquent for,
2892 and the record must not have been sealed or expunged for, any of
2893 the following offenses or any similar offense of another
2894 jurisdiction:

- 2895 a. Any authorizing statutes, if the offense was a felony.
2896 b. This chapter, if the offense was a felony.
2897 c. Section 409.920, relating to Medicaid provider fraud.
2898 d. Section 409.9201, relating to Medicaid fraud.
2899 e. Section 741.28, relating to domestic violence.
2900 f. Section 817.034, relating to fraudulent acts through

2901 mail, wire, radio, electromagnetic, photoelectronic, or
2902 photooptical systems.

2903 g. Section 817.234, relating to false and fraudulent
2904 insurance claims.

2905 h. Section 817.505, relating to patient brokering.

2906 i. Section 817.568, relating to criminal use of personal
2907 identification information.

2908 j. Section 817.60, relating to obtaining a credit card
2909 through fraudulent means.

2910 k. Section 817.61, relating to fraudulent use of credit
2911 cards, if the offense was a felony.

2912 l. Section 831.01, relating to forgery.

2913 m. Section 831.02, relating to uttering forged
2914 instruments.

2915 n. Section 831.07, relating to forging bank bills, checks,
2916 drafts, or promissory notes.

2917 o. Section 831.09, relating to uttering forged bank bills,
2918 checks, drafts, or promissory notes.

2919 p. Section 831.30, relating to fraud in obtaining
2920 medicinal drugs.

2921 q. Section 831.31, relating to the sale, manufacture,
2922 delivery, or possession with the intent to sell, manufacture, or
2923 deliver any counterfeit controlled substance, if the offense was
2924 a felony.

2925 6. At least 30 calendar days before a transfer of

2926 ownership of a private school, the owner or operator shall
2927 notify the parent of each scholarship student.

2928 7. The owner or operator of a private school that has been
2929 deemed ineligible to participate in a scholarship program
2930 pursuant to this chapter may not transfer ownership or
2931 management authority of the school to a relative in order to
2932 participate in a scholarship program as the same school or a new
2933 school. For purposes of this subparagraph, the term "relative"
2934 means father, mother, son, daughter, grandfather, grandmother,
2935 brother, sister, uncle, aunt, cousin, nephew, niece, husband,
2936 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,
2937 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
2938 stepdaughter, stepbrother, stepsister, half-brother, or half-
2939 sister.

2940 (q) Provide a report from an independent certified public
2941 accountant who performs the agreed-upon procedures developed
2942 pursuant to s. 1002.395(6)(o) if the private school receives
2943 more than \$250,000 in funds from scholarships awarded under this
2944 chapter in a state fiscal year. A private school subject to this
2945 subsection must annually submit the report by September 15 to
2946 the scholarship-funding organization that awarded the majority
2947 of the school's scholarship funds. However, a school that
2948 receives more than \$250,000 in scholarship funds only through
2949 the John M. McKay Scholarship for Students with Disabilities
2950 Program pursuant to s. 1002.39 must submit the report by

2951 September 15 to the department. The agreed-upon procedures must
 2952 be conducted in accordance with attestation standards
 2953 established by the American Institute of Certified Public
 2954 Accountants.

2955
 2956 The department shall suspend the payment of funds ~~under ss.~~
 2957 ~~1002.39 and 1002.395~~ to a private school that knowingly fails to
 2958 comply with this subsection, and shall prohibit the school from
 2959 enrolling new scholarship students, for 1 fiscal year and until
 2960 the school complies.

2961 ~~(5) If The inability of a private school fails to meet the~~
 2962 ~~requirements of this subsection or has consecutive years of~~
 2963 ~~material exceptions listed in the report required under~~
 2964 ~~paragraph (q), the commissioner may determine that the private~~
 2965 ~~school is ineligible section shall constitute a basis for the~~
 2966 ~~ineligibility of the private school to participate in a~~
 2967 ~~scholarship program as determined by the department.~~

2968 (2) DEPARTMENT OF EDUCATION OBLIGATIONS.-

2969 (a) The Department of Education shall:

2970 1. Annually verify the eligibility of private schools that
 2971 meet the requirements of this section, specific requirements
 2972 identified within respective scholarship program laws, and other
 2973 provisions of state law that apply to private schools.

2974 2. Establish a toll-free hotline that provides parents and
 2975 private schools with information on participation in the

2976 scholarship programs.

2977 3. Establish a process by which individuals may notify the
2978 department of any violation by a parent, private school, or
2979 school district of state laws relating to program participation.
2980 If the department has reasonable cause to believe that a
2981 violation of this section or any rule adopted by the State Board
2982 of Education has occurred, it shall conduct an inquiry or make a
2983 referral to the appropriate agency for an investigation. A
2984 department inquiry is not subject to the requirements of chapter
2985 120.

2986 4. Require an annual, notarized, sworn compliance
2987 statement from participating private schools certifying
2988 compliance with state laws, and retain such records.

2989 5. Coordinate with the entities conducting the health
2990 inspection for a private school to obtain copies of the
2991 inspection reports.

2992 6. Conduct site visits to private schools entering a
2993 scholarship program for the first time. Beginning with the 2019-
2994 2020 school year, a private school is not eligible to receive
2995 scholarship payments until a satisfactory site visit has been
2996 conducted and the school is in compliance with all other
2997 requirements of this section.

2998 7. Coordinate with the State Fire Marshal to obtain access
2999 to fire inspection reports for private schools. The authority
3000 conducting the fire safety inspection shall certify to the State

3001 Fire Marshal that the annual inspection has been completed and
3002 that the school is in full compliance. The certification shall
3003 be made electronically or by such other means as directed by the
3004 State Fire Marshal.

3005 8. Upon the request of a participating private school
3006 authorized to administer statewide assessments, provide at no
3007 cost to the school the statewide assessments administered under
3008 s. 1008.22 and any related materials for administering the
3009 assessments. Students at a private school may be assessed using
3010 the statewide assessments if the addition of those students and
3011 the school does not cause the state to exceed its contractual
3012 caps for the number of students tested and the number of testing
3013 sites. The state shall provide the same materials and support to
3014 a private school that it provides to a public school. A private
3015 school that chooses to administer statewide assessments under s.
3016 1008.22 shall follow the requirements set forth in ss. 1008.22
3017 and 1008.24, rules adopted by the State Board of Education to
3018 implement those sections, and district-level testing policies
3019 established by the district school board.

3020 (b) The department may conduct site visits to any private
3021 school participating in a scholarship program pursuant to this
3022 chapter that has received a complaint about a violation of state
3023 law or state board rule pursuant to subparagraph (a)3. or has
3024 received a notice of noncompliance or a notice of proposed
3025 action within the previous 2 years.

3026 (c) Annually, by December 15, the department shall report
 3027 to the Governor, the President of the Senate, and the Speaker of
 3028 the House of Representatives its actions in implementing
 3029 accountability in the scholarship programs under this section,
 3030 any substantiated allegations or violations of law or rule by an
 3031 eligible private school under this section, and the corrective
 3032 action taken.

3033 (3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.-
 3034 The Commissioner of Education:

3035 (a) Shall deny, suspend, or revoke a private school's
 3036 participation in a scholarship program if it is determined that
 3037 the private school has failed to comply with this section or
 3038 exhibits a previous pattern of failure to comply. However, if
 3039 the noncompliance is correctable within a reasonable amount of
 3040 time, not to exceed 45 days, and if the health, safety, or
 3041 welfare of the students is not threatened, the commissioner may
 3042 issue a notice of noncompliance which provides the private
 3043 school with a timeframe within which to provide evidence of
 3044 compliance before taking action to suspend or revoke the private
 3045 school's participation in the scholarship program.

3046 (b) May deny, suspend, or revoke a private school's
 3047 participation in a scholarship program if the commissioner
 3048 determines that an owner or operator of the private school is
 3049 operating or has operated an educational institution in this
 3050 state or in another state or jurisdiction in a manner contrary

3051 to the health, safety, or welfare of the public or if the owner
3052 or operator has exhibited a previous pattern of failure to
3053 comply with this section or specific requirements identified
3054 within respective scholarship program laws. For purposes of this
3055 subsection, the term "owner or operator" has the same meaning as
3056 provided in paragraph (1) (p).

3057 (c)1. In making such a determination, may consider factors
3058 that include, but are not limited to, acts or omissions by an
3059 owner or operator which led to a previous denial, suspension, or
3060 revocation of participation in a state or federal education
3061 scholarship program; an owner's or operator's failure to
3062 reimburse the department or scholarship-funding organization for
3063 scholarship funds improperly received or retained by a school;
3064 the imposition of a prior criminal sanction related to an
3065 owner's or operator's management or operation of an educational
3066 institution; the imposition of a civil fine or administrative
3067 fine, license revocation or suspension, or program eligibility
3068 suspension, termination, or revocation related to an owner's or
3069 operator's management or operation of an educational
3070 institution; or other types of criminal proceedings in which an
3071 owner or operator was found guilty of, regardless of
3072 adjudication, or entered a plea of nolo contendere or guilty to,
3073 any offense involving fraud, deceit, dishonesty, or moral
3074 turpitude.

3075 2. The commissioner's determination is subject to the

3076 following:

3077 a. If the commissioner intends to deny, suspend, or revoke
3078 a private school's participation in the scholarship program, the
3079 department shall notify the private school of such proposed
3080 action in writing by certified mail and regular mail to the
3081 private school's address of record with the department. The
3082 notification shall include the reasons for the proposed action
3083 and notice of the timelines and procedures set forth in this
3084 paragraph.

3085 b. The private school that is adversely affected by the
3086 proposed action shall have 15 days after receipt of the notice
3087 of proposed action to file with the department's agency clerk a
3088 request for a proceeding pursuant to ss. 120.569 and 120.57. If
3089 the private school is entitled to a hearing under s. 120.57(1),
3090 the department shall forward the request to the Division of
3091 Administrative Hearings.

3092 c. Upon receipt of a request referred pursuant to this
3093 subparagraph, the director of the Division of Administrative
3094 Hearings shall expedite the hearing and assign an administrative
3095 law judge who shall commence a hearing within 30 days after the
3096 receipt of the formal written request by the division and enter
3097 a recommended order within 30 days after the hearing or within
3098 30 days after receipt of the hearing transcript, whichever is
3099 later. Each party shall be allowed 10 days in which to submit
3100 written exceptions to the recommended order. A final order shall

3101 be entered by the agency within 30 days after the entry of a
3102 recommended order. The provisions of this sub-subparagraph may
3103 be waived upon stipulation by all parties.

3104 (d) May immediately suspend payment of scholarship funds
3105 if it is determined that there is probable cause to believe that
3106 there is:

3107 1. An imminent threat to the health, safety, or welfare of
3108 the students;

3109 2. A previous pattern of failure to comply with this
3110 section; or

3111 3. Fraudulent activity on the part of the private school.
3112 Notwithstanding s. 1002.22, in incidents of alleged fraudulent
3113 activity pursuant to this section, the department's Office of
3114 Inspector General is authorized to release personally
3115 identifiable records or reports of students to the following
3116 persons or organizations:

3117 a. A court of competent jurisdiction in compliance with an
3118 order of that court or the attorney of record in accordance with
3119 a lawfully issued subpoena, consistent with the Family
3120 Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

3121 b. A person or entity authorized by a court of competent
3122 jurisdiction in compliance with an order of that court or the
3123 attorney of record pursuant to a lawfully issued subpoena,
3124 consistent with the Family Educational Rights and Privacy Act,
3125 20 U.S.C. s. 1232g.

3126 c. Any person, entity, or authority issuing a subpoena for
3127 law enforcement purposes when the court or other issuing agency
3128 has ordered that the existence or the contents of the subpoena
3129 or the information furnished in response to the subpoena not be
3130 disclosed, consistent with the Family Educational Rights and
3131 Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

3132
3133 The commissioner's order suspending payment pursuant to this
3134 paragraph may be appealed pursuant to the same procedures and
3135 timelines as the notice of proposed action set forth in
3136 subparagraph (c)2.

3137 (4)-(6) The inclusion of eligible private schools within
3138 options available to Florida public school students does not
3139 expand the regulatory authority of the state, its officers, or
3140 any school district to impose any additional regulation of
3141 private schools beyond those reasonably necessary to enforce
3142 requirements expressly set forth in this section.

3143 (5)-(7) The State Board of Education shall adopt rules
3144 pursuant to ss. 120.536(1) and 120.54 to administer this
3145 section, including rules to establish a deadline for private
3146 school applications for participation and timelines for the
3147 department to conduct site visits.

3148 Section 26. Subsection (2) of section 1003.42, Florida
3149 Statutes, is amended to read:

3150 1003.42 Required instruction.—

3151 (2) Members of the instructional staff of the public
3152 schools, subject to the rules of the State Board of Education
3153 and the district school board, shall teach efficiently and
3154 faithfully, using the books and materials required that meet the
3155 highest standards for professionalism and historical accuracy,
3156 following the prescribed courses of study, and employing
3157 approved methods of instruction, the following:

3158 (a) The history and content of the Declaration of
3159 Independence, including national sovereignty, natural law, self-
3160 evident truth, equality of all persons, limited government,
3161 popular sovereignty, and inalienable rights of life, liberty,
3162 and property, and how they form the philosophical foundation of
3163 our government.

3164 (b) The history, meaning, significance, and effect of the
3165 provisions of the Constitution of the United States and
3166 amendments thereto, with emphasis on each of the 10 amendments
3167 that make up the Bill of Rights and how the constitution
3168 provides the structure of our government.

3169 (c) The arguments in support of adopting our republican
3170 form of government, as they are embodied in the most important
3171 of the Federalist Papers.

3172 (d) Flag education, including proper flag display and flag
3173 salute.

3174 (e) The elements of civil government, including the
3175 primary functions of and interrelationships between the Federal

3176 Government, the state, and its counties, municipalities, school
3177 districts, and special districts.

3178 (f) The history of the United States, including the period
3179 of discovery, early colonies, the War for Independence, the
3180 Civil War, the expansion of the United States to its present
3181 boundaries, the world wars, and the civil rights movement to the
3182 present. American history shall be viewed as factual, not as
3183 constructed, shall be viewed as knowable, teachable, and
3184 testable, and shall be defined as the creation of a new nation
3185 based largely on the universal principles stated in the
3186 Declaration of Independence.

3187 (g) The history of the Holocaust (1933-1945), the
3188 systematic, planned annihilation of European Jews and other
3189 groups by Nazi Germany, a watershed event in the history of
3190 humanity, to be taught in a manner that leads to an
3191 investigation of human behavior, an understanding of the
3192 ramifications of prejudice, racism, and stereotyping, and an
3193 examination of what it means to be a responsible and respectful
3194 person, for the purposes of encouraging tolerance of diversity
3195 in a pluralistic society and for nurturing and protecting
3196 democratic values and institutions.

3197 (h) The history of African Americans, including the
3198 history of African peoples before the political conflicts that
3199 led to the development of slavery, the passage to America, the
3200 enslavement experience, abolition, and the contributions of

3201 African Americans to society. Instructional materials shall
3202 include the contributions of African Americans to American
3203 society.

3204 (i) The elementary principles of agriculture.

3205 (j) The true effects of all alcoholic and intoxicating
3206 liquors and beverages and narcotics upon the human body and
3207 mind.

3208 (k) Kindness to animals.

3209 (l) The history of the state.

3210 (m) The conservation of natural resources.

3211 (n) Comprehensive health education that addresses concepts
3212 of community health; consumer health; environmental health;
3213 family life, including an awareness of the benefits of sexual
3214 abstinence as the expected standard and the consequences of
3215 teenage pregnancy; mental and emotional health; injury
3216 prevention and safety; Internet safety; nutrition; personal
3217 health; prevention and control of disease; and substance use and
3218 abuse. The health education curriculum for students in grades 7
3219 through 12 shall include a teen dating violence and abuse
3220 component that includes, but is not limited to, the definition
3221 of dating violence and abuse, the warning signs of dating
3222 violence and abusive behavior, the characteristics of healthy
3223 relationships, measures to prevent and stop dating violence and
3224 abuse, and community resources available to victims of dating
3225 violence and abuse.

3226 (o) Such additional materials, subjects, courses, or
 3227 fields in such grades as are prescribed by law or by rules of
 3228 the State Board of Education and the district school board in
 3229 fulfilling the requirements of law.

3230 (p) The study of Hispanic contributions to the United
 3231 States.

3232 (q) The study of women's contributions to the United
 3233 States.

3234 (r) The nature and importance of free enterprise to the
 3235 United States economy.

3236 (s) A character-development program in the elementary
 3237 schools, similar to Character First or Character Counts, which
 3238 is secular in nature. Beginning in school year 2004-2005, the
 3239 character-development program shall be required in kindergarten
 3240 through grade 12. Each district school board shall develop or
 3241 adopt a curriculum for the character-development program that
 3242 shall be submitted to the department for approval. The
 3243 character-development curriculum shall stress the qualities of
 3244 patriotism; responsibility; citizenship; kindness; respect for
 3245 authority, life, liberty, and personal property; honesty;
 3246 charity; self-control; racial, ethnic, and religious tolerance;
 3247 and cooperation. The character-development curriculum for grades
 3248 9 through 12 shall, at a minimum, include instruction on
 3249 developing leadership skills, interpersonal skills, organization
 3250 skills, and research skills; creating a resume; developing and

3251 practicing the skills necessary for employment interviews;
3252 conflict resolution, workplace ethics, and workplace law;
3253 managing stress and expectations; and developing skills that
3254 enable students to become more resilient and self-motivated.

3255 (t) In order to encourage patriotism, the sacrifices that
3256 veterans and Medal of Honor recipients have made in serving our
3257 country and protecting democratic values worldwide. Such
3258 instruction must occur on or before Medal of Honor Day,
3259 Veterans' Day, and Memorial Day. Members of the instructional
3260 staff are encouraged to use the assistance of local veterans and
3261 Medal of Honor recipients when practicable.

3262
3263 The State Board of Education is encouraged to adopt standards
3264 and pursue assessment of the requirements of this subsection. A
3265 character development program that incorporates the values of
3266 the recipients of the Congressional Medal of Honor and that is
3267 offered as part of a social studies, English Language Arts, or
3268 other schoolwide character building and veteran awareness
3269 initiative meets the requirements of paragraphs (s) and (t).

3270 Section 27. Section 1003.576, Florida Statutes, is amended
3271 to read:

3272 1003.576 Individual education plans for exceptional
3273 students.—The Department of Education must develop and have an
3274 operating electronic IEP system in place for ~~potential~~ statewide
3275 use ~~no later than July 1, 2007~~. The statewide system shall be

3276 developed collaboratively with school districts and must include
3277 input from school districts currently developing or operating
3278 electronic IEP systems.

3279 Section 28. Subsection (6) of section 1006.07, Florida
3280 Statutes, is amended to read:

3281 1006.07 District school board duties relating to student
3282 discipline and school safety.—The district school board shall
3283 provide for the proper accounting for all students, for the
3284 attendance and control of students at school, and for proper
3285 attention to health, safety, and other matters relating to the
3286 welfare of students, including:

3287 (6) SAFETY AND SECURITY BEST PRACTICES.—Each school
3288 district shall ~~Use the Safety and Security Best Practices~~
3289 ~~developed by the Office of Program Policy Analysis and~~
3290 ~~Government Accountability to~~ conduct a security risk assessment
3291 at each public school and conduct a self-assessment of the
3292 school districts' current safety and security practices using a
3293 format prescribed by the department. Based on these assessment
3294 ~~self-assessment~~ findings, the district school superintendent
3295 shall provide recommendations to the district school board which
3296 identify strategies and activities that the district school
3297 board should implement in order to improve school safety and
3298 security. Annually, each district school board must receive such
3299 findings and the superintendent's recommendations ~~the self-~~
3300 ~~assessment results~~ at a publicly noticed district school board

3301 meeting to provide the public an opportunity to hear the
 3302 district school board members discuss and take action on the
 3303 ~~report~~ findings and recommendations. Each district school
 3304 superintendent shall report such findings ~~the self-assessment~~
 3305 ~~results~~ and school board action to the commissioner within 30
 3306 days after the district school board meeting.

3307 Section 29. Subsection (13) and paragraph (b) of
 3308 subsection (24) of section 1007.271, Florida Statutes, are
 3309 amended to read:

3310 1007.271 Dual enrollment programs.—

3311 (13) (a) The dual enrollment program for a home education
 3312 student, including, but not limited to, students with
 3313 disabilities, consists of the enrollment of an eligible home
 3314 education secondary student in a postsecondary course creditable
 3315 toward an associate degree, a career certificate, or a
 3316 baccalaureate degree. To participate in the dual enrollment
 3317 program, an eligible home education secondary student must:

3318 1. Provide proof of enrollment in a home education program
 3319 pursuant to s. 1002.41.

3320 2. Be responsible for his or her own ~~instructional~~
 3321 ~~materials~~ ~~and~~ transportation unless provided for in the
 3322 articulation agreement.

3323 3. Sign a home education articulation agreement pursuant
 3324 to paragraph (b).

3325 (b) Each postsecondary institution eligible to participate

3326 in the dual enrollment program pursuant to s. 1011.62(1)(i) must
3327 enter into a home education articulation agreement with each
3328 home education student seeking enrollment in a dual enrollment
3329 course and the student's parent. By August 1 of each year, the
3330 eligible postsecondary institution shall complete and submit the
3331 home education articulation agreement to the Department of
3332 Education. The home education articulation agreement must
3333 include, at a minimum:

3334 1. A delineation of courses and programs available to
3335 dually enrolled home education students. Courses and programs
3336 may be added, revised, or deleted at any time by the
3337 postsecondary institution.

3338 2. The initial and continued eligibility requirements for
3339 home education student participation, not to exceed those
3340 required of other dually enrolled students.

3341 3. The student's responsibilities for providing his or her
3342 own ~~instructional materials and~~ transportation.

3343 4. A copy of the statement on transfer guarantees
3344 developed by the Department of Education under subsection (15).

3345 (24)

3346 (b) Each postsecondary institution eligible to participate
3347 in the dual enrollment program pursuant to s. 1011.62(1)(i) must
3348 enter into a private school articulation agreement with each
3349 eligible private school in its geographic service area seeking
3350 to offer dual enrollment courses to its students, including, but

3351 not limited to, students with disabilities. By August 1 of each
3352 year, the eligible postsecondary institution shall complete and
3353 submit the private school articulation agreement to the
3354 Department of Education. The private school articulation
3355 agreement must include, at a minimum:

3356 1. A delineation of courses and programs available to the
3357 private school student. The postsecondary institution may add,
3358 revise, or delete courses and programs at any time.

3359 2. The initial and continued eligibility requirements for
3360 private school student participation, not to exceed those
3361 required of other dual enrollment students.

3362 3. The student's responsibilities for providing his or her
3363 own instructional materials and transportation.

3364 4. A provision clarifying that the private school will
3365 award appropriate credit toward high school completion for the
3366 postsecondary course under the dual enrollment program.

3367 5. A provision expressing that costs associated with
3368 tuition and fees, including registration, and laboratory fees,
3369 will not be passed along to the student.

3370 ~~6. A provision stating whether the private school will~~
3371 ~~compensate the postsecondary institution for the standard~~
3372 ~~tuition rate per credit hour for each dual enrollment course~~
3373 ~~taken by its students.~~

3374 Section 30. Paragraphs (a) and (d) of subsection (3) and
3375 paragraph (a) of subsection (8) of section 1008.22, Florida

3376 Statutes, are amended to read:
 3377 1008.22 Student assessment program for public schools.—
 3378 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
 3379 Commissioner of Education shall design and implement a
 3380 statewide, standardized assessment program aligned to the core
 3381 curricular content established in the Next Generation Sunshine
 3382 State Standards. The commissioner also must develop or select
 3383 and implement a common battery of assessment tools that will be
 3384 used in all juvenile justice education programs in the state.
 3385 These tools must accurately measure the core curricular content
 3386 established in the Next Generation Sunshine State Standards.
 3387 Participation in the assessment program is mandatory for all
 3388 school districts and all students attending public schools,
 3389 including adult students seeking a standard high school diploma
 3390 under s. 1003.4282 and students in Department of Juvenile
 3391 Justice education programs, except as otherwise provided by law.
 3392 If a student does not participate in the assessment program, the
 3393 school district must notify the student's parent and provide the
 3394 parent with information regarding the implications of such
 3395 nonparticipation. The statewide, standardized assessment program
 3396 shall be designed and implemented as follows:
 3397 (a) Statewide, standardized comprehensive assessments.—The
 3398 statewide, standardized Reading assessment shall be administered
 3399 annually in grades 3 through 10. The statewide, standardized
 3400 Writing assessment shall be administered annually at least once

3401 at the elementary, middle, and high school levels. When the
3402 Reading and Writing assessments are replaced by English Language
3403 Arts (ELA) assessments, ELA assessments shall be administered to
3404 students in grades 3 through 10. Retake opportunities for the
3405 grade 10 Reading assessment or, upon implementation, the grade
3406 10 ELA assessment must be provided. Students taking the ELA
3407 assessments shall not take the statewide, standardized
3408 assessments in Reading or Writing. Reading passages and writing
3409 prompts for ELA assessments shall incorporate grade-level core
3410 curricula content from social studies ~~be administered online.~~
3411 The statewide, standardized Mathematics assessments shall be
3412 administered annually in grades 3 through 8. Students taking a
3413 revised Mathematics assessment shall not take the discontinued
3414 assessment. The statewide, standardized Science assessment shall
3415 be administered annually at least once at the elementary and
3416 middle grades levels. In order to earn a standard high school
3417 diploma, a student who has not earned a passing score on the
3418 grade 10 Reading assessment or, upon implementation, the grade
3419 10 ELA assessment must earn a passing score on the assessment
3420 retake or earn a concordant score as authorized under subsection
3421 (9).

3422 (d) Implementation schedule.—

3423 1. The Commissioner of Education shall establish and
3424 publish on the department's website an implementation schedule
3425 to transition from the statewide, standardized Reading and

3426 Writing assessments to the ELA assessments and to the revised
3427 Mathematics assessments, including the Algebra I and Geometry
3428 EOC assessments. The schedule must take into consideration
3429 funding, sufficient field and baseline data, access to
3430 assessments, instructional alignment, and school district
3431 readiness to administer the assessments online. All such
3432 assessments must be delivered through computer-based testing,
3433 ~~however, the following assessments must be delivered in a~~
3434 ~~computer-based format, as follows: the grade 3 Mathematics~~
3435 ~~assessment beginning in the 2016-2017 school year; the grade 4~~
3436 ~~ELA assessment, beginning in the 2015-2016 school year; and the~~
3437 ~~grade 4 Mathematics assessment, beginning in the 2016-2017~~
3438 ~~school year.~~ Notwithstanding the requirements of this
3439 subparagraph, statewide, standardized ELA and mathematics
3440 assessments in grades 3 through 6 must be delivered only in a
3441 paper-based format, ~~beginning with the 2017-2018 school year,~~
3442 ~~and all such assessments must be paper-based~~ no later than the
3443 2018-2019 school year, and statewide, standardized ELA and
3444 mathematics assessments in grades 7 and 8 must be delivered only
3445 in a paper-based format no later than the 2019-2020 school year.

3446 2. The Department of Education shall publish minimum and
3447 recommended technology requirements that include specifications
3448 for hardware, software, networking, security, and broadband
3449 capacity to facilitate school district compliance with the
3450 requirements of this section.

3451 (8) PUBLICATION OF ASSESSMENTS.—To promote transparency in
 3452 the statewide assessment program, in any procurement for the ELA
 3453 assessment in grades 3 through 10 and the mathematics assessment
 3454 in grades 3 through 8, the Department of Education shall solicit
 3455 cost proposals for publication of the state assessments on its
 3456 website in accordance with this subsection.

3457 (a) The department shall publish each assessment
 3458 administered under paragraph (3) (a) and subparagraph (3) (b) 1.,
 3459 excluding assessment retakes, at least once on a triennial basis
 3460 pursuant to a schedule determined by the Commissioner of
 3461 Education. Each assessment, when published, must have been
 3462 administered during the most recent school year and be in a
 3463 format that facilitates the sharing of assessment items.

3464 Section 31. Subsection (2) of section 1010.20, Florida
 3465 Statutes, is amended to read:

3466 1010.20 Cost accounting and reporting for school
 3467 districts.—

3468 (2) COST REPORTING.—

3469 (a) Each district shall report on a district-aggregate
 3470 basis expenditures for inservice training pursuant to s.
 3471 1011.62 (3) and for categorical programs as provided in s.
 3472 1011.62 (6) .

3473 (b) Each district shall report to the department on a
 3474 school-by-school and on an aggregate district basis expenditures
 3475 for:

3476 1. Each program funded in s. 1011.62(1)(c).

3477 2. Total operating costs as reported pursuant to s.

3478 1010.215.

3479 3. Expenditures for classroom instruction pursuant to the

3480 calculation in s. 1010.215(4)(b)1. and 2.

3481 (c) The department shall:

3482 1. Categorize all public schools and public school

3483 districts into appropriate groups based primarily on average

3484 full-time equivalent student enrollment as reported on the most

3485 recent student membership survey under s. 1011.62 and in state

3486 board rule to determine groups of peer schools and districts.

3487 2. Annually calculate for each public school, public

3488 school district, and the entire state the percentage of

3489 classroom expenditures to total operating expenditures reported

3490 in subparagraphs (b)2. and 3. The results shall be categorized

3491 pursuant to this paragraph.

3492 3. Annually calculate for all public schools, public

3493 school districts, and the state the average percentage of

3494 classroom expenditures to total operating expenditures reported

3495 in subparagraphs (b)2. and 3. The results shall be categorized

3496 pursuant to this paragraph.

3497 4. Develop a web-based fiscal transparency tool that

3498 identifies public schools and public school districts that

3499 produce high academic achievement based on the ratio of

3500 classroom instruction expenditures to total expenditures. The

3501 fiscal transparency tool shall combine the data calculated
3502 pursuant to this paragraph with the student performance
3503 measurements calculated pursuant to s. 1012.34(7) to determine
3504 the financial efficiency of each public school and public school
3505 district. The results shall be displayed in an easy-to-use
3506 format that enables the user to compare performance among public
3507 schools and public school districts.

3508 (d)(e) The Commissioner of Education shall present to the
3509 Legislature, prior to the opening of the regular session each
3510 year, a district-by-district report of the expenditures reported
3511 pursuant to paragraphs (a) and (b). The report shall include
3512 total expenditures, a detailed analysis showing expenditures for
3513 each program, and such other data as may be useful for
3514 management of the education system. The Commissioner of
3515 Education shall also compute cost factors relative to the base
3516 student allocation for each funded program in s. 1011.62(1)(c).

3517 Section 32. Subsection (2) of section 1010.30, Florida
3518 Statutes, is amended to read:

3519 1010.30 Audits required.—

3520 (2) If an audit contains a significant deficiency or
3521 material weakness ~~finding~~, the district school board, the
3522 Florida College System institution board of trustees, or the
3523 university board of trustees shall conduct an audit overview
3524 during a public meeting. The audit overview shall describe the
3525 corrective action to be taken and a timeline for completion of

3526 such action.

3527 Section 33. Paragraph (a) of subsection (3) of section
3528 1011.01, Florida Statutes, is amended to read:

3529 1011.01 Budget system established.—

3530 (3)(a) Each district school board and each Florida College
3531 System institution board of trustees shall prepare, adopt, and
3532 submit to the Commissioner of Education an annual operating
3533 budget. Operating budgets shall be prepared and submitted in
3534 accordance with the provisions of law, rules of the State Board
3535 of Education, the General Appropriations Act, and for district
3536 school boards in accordance with the provisions of s. 200.065
3537 ~~ss. 200.065 and 1011.64.~~

3538 Section 34. Subsection (2) of section 1011.03, Florida
3539 Statutes, is amended to read:

3540 1011.03 Public hearings; budget to be submitted to
3541 Department of Education.—

3542 ~~(2) The advertisement of a district that has been required~~
3543 ~~by the Legislature to increase classroom expenditures pursuant~~
3544 ~~to s. 1011.64 must include the following statement:~~

3545 ~~"This proposed budget reflects an increase in classroom~~
3546 ~~expenditures as a percent of total current operating~~
3547 ~~expenditures of XX percent over the (previous fiscal year)~~
3548 ~~fiscal year. This increase in classroom expenditures is required~~
3549 ~~by the Legislature because the district has performed below the~~
3550 ~~required performance standard on XX of XX student performance~~

3551 ~~standards for the (previous school year) school year. In order~~
3552 ~~to achieve the legislatively required level of classroom~~
3553 ~~expenditures as a percentage of total operating expenditures,~~
3554 ~~the proposed budget includes an increase in overall classroom~~
3555 ~~expenditures of \$XX,XXX,XXX above the amount spent for this same~~
3556 ~~purpose during the (previous fiscal year) fiscal year. In order~~
3557 ~~to achieve improved student academic performance, this proposed~~
3558 ~~increase is being budgeted for the following activities:~~
3559 ~~...(list activities and amount budgeted)...."~~

3560 Section 35. Subsection (2) of section 1011.035, Florida
3561 Statutes, is amended to read:

3562 1011.035 School district fiscal budget transparency.—

3563 (2) Each district school board shall post on its website a
3564 plain language version of each proposed, tentative, and official
3565 budget which describes each budget item in terms that are easily
3566 understandable to the public and includes:

3567 (a) Graphical representations, for each public school
3568 within the district and for the school district, of the
3569 following:

3570 1. Summary financial efficiency data.

3571 2. Fiscal trend information for the previous 3 years on:

3572 a. The ratio of full-time equivalent students to full-time
3573 equivalent instructional personnel.

3574 b. The ratio of full-time equivalent students to full-time
3575 equivalent administrative personnel.

3576 c. The total operating expenditures per full-time
3577 equivalent student.

3578 d. The total instructional expenditures per full-time
3579 equivalent student.

3580 e. The general administrative expenditures as a percentage
3581 of the total budget.

3582 f. The rate of change in the general fund's ending fund
3583 balance which is not classified as restricted.

3584 (b) A link to the web-based fiscal transparency tool
3585 developed by the department pursuant to s. 1010.20 to enable
3586 taxpayers to evaluate the financial efficiency of the school
3587 district and compare the financial efficiency of the school
3588 district with other similarly situated school districts.

3589

3590 This information must be prominently posted on the school
3591 district's website in a manner that is readily accessible to the
3592 public.

3593 Section 36. Subsections (1) and (2) of section 1011.051,
3594 Florida Statutes, are amended to read:

3595 1011.051 Guidelines for general funds.—The district school
3596 board shall maintain a general fund ending fund balance that is
3597 sufficient to address normal contingencies.

3598 (1) If at any time the portion of the general fund's
3599 ending fund balance not classified as restricted, committed, or
3600 nonspendable in the district's approved operating budget is

3601 | projected to fall below 3 percent of projected general fund
3602 | revenues during the current fiscal year, the superintendent
3603 | shall provide written notification to the district school board
3604 | and the Commissioner of Education. If such financial condition
3605 | exists for 2 consecutive fiscal years, the superintendent shall
3606 | reduce the district's administrative expenditures reported
3607 | pursuant to s. 1010.215(4) (a) in proportion to the reduction in
3608 | the general fund's ending balance or the reduction in student
3609 | enrollment, whichever is greater.

3610 | (2) (a) If at any time the portion of the general fund's
3611 | ending fund balance not classified as restricted, committed, or
3612 | nonspendable in the district's approved operating budget is
3613 | projected to fall below 2 percent of projected general fund
3614 | revenues during the current fiscal year, the superintendent
3615 | shall provide written notification to the district school board
3616 | and the Commissioner of Education. Within 14 days after
3617 | receiving such notification, if the commissioner determines that
3618 | the district does not have a plan that is reasonably anticipated
3619 | to avoid a financial emergency as determined pursuant to s.
3620 | 218.503, the commissioner shall appoint a financial emergency
3621 | board that shall operate under the requirements, powers, and
3622 | duties specified in s. 218.503(3) (g).

3623 | (b) If any of the conditions identified in s. 218.503(1)
3624 | existed in the 2015-2016 school year or thereafter, the
3625 | department shall contract with an independent third party to

3626 conduct an investigation of all accounts and records to
3627 determine the cause of the deficit; what efforts, if any, were
3628 made to avoid the deficit; and whether any of the conditions
3629 identified in s. 1011.10 have occurred. The investigation must
3630 include a detailed review and analysis of documents and records,
3631 including, but not limited to, budget reports, journal entries,
3632 budget methodologies, staff emails, hard copy records, monthly
3633 financial statements, quarterly revenue and expenditure reports,
3634 finance staff job descriptions, and minutes from meetings. The
3635 results of the investigation must include recommendations for
3636 corrective action and controls to avoid a reoccurrence of a
3637 future budget shortfall. A final report shall be provided to the
3638 district school board, the department, the Legislative Auditing
3639 Committee, and the district's financial emergency board, if
3640 applicable.

3641 Section 37. Subsection (2) of section 1011.06, Florida
3642 Statutes, is amended to read:

3643 1011.06 Expenditures.—

3644 (2) EXPENDITURES FROM DISTRICT AND OTHER FUNDS.—

3645 Expenditures from district and all other funds available for the
3646 public school program of any district shall be authorized by law
3647 and must be in accordance with procedures prescribed by the
3648 district school board. A district school board may establish
3649 policies that allow expenditures to exceed the amount budgeted
3650 by function and object, provided that the district school board

3651 complies with s. 1011.09(4) and approves the expenditure by
3652 amending and amends the budget at the next scheduled public
3653 meeting. The district school board must provide a full
3654 explanation of any amendments at the public meeting within
3655 timelines established by school board policies.

3656 Section 38. Subsection (4) of section 1011.09, Florida
3657 Statutes, is amended to read:

3658 1011.09 Expenditure of funds by district school board.—All
3659 state funds apportioned to the credit of any district constitute
3660 a part of the district school fund of that district and must be
3661 budgeted and expended under authority of the district school
3662 board subject to the provisions of law and rules of the State
3663 Board of Education.

3664 (4) If the financial conditions in s. 1011.051 exist, a
3665 district school board ~~During the 2009-2010 fiscal year, unless~~
3666 ~~otherwise specifically approved by the district school board,~~
3667 ~~public funds may not~~ make expenditures ~~be expended for out-of-~~
3668 ~~state travel~~ outside of the district or cellular phones,
3669 cellular phone service, personal digital assistants, or any
3670 other mobile wireless communication device or service, including
3671 text messaging, whether through purchasing, leasing,
3672 contracting, or any other method, while the financial conditions
3673 exist. The expenditure of public funds for art programs, music
3674 programs, sports programs, and extracurricular programs for
3675 students is a higher priority than expending funds for employee

3676 travel and cellular phones.

3677 Section 39. Subsection (3) is added to section 1011.10,
3678 Florida Statutes, to read:

3679 1011.10 Penalty.—

3680 (3) If any of the conditions identified in s. 218.503(1)
3681 exist within a school district, the salary of each district
3682 school board member and district school superintendent,
3683 calculated pursuant to ss. 1001.395 and 1001.47, shall be
3684 withheld until the conditions are corrected.

3685 Section 40. Subsection (8) of section 1011.60, Florida
3686 Statutes, is amended to read:

3687 1011.60 Minimum requirements of the Florida Education
3688 Finance Program.—Each district which participates in the state
3689 appropriations for the Florida Education Finance Program shall
3690 provide evidence of its effort to maintain an adequate school
3691 program throughout the district and shall meet at least the
3692 following requirements:

3693 ~~(8) MINIMUM CLASSROOM EXPENDITURE REQUIREMENTS. Comply~~
3694 ~~with the minimum classroom expenditure requirements and~~
3695 ~~associated reporting pursuant to s. 1011.64.~~

3696 Section 41. Paragraphs (f), (o), and (t) of subsection
3697 (1), paragraph (b) of subsection (6), and paragraphs (a), (c),
3698 and (d) of subsection (9) of section 1011.62, Florida Statutes,
3699 are amended to read:

3700 1011.62 Funds for operation of schools.—If the annual

3701 allocation from the Florida Education Finance Program to each
3702 district for operation of schools is not determined in the
3703 annual appropriations act or the substantive bill implementing
3704 the annual appropriations act, it shall be determined as
3705 follows:

3706 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
3707 OPERATION.—The following procedure shall be followed in
3708 determining the annual allocation to each district for
3709 operation:

3710 (f) Supplemental academic instruction allocation;
3711 ~~category fund.~~—

3712 1. There is created the supplemental academic instruction
3713 allocation ~~a category fund~~ to provide supplemental academic
3714 instruction to students in kindergarten through grade 12. ~~This~~
3715 ~~paragraph may be cited as the "Supplemental Academic Instruction~~
3716 ~~Category Fund."~~

3717 2. The supplemental academic instruction allocation shall
3718 be provided annually in the Florida Education Finance Program as
3719 specified in the General Appropriations Act. These funds are
3720 ~~category fund is~~ in addition to the funds appropriated on the
3721 basis of FTE student membership in the Florida Education Finance
3722 Program and shall be included in the total potential funds of
3723 each district. Beginning with the 2018-2019 fiscal year, These
3724 ~~funds shall be used to provide supplemental academic instruction~~
3725 ~~to students enrolled in the K-12 program.~~ each school district

3726 | that has a school earning a grade of "D" or "F" pursuant to s.
3727 | 1008.34 must use that school's portion of the supplemental
3728 | academic instruction allocation to implement the intervention
3729 | and support strategies for school improvement pursuant to s.
3730 | 1008.33 and for salary incentives pursuant to s. 1012.2315(3) or
3731 | salary supplements pursuant to s. 1012.22(1)(c)5.c. that are
3732 | provided through a memorandum of understanding between the
3733 | collective bargaining agent and the school board that addresses
3734 | the selection, placement, and expectations of instructional
3735 | personnel and school administrators. For all other schools, the
3736 | school district's use of the supplemental academic instruction
3737 | ~~allocation one or more of the 300 lowest-performing elementary~~
3738 | ~~schools based on the state reading assessment for the prior year~~
3739 | ~~shall use these funds, together with the funds provided in the~~
3740 | ~~district's research-based reading instruction allocation and~~
3741 | ~~other available funds, to provide an additional hour of~~
3742 | ~~instruction beyond the normal school day for each day of the~~
3743 | ~~entire school year for intensive reading instruction for the~~
3744 | ~~students in each of these schools. This additional hour of~~
3745 | ~~instruction must be provided by teachers or reading specialists~~
3746 | ~~who have demonstrated effectiveness in teaching reading or by a~~
3747 | ~~K-5 mentoring reading program that is supervised by a teacher~~
3748 | ~~who is effective at teaching reading. Students enrolled in these~~
3749 | ~~schools who have level 5 assessment scores may participate in~~
3750 | ~~the additional hour of instruction on an optional basis.~~

3751 ~~Exceptional student education centers shall not be included in~~
3752 ~~the 300 schools. The designation of the 300 lowest performing~~
3753 ~~elementary schools must be based on the state reading assessment~~
3754 ~~for the prior year. After this requirement has been met,~~
3755 ~~supplemental instruction strategies may include, but is are not~~
3756 ~~limited to, the use of a modified curriculum, reading~~
3757 ~~instruction, after-school instruction, tutoring, mentoring, a~~
3758 ~~reduction in class size, extended school year, intensive skills~~
3759 ~~development in summer school, dropout prevention programs as~~
3760 ~~defined in ss. 1003.52 and 1003.53(1)(a), (b), and (c), and~~
3761 ~~other methods of improving student achievement. Supplemental~~
3762 ~~academic instruction may be provided to a student in any manner~~
3763 ~~and at any time during or beyond the regular 180-day term~~
3764 ~~identified by the school as being the most effective and~~
3765 ~~efficient way to best help that student progress from grade to~~
3766 ~~grade and to graduate.~~

3767 3. ~~Categorical funds for supplemental academic instruction~~
3768 ~~shall be provided annually in the Florida Education Finance~~
3769 ~~Program as specified in the General Appropriations Act. These~~
3770 ~~funds shall be provided as a supplement to the funds~~
3771 ~~appropriated for the basic funding level and shall be included~~
3772 ~~in the total funds of each district. The supplemental academic~~
3773 ~~instruction allocation shall consist of a base amount that has a~~
3774 ~~workload adjustment based on changes in unweighted FTE. ~~In~~~~
3775 ~~addition, districts that have elementary schools included in the~~

3776 ~~300 lowest performing schools designation shall be allocated~~
3777 ~~additional funds to assist those districts in providing~~
3778 ~~intensive reading instruction to students in those schools. The~~
3779 ~~amount provided shall be based on each district's level of per-~~
3780 ~~student funding in the reading instruction allocation and the~~
3781 ~~supplemental academic instruction categorical fund and on the~~
3782 ~~total FTE for each of the schools. The supplemental academic~~
3783 ~~instruction allocation categorical funding shall be recalculated~~
3784 ~~during the fiscal year following an updated designation of the~~
3785 ~~300 lowest performing elementary schools and shall be based on~~
3786 ~~actual student membership from the FTE surveys. Upon~~
3787 ~~recalculation of funding for the supplemental academic~~
3788 ~~instruction allocation categorical fund, if the total allocation~~
3789 ~~is greater than the amount provided in the General~~
3790 ~~Appropriations Act, the allocation shall be prorated to the~~
3791 ~~level provided to support the appropriation, based on each~~
3792 ~~district's share of the total.~~

3793 4. ~~Effective with the 1999-2000 fiscal year,~~ Funding on
3794 the basis of FTE membership beyond the 180-day regular term
3795 shall be provided in the FEFP only for students enrolled in
3796 juvenile justice education programs or in education programs for
3797 juveniles placed in secure facilities or programs under s.
3798 985.19. Funding for instruction beyond the regular 180-day
3799 school year for all other K-12 students shall be provided
3800 through the supplemental academic instruction allocation and

3801 other state, federal, and local fund sources with ample
3802 flexibility for schools to provide supplemental instruction to
3803 assist students in progressing from grade to grade and
3804 graduating.

3805 ~~5. The Florida State University School, as a lab school,~~
3806 ~~is authorized to expend from its FEFP or Lottery Enhancement~~
3807 ~~Trust Fund allocation the cost to the student of remediation in~~
3808 ~~reading, writing, or mathematics for any graduate who requires~~
3809 ~~remediation at a postsecondary educational institution.~~

3810 ~~6. Beginning in the 1999-2000 school year, dropout~~
3811 ~~prevention programs as defined in ss. 1003.52, 1003.53(1)(a),~~
3812 ~~(b), and (c), and 1003.54 shall be included in group 1 programs~~
3813 ~~under subparagraph (d)3.~~

3814 (o) Calculation of additional full-time equivalent
3815 membership based on successful completion of a career-themed
3816 course pursuant to ss. 1003.491, 1003.492, and 1003.493, or
3817 courses with embedded CAPE industry certifications or CAPE
3818 Digital Tool certificates, and issuance of industry
3819 certification identified on the CAPE Industry Certification
3820 Funding List pursuant to rules adopted by the State Board of
3821 Education or CAPE Digital Tool certificates pursuant to s.
3822 1003.4203.—

3823 1.a. A value of 0.025 full-time equivalent student
3824 membership shall be calculated for CAPE Digital Tool
3825 certificates earned by students in elementary and middle school

3826 | grades.

3827 | b. A value of 0.1 or 0.2 full-time equivalent student

3828 | membership shall be calculated for each student who completes a

3829 | course as defined in s. 1003.493(1)(b) or courses with embedded

3830 | CAPE industry certifications and who is issued an industry

3831 | certification identified annually on the CAPE Industry

3832 | Certification Funding List approved under rules adopted by the

3833 | State Board of Education. A value of 0.2 full-time equivalent

3834 | membership shall be calculated for each student who is issued a

3835 | CAPE industry certification that has a statewide articulation

3836 | agreement for college credit approved by the State Board of

3837 | Education. For CAPE industry certifications that do not

3838 | articulate for college credit, the Department of Education shall

3839 | assign a full-time equivalent value of 0.1 for each

3840 | certification. Middle grades students who earn additional FTE

3841 | membership for a CAPE Digital Tool certificate pursuant to sub-

3842 | subparagraph a. may not use the previously funded examination to

3843 | satisfy the requirements for earning an industry certification

3844 | under this sub-subparagraph. Additional FTE membership for an

3845 | elementary or middle grades student may not exceed 0.1 for

3846 | certificates or certifications earned within the same fiscal

3847 | year. The State Board of Education shall include the assigned

3848 | values on the CAPE Industry Certification Funding List under

3849 | rules adopted by the state board. Such value shall be added to

3850 | the total full-time equivalent student membership for grades 6

3851 through 12 in the subsequent year. CAPE industry certifications
3852 earned through dual enrollment must be reported and funded
3853 pursuant to s. 1011.80. However, if a student earns a
3854 certification through a dual enrollment course and the
3855 certification is not a fundable certification on the
3856 postsecondary certification funding list, or the dual enrollment
3857 certification is earned as a result of an agreement between a
3858 school district and a nonpublic postsecondary institution, the
3859 bonus value shall be funded in the same manner as other nondual
3860 enrollment course industry certifications. In such cases, the
3861 school district may provide for an agreement between the high
3862 school and the technical center, or the school district and the
3863 postsecondary institution may enter into an agreement for
3864 equitable distribution of the bonus funds.

3865 c. A value of 0.3 full-time equivalent student membership
3866 shall be calculated for student completion of the courses and
3867 the embedded certifications identified on the CAPE Industry
3868 Certification Funding List and approved by the commissioner
3869 pursuant to ss. 1003.4203(5) (a) and 1008.44.

3870 d. A value of 0.5 full-time equivalent student membership
3871 shall be calculated for CAPE Acceleration Industry
3872 Certifications that articulate for 15 to 29 college credit
3873 hours, and 1.0 full-time equivalent student membership shall be
3874 calculated for CAPE Acceleration Industry Certifications that
3875 articulate for 30 or more college credit hours pursuant to CAPE

3876 Acceleration Industry Certifications approved by the
3877 commissioner pursuant to ss. 1003.4203(5)(b) and 1008.44.

3878 2. Each district must allocate at least 80 percent of the
3879 funds provided for CAPE industry certification, in accordance
3880 with this paragraph, to the program that generated the funds.
3881 This allocation may not be used to supplant funds provided for
3882 basic operation of the program.

3883 3. For CAPE industry certifications earned in the 2013-
3884 2014 school year and in subsequent years, the school district
3885 shall distribute to each classroom teacher who provided direct
3886 instruction toward the attainment of a CAPE industry
3887 certification that qualified for additional full-time equivalent
3888 membership under subparagraph 1.:

3889 a. A bonus of \$25 for each student taught by a teacher who
3890 provided instruction in a course that led to the attainment of a
3891 CAPE industry certification on the CAPE Industry Certification
3892 Funding List with a weight of 0.1.

3893 b. A bonus of \$50 for each student taught by a teacher who
3894 provided instruction in a course that led to the attainment of a
3895 CAPE industry certification on the CAPE Industry Certification
3896 Funding List with a weight of 0.2.

3897 c. A bonus of \$75 for each student taught by a teacher who
3898 provided instruction in a course that led to the attainment of a
3899 CAPE industry certification on the CAPE Industry Certification
3900 Funding List with a weight of 0.3.

3901 d. A bonus of \$100 for each student taught by a teacher
3902 who provided instruction in a course that led to the attainment
3903 of a CAPE industry certification on the CAPE Industry
3904 Certification Funding List with a weight of 0.5 or 1.0.

3905
3906 Bonuses awarded pursuant to this paragraph shall be provided to
3907 teachers who are employed by the district in the year in which
3908 the additional FTE membership calculation is included in the
3909 calculation. Bonuses shall be calculated based upon the
3910 associated weight of a CAPE industry certification on the CAPE
3911 Industry Certification Funding List for the year in which the
3912 certification is earned by the student. Any bonus awarded to a
3913 teacher pursuant to ~~under~~ this paragraph is in addition to any
3914 regular wage or other bonus the teacher received or is scheduled
3915 to receive. A bonus may not be awarded to a teacher who fails to
3916 maintain the security of any CAPE industry certification
3917 examination or who otherwise violates the security or
3918 administration protocol of any assessment instrument that may
3919 result in a bonus being awarded to the teacher under this
3920 paragraph.

3921 (t) Computation for funding through the Florida Education
3922 Finance Program.—The State Board of Education may adopt rules
3923 establishing programs, industry certifications, and courses for
3924 which the student may earn credit toward high school graduation
3925 and the criteria under which a student's industry certification

3926 | or grade may be rescinded.

3927 | (6) CATEGORICAL FUNDS.—

3928 | (b) If a district school board finds and declares in a
 3929 | resolution adopted at a regular meeting of the school board that
 3930 | the funds received for any of the following categorical
 3931 | appropriations are urgently needed to maintain school board
 3932 | specified academic classroom instruction, the school board may
 3933 | consider and approve an amendment to the school district
 3934 | operating budget transferring the identified amount of the
 3935 | categorical funds to the appropriate account for expenditure:

3936 | 1. Funds for student transportation.

3937 | 2. Funds for safe schools.

3938 | ~~3. Funds for supplemental academic instruction if the
 3939 | required additional hour of instruction beyond the normal school
 3940 | day for each day of the entire school year has been provided for
 3941 | the students in each low-performing elementary school in the
 3942 | district pursuant to paragraph (1)(f).~~

3943 | 3.4. Funds for research-based reading instruction if the
 3944 | required additional hour of instruction beyond the normal school
 3945 | day for each day of the entire school year has been provided for
 3946 | the students in each low-performing elementary school in the
 3947 | district pursuant to paragraph (9)(a).

3948 | ~~4.5.~~ Funds for instructional materials if all
 3949 | instructional material purchases necessary to provide updated
 3950 | materials that are aligned with applicable state standards and

3951 course descriptions and that meet statutory requirements of
3952 content and learning have been completed for that fiscal year,
3953 but no sooner than March 1. Funds available after March 1 may be
3954 used to purchase hardware for student instruction.

3955 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

3956 (a) The research-based reading instruction allocation is
3957 created to provide comprehensive reading instruction to students
3958 in kindergarten through grade 12. Each school district that has
3959 one or more of the 300 lowest-performing elementary schools
3960 based on a 3-year average of the state reading assessment data
3961 shall give priority to using that school's portion of the
3962 allocation to provide ~~providing~~ an additional hour per day of
3963 intensive reading instruction ~~beyond the normal school day for~~
3964 ~~each day of the entire school year~~ for the students in each
3965 school. ~~The designation of the 300 lowest-performing elementary~~
3966 ~~schools must be based on the state reading assessment for the~~
3967 ~~prior year.~~ Students enrolled in these schools who earned a ~~have~~
3968 level 4 or level 5 score on the statewide, standardized English
3969 Language Arts assessment for the previous school year ~~scores~~ may
3970 participate in the additional hour of instruction ~~on an optional~~
3971 ~~basis~~. Exceptional student education centers may not be included
3972 in the 300 schools. The intensive reading instruction delivered
3973 in this additional hour ~~and for other students~~ shall include:
3974 research-based reading instruction that has been proven to
3975 accelerate progress of students exhibiting a reading deficiency;

3976 differentiated instruction based on screening, diagnostic,
3977 progress monitoring, or student assessment data to meet
3978 students' specific reading needs; explicit and systematic
3979 reading strategies to develop phonemic awareness, phonics,
3980 fluency, vocabulary, and comprehension, with more extensive
3981 opportunities for guided practice, error correction, and
3982 feedback; and the integration of social studies, science, and
3983 mathematics-text reading, text discussion, and writing in
3984 response to reading.

3985 (c) Funds allocated under this subsection must be used to
3986 provide a system of comprehensive reading instruction to
3987 students enrolled in the K-12 programs, which may include the
3988 following:

3989 1. ~~The provision of~~ An additional hour per day of
3990 intensive reading instruction to students in the 300 lowest-
3991 performing elementary schools by teachers and reading
3992 specialists who have demonstrated effectiveness in teaching
3993 reading as required in paragraph (a).

3994 2. Kindergarten through grade 5 reading intervention
3995 teachers to provide intensive intervention during the school day
3996 and in the required extra hour for students identified as having
3997 a reading deficiency.

3998 3. ~~The provision of~~ Highly qualified reading coaches to
3999 specifically support teachers in making instructional decisions
4000 based on student data, and improve teacher delivery of effective

4001 reading instruction, intervention, and reading in the content
4002 areas based on student need.

4003 4. Professional development for school district teachers
4004 in scientifically based reading instruction, including
4005 strategies to teach reading in content areas and with an
4006 emphasis on technical and informational text, to help school
4007 district teachers earn a certification or an endorsement in
4008 reading.

4009 5. ~~The provision of~~ Summer reading camps, using only
4010 teachers or other district personnel who are certified or
4011 endorsed in reading consistent with s. 1008.25(7)(b)3., for all
4012 students in kindergarten through grade 2 who demonstrate a
4013 reading deficiency as determined by district and state
4014 assessments, and students in grades 3 through 5 who score at
4015 Level 1 on the statewide, standardized ~~reading assessment or,~~
4016 ~~upon implementation, the~~ English Language Arts assessment.

4017 6. ~~The provision of~~ Supplemental instructional materials
4018 that are grounded in scientifically based reading research as
4019 identified by the Just Read, Florida! Office pursuant to s.
4020 1001.215(8).

4021 7. ~~The provision of~~ Intensive interventions for students
4022 in kindergarten through grade 12 who have been identified as
4023 having a reading deficiency or who are reading below grade level
4024 as determined by the statewide, standardized English Language
4025 Arts assessment.

4026 (d)1. Each school district that has a school that earns a
4027 grade below a "B" pursuant to s. 1008.34 shall annually,~~by a~~
4028 ~~date determined by the Department of Education but before May 1,~~
4029 ~~school districts shall~~ submit a K-12 comprehensive reading plan
4030 for the specific use of the research-based reading instruction
4031 allocation in the format prescribed by the department for review
4032 and approval by the department as part of the monitoring,
4033 intervention, and support strategies required under s. 1008.33
4034 ~~Just Read, Florida! Office created pursuant to s. 1001.215. The~~
4035 ~~plan annually submitted by school districts shall be deemed~~
4036 ~~approved unless the department rejects the plan on or before~~
4037 ~~June 1. If a school district and the Just Read, Florida! Office~~
4038 ~~cannot reach agreement on the contents of the plan, the school~~
4039 ~~district may appeal to the State Board of Education for~~
4040 ~~resolution.~~ School districts shall be allowed reasonable
4041 flexibility in designing their plans and shall be encouraged to
4042 offer reading intervention through innovative methods, including
4043 career academies. The plan format shall be developed with input
4044 from school district personnel, including teachers and
4045 principals, and shall provide for ~~allow courses in core, career,~~
4046 ~~and alternative programs that deliver~~ intensive reading
4047 intervention ~~remediation~~ through integrated curricula, provided
4048 that the interventions are delivered by a teacher who is
4049 certified or endorsed in ~~deemed highly qualified to teach~~
4050 reading or working toward that status. ~~No later than July 1~~

4051 ~~annually, the department shall release the school district's~~
4052 ~~allocation of appropriated funds to those districts having~~
4053 ~~approved plans. A school district that spends 100 percent of~~
4054 ~~this allocation on its approved plan shall be deemed to have~~
4055 ~~been in compliance with the plan. The department may withhold~~
4056 ~~funds upon a determination that reading instruction allocation~~
4057 ~~funds are not being used to implement the approved plan. The~~
4058 ~~department shall monitor and track the implementation of each~~
4059 ~~district plan, including conducting site visits and collecting~~
4060 ~~specific data on expenditures and reading improvement results.~~
4061 ~~By February 1 of each year, the department shall report its~~
4062 ~~findings to the Legislature.~~

4063 2. Each school district that has a school designated as
4064 one of the 300 lowest-performing elementary schools as specified
4065 in paragraph (a) shall specifically delineate in the
4066 comprehensive reading plan, or in an addendum to the
4067 comprehensive reading plan, the implementation design and
4068 reading intervention strategies that will be used for the
4069 required additional hour of reading instruction.

4071 The term "reading intervention" may include strategies
4072 identified by the Just Read, Florida! Office pursuant to s.
4073 1001.215(8), ~~includes evidence-based strategies frequently used~~
4074 ~~to remediate reading deficiencies and also includes individual~~
4075 ~~instruction, tutoring, mentoring, or the use of technology that~~

4076 | targets specific reading skills and abilities.

4077 | Section 42. Section 1011.6202, Florida Statutes, is
4078 | amended to read:

4079 | 1011.6202 Principal Autonomy ~~Pilot~~ Program Initiative.—The
4080 | Principal Autonomy ~~Pilot~~ Program Initiative is created within
4081 | the Department of Education. The purpose of the ~~pilot~~ program is
4082 | to provide a ~~the~~ highly effective principal of a participating
4083 | school with increased autonomy and authority to operate his or
4084 | her school, as well as other schools, in a way that produces
4085 | significant improvements in student achievement and school
4086 | management while complying with constitutional requirements. The
4087 | State Board of Education may, upon approval of a principal
4088 | autonomy proposal, enter into a performance contract with the ~~up~~
4089 | ~~to seven~~ district school board ~~boards~~ for participation in the
4090 | ~~pilot~~ program.

4091 | (1) PARTICIPATING SCHOOL DISTRICTS.—Beginning with the
4092 | 2018-2019 school year, contingent upon available funds, and on a
4093 | first-come, first-served basis, a ~~The~~ district school board
4094 | ~~boards in Broward, Duval, Jefferson, Madison, Palm Beach,~~
4095 | ~~Pinellas, and Seminole Counties~~ may submit, no later than
4096 | December 1, to the state board for approval a principal autonomy
4097 | proposal that exchanges statutory and rule exemptions for an
4098 | agreement to meet performance goals established in the proposal.
4099 | If approved by the state board, the ~~each of these~~ school
4100 | district is ~~districts shall be~~ eligible to participate in the

4101 ~~pilot~~ program for 3 years. ~~At the end of the 3 years, the~~
 4102 ~~performance of all participating schools in the school district~~
 4103 ~~shall be evaluated.~~

4104 (2) PRINCIPAL AUTONOMY PROPOSAL.—

4105 (a) To participate in the ~~pilot~~ program, a school district
 4106 must:

4107 1. Identify three schools that received at least two
 4108 school grades of "D" or "F" pursuant to s. 1008.34 during the
 4109 previous 3 school years.

4110 2. Identify three principals who have earned a highly
 4111 effective rating on the prior year's performance evaluation
 4112 pursuant to s. 1012.34, one of whom shall be assigned to each of
 4113 the participating schools.

4114 3. Describe the current financial and administrative
 4115 management of each participating school; identify the areas in
 4116 which each school principal will have increased fiscal and
 4117 administrative autonomy, including the authority and
 4118 responsibilities provided in s. 1012.28(8); and identify the
 4119 areas in which each participating school will continue to follow
 4120 district school board fiscal and administrative policies.

4121 4. Explain the methods used to identify the educational
 4122 strengths and needs of the participating school's students and
 4123 identify how student achievement can be improved.

4124 5. Establish performance goals for student achievement, as
 4125 defined in s. 1008.34(1), and explain how the increased autonomy

4126 | of principals will help participating schools improve student
 4127 | achievement and school management.

4128 | 6. Provide each participating school's mission and a
 4129 | description of its student population.

4130 | (b) The state board shall establish criteria, which must
 4131 | include the criteria listed in paragraph (a), for the approval
 4132 | of a principal autonomy proposal.

4133 | (c) A district school board must submit its principal
 4134 | autonomy proposal to the state board for approval by December 1
 4135 | in order to begin participation in the subsequent school year.
 4136 | By February 28 of the school year in which the proposal is
 4137 | submitted, the state board shall notify the district school
 4138 | board in writing whether the proposal is approved.

4139 | (3) EXEMPTION FROM LAWS.—

4140 | (a) With the exception of those laws listed in paragraph
 4141 | (b), a participating school or a school operated by an
 4142 | independent governing board pursuant to subsection (5) is exempt
 4143 | from the provisions of chapters 1000-1013 and rules of the state
 4144 | board that implement those exempt provisions.

4145 | (b) A participating school or a school operated by an
 4146 | independent governing board pursuant to subsection (5) shall
 4147 | comply with the provisions of chapters 1000-1013, and rules of
 4148 | the state board that implement those provisions, pertaining to
 4149 | the following:

4150 | 1. Those laws relating to the election and compensation of

4151 district school board members, the election or appointment and
4152 compensation of district school superintendents, public meetings
4153 and public records requirements, financial disclosure, and
4154 conflicts of interest.

4155 2. Those laws relating to the student assessment program
4156 and school grading system, including chapter 1008.

4157 3. Those laws relating to the provision of services to
4158 students with disabilities.

4159 4. Those laws relating to civil rights, including s.
4160 1000.05, relating to discrimination.

4161 5. Those laws relating to student health, safety, and
4162 welfare.

4163 6. Section 1001.42(4)(f), relating to the uniform opening
4164 date for public schools.

4165 7. Section 1003.03, governing maximum class size, except
4166 that the calculation for compliance pursuant to s. 1003.03 is
4167 the average at the school level for a participating school.

4168 8. Sections 1012.22(1)(c) and 1012.27(2), relating to
4169 compensation and salary schedules.

4170 9. Section 1012.33(5), relating to workforce reductions
4171 for annual contracts for instructional personnel. This
4172 subparagraph does not apply to at-will employees.

4173 10. Section 1012.335, relating to annual contracts for
4174 instructional personnel hired on or after July 1, 2011. This
4175 subparagraph does not apply to at-will employees.

4176 11. Section 1012.34, relating to personnel evaluation
 4177 procedures and criteria.

4178 12. Those laws pertaining to educational facilities,
 4179 including chapter 1013, except that s. 1013.20, relating to
 4180 covered walkways for relocatables, and s. 1013.21, relating to
 4181 the use of relocatable facilities exceeding 20 years of age, are
 4182 eligible for exemption.

4183 13. Those laws pertaining to participating school
 4184 districts, including this section and ss. 1011.69(2) and
 4185 1012.28(8).

4186 (c) A school shall remain exempt, as provided in this
 4187 subsection, beyond the term of the program so long as the school
 4188 receives no grade lower than a "B."

4189 (4) PROFESSIONAL DEVELOPMENT.—Each participating school
 4190 district shall require that the principal of each participating
 4191 school and a designated leadership team selected by the
 4192 principal of the participating school, ~~a three-member leadership~~
 4193 ~~team from each participating school, and district personnel~~
 4194 ~~working with each participating school~~ complete a nationally
 4195 recognized school turnaround program which focuses on improving
 4196 leadership, instructional infrastructure, talent management, and
 4197 differentiated support and accountability. The required
 4198 personnel must enroll in the nationally recognized school
 4199 turnaround program upon acceptance into the ~~pilot~~ program. ~~Each~~
 4200 ~~participating school district shall receive \$100,000 from the~~

4201 ~~department for participation in the nationally recognized school~~
4202 ~~turnaround program.~~

4203 (5) DISTRICT-INDEPENDENT AUTONOMOUS SCHOOLS.—To foster the
4204 development of principal autonomy and autonomous schools,
4205 participating school districts may expand the impact of
4206 participating principals by allowing participating principals to
4207 manage multiple schools under an independent governing board.

4208 (a) A participating principal who successfully completes
4209 the training required by subsection (4) may manage one or more
4210 schools that are operated by an independent governing board
4211 through a contract with the school board. To avoid any conflict
4212 of interest regarding the review, approval, and oversight of the
4213 school, members of the governing board may not be employees of
4214 the school district or any school operated by the governing
4215 board.

4216 (b) For the purposes of tort liability, the independent
4217 governing board, autonomous school, and its employees or agents
4218 shall be governed by s. 768.28. The school board shall not be
4219 liable for civil damages under state law for the employment
4220 actions or personal injury, property damage, or death resulting
4221 from an act or omission of an independent governing board,
4222 autonomous school, and its employees or agents.

4223 (c) An autonomous school may be a private or a public
4224 employer. As a public employer, the autonomous school may
4225 participate in the Florida Retirement System upon application

4226 and approval as a covered group under s. 121.021(34). If an
 4227 autonomous school participates in the Florida Retirement System,
 4228 the school's employees shall be compulsory members of the
 4229 Florida Retirement System.

4230 (6)~~(5)~~ TERM OF PARTICIPATION.—The state board shall
 4231 authorize a school district to participate in the ~~pilot~~ program
 4232 for a period of 3 years commencing with approval of the
 4233 principal autonomy proposal. ~~Authorization to participate in the~~
 4234 ~~pilot program may be renewed upon action of the state board.~~ The
 4235 state board may revoke authorization to participate in the ~~pilot~~
 4236 program if the school district fails to meet the requirements of
 4237 this section during the 3-year period.

4238 ~~(6) REPORTING. Each participating school district shall~~
 4239 ~~submit an annual report to the state board. The state board~~
 4240 ~~shall annually report on the implementation of the Principal~~
 4241 ~~Autonomy Pilot Program Initiative. Upon completion of the pilot~~
 4242 ~~program's first 3-year term, the Commissioner of Education shall~~
 4243 ~~submit to the President of the Senate and the Speaker of the~~
 4244 ~~House of Representatives by December 1 a full evaluation of the~~
 4245 ~~effectiveness of the pilot program.~~

4246 (7) FUNDING.—Subject to an annual appropriation, The
 4247 Legislature shall provide an appropriation to the department
 4248 shall fund for the costs of the ~~pilot~~ program to include the,
 4249 ~~including~~ administrative ~~costs~~ and enrollment costs for the
 4250 nationally recognized school turnaround program required in

4251 subsection (4), and an ~~additional~~ amount not to exceed of
4252 \$10,000 for each participating principal in each participating
4253 district as an annual salary supplement for 3 years, ~~a fund for~~
4254 ~~the principal's school to be used at the principal's discretion,~~
4255 ~~or both, as determined by the district.~~ To be eligible for a
4256 salary supplement under this subsection, a participating
4257 principal must:

4258 (a) Be rated "highly effective" as determined by the
4259 principal's performance evaluation under s. 1012.34;

4260 (b) Be transferred to, or manage pursuant to subsection
4261 (5), a school that earned a grade of "F" or two ~~three~~
4262 consecutive grades of "D" pursuant to s. 1008.34 and provided
4263 additional authority and responsibilities pursuant to s.
4264 1012.28(8); and

4265 (c) Have implemented a turnaround option under s. 1008.33
4266 ~~s. 1008.33(4)~~ at a school as the school's principal or manager.
4267 The turnaround option must have resulted in the school improving
4268 by at least one letter grade while he or she was serving as the
4269 school's principal or manager.

4270 (8) RULEMAKING.—The State Board of Education shall adopt
4271 rules to administer this section.

4272 Section 43. Section 1011.64, Florida Statutes, is
4273 repealed.

4274 Section 44. Subsection (5) of section 1011.69, Florida
4275 Statutes, is amended to read:

4276 1011.69 Equity in School-Level Funding Act.—
 4277 (5) After providing Title I, Part A, Basic funds to
 4278 schools above the 75 percent poverty threshold, which may
 4279 include high schools above the 50 percent threshold as permitted
 4280 by federal law, school districts shall provide any remaining
 4281 Title I, Part A, Basic funds directly to all eligible schools as
 4282 provided in this subsection. For purposes of this subsection, an
 4283 eligible school is a school that is eligible to receive Title I
 4284 funds, including a charter school. The threshold for identifying
 4285 eligible schools may not exceed the threshold established by a
 4286 school district for the 2016-2017 school year or the statewide
 4287 percentage of economically disadvantaged students, as determined
 4288 annually.

4289 (a) Prior to the allocation of Title I funds to eligible
 4290 schools, a school district may withhold funds only as follows:

4291 1. One percent for parent involvement, in addition to the
 4292 one percent the district must reserve under federal law for
 4293 allocations to eligible schools for parent involvement;

4294 2. A necessary and reasonable amount for administration,
 4295 which includes the district's indirect cost rate, not to exceed
 4296 a total of 8 percent; ~~and~~

4297 3. A reasonable and necessary amount to provide:

4298 a. Homeless programs;

4299 b. Delinquent and neglected programs;

4300 c. Prekindergarten programs and activities;

4301 d. Private school equitable services; and
 4302 e. Transportation for foster care children to their school
 4303 of origin or choice programs; and
 4304 4. A necessary and reasonable amount, not to exceed 1
 4305 percent, for eligible schools to provide:
 4306 a. Extended learning opportunities, such as summer school,
 4307 before-school and after-school programs, and additional class
 4308 periods of instruction during the school day; and
 4309 b. Supplemental academic and enrichment services, as well
 4310 as wrap-around services.
 4311
 4312 Any funds provided by eligible schools pursuant to paragraph (b)
 4313 shall not be included calculation of the 1-percent limitation.
 4314 (b) All remaining Title I funds shall be distributed to
 4315 all eligible schools in accordance with federal law and
 4316 regulation. To maximize the efficient use of resources, school
 4317 districts may allow eligible schools, not including charter
 4318 schools, to ~~An eligible school may~~ use funds under this
 4319 subsection for district-level ~~to participate in discretionary~~
 4320 educational services provided by the school district under
 4321 paragraph (a).
 4322 Section 45. Paragraph (e) of subsection (2) of section
 4323 1011.71, Florida Statutes, is amended to read:
 4324 1011.71 District school tax.—
 4325 (2) In addition to the maximum millage levy as provided in

4326 subsection (1), each school board may levy not more than 1.5
4327 mills against the taxable value for school purposes for charter
4328 schools pursuant to s. 1013.62(3) and for district schools to
4329 fund:

4330 (e) Payments for educational facilities and sites due
4331 under a lease-purchase agreement entered into by a district
4332 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
4333 exceeding, in the aggregate, an amount equal to three-fourths of
4334 the proceeds from the millage levied by a district school board
4335 pursuant to this subsection. The three-fourths limit is waived
4336 for lease-purchase agreements entered into before June 30, 2009,
4337 by a district school board pursuant to this paragraph. If
4338 payments under lease-purchase agreements in the aggregate,
4339 including lease-purchase agreements entered into before June 30,
4340 2009, exceed three-fourths of the proceeds from the millage
4341 levied pursuant to this subsection, the district school board
4342 may not withhold the administrative fees authorized by s.
4343 1002.33(20) from any charter school operating in the school
4344 district.

4345 Section 46. Subsection (2) of section 1012.23, Florida
4346 Statutes, is amended to read:

4347 1012.23 School district personnel policies.—

4348 (2) A district school superintendent or a district school
4349 board member may not appoint or ~~not employ or appoint~~ a
4350 relative, as defined in s. 112.3135, to work under the direct

4351 supervision of that district school board member or district
4352 school superintendent. This subsection does not apply to
4353 employees appointed or employed before the election or
4354 appointment of a school board member or a district school
4355 superintendent. The Commission on Ethics shall accept and
4356 investigate any alleged violations of this subsection pursuant
4357 to the procedures in ss. 112.322-112.3241.

4358 Section 47. Subsection (4) of section 1012.2315, Florida
4359 Statutes, is amended to read:

4360 1012.2315 Assignment of teachers.—

4361 (4) COLLECTIVE BARGAINING.—

4362 (a) Notwithstanding provisions of chapter 447 relating to
4363 district school board collective bargaining, collective
4364 bargaining provisions may not preclude a school district from
4365 providing incentives to high-quality teachers and assigning such
4366 teachers to low-performing schools.

4367 (b)1. In addition to the provisions under s. 447.305(2),
4368 an employee organization that has been certified as the
4369 bargaining agent for a unit of instructional personnel as
4370 defined in s. 1012.01(2) must include for each such certified
4371 bargaining unit the following information in its application for
4372 renewal of registration:

4373 a. The number of employees in the bargaining unit who are
4374 eligible for representation by the employee organization.

4375 b. The number of employees who are represented by the

4376 employee organization, specifying the number of members who pay
4377 dues and the number of members who do not pay dues.

4378 2. Notwithstanding the provisions of chapter 447 relating
4379 to collective bargaining, an employee organization whose dues
4380 paying membership is less than 50 percent of the employees
4381 eligible for representation in the unit, as identified in
4382 subparagraph 1., must petition the Public Employees Relations
4383 Commission pursuant to s. 447.307(2) and (3) for recertification
4384 as the exclusive representative of all employees in the unit
4385 within 1 month after the date on which the organization applies
4386 for renewal of registration pursuant to s. 447.305(2). The
4387 certification of an employee organization that does not comply
4388 with this paragraph is revoked.

4389 Section 48. Subsection (8) of section 1012.28, Florida
4390 Statutes, is amended to read:

4391 1012.28 Public school personnel; duties of school
4392 principals.—

4393 (8) The principal of a school participating in the
4394 Principal Autonomy ~~Pilot~~ Program Initiative under s. 1011.6202
4395 has the following additional authority and responsibilities:

4396 (a) In addition to the authority provided in subsection
4397 (6), the authority to select qualified instructional personnel
4398 for placement or to refuse to accept the placement or transfer
4399 of instructional personnel by the district school
4400 superintendent. Placement of instructional personnel at a

4401 participating school in a participating school district does not
 4402 affect the employee's status as a school district employee.

4403 (b) The authority to deploy financial resources to school
 4404 programs at the principal's discretion to help improve student
 4405 achievement, as defined in s. 1008.34(1), and meet performance
 4406 goals identified in the principal autonomy proposal submitted
 4407 pursuant to s. 1011.6202.

4408 (c) To annually provide to the district school
 4409 superintendent and the district school board a budget for the
 4410 operation of the participating school that identifies how funds
 4411 provided pursuant to s. 1011.69(2) are allocated. ~~The school~~
 4412 ~~district shall include the budget in the annual report provided~~
 4413 ~~to the State Board of Education pursuant to s. 1011.6202(6).~~

4414 Section 49. Subsection (2) of section 1012.32, Florida
 4415 Statutes, is amended to read:

4416 1012.32 Qualifications of personnel.—

4417 (2) (a) Instructional and noninstructional personnel who
 4418 are hired or contracted to fill positions that require direct
 4419 contact with students in any district school system or
 4420 university lab school must, upon employment or engagement to
 4421 provide services, undergo background screening as required under
 4422 s. 1012.465 or s. 1012.56, whichever is applicable.

4423 (b) Instructional and noninstructional personnel who are
 4424 hired or contracted to fill positions in any charter school and
 4425 members of the governing board of any charter school, in

4426 compliance with s. 1002.33(12)(g), must, upon employment,
4427 engagement of services, or appointment, undergo background
4428 screening as required under s. 1012.465 or s. 1012.56, whichever
4429 is applicable, by filing with the district school board for the
4430 school district in which the charter school is located a
4431 complete set of fingerprints taken by an authorized law
4432 enforcement agency or an employee of the school or school
4433 district who is trained to take fingerprints.

4434 (c) Instructional and noninstructional personnel who are
4435 hired or contracted to fill positions that require direct
4436 contact with students in an alternative school that operates
4437 under contract with a district school system must, upon
4438 employment or engagement to provide services, undergo background
4439 screening as required under s. 1012.465 or s. 1012.56, whichever
4440 is applicable, by filing with the district school board for the
4441 school district to which the alternative school is under
4442 contract a complete set of fingerprints taken by an authorized
4443 law enforcement agency or an employee of the school or school
4444 district who is trained to take fingerprints.

4445 (d) Student teachers and persons participating in a field
4446 experience pursuant to s. 1004.04(5) or s. 1004.85 in any
4447 district school system, lab school, or charter school must, upon
4448 engagement to provide services, undergo background screening as
4449 required under s. 1012.56.

4450

4451 Fingerprints shall be submitted to the Department of Law
4452 Enforcement for statewide criminal and juvenile records checks
4453 and to the Federal Bureau of Investigation for federal criminal
4454 records checks. A person subject to this subsection who is found
4455 ineligible for employment under s. 1012.315, or otherwise found
4456 through background screening to have been convicted of any crime
4457 involving moral turpitude as defined by rule of the State Board
4458 of Education, shall not be employed, engaged to provide
4459 services, or serve in any position that requires direct contact
4460 with students. Probationary persons subject to this subsection
4461 terminated because of their criminal record have the right to
4462 appeal such decisions. The cost of the background screening may
4463 be borne by the district school board, the charter school, the
4464 employee, the contractor, or a person subject to this
4465 subsection. If the district school board does not notify the
4466 charter school of the eligibility of governing board members and
4467 instructional and noninstructional personnel within 14 days
4468 after the submission of the fingerprints, it shall reimburse the
4469 cost of background screening.

4470 Section 50. Subsection (4) of section 1012.55, Florida
4471 Statutes, is amended, and paragraph (e) is added to subsection
4472 (1) of that section, to read:

4473 1012.55 Positions for which certificates required.—

4474 (1)

4475 (e)1. The department shall issue a 3-year temporary

4476 certificate in educational leadership under s. 1012.56(7) to an
4477 individual who:

4478 a. Earned a passing score on the Florida Educational
4479 Leadership Examination.

4480 b. Served as a commissioned or noncommissioned military
4481 officer in the United States Armed Forces for at least 3 years.

4482 c. Was honorably discharged or has retired from the United
4483 States Armed Forces.

4484 d. Is employed full time in a position for which an
4485 educator certificate is required in a Florida public school,
4486 state-supported school, or nonpublic school that has a Level II
4487 program under s. 1012.562.

4488 2. A Level II program under s. 1012.562 must accept an
4489 applicant who holds a temporary certificate under subparagraph
4490 1. The department shall issue a permanent certification as a
4491 school principal to an individual who holds a temporary
4492 certificate under subparagraph 1. and successfully completes the
4493 Level II program.

4494 (4) A commissioned or noncommissioned military officer who
4495 is an instructor of junior reserve officer training shall be
4496 exempt from requirements for teacher certification, except for
4497 the background screening pursuant to s. 1012.32, if he or she
4498 meets the following qualifications:

4499 (a) Is retired from active military duty, pursuant to
4500 chapter 102 of Title 10 U.S.C.

4501 (b) Satisfies criteria established by the appropriate
 4502 military service for certification by the service as a junior
 4503 reserve officer training instructor.

4504 (c) Has an exemplary military record.

4505

4506 If such instructor is assigned instructional duties other than
 4507 junior reserve officer training, he or she shall hold the
 4508 certificate required by law and rules of the state board for the
 4509 type of service rendered. An instructor of junior reserve
 4510 officer training under this subsection may receive funding
 4511 through the Florida Teachers Classroom Supply Assistance Program
 4512 under s. 1012.71.

4513 Section 51. Subsection (7) of section 1012.56, Florida
 4514 Statutes, is amended to read:

4515 1012.56 Educator certification requirements.—

4516 (7) TYPES AND TERMS OF CERTIFICATION.—

4517 (a) The Department of Education shall issue a professional
 4518 certificate for a period not to exceed 5 years to any applicant
 4519 who fulfills one of the following:

4520 1. Meets all the requirements outlined in subsection (2).

4521 2. For a professional certificate covering grades 6
 4522 through 12:

4523 a. Meets the requirements of paragraphs (2) (a)-(h).

4524 b. Holds a master's or higher degree in the area of
 4525 science, technology, engineering, or mathematics.

4526 c. Teaches a high school course in the subject of the
4527 advanced degree.

4528 d. Is rated highly effective as determined by the
4529 teacher's performance evaluation under s. 1012.34, based in part
4530 on student performance as measured by a statewide, standardized
4531 assessment or an Advanced Placement, Advanced International
4532 Certificate of Education, or International Baccalaureate
4533 examination.

4534 e. Achieves a passing score on the Florida professional
4535 education competency examination required by state board rule.

4536 3. Meets the requirements of paragraphs (2)(a)-(h) and
4537 completes a professional preparation and education competence
4538 program approved by the department pursuant to paragraph (8)(c).
4539 An applicant who completes the program and is rated highly
4540 effective as determined by his or her performance evaluation
4541 under s. 1012.34 is not required to take or achieve a passing
4542 score on the professional education competency examination in
4543 order to be awarded a professional certificate.

4544 (b) The department shall issue a temporary certificate to
4545 any applicant who completes the requirements outlined in
4546 paragraphs (2)(a)-(f) and completes the subject area content
4547 requirements specified in state board rule or demonstrates
4548 mastery of subject area knowledge pursuant to subsection (5) and
4549 holds an accredited degree or a degree approved by the
4550 Department of Education at the level required for the subject

4551 area specialization in state board rule.

4552 (c) The department shall issue one nonrenewable 2-year
4553 temporary certificate and one nonrenewable 5-year professional
4554 certificate to a qualified applicant who holds a bachelor's
4555 degree in the area of speech-language impairment to allow for
4556 completion of a master's degree program in speech-language
4557 impairment.

4558

4559 Each temporary certificate is valid for 3 school fiscal years
4560 and is nonrenewable. However, the requirement in paragraph
4561 (2) (g) must be met within 1 calendar year of the date of
4562 employment under the temporary certificate. Individuals who are
4563 employed under contract at the end of the 1 calendar year time
4564 period may continue to be employed through the end of the school
4565 year in which they have been contracted. A school district shall
4566 not employ, or continue the employment of, an individual in a
4567 position for which a temporary certificate is required beyond
4568 this time period if the individual has not met the requirement
4569 of paragraph (2) (g). At least 1 year before an individual's
4570 temporary certificate is set to expire, the department shall
4571 electronically notify the individual of the date on which his or
4572 her certificate will expire and provide a list of each method by
4573 which the qualifications for a professional certificate can be
4574 completed. The State Board of Education shall adopt rules to
4575 allow the department to extend the validity period of a

4576 temporary certificate for 2 years when the requirements for the
4577 professional certificate, not including the requirement in
4578 paragraph (2)(g), were not completed due to the serious illness
4579 or injury of the applicant, the military service of an
4580 applicant's spouse, or other extraordinary extenuating
4581 circumstances. The rules must authorize the department to extend
4582 the validity period of a temporary certificate ~~or~~ for 1 year if
4583 the ~~temporary~~ certificateholder is rated effective or highly
4584 effective based solely on a student learning growth formula
4585 approved by the Commissioner of Education pursuant to s.
4586 1012.34(8). The department shall reissue the temporary
4587 certificate for 2 additional years upon approval by the
4588 Commissioner of Education. A written request for reissuance of
4589 the certificate shall be submitted by the district school
4590 superintendent, the governing authority of a university lab
4591 school, the governing authority of a state-supported school, or
4592 the governing authority of a private school.

4593 Section 52. Section 1012.562, Florida Statutes, is amended
4594 to read:

4595 1012.562 Public accountability and state approval of
4596 school leader preparation programs.—The Department of Education
4597 shall establish a process for the approval of Level I and Level
4598 II school leader preparation programs that will enable aspiring
4599 school leaders to obtain their certificate in educational
4600 leadership under s. 1012.56. School leader preparation programs

4601 must be competency-based, aligned to the principal leadership
 4602 standards adopted by the state board, and open to individuals
 4603 employed by public schools, including charter schools and
 4604 virtual schools. Level I programs ~~may be offered by school~~
 4605 ~~districts or postsecondary institutions~~ and lead to initial
 4606 certification in educational leadership for the purpose of
 4607 preparing individuals to serve as school administrators. Level
 4608 II programs ~~may be offered by school districts,~~ build upon Level
 4609 I training~~,~~ and lead to renewal certification as a school
 4610 principal.

4611 (1) PURPOSE.—The purpose of school leader preparation
 4612 programs are to:

4613 (a) Increase the supply of effective school leaders in the
 4614 public schools of this state.

4615 (b) Produce school leaders who are prepared to lead the
 4616 state's diverse student population in meeting high standards for
 4617 academic achievement.

4618 (c) Enable school leaders to facilitate the development
 4619 and retention of effective and highly effective classroom
 4620 teachers.

4621 (d) Produce leaders with the competencies and skills
 4622 necessary to achieve the state's education goals.

4623 (e) Sustain the state system of school improvement and
 4624 education accountability.

4625 (2) LEVEL I PROGRAMS.—

4626 (a) Initial approval of a Level I program shall be for a
 4627 period of 5 years. A postsecondary institution, ~~or~~ school
 4628 district, charter school, or charter management organization may
 4629 submit to the department in a format prescribed by the
 4630 department an application to establish a Level I school leader
 4631 preparation program. To be approved, a Level I program must:

4632 1. Provide competency-based training aligned to the
 4633 principal leadership standards adopted by the State Board of
 4634 Education.

4635 2. If the program is provided by a postsecondary
 4636 institution, partner with at least one school district.

4637 3. Describe the qualifications that will be used to
 4638 determine program admission standards, including a candidate's
 4639 instructional expertise and leadership potential.

4640 4. Describe how the training provided through the program
 4641 will be aligned to the personnel evaluation criteria under s.
 4642 1012.34.

4643 (b) Renewal of a Level I program's approval shall be for a
 4644 period of 5 years and shall be based upon evidence of the
 4645 program's continued ability to meet the requirements of
 4646 paragraph (a). A postsecondary institution or school district
 4647 must submit an institutional program evaluation plan in a format
 4648 prescribed by the department for a Level I program to be
 4649 considered for renewal. The plan must include:

4650 1. The percentage of personnel who complete the program

4651 and are placed in school leadership positions in public schools
4652 within the state.

4653 2. Results from the personnel evaluations required under
4654 s. 1012.34 for personnel who complete the program.

4655 3. The passage rate of personnel who complete the program
4656 on the Florida Education Leadership Examination.

4657 4. The impact personnel who complete the program have on
4658 student learning as measured by the formulas developed by the
4659 commissioner pursuant to s. 1012.34(7).

4660 5. Strategies for continuous improvement of the program.

4661 6. Strategies for involving personnel who complete the
4662 program, other school personnel, community agencies, business
4663 representatives, and other stakeholders in the program
4664 evaluation process.

4665 7. Additional data included at the discretion of the
4666 postsecondary institution or school district.

4667 (c) A Level I program must guarantee the high quality of
4668 personnel who complete the program for the first 2 years after
4669 program completion or the person's initial certification as a
4670 school leader, whichever occurs first. If a person who completed
4671 the program is evaluated at less than highly effective or
4672 effective under s. 1012.34 and the person's employer requests
4673 additional training, the Level I program must provide additional
4674 training at no cost to the person or his or her employer. The
4675 training must include the creation of an individualized plan

4676 | agreed to by the employer that includes specific learning
4677 | outcomes. The Level I program is not responsible for the
4678 | person's employment contract with his or her employer.

4679 | (3) LEVEL II PROGRAMS.—Initial approval and subsequent
4680 | renewal of a Level II program shall be for a period of 5 years.
4681 | A school district, charter school, or charter management
4682 | organization may submit to the department in a format prescribed
4683 | by the department an application to establish a Level II school
4684 | leader preparation program or for program renewal. To be
4685 | approved or renewed, a Level II program must:

4686 | (a) Demonstrate that personnel accepted into the Level II
4687 | program have:

4688 | 1. Obtained their certificate in educational leadership
4689 | under s. 1012.56.

4690 | 2. Earned a highly effective or effective designation
4691 | under s. 1012.34.

4692 | 3. Satisfactorily performed instructional leadership
4693 | responsibilities as measured by the evaluation system in s.
4694 | 1012.34.

4695 | (b) Demonstrate that the Level II program:

4696 | 1. Provides competency-based training aligned to the
4697 | principal leadership standards adopted by the State Board of
4698 | Education.

4699 | 2. Provides training aligned to the personnel evaluation
4700 | criteria under s. 1012.34 and professional development program

4701 in s. 1012.986.

4702 3. Provides individualized instruction using a customized
 4703 learning plan for each person enrolled in the program that is
 4704 based on data from self-assessment, selection, and appraisal
 4705 instruments.

4706 4. Conducts program evaluations and implements program
 4707 improvements using input from personnel who completed the
 4708 program and employers and data gathered pursuant to paragraph
 4709 (2) (b).

4710 (c) Gather and monitor the data specified in paragraph
 4711 (2) (b).

4712 (4) RULES.—The State Board of Education shall adopt rules
 4713 to administer this section.

4714 Section 53. Subsection (3) is added to section 1012.59,
 4715 Florida Statutes, to read:

4716 1012.59 Certification fees.—

4717 (3) The State Board of Education shall waive initial
 4718 general knowledge, professional education, and subject area
 4719 examination fees and certification fees for:

4720 (a) A member of the United States Armed Forces or a
 4721 reserve component thereof who is serving or has served on active
 4722 duty and the spouse of such a member.

4723 (b) The surviving spouse of a member of the United States
 4724 Armed Forces or a reserve component thereof who was serving on
 4725 active duty at the time of death.

4726 (c) An honorably discharged veteran of the United States
4727 Armed Forces or a veteran of a reserve component thereof who
4728 served on active duty and the spouse or surviving spouse of such
4729 a veteran.

4730 Section 54. Subsection (11) of section 1012.98, Florida
4731 Statutes, is amended to read:

4732 1012.98 School Community Professional Development Act.—

4733 (11) The department shall disseminate to the school
4734 community proven model professional development programs that
4735 have demonstrated success in increasing rigorous and relevant
4736 content, increasing student achievement and engagement, meeting
4737 identified student needs, and providing effective mentorship
4738 activities to new teachers and training to teacher mentors. The
4739 methods of dissemination must include a web-based statewide
4740 performance-support system including a database of exemplary
4741 professional development activities, a listing of available
4742 professional development resources, training programs, and
4743 available technical assistance. Professional development
4744 resources must include sample course-at-a-glance and unit
4745 overview templates that school districts may use when developing
4746 curriculum. The templates must provide an organized structure
4747 for addressing the Florida Standards, grade-level expectations,
4748 evidence outcomes, and 21st century skills that build to
4749 students' mastery of the standards at each grade level. Each
4750 template must support teaching to greater intellectual depth and

4751 emphasize transfer and application of concepts, content, and
4752 skills. At a minimum, each template must:

4753 (a) Provide course or year-long sequencing of concept-
4754 based unit overviews based on the Florida Standards.

4755 (b) Describe the knowledge and vocabulary necessary for
4756 comprehension.

4757 (c) Promote the instructional shifts required within the
4758 Florida Standards.

4759 (d) Illustrate the interdependence of grade level
4760 expectations within and across content areas within a grade.

4761 Section 55. Paragraph (a) of subsection (2) of section
4762 1013.28, Florida Statutes, is amended to read:

4763 1013.28 Disposal of property.—

4764 (2) TANGIBLE PERSONAL PROPERTY.—

4765 (a) Tangible personal property that has been properly
4766 classified as surplus by a district school board or Florida
4767 College System institution board of trustees shall be disposed
4768 of in accordance with the procedure established by chapter 274.
4769 However, the provisions of chapter 274 shall not be applicable
4770 to a motor vehicle used in driver education to which title is
4771 obtained for a token amount from an automobile dealer or
4772 manufacturer. In such cases, the disposal of the vehicle shall
4773 be as prescribed in the contractual agreement between the
4774 automotive agency or manufacturer and the board. Tangible
4775 personal property that has been properly classified as surplus,

4776 marked for disposal, or otherwise unused by a district school
 4777 board shall be provided for a charter school's use on the same
 4778 basis as it is made available to other public schools in the
 4779 district. A charter school receiving property from the school
 4780 district may not sell or dispose of such property without the
 4781 written permission of the school district.

4782 Section 56. Paragraph (e) is added to subsection (2) of
 4783 section 1013.385, Florida Statutes, to read:

4784 1013.385 School district construction flexibility.—

4785 (2) A resolution adopted under this section may propose
 4786 implementation of exceptions to requirements of the uniform
 4787 statewide building code for the planning and construction of
 4788 public educational and ancillary plants adopted pursuant to ss.
 4789 553.73 and 1013.37 relating to:

4790 (e) Any other provisions that limit the ability of a
 4791 school to operate in a facility on the same basis as a charter
 4792 school pursuant to s. 1002.33(18) so long as the regional
 4793 planning council determines that there is sufficient shelter
 4794 capacity within the school district as documented in the
 4795 Statewide Emergency Shelter Plan.

4796 Section 57. Subsections (1), (3), and (5) of section
 4797 1013.62, Florida Statutes, are amended to read:

4798 1013.62 Charter schools capital outlay funding.—

4799 (1) Charter school capital outlay funding shall consist of
 4800 ~~revenue resulting from the discretionary millage authorized in~~

4801 ~~s. 1011.71(2)~~ and state funds when such funds are appropriated
4802 in the General Appropriations Act. However, if the amount of
4803 state funds appropriated for charter school capital outlay in
4804 any fiscal year is not equal to or is less than the average
4805 charter school capital outlay funds per unweighted full-time
4806 equivalent student for the 2018-2019 fiscal year, multiplied by
4807 the estimated number of charter school students for the
4808 applicable fiscal year, and adjusted by changes in the Consumer
4809 Price Index from the previous fiscal year, charter school
4810 capital outlay funding shall also consist of revenue resulting
4811 from the discretionary millage authorized in s. 1011.71(2).

4812 (a) To be eligible to receive capital outlay funds, a
4813 charter school must:

4814 1.a. Have been in operation for 2 or more years;

4815 b. Be governed by a governing board established in the
4816 state for 2 or more years which operates both charter schools
4817 and conversion charter schools within the state;

4818 c. Be an expanded feeder chain of a charter school within
4819 the same school district that is currently receiving charter
4820 school capital outlay funds;

4821 d. Have been accredited by a regional accrediting
4822 association as defined by State Board of Education rule; or

4823 e. Serve students in facilities that are provided by a
4824 business partner for a charter school-in-the-workplace pursuant
4825 to s. 1002.33(15) (b) .

4826 2. Have an annual audit that does not reveal any of the
 4827 financial emergency conditions provided in s. 218.503(1) for the
 4828 most recent fiscal year for which such audit results are
 4829 available.

4830 3. Have satisfactory student achievement based on state
 4831 accountability standards applicable to the charter school.

4832 4. Have received final approval from its sponsor pursuant
 4833 to s. 1002.33 for operation during that fiscal year.

4834 5. Serve students in facilities that are not provided by
 4835 the charter school's sponsor.

4836 (b) A charter school is not eligible to receive capital
 4837 outlay funds if it was created by the conversion of a public
 4838 school and operates in facilities provided by the charter
 4839 school's sponsor for a nominal fee, or at no charge, or if it is
 4840 directly or indirectly operated by the school district.

4841 (3) If the school board levies the discretionary millage
 4842 authorized in s. 1011.71(2), and the state funds appropriated
 4843 for charter school capital outlay in any fiscal year are not
 4844 equal to or are less than the average charter school capital
 4845 outlay funds per unweighted full-time equivalent student for the
 4846 2018-2019 fiscal year, multiplied by the estimated number of
 4847 charter school students for the applicable fiscal year, and
 4848 adjusted by changes in the Consumer Price Index from the
 4849 previous fiscal year, the department shall use the following
 4850 calculation methodology to determine the amount of revenue that

4851 a school district must distribute to each eligible charter
4852 school:

4853 (a) Reduce the total discretionary millage revenue by the
4854 school district's annual debt service obligation incurred as of
4855 March 1, 2017, which has not been subsequently retired, and any
4856 amount of participation requirement pursuant to s.

4857 1013.64(2)(a)8. that is being satisfied by revenues raised by
4858 the discretionary millage.

4859 (b) Divide the school district's adjusted discretionary
4860 millage revenue by the district's total capital outlay full-time
4861 equivalent membership and the total number of unweighted full-
4862 time equivalent students of each eligible charter school to
4863 determine a capital outlay allocation per full-time equivalent
4864 student.

4865 (c) Multiply the capital outlay allocation per full-time
4866 equivalent student by the total number of full-time equivalent
4867 students of each eligible charter school to determine the
4868 capital outlay allocation for each charter school.

4869 (d) If applicable, reduce the capital outlay allocation
4870 identified in paragraph (c) by the total amount of state funds
4871 allocated to each eligible charter school in subsection (2) to
4872 determine the maximum calculated capital outlay allocation.

4873 (e) School districts shall distribute capital outlay funds
4874 to charter schools no later than February 1 of each year if
4875 required by this subsection, ~~beginning on February 1, 2018, for~~

4876 | ~~the 2017-2018 fiscal year.~~

4877 |

4878 | By October 1 of each year, each school district shall certify to
4879 | the department the amount of debt service and participation
4880 | requirement that complies with the requirement of paragraph (a)
4881 | and can be reduced from the total discretionary millage revenue.
4882 | The Auditor General shall verify compliance with the
4883 | requirements of paragraph (a) and s. 1011.71(2)(e) during
4884 | scheduled operational audits of school districts.

4885 | (5) If a charter school is nonrenewed or terminated, any
4886 | unencumbered funds and all equipment and property purchased with
4887 | district public funds shall revert to the ownership of the
4888 | district school board, as provided for in s. 1002.33(8)(d) and
4889 | (e) s. 1002.33(8)(e) and (f). In the case of a charter lab
4890 | school, any unencumbered funds and all equipment and property
4891 | purchased with university public funds shall revert to the
4892 | ownership of the state university that issued the charter. The
4893 | reversion of such equipment, property, and furnishings shall
4894 | focus on recoverable assets, but not on intangible or
4895 | irrecoverable costs such as rental or leasing fees, normal
4896 | maintenance, and limited renovations. The reversion of all
4897 | property secured with public funds is subject to the complete
4898 | satisfaction of all lawful liens or encumbrances. If there are
4899 | additional local issues such as the shared use of facilities or
4900 | partial ownership of facilities or property, these issues shall

4901 be agreed to in the charter contract prior to the expenditure of
4902 funds.

4903 Section 58. For the 2018-2019 fiscal year, the sum of
4904 \$19,350,000 in recurring funds from the General Revenue Fund and
4905 the sum of \$850,000 in nonrecurring funds from the General
4906 Revenue Fund are appropriated to the Department of Education to
4907 implement this act. Of the recurring funds, \$9,700,000 shall be
4908 used to fund reading scholarship accounts pursuant to s.
4909 1002.411, Florida Statutes, \$300,000 shall be provided as an
4910 administrative fee pursuant to s. 1002.411(7)(g), Florida
4911 Statutes, \$2,000,000 shall be used to implement the provisions
4912 of s. 1002.40(8), Florida Statutes, \$5,600,000 shall be used to
4913 implement the provisions of s. 1008.22(3)(d), Florida Statutes,
4914 \$950,000 shall be used to implement the additional oversight
4915 requirements pursuant to s. 1002.421, Florida Statutes, \$250,000
4916 shall be used to issue a competitive grant award pursuant to s.
4917 1002.395(9), Florida Statutes, and \$550,000 shall be used for
4918 instructional materials pursuant to s. 1007.271(13), Florida
4919 Statutes. Of the nonrecurring funds, \$750,000 shall be used to
4920 fund the web-based fiscal transparency tool required pursuant to
4921 s. 1010.20(2)(c), Florida Statutes, and \$100,000 shall be used
4922 to implement the provisions of s. 1011.051(2)(b), Florida
4923 Statutes.

4924 Section 59. The Department of Revenue may, and all
4925 conditions are deemed met to, adopt emergency rules pursuant to

CS/HB 7055

2018

4926 | ss. 120.536(1) and 120.54, Florida Statutes, to administer this
4927 | act.

4928 | Section 60. This act shall take effect July 1, 2018.