

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 an
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 this section; amending s. 213.053,
20 F.S.; requiring the Department of Revenue to share
21 specified information with eligible nonprofit
22 scholarship-funding organizations; creating s.
23 250.483, F.S.; providing requirements relating to
24 licensure or qualification of persons ordered into
25 active duty or state active duty; amending s. 446.041,

26 F.S.; providing duties of the Department of Education;
 27 amending s. 446.081, F.S.; providing construction;
 28 creating s. 683.147, F.S.; designating March 25 of
 29 each year as "Medal of Honor Day"; amending s.
 30 1001.10, F.S.; authorizing the Commissioner of
 31 Education to coordinate resources during an emergency;
 32 amending s. 1001.20, F.S.; requiring the Office of
 33 Inspector General to investigate certain allegations
 34 and reports made by specified individuals; amending s.
 35 1001.215, F.S.; revising the duties of the Just Read,
 36 Florida! Office; amending s. 1001.39, F.S.; requiring
 37 a district school board member's travel outside of the
 38 school district to be preapproved and meet certain
 39 criteria; providing requirements for a school board
 40 member's request for travel outside of the state;
 41 providing an opportunity for the public to speak on
 42 such travel; amending s. 1001.395, F.S.; providing
 43 that certain requirements for the salaries of district
 44 school board members apply every, rather than one
 45 specific, fiscal year; amending s. 1001.42, F.S.;
 46 providing that the standards of ethical conduct apply
 47 to administrative personnel and school officers;
 48 authorizing district school board members to request
 49 and receive specified budget information; requiring
 50 employment of internal auditors in certain school

51 districts; revising provisions relating to the duties
52 of such internal auditors; amending s. 1001.51, F.S.;
53 revising the duties and responsibilities of
54 superintendents relating to the organization of
55 schools; amending s. 1002.33, F.S.; revising the
56 criteria for denying high-performing charter school
57 system applications; revising the requirements for the
58 term of a charter; revising provisions for 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.; requiring school
70 districts to provide Florida Virtual School students
71 access to certain examinations and assessments and
72 certain information; amending s. 1002.385, F.S.;
73 revising eligible expenditures for the Gardiner
74 Scholarship Program; conforming provisions to changes
75 made by the act; amending s. 1002.39, F.S.; conforming

76 provisions to changes made by the act; amending s.
 77 1002.395, F.S.; revising the requirements for an
 78 annual report of certain student data for the Florida
 79 Tax Credit Scholarship Program; conforming provisions
 80 to changes made by the act; creating s. 1002.40, F.S.;
 81 establishing the Hope Scholarship Program; providing
 82 the purpose of the program; providing definitions;
 83 providing eligibility requirements; prohibiting the
 84 payment of a scholarship under certain circumstances;
 85 requiring a school principal to investigate a report
 86 of physical violence or emotional abuse; requiring a
 87 school district to notify an eligible student's parent
 88 of the program; requiring a school district to provide
 89 certain information relating to the statewide
 90 assessment program; providing requirements and
 91 obligations for eligible private schools; providing
 92 department obligations relating to participating
 93 students and private schools and program requirements;
 94 providing parent and student responsibilities for
 95 initial and continued participation in the program;
 96 providing eligible nonprofit scholarship-funding
 97 organization obligations; providing for the
 98 calculation of the scholarship amount; providing the
 99 scholarship amount for students transferred to certain
 100 public schools; requiring verification of specified

101 information before a scholarship may be disbursed;
 102 providing requirements for the scholarship payments;
 103 providing funds for administrative expenses for
 104 certain nonprofit scholarship-funding organizations;
 105 providing requirements for administrative expenses;
 106 prohibiting an eligible nonprofit scholarship-funding
 107 organization from charging an application fee;
 108 providing Auditor General obligations; providing
 109 requirements for taxpayer elections to contribute to
 110 the program; requiring the Department of Revenue to
 111 adopt forms to administer the program; providing
 112 reporting requirements for eligible nonprofit
 113 scholarship-funding organizations relating to taxpayer
 114 contributions; providing requirements for certain
 115 agents of the Department of Revenue and motor vehicle
 116 dealers; providing penalties; providing for the
 117 restitution of specified funds under certain
 118 circumstances; providing that the state is not liable
 119 for the award or use of program funds; prohibiting
 120 additional regulations for private schools
 121 participating in the program beyond those necessary to
 122 enforce program requirements; requiring the state
 123 board and the Department of Revenue to adopt rules to
 124 administer the program; creating s. 1002.411, F.S.;

125 establishing reading scholarship accounts for

126 specified purposes; providing for eligibility for
 127 scholarships; providing for administration; providing
 128 duties of the Department of Education; providing
 129 school district obligations; specifying options for
 130 parents; providing that maximum funding shall be
 131 specified in the General Appropriations Act; providing
 132 for payment of funds; specifying that no state
 133 liability arises from the award or use of such an
 134 account; amending s. 1002.421, F.S.; providing private
 135 school requirements for participation in educational
 136 scholarship programs; providing background screening
 137 requirements and procedures for owners of private
 138 schools; providing that a private school is ineligible
 139 to participate in an educational scholarship program
 140 under certain circumstances; providing department
 141 obligations relating to education scholarship
 142 programs; providing commissioner authority and
 143 responsibilities for educational scholarship programs;
 144 authorizing the commissioner to deny, suspend, or
 145 revoke a private school's participation in an
 146 educational scholarship program; amending s. 1003.42,
 147 F.S.; providing for a character development program
 148 that incorporates the values of the Congressional
 149 Medal of Honor; amending s. 1003.576, F.S.; requires a
 150 specified IEP system to be used statewide; deleting an

151 obsolete date; amending s. 1006.07, F.S.; revising
152 district school board duties to include security risk
153 assessments; requiring certain self-assessments to be
154 in a specified format; amending s. 1007.271, F.S.;
155 deleting a requirement for a home education student to
156 provide his or her own instructional materials;
157 revising the requirements for a private school
158 articulation agreement; amending s. 1008.22, F.S.;
159 requiring certain portions of the English Language
160 Arts assessments to include social studies content;
161 revising the format requirements for certain statewide
162 assessments; requiring published assessment items to
163 be in a format that meets certain criteria; amending
164 s. 1010.20, F.S.; requiring each school district to
165 report certain expenditures to the Department of
166 Education; providing department responsibilities;
167 amending s. 1010.30, F.S.; requiring certain entities
168 to provide an audit overview under certain
169 circumstances; providing the contents of the overview;
170 amending ss. 1011.01 and 1011.03, F.S.; conforming
171 cross-references; amending s. 1011.035, F.S.;
172 requiring each district school board to post on its
173 website certain graphical representations and a link
174 to a certain web-based tool; providing requirements
175 for such graphical representations; amending s.

176 1011.051, F.S.; requiring a district school board to
177 limit certain expenditures by a specified amount if
178 certain financial conditions exist for a specified
179 period of time; requiring the department to contract
180 with a third party to conduct an investigation under
181 certain circumstances; providing requirements for such
182 investigation; requiring the results of such
183 investigation to include certain information and be
184 provided to certain entities; amending s. 1011.06,
185 F.S.; requiring each district school board to approve
186 certain expenditures by amending its budget and
187 provide a public explanation for such budget
188 amendments; amending s. 1011.09, F.S.; providing
189 certain expenditure limitations for a school district
190 that meets specified criteria; amending s. 1011.10,
191 F.S.; requiring certain school districts to withhold
192 district school board member and school district
193 superintendent salaries until certain conditions are
194 met; amending s. 1011.60, F.S.; conforming cross-
195 references; amending s. 1011.62, F.S.; prohibiting the
196 award of certain bonuses to teachers who fail to
197 maintain the security of certain examinations or
198 violate certain protocols; authorizing the State Board
199 of Education to adopt rules for specified purposes;
200 renaming the "supplemental academic instruction

201 categorical fund" as the "supplemental academic
 202 instruction allocation"; requiring certain school
 203 districts to use the allocation for specified
 204 purposes; deleting an obsolete date; deleting a
 205 provision authorizing the Florida State University
 206 School to expend specified funds for certain purposes;
 207 conforming provisions to changes made by the act;
 208 revising the research-based reading instruction
 209 allocation; revising the criteria for establishing the
 210 300 lowest-performing elementary schools; providing
 211 requirements for staffing summer reading camps funding
 212 through the allocation; requiring school districts
 213 that meet specified criteria, rather than all school
 214 districts, to submit a comprehensive reading plan for
 215 specified purposes; deleting provisions for the
 216 release or withholding of funds based on a school
 217 district's comprehensive reading plan; revising a
 218 definition; amending s. 1011.6202, F.S.; renaming the
 219 "Principal Autonomy Pilot Program" as the "Principal
 220 Autonomy Program"; providing that any school district
 221 may apply to participate in the program; providing
 222 that a school shall retain its exemption from
 223 specified laws under specified circumstances;
 224 requiring a designated leadership team at a
 225 participating school to complete a certain turnaround

226 program; deleting a provision providing a specified
227 amount of funds to a participating school district
228 that completes the turnaround program; authorizing
229 certain principals to manage additional schools under
230 the control of an independent governing board;
231 providing requirements for such schools; providing for
232 such schools to participate in the program; providing
233 requirements for such participation; specifying that
234 no school district liability arises from the
235 management of such schools; deleting a school's
236 authority to renew participation in the program;
237 deleting reporting requirements; providing funding;
238 revising the principal eligibility criteria for a
239 salary supplement through the program; repealing s.
240 1011.64, F.S., relating to school district minimum
241 classroom expenditure requirements; amending s.
242 1011.69, F.S.; authorizing certain high schools to
243 receive Title I funds; providing that a school
244 district may withhold Title I funds for specified
245 purposes; authorizing certain schools to use Title I
246 funds for specified purposes; amending s. 1011.71,
247 F.S., prohibiting a school district from withholding
248 charter school administrative fees under certain
249 circumstances; amending s. 1012.23, F.S.; prohibiting
250 a school district superintendent and district school

251 board from appointing or employing certain individuals
252 in certain positions; providing an exception;
253 requiring the Commission on Ethics to investigate
254 alleged violations; amending s. 1012.2315, F.S.;
255 requiring certain employee organizations to petition
256 for recertification for specified purposes; amending
257 s. 1012.28, F.S.; conforming provisions to changes
258 made by the act; amending s. 1012.32, F.S.; requiring
259 a district school board to waive certain costs if it
260 fails to notify a charter school of the eligibility
261 status of certain persons; amending s. 1012.55, F.S.;
262 requiring the state board to issue a temporary
263 certificate in educational leadership to certain
264 persons; revising certain exemptions from requirements
265 for teacher certification for certain individuals;
266 amending s. 1012.56, F.S.; requiring the state board
267 to adopt certain rules; amending s. 1012.562, F.S.;
268 authorizing charter schools and charter management
269 organizations to offer school leader preparation
270 programs; amending s. 1012.59, F.S.; requiring the
271 state board to waive certain fees for specified
272 persons; amending s. 1012.98, F.S.; requiring
273 professional development resources to include sample
274 course-at-a-glance and unit overview templates;
275 providing requirements for such templates; amending s.

276 1013.28, F.S.; requiring school districts to provide
 277 charter schools access to certain property on the same
 278 basis as public schools; prohibiting certain actions
 279 by a charter school without the permission of the
 280 school district; amending s. 1013.385, F.S.; providing
 281 additional exceptions to certain building code
 282 regulations for school districts; amending s. 1013.62,
 283 F.S.; revising requirements for charter school capital
 284 outlay funding; conforming provisions to changes made
 285 by the act; providing an appropriation; authorizing
 286 the Department of Revenue to adopt emergency rules for
 287 specified purposes; providing an effective date.

288

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

290

291 Section 1. Paragraph (k) of subsection (2) of section
 292 11.45, Florida Statutes, is redesignated as paragraph (l), and a
 293 new paragraph (k) is added to that subsection to read:

294 11.45 Definitions; duties; authorities; reports; rules.—

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

296 (k) Contact each district school board, as defined in s.
 297 1003.01(1), with the findings and recommendations contained
 298 within the Auditor General's previous operational audit report.
 299 The district school board shall provide the Auditor General with
 300 evidence of the initiation of corrective action within 45 days

301 after the date it is requested by the Auditor General and
 302 evidence of completion of corrective action within 180 days
 303 after the date it is requested by the Auditor General. If the
 304 district school board fails to comply with the Auditor General's
 305 request or is unable to take corrective action within the
 306 required timeframe, the Auditor General shall notify the
 307 Legislative Auditing Committee.

308
 309 The Auditor General shall perform his or her duties
 310 independently but under the general policies established by the
 311 Legislative Auditing Committee. This subsection does not limit
 312 the Auditor General's discretionary authority to conduct other
 313 audits or engagements of governmental entities as authorized in
 314 subsection (3).

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

317 112.313 Standards of conduct for public officers,
 318 employees of agencies, and local government attorneys.—

319 (14) LOBBYING BY FORMER LOCAL OFFICERS; PROHIBITION.—A
 320 person who has been elected to any county, municipal, special
 321 district, or school district office or an appointed
 322 superintendent of a school district may not personally represent
 323 another person or entity for compensation before the government
 324 body or agency of which the person was an officer for a period
 325 of 2 years after vacating that office. For purposes of this

326 subsection:

327 (a) The "government body or agency" of a member of a board
 328 of county commissioners consists of the commission, the chief
 329 administrative officer or employee of the county, and their
 330 immediate support staff.

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

334 (c) The "government body or agency" of an elected
 335 municipal officer consists of the governing body of the
 336 municipality, the chief administrative officer or employee of
 337 the municipality, and their immediate support staff.

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

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

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

344 112.31455 Collection methods for unpaid automatic fines
 345 for failure to timely file disclosure of financial interests.—

346 (1) Before referring any unpaid fine accrued pursuant to
 347 s. 112.3144(5) or s. 112.3145(7) to the Department of Financial
 348 Services, the commission shall attempt to determine whether the
 349 individual owing such a fine is a current public officer or
 350 current public employee. If so, the commission may notify the

351 Chief Financial Officer or the governing body of the appropriate
 352 county, municipality, district school board, or special district
 353 of the total amount of any fine owed to the commission by such
 354 individual.

355 (a) After receipt and verification of the notice from the
 356 commission, the Chief Financial Officer or the governing body of
 357 the county, municipality, district school board, or special
 358 district shall begin withholding the lesser of 10 percent or the
 359 maximum amount allowed under federal law from any salary-related
 360 payment. The withheld payments shall be remitted to the
 361 commission until the fine is satisfied.

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

367 Section 4. Section 212.1832, Florida Statutes, is created
 368 to read:

369 212.1832 Credit for contributions to the Hope Scholarship
 370 Program.—

371 (1) Upon adoption of rules, the purchaser of a motor
 372 vehicle shall be granted a credit of 100 percent of an eligible
 373 contribution made to an eligible nonprofit scholarship-funding
 374 organization under s. 1002.40 against any tax imposed by the
 375 state and collected from the purchaser by a dealer, designated

376 agent, or private tag agent as a result of the purchase or
 377 acquisition of a motor vehicle. For purposes of this subsection,
 378 the term "purchase" does not include the lease or rental of a
 379 motor vehicle.

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

384 (3) For purposes of the distributions of tax revenue under
 385 s. 212.20, the department shall disregard any tax credits
 386 allowed under this section to ensure that any reduction in tax
 387 revenue received that is attributable to the tax credits results
 388 only in a reduction in distributions to the General Revenue
 389 Fund. The provisions of s. 1002.40 apply to the credit
 390 authorized by this section.

391 Section 5. Subsection (21) is added to section 213.053,
 392 Florida Statutes, to read:

393 213.053 Confidentiality and information sharing.—

394 (21) (a) The department may provide to an eligible
 395 nonprofit scholarship-funding organization, as defined in s.
 396 1002.40, a dealer's name, address, federal employer
 397 identification number, and information related to differences
 398 between credits taken by the dealer pursuant to s. 212.1832(2)
 399 and amounts remitted to the eligible nonprofit scholarship-
 400 funding organization under s. 1002.40(13)(b)3. The eligible

401 nonprofit scholarship-funding organization may use the
 402 information for purposes of recovering eligible contributions
 403 designated for that organization that were collected by the
 404 dealer but never remitted to the organization.

405 (b) Nothing in this subsection authorizes the disclosure
 406 of information if such disclosure is prohibited by federal law.
 407 An eligible nonprofit scholarship-funding organization is bound
 408 by the same requirements of confidentiality and the same
 409 penalties for violation of the requirements as the department.

410 Section 6. Section 250.483, Florida Statutes, is created
 411 to read:

412 250.483 Active duty; licensure or qualification.—

413 (1) If a member of the Florida National Guard or the
 414 United States Armed Forces Reserves seeking licensure or
 415 qualification for a trade, occupation, or profession is ordered
 416 into state active duty or into active duty as defined in this
 417 chapter, and his or her period of training, study,
 418 apprenticeship, or practical experience is interrupted or the
 419 start thereof is delayed, he or she is entitled to licensure or
 420 qualification under the laws covering his or her licensure or
 421 qualification at the time of entrance into active duty pursuant
 422 to subsection (2).

423 (2) A board of examiners or other qualification board
 424 regulated under general law shall accept periods of training and
 425 practical experience in the Florida National Guard or the United

426 States Armed Forces Reserves in place of the interrupted or
 427 delayed periods of training, study, apprenticeship, or practical
 428 experience if the board finds the standard and type of work or
 429 training performed in the Florida National Guard or the United
 430 States Armed Forces Reserves to be substantially the same as the
 431 standard and type required under the laws of this state.

432 (3) A member of the Florida National Guard or the United
 433 States Armed Forces Reserves must request licensure or
 434 qualification pursuant to this section by the respective board
 435 of examiners or other qualification board within 6 months after
 436 release from active duty with the Florida National Guard or the
 437 United States Armed Forces Reserves.

438 Section 7. Subsections (7) through (12) of section
 439 446.041, Florida Statutes, are renumbered as subsections (8)
 440 through (13), respectively, and a new subsection (7) is added to
 441 that section to read:

442 446.041 Apprenticeship program, duties of the department.—
 443 The department shall:

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

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

448 446.081 Limitation.—

449 (4) Nothing in ss. 446.011-446.092 or in any rules adopted
 450 or contained in any approved apprentice agreement under such

451 sections invalidates any special provision for veterans,
 452 minority persons, or women in the standards, qualifications, or
 453 operation of the apprenticeship program which is not otherwise
 454 prohibited by any applicable general law, rule, or regulation.

455 Section 9. Section 683.147, Florida Statutes, is created
 456 to read:

457 683.147 Medal of Honor Day.—

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

460 (2) The Governor may annually issue a proclamation
 461 designating March 25 as Medal of Honor Day and calling upon
 462 public officials, schools, private organizations, and all
 463 residents of the state to commemorate Medal of Honor Day and
 464 honor recipients of the Congressional Medal of Honor who
 465 distinguished themselves through their conspicuous bravery and
 466 gallantry during wartime, and at considerable risk to their own
 467 lives, while serving as members of the United States Armed
 468 Forces.

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

471 1001.10 Commissioner of Education; general powers and
 472 duties.—

473 (8) In the event of an emergency, the commissioner may
 474 coordinate through the most appropriate means of communication
 475 with local school districts, Florida College System

476 institutions, and satellite offices of the Division of Blind
 477 Services and the Division of Vocational Rehabilitation to assess
 478 the need for resources and assistance to enable each school,
 479 institution, or satellite office to reopen as soon as possible
 480 after considering the health, safety, and welfare of students
 481 and clients.

482 Section 11. Paragraph (e) of subsection (4) of section
 483 1001.20, Florida Statutes, is amended to read:

484 1001.20 Department under direction of state board.—

485 (4) The Department of Education shall establish the
 486 following offices within the Office of the Commissioner of
 487 Education which shall coordinate their activities with all other
 488 divisions and offices:

489 (e) Office of Inspector General.—Organized using existing
 490 resources and funds and responsible for promoting
 491 accountability, efficiency, and effectiveness and detecting
 492 fraud and abuse within school districts, the Florida School for
 493 the Deaf and the Blind, and Florida College System institutions
 494 in Florida. If the Commissioner of Education determines that a
 495 district school board, the Board of Trustees for the Florida
 496 School for the Deaf and the Blind, or a Florida College System
 497 institution board of trustees is unwilling or unable to address
 498 substantiated allegations made by any person relating to waste,
 499 fraud, or financial mismanagement within the school district,
 500 the Florida School for the Deaf and the Blind, or the Florida

501 College System institution, the office shall conduct,
502 coordinate, or request investigations into such substantiated
503 allegations. The office shall investigate allegations or reports
504 of possible fraud or abuse against a district school board made
505 by any member of the Cabinet; the presiding officer of either
506 house of the Legislature; a chair of a substantive or
507 appropriations committee with jurisdiction; or a member of the
508 board for which an investigation is sought. The office shall
509 have access to all information and personnel necessary to
510 perform its duties and shall have all of its current powers,
511 duties, and responsibilities authorized in s. 20.055.

512 Section 12. Subsections (3), (6), and (7) of section
513 1001.215, Florida Statutes, are amended to read:

514 1001.215 Just Read, Florida! Office.—There is created in
515 the Department of Education the Just Read, Florida! Office. The
516 office is fully accountable to the Commissioner of Education and
517 shall:

518 (3) Work with the Lastinger Center for Learning at the
519 University of Florida to develop training for K-12 teachers,
520 reading coaches, and school principals on effective content-
521 area-specific reading strategies; the integration of content-
522 rich curriculum from other core subject areas into reading
523 instruction; and evidence-based reading strategies identified in
524 subsection (6) subsection (8) to improve student reading
525 performance. For secondary teachers, emphasis shall be on

526 technical text. These strategies must be developed for all
527 content areas in the K-12 curriculum.

528 (6) Provide technical assistance to school districts in
529 the development and implementation of district plans for use of
530 the research-based reading instruction allocation provided in s.
531 1011.62(9) and annually review and approve such plans.

532 (7) Review, evaluate, and provide technical assistance to
533 school districts' implementation of the K-12 comprehensive
534 reading plan required in s. 1011.62(9).

535 Section 13. Subsection (1) of section 1001.39, Florida
536 Statutes, is amended to read:

537 1001.39 District school board members; travel expenses.—

538 (1) In addition to the salary provided in s. 1001.395,
539 each member of a district school board shall be allowed, from
540 the district school fund, reimbursement of travel expenses as
541 authorized in s. 112.061, ~~except as provided that in subsection~~
542 ~~(2).~~ any travel outside the district requires prior approval by
543 the district school board to confirm that such travel is for
544 official business of the school district and complies with ~~shall~~
545 ~~also be governed by the rules of the State Board of Education.~~
546 Any request for travel outside the state must include an
547 itemized list detailing all anticipated travel expenses,
548 including, but not limited to, the anticipated costs of all
549 means of travel, lodging, and subsistence. Immediately preceding
550 a request, the public must have an opportunity to speak on the

551 specific travel agenda item.

552 Section 14. Subsection (3) of section 1001.395, Florida
553 Statutes, is amended to read:

554 1001.395 District school board members; compensation.—

555 (3) Notwithstanding the provisions of this section and s.
556 145.19, ~~for the 2010–2011 fiscal year,~~ the salary of each
557 district school board member shall be the amount calculated
558 pursuant to subsection (1) or the district's beginning salary
559 for teachers who hold baccalaureate degrees, whichever is less.

560 Section 15. Subsections (6) and (7), paragraphs (b) and
561 (1) of subsection (12), and paragraph (b) of subsection (17) of
562 section 1001.42, Florida Statutes, are amended to read:

563 1001.42 Powers and duties of district school board.—The
564 district school board, acting as a board, shall exercise all
565 powers and perform all duties listed below:

566 (6) STANDARDS OF ETHICAL CONDUCT FOR INSTRUCTIONAL
567 PERSONNEL, ADMINISTRATIVE PERSONNEL, AND SCHOOL OFFICERS
568 ~~ADMINISTRATORS~~.—Adopt policies establishing standards of ethical
569 conduct for instructional personnel, administrative personnel,
570 and school officers administrators. The policies must require
571 all instructional personnel, administrative personnel, and
572 school officers administrators, as defined in s. 1012.01, to
573 complete training on the standards; establish the duty of
574 instructional personnel, administrative personnel, and school
575 officers administrators to report, and procedures for reporting,

576 | alleged misconduct by other instructional or administrative
577 | personnel and school officers ~~school administrators~~ which
578 | affects the health, safety, or welfare of a student; and include
579 | an explanation of the liability protections provided under ss.
580 | 39.203 and 768.095. A district school board, or any of its
581 | employees, may not enter into a confidentiality agreement
582 | regarding terminated or dismissed instructional or
583 | administrative personnel or school officers ~~administrators, or~~
584 | ~~personnel or administrators~~ who resign in lieu of termination,
585 | based in whole or in part on misconduct that affects the health,
586 | safety, or welfare of a student, and may not provide
587 | instructional personnel, administrative personnel, or school
588 | officers ~~administrators~~ with employment references or discuss
589 | the personnel's or officers' ~~administrators'~~ performance with
590 | prospective employers in another educational setting, without
591 | disclosing the personnel's or officers' ~~administrators'~~
592 | misconduct. Any part of an agreement or contract that has the
593 | purpose or effect of concealing misconduct by instructional
594 | personnel, administrative personnel, or school officers
595 | ~~administrators~~ which affects the health, safety, or welfare of a
596 | student is void, is contrary to public policy, and may not be
597 | enforced.

598 | (7) DISQUALIFICATION FROM EMPLOYMENT.—Disqualify
599 | instructional personnel and administrative personnel ~~school~~
600 | ~~administrators~~, as defined in s. 1012.01, from employment in any

601 position that requires direct contact with students if the
602 personnel ~~or administrators~~ are ineligible for such employment
603 under s. 1012.315. An elected or appointed school board official
604 forfeits his or her salary for 1 year if:

605 (a) The school board official knowingly signs and
606 transmits to any state official a report of alleged misconduct
607 by instructional personnel or administrative personnel ~~school~~
608 ~~administrators~~ which affects the health, safety, or welfare of a
609 student and the school board official knows the report to be
610 false or incorrect; or

611 (b) The school board official knowingly fails to adopt
612 policies that require instructional personnel and administrative
613 personnel ~~school administrators~~ to report alleged misconduct by
614 other instructional personnel and administrative personnel
615 ~~school administrators~~, or that require the investigation of all
616 reports of alleged misconduct by instructional personnel and
617 administrative personnel ~~school administrators~~, if the
618 misconduct affects the health, safety, or welfare of a student.

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

622 (b) Annual budget.—

623 1. Cause to be prepared, adopt, and have submitted to the
624 Department of Education as required by law and rules of the
625 State Board of Education, the annual school budget, such budget

626 to be so prepared and executed as to promote the improvement of
627 the district school system.

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

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

636 1. The internal auditor shall ~~to~~ perform ongoing financial
637 verification of the financial records of the school district, a
638 comprehensive risk assessment of all areas of the school system
639 every 5 years, and other audits and reviews as the district
640 school board directs for determining:

641 a. The adequacy of internal controls designed to prevent
642 and detect fraud, waste, and abuse.

643 b. Compliance with applicable laws, rules, contracts,
644 grant agreements, district school board-approved policies, and
645 best practices.

646 c. The efficiency of operations.

647 d. The reliability of financial records and reports.

648 e. The safeguarding of assets.

649 f. Financial solvency.

650 g. Projected revenues and expenditures.

- 651 h. The rate of change in the general fund balance.
- 652 2. The internal auditor shall prepare audit reports of his
 653 or her findings and report directly to the district school board
 654 or its designee.
- 655 3. Any person responsible for furnishing or producing any
 656 book, record, paper, document, data, or sufficient information
 657 necessary to conduct a proper audit or examination which the
 658 internal auditor is by law authorized to perform is subject to
 659 the provisions of s. 11.47(3) and (4).

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

661 (b) Adopt rules to strengthen family involvement and
 662 empowerment pursuant to s. 1002.23. The rules shall be developed
 663 in collaboration with administrative personnel ~~school~~
 664 ~~administrators~~, parents, teachers, and community partners.

665 Section 16. Subsection (6) of section 1001.51, Florida
 666 Statutes, is amended to read:

667 1001.51 Duties and responsibilities of district school
 668 superintendent.—The district school superintendent shall
 669 exercise all powers and perform all duties listed below and
 670 elsewhere in the law, provided that, in so doing, he or she
 671 shall advise and counsel with the district school board. The
 672 district school superintendent shall perform all tasks necessary
 673 to make sound recommendations, nominations, proposals, and
 674 reports required by law to be acted upon by the district school
 675 board. All such recommendations, nominations, proposals, and

676 reports by the district school superintendent shall be either
677 recorded in the minutes or shall be made in writing, noted in
678 the minutes, and filed in the public records of the district
679 school board. It shall be presumed that, in the absence of the
680 record required in this section, the recommendations,
681 nominations, and proposals required of the district school
682 superintendent were not contrary to the action taken by the
683 district school board in such matters.

684 (6) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS,
685 CLASSES, AND SERVICES.—Recommend the establishment,
686 organization, and operation of such schools, classes, and
687 services as are needed to provide adequate educational
688 opportunities for all children in the district.

689 (a) Recommendations may include the organization and
690 operation of schools by an independent governing board to create
691 the optimal learning environment to address the academic needs
692 of students by giving instructional personnel freedom from
693 burdensome regulations. To avoid any conflict of interest
694 regarding the review, approval, and oversight of the school,
695 members of the governing board may not be employees of the
696 school district or any school operated by the governing board.
697 Any school in which all instructional personnel are employees of
698 an independent governing board shall operate in accordance with:

699 1. The contract between the independent governing board
700 and the school board.

701 2. The exemptions from law provided in s. 1011.6202(3)(a)
702 and (b).

703 3. The provisions of s. 1011.6202(5)(b) and (c), relating
704 to tort liability and employer status.

705 Section 17. Paragraphs (d) through (g) of subsection (8)
706 of section 1002.33, Florida Statutes, are redesignated as
707 paragraphs (c) through (f), respectively, and paragraph (b) of
708 subsection (6), paragraphs (a) and (e) of subsection (7),
709 present paragraphs (a), (b), and (c) of subsection (8),
710 paragraph (n) of subsection (9), and paragraph (b) of subsection
711 (20) of that section are amended to read:

712 1002.33 Charter schools.—

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

715 (b) A sponsor shall receive and review all applications
716 for a charter school using the evaluation instrument developed
717 by the Department of Education. A sponsor shall receive and
718 consider charter school applications received on or before
719 August 1 of each calendar year for charter schools to be opened
720 at the beginning of the school district's next school year, or
721 to be opened at a time agreed to by the applicant and the
722 sponsor. A sponsor may not refuse to receive a charter school
723 application submitted before August 1 and may receive an
724 application submitted later than August 1 if it chooses.
725 Beginning in 2018 and thereafter, a sponsor shall receive and

726 consider charter school applications received on or before
727 February 1 of each calendar year for charter schools to be
728 opened 18 months later at the beginning of the school district's
729 school year, or to be opened at a time agreed to by the
730 applicant and the sponsor. A sponsor may not refuse to receive a
731 charter school application submitted before February 1 and may
732 receive an application submitted later than February 1 if it
733 chooses. A sponsor may not charge an applicant for a charter any
734 fee for the processing or consideration of an application, and a
735 sponsor may not base its consideration or approval of a final
736 application upon the promise of future payment of any kind.
737 Before approving or denying any application, the sponsor shall
738 allow the applicant, upon receipt of written notification, at
739 least 7 calendar days to make technical or nonsubstantive
740 corrections and clarifications, including, but not limited to,
741 corrections of grammatical, typographical, and like errors or
742 missing signatures, if such errors are identified by the sponsor
743 as cause to deny the final application.

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

751 Education the name of the applicant entity, the proposed charter
 752 school location, and its projected FTE.

753 2. In order to ensure fiscal responsibility, an
 754 application for a charter school shall include a full accounting
 755 of expected assets, a projection of expected sources and amounts
 756 of income, including income derived from projected student
 757 enrollments and from community support, and an expense
 758 projection that includes full accounting of the costs of
 759 operation, including start-up costs.

760 3.a. A sponsor shall by a majority vote approve or deny an
 761 application no later than 90 calendar days after the application
 762 is received, unless the sponsor and the applicant mutually agree
 763 in writing to temporarily postpone the vote to a specific date,
 764 at which time the sponsor shall by a majority vote approve or
 765 deny the application. If the sponsor fails to act on the
 766 application, an applicant may appeal to the State Board of
 767 Education as provided in paragraph (c). If an application is
 768 denied, the sponsor shall, within 10 calendar days after such
 769 denial, articulate in writing the specific reasons, based upon
 770 good cause, supporting its denial of the application and shall
 771 provide the letter of denial and supporting documentation to the
 772 applicant and to the Department of Education.

773 b. An application submitted by a high-performing charter
 774 school identified pursuant to s. 1002.331 or a high-performing
 775 charter school system identified pursuant to s. 1002.332 may be

776 denied by the sponsor only if the sponsor demonstrates by clear
 777 and convincing evidence that:

778 (I) The application of a high performing charter school
 779 does not materially comply with the requirements in paragraph
 780 (a) or, for a high-performing charter school system, the
 781 application does not materially comply with s. 1002.332(2)(b);

782 (II) The charter school proposed in the application does
 783 not materially comply with the requirements in paragraphs
 784 (9) (a)-(f);

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

788 (IV) The applicant has made a material misrepresentation
 789 or false statement or concealed an essential or material fact
 790 during the application process; or

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

794
 795 Material noncompliance is a failure to follow requirements or a
 796 violation of prohibitions applicable to charter school
 797 applications, which failure is quantitatively or qualitatively
 798 significant either individually or when aggregated with other
 799 noncompliance. An applicant is considered to be replicating a
 800 high-performing charter school if the proposed school is

801 substantially similar to at least one of the applicant's high-
802 performing charter schools and the organization or individuals
803 involved in the establishment and operation of the proposed
804 school are significantly involved in the operation of replicated
805 schools.

806 c. If the sponsor denies an application submitted by a
807 high-performing charter school or a high-performing charter
808 school system, the sponsor must, within 10 calendar days after
809 such denial, state in writing the specific reasons, based upon
810 the criteria in sub-subparagraph b., supporting its denial of
811 the application and must provide the letter of denial and
812 supporting documentation to the applicant and to the Department
813 of Education. The applicant may appeal the sponsor's denial of
814 the application in accordance with paragraph (c).

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

821 5. Upon approval of an application, the initial startup
822 shall commence with the beginning of the public school calendar
823 for the district in which the charter is granted. A charter
824 school may defer the opening of the school's operations for up
825 to 3 ~~2~~ years to provide time for adequate facility planning. The

826 charter school must provide written notice of such intent to the
 827 sponsor and the parents of enrolled students at least 30
 828 calendar days before the first day of school.

829 (7) CHARTER.—The terms and conditions for the operation of
 830 a charter school shall be set forth by the sponsor and the
 831 applicant in a written contractual agreement, called a charter.
 832 The sponsor and the governing board of the charter school shall
 833 use the standard charter contract pursuant to subsection (21),
 834 which shall incorporate the approved application and any addenda
 835 approved with the application. Any term or condition of a
 836 proposed charter contract that differs from the standard charter
 837 contract adopted by rule of the State Board of Education shall
 838 be presumed a limitation on charter school flexibility. The
 839 sponsor may not impose unreasonable rules or regulations that
 840 violate the intent of giving charter schools greater flexibility
 841 to meet educational goals. The charter shall be signed by the
 842 governing board of the charter school and the sponsor, following
 843 a public hearing to ensure community input.

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

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

848 2. The focus of the curriculum, the instructional methods
 849 to be used, any distinctive instructional techniques to be
 850 employed, and identification and acquisition of appropriate

851 technologies needed to improve educational and administrative
 852 performance which include a means for promoting safe, ethical,
 853 and appropriate uses of technology which comply with legal and
 854 professional standards.

855 a. The charter shall ensure that reading is a primary
 856 focus of the curriculum and that resources are provided to
 857 identify and provide specialized instruction for students who
 858 are reading below grade level. The curriculum and instructional
 859 strategies for reading must be consistent with the Next
 860 Generation Sunshine State Standards and grounded in
 861 scientifically based reading research.

862 b. In order to provide students with access to diverse
 863 instructional delivery models, to facilitate the integration of
 864 technology within traditional classroom instruction, and to
 865 provide students with the skills they need to compete in the
 866 21st century economy, the Legislature encourages instructional
 867 methods for blended learning courses consisting of both
 868 traditional classroom and online instructional techniques.
 869 Charter schools may implement blended learning courses which
 870 combine traditional classroom instruction and virtual
 871 instruction. Students in a blended learning course must be full-
 872 time students of the charter school pursuant to s.
 873 1011.61(1)(a)1. Instructional personnel certified pursuant to s.
 874 1012.55 who provide virtual instruction for blended learning
 875 courses may be employees of the charter school or may be under

876 contract to provide instructional services to charter school
877 students. At a minimum, such instructional personnel must hold
878 an active state or school district adjunct certification under
879 s. 1012.57 for the subject area of the blended learning course.
880 The funding and performance accountability requirements for
881 blended learning courses are the same as those for traditional
882 courses.

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

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

889 b. How these baseline rates will be compared to rates of
890 academic progress achieved by these same students while
891 attending the charter school.

892 c. To the extent possible, how these rates of progress
893 will be evaluated and compared with rates of progress of other
894 closely comparable student populations.

895
896 The district school board is required to provide academic
897 student performance data to charter schools for each of their
898 students coming from the district school system, as well as
899 rates of academic progress of comparable student populations in
900 the district school system.

901 4. The methods used to identify the educational strengths
 902 and needs of students and how well educational goals and
 903 performance standards are met by students attending the charter
 904 school. The methods shall provide a means for the charter school
 905 to ensure accountability to its constituents by analyzing
 906 student performance data and by evaluating the effectiveness and
 907 efficiency of its major educational programs. Students in
 908 charter schools shall, at a minimum, participate in the
 909 statewide assessment program created under s. 1008.22.

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

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

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

918 8. The ways by which the school will achieve a
 919 racial/ethnic balance reflective of the community it serves or
 920 within the racial/ethnic range of other public schools in the
 921 same school district.

922 9. The financial and administrative management of the
 923 school, including a reasonable demonstration of the professional
 924 experience or competence of those individuals or organizations
 925 applying to operate the charter school or those hired or

926 retained to perform such professional services and the
927 description of clearly delineated responsibilities and the
928 policies and practices needed to effectively manage the charter
929 school. A description of internal audit procedures and
930 establishment of controls to ensure that financial resources are
931 properly managed must be included. Both public sector and
932 private sector professional experience shall be equally valid in
933 such a consideration.

934 10. The asset and liability projections required in the
935 application which are incorporated into the charter and shall be
936 compared with information provided in the annual report of the
937 charter school.

938 11. A description of procedures that identify various
939 risks and provide for a comprehensive approach to reduce the
940 impact of losses; plans to ensure the safety and security of
941 students and staff; plans to identify, minimize, and protect
942 others from violent or disruptive student behavior; and the
943 manner in which the school will be insured, including whether or
944 not the school will be required to have liability insurance,
945 and, if so, the terms and conditions thereof and the amounts of
946 coverage.

947 12. The term of the charter which shall provide for
948 cancellation of the charter if insufficient progress has been
949 made in attaining the student achievement objectives of the
950 charter and if it is not likely that such objectives can be

951 achieved before expiration of the charter. The initial term of a
952 charter shall be for ~~4 or 5 years~~, excluding 1 planning year. In
953 order to facilitate access to long-term financial resources for
954 charter school construction, charter schools that are operated
955 by a municipality or other public entity as provided by law are
956 eligible for up to a 15-year charter, subject to approval by the
957 district school board. A charter lab school is eligible for a
958 charter for a term of up to 15 years. In addition, to facilitate
959 access to long-term financial resources for charter school
960 construction, charter schools that are operated by a private,
961 not-for-profit, s. 501(c)(3) status corporation are eligible for
962 up to a 15-year charter, subject to approval by the district
963 school board. Such long-term charters remain subject to annual
964 review and may be terminated during the term of the charter, but
965 only according to the provisions set forth in subsection (8).

966 13. The facilities to be used and their location. The
967 sponsor may not require a charter school to have a certificate
968 of occupancy or a temporary certificate of occupancy for such a
969 facility earlier than 15 calendar days before the first day of
970 school.

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

974 15. The governance structure of the school, including the
975 status of the charter school as a public or private employer as

976 required in paragraph (12) (i).

977 16. A timetable for implementing the charter which
 978 addresses the implementation of each element thereof and the
 979 date by which the charter shall be awarded in order to meet this
 980 timetable.

981 17. In the case of an existing public school that is being
 982 converted to charter status, alternative arrangements for
 983 current students who choose not to attend the charter school and
 984 for current teachers who choose not to teach in the charter
 985 school after conversion in accordance with the existing
 986 collective bargaining agreement or district school board rule in
 987 the absence of a collective bargaining agreement. However,
 988 alternative arrangements shall not be required for current
 989 teachers who choose not to teach in a charter lab school, except
 990 as authorized by the employment policies of the state university
 991 which grants the charter to the lab school.

992 18. Full disclosure of the identity of all relatives
 993 employed by the charter school who are related to the charter
 994 school owner, president, chairperson of the governing board of
 995 directors, superintendent, governing board member, principal,
 996 assistant principal, or any other person employed by the charter
 997 school who has equivalent decisionmaking authority. For the
 998 purpose of this subparagraph, the term "relative" means father,
 999 mother, son, daughter, brother, sister, uncle, aunt, first
 1000 cousin, nephew, niece, husband, wife, father-in-law, mother-in-

1001 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
 1002 stepfather, stepmother, stepson, stepdaughter, stepbrother,
 1003 stepsister, half brother, or half sister.

1004 19. Implementation of the activities authorized under s.
 1005 1002.331 by the charter school when it satisfies the eligibility
 1006 requirements for a high-performing charter school. A high-
 1007 performing charter school shall notify its sponsor in writing by
 1008 March 1 if it intends to increase enrollment or expand grade
 1009 levels the following school year. The written notice shall
 1010 specify the amount of the enrollment increase and the grade
 1011 levels that will be added, as applicable.

1012 (d) A charter may be modified during its initial term or
 1013 any renewal term upon the recommendation of the sponsor or the
 1014 charter school's governing board and the approval of both
 1015 parties to the agreement. Modification during any term may
 1016 include, but is not limited to, consolidation of multiple
 1017 charters into a single charter if the charters are operated
 1018 under the same governing board ~~and physically located on the~~
 1019 ~~same campus~~, regardless of the renewal cycle. A charter school
 1020 with a grade of "C" or higher that closes as part of a
 1021 consolidation shall be reported by the school district as a
 1022 consolidation.

1023 (e) A charter may be terminated by a charter school's
 1024 governing board through voluntary closure. The decision to cease
 1025 operations must be determined at a public meeting. The governing

1026 board shall notify the parents and sponsor of the public meeting
 1027 in writing before the public meeting. The governing board must
 1028 notify the sponsor, parents of enrolled students, and the
 1029 department in writing within 24 hours after the public meeting
 1030 of its determination. The notice shall state the charter
 1031 school's intent to continue operations or the reason for the
 1032 closure and acknowledge that the governing board agrees to
 1033 follow the procedures for dissolution and reversion of public
 1034 funds pursuant to paragraphs (8) (d)-(f) and (9) (o) ~~paragraphs~~
 1035 ~~(8) (e)-(g) and (9) (o)~~.

1036 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

1037 (a) The sponsor shall make student academic achievement
 1038 for all students the most important factor when determining
 1039 whether to renew or terminate the charter. The sponsor may also
 1040 choose not to renew or may terminate the charter if the sponsor
 1041 finds that one of the grounds set forth below exists by clear
 1042 and convincing evidence ~~for any of the following grounds:~~

1043 1. Failure to participate in the state's education
 1044 accountability system created in s. 1008.31, as required in this
 1045 section, or failure to meet the requirements for student
 1046 performance stated in the charter.

1047 2. Failure to meet generally accepted standards of fiscal
 1048 management.

1049 3. Material violation of law.

1050 4. Other good cause shown.

1051 (b) At least 90 days before renewing, nonrenewing, or
1052 terminating a charter, the sponsor shall notify the governing
1053 board of the school of the proposed action in writing. The
1054 notice shall state in reasonable detail the grounds for the
1055 proposed action and stipulate that the school's governing board
1056 may, within 14 calendar days after receiving the notice, request
1057 a hearing. The hearing shall be conducted ~~at the sponsor's~~
1058 ~~election in accordance with one of the following procedures:~~

1059 ~~1. A direct hearing conducted by the sponsor within 60~~
1060 ~~days after receipt of the request for a hearing. The hearing~~
1061 ~~shall be conducted in accordance with ss. 120.569 and 120.57.~~
1062 ~~The sponsor shall decide upon nonrenewal or termination by a~~
1063 ~~majority vote. The sponsor's decision shall be a final order; or~~

1064 ~~2. A hearing conducted by an administrative law judge~~
1065 ~~assigned by the Division of Administrative Hearings. The hearing~~
1066 ~~shall be conducted within 90 ~~60~~ days after receipt of the~~
1067 ~~request for a hearing and in accordance with chapter 120. The~~
1068 ~~administrative law judge's final recommended order shall be~~
1069 ~~submitted to the sponsor. The administrative law judge shall~~
1070 ~~award the prevailing party reasonable attorney fees and costs~~
1071 ~~incurred during the administrative proceeding and any appeals A~~
1072 ~~majority vote by the sponsor shall be required to adopt or~~
1073 ~~modify the administrative law judge's recommended order. The~~
1074 ~~sponsor shall issue a final order.~~

1075 ~~(c) The final order shall state the specific reasons for~~

1076 ~~the sponsor's decision. The sponsor shall provide its final~~
 1077 ~~order to the charter school's governing board and the Department~~
 1078 ~~of Education no later than 10 calendar days after its issuance.~~
 1079 The charter school's governing board may, within 30 calendar
 1080 days after receiving the ~~sponsor's~~ final order, appeal the
 1081 decision pursuant to s. 120.68.

1082 (9) CHARTER SCHOOL REQUIREMENTS.—

1083 (n)1. The director and a representative of the governing
 1084 board of a charter school that has earned a grade of "D" or "F"
 1085 pursuant to s. 1008.34 shall appear before the sponsor to
 1086 present information concerning each contract component having
 1087 noted deficiencies. The director and a representative of the
 1088 governing board shall submit to the sponsor for approval a
 1089 school improvement plan to raise student performance. Upon
 1090 approval by the sponsor, the charter school shall begin
 1091 implementation of the school improvement plan. The department
 1092 shall offer technical assistance and training to the charter
 1093 school and its governing board and establish guidelines for
 1094 developing, submitting, and approving such plans.

1095 2.a. If a charter school earns three consecutive grades
 1096 below a "C," the charter school governing board shall choose one
 1097 of the following corrective actions:

1098 (I) Contract for educational services to be provided
 1099 directly to students, instructional personnel, and school
 1100 administrators, as prescribed in state board rule;

1101 (II) Contract with an outside entity that has a
 1102 demonstrated record of effectiveness to operate the school;
 1103 (III) Reorganize the school under a new director or
 1104 principal who is authorized to hire new staff; or
 1105 (IV) Voluntarily close the charter school.

1106 b. The charter school must implement the corrective action
 1107 in the school year following receipt of a third consecutive
 1108 grade below a "C."

1109 c. The sponsor may annually waive a corrective action if
 1110 it determines that the charter school is likely to improve a
 1111 letter grade if additional time is provided to implement the
 1112 intervention and support strategies prescribed by the school
 1113 improvement plan. Notwithstanding this sub-subparagraph, a
 1114 charter school that earns a second consecutive grade of "F" is
 1115 subject to subparagraph 3.

1116 d. A charter school is no longer required to implement a
 1117 corrective action if it improves to a "C" or higher. However,
 1118 the charter school must continue to implement strategies
 1119 identified in the school improvement plan. The sponsor must
 1120 annually review implementation of the school improvement plan to
 1121 monitor the school's continued improvement pursuant to
 1122 subparagraph 4.

1123 e. A charter school implementing a corrective action that
 1124 does not improve to a "C" or higher after 2 full school years of
 1125 implementing the corrective action must select a different

1126 corrective action. Implementation of the new corrective action
 1127 must begin in the school year following the implementation
 1128 period of the existing corrective action, unless the sponsor
 1129 determines that the charter school is likely to improve to a "C"
 1130 or higher if additional time is provided to implement the
 1131 existing corrective action. Notwithstanding this sub-
 1132 subparagraph, a charter school that earns a second consecutive
 1133 grade of "F" while implementing a corrective action is subject
 1134 to subparagraph 3.

1135 3. A charter school's charter contract is automatically
 1136 terminated if the school earns two consecutive grades of "F"
 1137 after all school grade appeals are final unless:

1138 a. The charter school is established to turn around the
 1139 performance of a district public school pursuant to s.
 1140 1008.33(4)(b)2. Such charter schools shall be governed by s.
 1141 1008.33;

1142 b. The charter school serves a student population the
 1143 majority of which resides in a school zone served by a district
 1144 public school subject to s. 1008.33(4) and the charter school
 1145 earns at least a grade of "D" in its third year of operation.
 1146 The exception provided under this sub-subparagraph does not
 1147 apply to a charter school in its fourth year of operation and
 1148 thereafter; or

1149 c. The state board grants the charter school a waiver of
 1150 termination. The charter school must request the waiver within

1151 15 days after the department's official release of school
 1152 grades. The state board may waive termination if the charter
 1153 school demonstrates that the Learning Gains of its students on
 1154 statewide assessments are comparable to or better than the
 1155 Learning Gains of similarly situated students enrolled in nearby
 1156 district public schools. The waiver is valid for 1 year and may
 1157 only be granted once. Charter schools that have been in
 1158 operation for more than 5 years are not eligible for a waiver
 1159 under this sub-subparagraph.

1160
 1161 The sponsor shall notify the charter school's governing board,
 1162 the charter school principal, and the department in writing when
 1163 a charter contract is terminated under this subparagraph. ~~The~~
 1164 ~~letter of termination must meet the requirements of paragraph~~
 1165 ~~(8)(e).~~ A charter terminated under this subparagraph must follow
 1166 the procedures for dissolution and reversion of public funds
 1167 pursuant to paragraphs (8)(d)-(f) and (9)(o) ~~paragraphs (8)(e)-~~
 1168 ~~(g) and (9)(o).~~

1169 4. The director and a representative of the governing
 1170 board of a graded charter school that has implemented a school
 1171 improvement plan under this paragraph shall appear before the
 1172 sponsor at least once a year to present information regarding
 1173 the progress of intervention and support strategies implemented
 1174 by the school pursuant to the school improvement plan and
 1175 corrective actions, if applicable. The sponsor shall communicate

1176 at the meeting, and in writing to the director, the services
1177 provided to the school to help the school address its
1178 deficiencies.

1179 5. Notwithstanding any provision of this paragraph except
1180 sub-subparagraphs 3.a.-c., the sponsor may terminate the charter
1181 at any time pursuant to subsection (8).

1182 (20) SERVICES.—

1183 (b) If goods and services are made available to the
1184 charter school through the contract with the school district,
1185 they shall be provided to the charter school at a rate no
1186 greater than the district's actual cost unless mutually agreed
1187 upon by the charter school and the sponsor in a contract
1188 negotiated separately from the charter. When mediation has
1189 failed to resolve disputes over contracted services or
1190 contractual matters not included in the charter, an appeal may
1191 be made to an administrative law judge appointed by the Division
1192 of Administrative Hearings. The administrative law judge has
1193 final order authority to rule on the dispute. The administrative
1194 law judge shall award the prevailing party reasonable attorney
1195 fees and costs incurred during the mediation process,
1196 administrative proceeding, and any appeals, to be paid by the
1197 party whom the administrative law judge rules against ~~for a~~
1198 ~~dispute resolution hearing before the Charter School Appeal~~
1199 ~~Commission.~~ To maximize the use of state funds, school districts
1200 shall allow charter schools to participate in the sponsor's bulk

1201 purchasing program if applicable.

1202 Section 18. Subsection (1), paragraph (a) of subsection
 1203 (2), and paragraph (b) of subsection (3) of section 1002.331,
 1204 Florida Statutes, are amended to read:

1205 1002.331 High-performing charter schools.—

1206 (1) A charter school is a high-performing charter school
 1207 if it:

1208 (a) Received at least two school grades of "A" and no
 1209 school grade below "B," pursuant to s. 1008.34, during each of
 1210 the previous 3 school years or received at least two consecutive
 1211 school grades of "A" in the most recent 2 years.

1212 (b) Received an unqualified opinion on each annual
 1213 financial audit required under s. 218.39 in the most recent 3
 1214 fiscal years for which such audits are available.

1215 (c) Did not receive a financial audit that revealed one or
 1216 more of the financial emergency conditions set forth in s.
 1217 218.503(1) in the most recent 3 fiscal years for which such
 1218 audits are available. However, this requirement is deemed met
 1219 for a charter school-in-the-workplace if there is a finding in
 1220 an audit that the school has the monetary resources available to
 1221 cover any reported deficiency or that the deficiency does not
 1222 result in a deteriorating financial condition pursuant to s.
 1223 1002.345(1)(a)3.

1224

1225 For purposes of determining initial eligibility, the

1226 requirements of paragraphs (b) and (c) only apply for the most
1227 recent 2 fiscal years if the charter school earns two
1228 consecutive grades of "A." A virtual charter school established
1229 under s. 1002.33 is not eligible for designation as a high-
1230 performing charter school.

1231 (2) A high-performing charter school is authorized to:

1232 (a) Increase its student enrollment once per school year
1233 to more than the capacity identified in the charter, but student
1234 enrollment may not exceed the ~~current facility~~ capacity of the
1235 facility at the time of enrollment. Facility capacity for
1236 purposes of grade level expansion shall include any improvements
1237 to an existing facility or any new facility in which a majority
1238 of the students of the high-performing charter school will
1239 enroll.

1240
1241 A high-performing charter school shall notify its sponsor in
1242 writing by March 1 if it intends to increase enrollment or
1243 expand grade levels the following school year. The written
1244 notice shall specify the amount of the enrollment increase and
1245 the grade levels that will be added, as applicable. If a charter
1246 school notifies the sponsor of its intent to expand, the sponsor
1247 shall modify the charter within 90 days to include the new
1248 enrollment maximum and may not make any other changes. The
1249 sponsor may deny a request to increase the enrollment of a high-
1250 performing charter school if the commissioner has declassified

1251 the charter school as high-performing. If a high-performing
 1252 charter school requests to consolidate multiple charters, the
 1253 sponsor shall have 40 days after receipt of that request to
 1254 provide an initial draft charter to the charter school. The
 1255 sponsor and charter school shall have 50 days thereafter to
 1256 negotiate and notice the charter contract for final approval by
 1257 the sponsor.

1258 (3)

1259 (b) A high-performing charter school may not establish
 1260 more than two ~~one~~ charter schools ~~school~~ within the state under
 1261 paragraph (a) in any year. A subsequent application to establish
 1262 a charter school under paragraph (a) may not be submitted unless
 1263 each charter school established in this manner achieves high-
 1264 performing charter school status. However, a high-performing
 1265 charter school may establish more than one charter school within
 1266 the state under paragraph (a) in any year if it operates in the
 1267 area of a persistently low-performing school and serves students
 1268 from that school.

1269 Section 19. Paragraph (d) is added to subsection (10) of
 1270 section 1002.333, Florida Statutes, to read:

1271 1002.333 Persistently low-performing schools.—

1272 (10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program
 1273 is created within the Department of Education.

1274 (d) Notwithstanding s. 216.301 and pursuant to s. 216.351,
 1275 funds allocated for the purpose of this subsection which are not

1276 disbursed by June 30 of the fiscal year in which the funds are
 1277 allocated may be carried forward for up to 5 years after the
 1278 effective date of the original appropriation.

1279 Section 20. Paragraph (b) of subsection (1) and present
 1280 paragraph (c) of subsection (9) of section 1002.37, Florida
 1281 Statutes, are amended, and a new paragraph (c) is added to that
 1282 subsection, to read:

1283 (1)

1284 (b) The mission of the Florida Virtual School is to
 1285 provide students with technology-based educational opportunities
 1286 to gain the knowledge and skills necessary to succeed. The
 1287 school shall serve any student in the state who meets the
 1288 profile for success in this educational delivery context and
 1289 shall give priority to:

1290 1. Students who need expanded access to courses in order
 1291 to meet their educational goals, such as home education students
 1292 and students in inner-city and rural high schools who do not
 1293 have access to higher-level courses.

1294 2. Students seeking accelerated access in order to obtain
 1295 a high school diploma at least one semester early.

1296 3. Students who are children of an active duty member of
 1297 the United States Armed Forces who is not stationed in this
 1298 state whose home of record or state of legal residence is
 1299 Florida.

1300

1301 The board of trustees of the Florida Virtual School shall
 1302 identify appropriate performance measures and standards based on
 1303 student achievement that reflect the school's statutory mission
 1304 and priorities, and shall implement an accountability system for
 1305 the school that includes assessment of its effectiveness and
 1306 efficiency in providing quality services that encourage high
 1307 student achievement, seamless articulation, and maximum access.

1308 (9)

1309 (c) Industry certification examinations, national
 1310 assessments, and statewide assessments offered by the school
 1311 district shall be available to all Florida Virtual School
 1312 students.

1313 (d)-(e) Unless an alternative testing site is mutually
 1314 agreed to by the Florida Virtual School and the school district
 1315 or as contracted under s. 1008.24, all industry certification
 1316 examinations, national assessments, and statewide assessments
 1317 must be taken at the school to which the student would be
 1318 assigned according to district school board attendance areas. A
 1319 school district must provide the student with access to the
 1320 school's testing facilities and the date and time of the
 1321 administration of each examination or assessment.

1322 Section 21. Paragraph (e) of subsection (2), paragraphs
 1323 (d) and (h) of subsection (5), subsection (8), paragraph (c) of
 1324 subsection (9), paragraph (a) of subsection (10), and paragraph
 1325 (a) of subsection (11) of section 1002.385, Florida Statutes,

1326 are amended to read:

1327 1002.385 The Gardiner Scholarship.—

1328 (2) DEFINITIONS.—As used in this section, the term:

1329 (e) "Eligible nonprofit scholarship-funding organization"
 1330 or "organization" means a nonprofit scholarship-funding
 1331 organization that is approved pursuant to s. 1002.395(15) ~~s.~~
 1332 ~~1002.395(16)~~.

1333 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must
 1334 be used to meet the individual educational needs of an eligible
 1335 student and may be spent for the following purposes:

1336 (d) ~~Enrollment in, or~~ Tuition or fees associated with
 1337 full-time or part-time enrollment in, a home education program,
 1338 an eligible private school, an eligible postsecondary
 1339 educational institution or a program offered by the
 1340 postsecondary institution, a private tutoring program authorized
 1341 under s. 1002.43, a virtual program offered by a department-
 1342 approved private online provider that meets the provider
 1343 qualifications specified in s. 1002.45(2)(a), the Florida
 1344 Virtual School as a private paying student, or an approved
 1345 online course offered pursuant to s. 1003.499 or s. 1004.0961.

1346 (h) Tuition and fees for part-time tutoring services
 1347 provided by a person who holds a valid Florida educator's
 1348 certificate pursuant to s. 1012.56; a person who holds an
 1349 adjunct teaching certificate pursuant to s. 1012.57; a person
 1350 who has a bachelor's degree or a graduate degree in the subject

1351 area in which instruction is given; or a person who has
1352 demonstrated a mastery of subject area knowledge pursuant to s.
1353 1012.56(5). As used in this paragraph, the term "part-time
1354 tutoring services" does not qualify as regular school attendance
1355 as defined in s. 1003.01(13)(e).

1356 (p) Tuition or fees associated with enrollment in a
1357 nationally or internationally recognized research-based training
1358 program for children with neurological disorders or brain
1359 damage.

1360

1361 A provider of any services receiving payments pursuant to this
1362 subsection may not share, refund, or rebate any moneys from the
1363 Gardiner Scholarship with the parent or participating student in
1364 any manner. A parent, student, or provider of any services may
1365 not bill an insurance company, Medicaid, or any other agency for
1366 the same services that are paid for using Gardiner Scholarship
1367 funds.

1368 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An
1369 eligible private school may be sectarian or nonsectarian and
1370 shall:

1371 (a) Comply with all requirements for private schools
1372 participating in state school choice scholarship programs
1373 pursuant to s. 1002.421.

1374 ~~(b) Provide to the organization, upon request, all~~
1375 ~~documentation required for the student's participation,~~

1376 ~~including the private school's and student's fee schedules.~~

1377 ~~(c) Be academically accountable to the parent for meeting~~
 1378 ~~the educational needs of the student by:~~

1379 ~~1. At a minimum, annually providing to the parent a~~
 1380 ~~written explanation of the student's progress.~~

1381 (b)1.2. Annually administer or make ~~administering or~~
 1382 ~~making~~ provision for students participating in the program in
 1383 grades 3 through 10 to take one of the nationally norm-
 1384 referenced tests identified by the Department of Education or
 1385 the statewide assessments pursuant to s. 1008.22. Students with
 1386 disabilities for whom standardized testing is not appropriate
 1387 are exempt from this requirement. A participating private school
 1388 shall report a student's scores to the parent.

1389 2.3. Administer ~~Cooperating with the scholarship student~~
 1390 ~~whose parent chooses to have the student participate in the~~
 1391 statewide assessments pursuant to s. 1008.22 ~~or,~~ if a private
 1392 school chooses to offer the statewide assessments, ~~administering~~
 1393 ~~the assessments at the school.~~

1394 ~~a.~~ A participating private school may choose to offer and
 1395 administer the statewide assessments to all students who attend
 1396 the private school in grades 3 through 10 and must.

1397 ~~b.~~ A participating private school shall submit a request
 1398 in writing to the Department of Education by March 1 of each
 1399 year in order to administer the statewide assessments in the
 1400 subsequent school year.

1401 ~~(d) Employ or contract with teachers who have regular and~~
 1402 ~~direct contact with each student receiving a scholarship under~~
 1403 ~~this section at the school's physical location.~~

1404 ~~(e) Provide a report from an independent certified public~~
 1405 ~~accountant who performs the agreed-upon procedures developed~~
 1406 ~~under s. 1002.395(6)(e) if the private school receives more than~~
 1407 ~~\$250,000 in funds from scholarships awarded under this section~~
 1408 ~~in a state fiscal year. A private school subject to this~~
 1409 ~~paragraph must annually submit the report by September 15 to the~~
 1410 ~~organization that awarded the majority of the school's~~
 1411 ~~scholarship funds. The agreed-upon procedures must be conducted~~
 1412 ~~in accordance with attestation standards established by the~~
 1413 ~~American Institute of Certified Public Accountants.~~

1414
 1415 If a private school fails ~~is unable~~ to meet the requirements of
 1416 this subsection or s. 1002.421, ~~or has consecutive years of~~
 1417 ~~material exceptions listed in the report required under~~
 1418 ~~paragraph (e),~~ the commissioner may determine that the private
 1419 school is ineligible to participate in the scholarship program.

1420 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
 1421 shall:

1422 (c) Investigate any written complaint of a violation of
 1423 this section by a parent, a student, a private school, a public
 1424 school or a school district, an organization, a provider, or
 1425 another appropriate party in accordance with the process

1426 established by s. 1002.421 ~~s. 1002.395(9)(f)~~.

1427 (10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

1428 (a) The Commissioner of Education:

1429 1. May suspend or revoke program participation or use of
 1430 program funds by the student or participation or eligibility of
 1431 an organization, ~~eligible private school~~, eligible postsecondary
 1432 educational institution, approved provider, or other party for a
 1433 violation of this section.

1434 2. May determine the length of, and conditions for
 1435 lifting, a suspension or revocation specified in this
 1436 subsection.

1437 3. May recover unexpended program funds or withhold
 1438 payment of an equal amount of program funds to recover program
 1439 funds that were not authorized for use.

1440 4. Shall deny or terminate program participation upon a
 1441 parent's forfeiture of a Gardiner Scholarship pursuant to
 1442 subsection (11).

1443 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 1444 PARTICIPATION.—A parent who applies for program participation
 1445 under this section is exercising his or her parental option to
 1446 determine the appropriate placement or the services that best
 1447 meet the needs of his or her child. The scholarship award for a
 1448 student is based on a matrix that assigns the student to support
 1449 Level III services. If a parent receives an IEP and a matrix of
 1450 services from the school district pursuant to subsection (7),

1451 the amount of the payment shall be adjusted as needed, when the
 1452 school district completes the matrix.

1453 (a) To satisfy or maintain program eligibility, including
 1454 eligibility to receive and spend program payments, the parent
 1455 must sign an agreement with the organization and annually submit
 1456 a notarized, sworn compliance statement to the organization to:

1457 1. Affirm that the student is enrolled in a program that
 1458 meets regular school attendance requirements as provided in s.
 1459 1003.01(13)(b)-(d).

1460 2. Affirm that the program funds are used only for
 1461 authorized purposes serving the student's educational needs, as
 1462 described in subsection (5).

1463 3. Affirm that the parent is responsible for the education
 1464 of his or her student by, as applicable:

1465 a. Requiring the student to take an assessment in
 1466 accordance with paragraph (8)(b) ~~paragraph (8)(c)~~;

1467 b. Providing an annual evaluation in accordance with s.
 1468 1002.41(1)(c); or

1469 c. Requiring the child to take any preassessments and
 1470 postassessments selected by the provider if the child is 4 years
 1471 of age and is enrolled in a program provided by an eligible
 1472 Voluntary Prekindergarten Education Program provider. A student
 1473 with disabilities for whom a preassessment and postassessment is
 1474 not appropriate is exempt from this requirement. A participating
 1475 provider shall report a student's scores to the parent.

1476 4. Affirm that the student remains in good standing with
 1477 the provider or school if those options are selected by the
 1478 parent.

1479
 1480 A parent who fails to comply with this subsection forfeits the
 1481 Gardiner Scholarship.

1482 Section 22. Subsections (8) through (14) of section
 1483 1002.39, Florida Statutes, are renumbered as subsections (7)
 1484 through (13), respectively, and paragraph (b) of subsection (2),
 1485 paragraph (h) of subsection (3), and present subsections (6),
 1486 (7), and (8) of that section are amended to read:

1487 1002.39 The John M. McKay Scholarships for Students with
 1488 Disabilities Program.—There is established a program that is
 1489 separate and distinct from the Opportunity Scholarship Program
 1490 and is named the John M. McKay Scholarships for Students with
 1491 Disabilities Program.

1492 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a
 1493 student with a disability may request and receive from the state
 1494 a John M. McKay Scholarship for the child to enroll in and
 1495 attend a private school in accordance with this section if:

1496 (b) The parent has obtained acceptance for admission of
 1497 the student to a private school that is eligible for the program
 1498 under subsection (7) ~~subsection (8)~~ and has requested from the
 1499 department a scholarship at least 60 days before the date of the
 1500 first scholarship payment. The request must be communicated

1501 directly to the department in a manner that creates a written or
 1502 electronic record of the request and the date of receipt of the
 1503 request. The department must notify the district of the parent's
 1504 intent upon receipt of the parent's request.

1505 (3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is
 1506 not eligible for a John M. McKay Scholarship:

1507 (h) While he or she is not having regular and direct
 1508 contact with his or her private school teachers at the school's
 1509 physical location unless he or she is enrolled in the private
 1510 school's transition-to-work program pursuant to subsection (9)
 1511 ~~subsection (10);~~ or

1512 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
 1513 shall:

1514 ~~(a) Establish a toll-free hotline that provides parents~~
 1515 ~~and private schools with information on participation in the~~
 1516 ~~John M. McKay Scholarships for Students with Disabilities~~
 1517 ~~Program.~~

1518 ~~(b) Annually verify the eligibility of private schools~~
 1519 ~~that meet the requirements of subsection (8).~~

1520 ~~(c) Establish a process by which individuals may notify~~
 1521 ~~the department of any violation by a parent, private school, or~~
 1522 ~~school district of state laws relating to program participation.~~
 1523 ~~The department shall conduct an inquiry of any written complaint~~
 1524 ~~of a violation of this section, or make a referral to the~~
 1525 ~~appropriate agency for an investigation, if the complaint is~~

1526 ~~signed by the complainant and is legally sufficient. A complaint~~
1527 ~~is legally sufficient if it contains ultimate facts that show~~
1528 ~~that a violation of this section or any rule adopted by the~~
1529 ~~State Board of Education has occurred. In order to determine~~
1530 ~~legal sufficiency, the department may require supporting~~
1531 ~~information or documentation from the complainant. A department~~
1532 ~~inquiry is not subject to the requirements of chapter 120.~~

1533 ~~(d) Require an annual, notarized, sworn compliance~~
1534 ~~statement by participating private schools certifying compliance~~
1535 ~~with state laws and shall retain such records.~~

1536 ~~(e) cross-check the list of participating scholarship~~
1537 ~~students with the public school enrollment lists prior to each~~
1538 ~~scholarship payment to avoid duplication.~~

1539 ~~(f)1. Conduct random site visits to private schools~~
1540 ~~participating in the John M. McKay Scholarships for Students~~
1541 ~~with Disabilities Program. The purpose of the site visits is~~
1542 ~~solely to verify the information reported by the schools~~
1543 ~~concerning the enrollment and attendance of students, the~~
1544 ~~credentials of teachers, background screening of teachers, and~~
1545 ~~teachers' fingerprinting results, which information is required~~
1546 ~~by rules of the State Board of Education, subsection (8), and s.~~
1547 ~~1002.421. The Department of Education may not make more than~~
1548 ~~three random site visits each year and may not make more than~~
1549 ~~one random site visit each year to the same private school.~~

1550 ~~2. Annually, by December 15, report to the Governor, the~~

1551 ~~President of the Senate, and the Speaker of the House of~~
 1552 ~~Representatives the Department of Education's actions with~~
 1553 ~~respect to implementing accountability in the scholarship~~
 1554 ~~program under this section and s. 1002.421, any substantiated~~
 1555 ~~allegations or violations of law or rule by an eligible private~~
 1556 ~~school under this program concerning the enrollment and~~
 1557 ~~attendance of students, the credentials of teachers, background~~
 1558 ~~screening of teachers, and teachers' fingerprinting results and~~
 1559 ~~the corrective action taken by the Department of Education.~~

1560 ~~(7) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.~~

1561 ~~(a) The Commissioner of Education:~~

1562 ~~1. Shall deny, suspend, or revoke a private school's~~
 1563 ~~participation in the scholarship program if it is determined~~
 1564 ~~that the private school has failed to comply with the provisions~~
 1565 ~~of this section. However, if the noncompliance is correctable~~
 1566 ~~within a reasonable amount of time and if the health, safety, or~~
 1567 ~~welfare of the students is not threatened, the commissioner may~~
 1568 ~~issue a notice of noncompliance which provides the private~~
 1569 ~~school with a timeframe within which to provide evidence of~~
 1570 ~~compliance before taking action to suspend or revoke the private~~
 1571 ~~school's participation in the scholarship program.~~

1572 ~~2. May deny, suspend, or revoke a private school's~~
 1573 ~~participation in the scholarship program if the commissioner~~
 1574 ~~determines that an owner or operator of the private school is~~
 1575 ~~operating or has operated an educational institution in this~~

1576 ~~state or in another state or jurisdiction in a manner contrary~~
1577 ~~to the health, safety, or welfare of the public.~~

1578 ~~a. In making such a determination, the commissioner may~~
1579 ~~consider factors that include, but are not limited to, acts or~~
1580 ~~omissions by an owner or operator which led to a previous denial~~
1581 ~~or revocation of participation in an education scholarship~~
1582 ~~program; an owner's or operator's failure to reimburse the~~
1583 ~~Department of Education for scholarship funds improperly~~
1584 ~~received or retained by a school; imposition of a prior criminal~~
1585 ~~sanction related to an owner's or operator's management or~~
1586 ~~operation of an educational institution; imposition of a civil~~
1587 ~~fine or administrative fine, license revocation or suspension,~~
1588 ~~or program eligibility suspension, termination, or revocation~~
1589 ~~related to an owner's or operator's management or operation of~~
1590 ~~an educational institution; or other types of criminal~~
1591 ~~proceedings in which an owner or operator was found guilty of,~~
1592 ~~regardless of adjudication, or entered a plea of nolo contendere~~
1593 ~~or guilty to, any offense involving fraud, deceit, dishonesty,~~
1594 ~~or moral turpitude.~~

1595 ~~b. For purposes of this subparagraph, the term "owner or~~
1596 ~~operator" includes an owner, operator, superintendent, or~~
1597 ~~principal of, or a person who has equivalent decisionmaking~~
1598 ~~authority over, a private school participating in the~~
1599 ~~scholarship program.~~

1600 ~~(b) The commissioner's determination is subject to the~~

1601 ~~following:~~

1602 ~~1. If the commissioner intends to deny, suspend, or revoke~~
 1603 ~~a private school's participation in the scholarship program, the~~
 1604 ~~department shall notify the private school of such proposed~~
 1605 ~~action in writing by certified mail and regular mail to the~~
 1606 ~~private school's address of record with the department. The~~
 1607 ~~notification shall include the reasons for the proposed action~~
 1608 ~~and notice of the timelines and procedures set forth in this~~
 1609 ~~paragraph.~~

1610 ~~2. The private school that is adversely affected by the~~
 1611 ~~proposed action shall have 15 days from receipt of the notice of~~
 1612 ~~proposed action to file with the department's agency clerk a~~
 1613 ~~request for a proceeding pursuant to ss. 120.569 and 120.57. If~~
 1614 ~~the private school is entitled to a hearing under s. 120.57(1),~~
 1615 ~~the department shall forward the request to the Division of~~
 1616 ~~Administrative Hearings.~~

1617 ~~3. Upon receipt of a request referred pursuant to this~~
 1618 ~~paragraph, the director of the Division of Administrative~~
 1619 ~~Hearings shall expedite the hearing and assign an administrative~~
 1620 ~~law judge who shall commence a hearing within 30 days after the~~
 1621 ~~receipt of the formal written request by the division and enter~~
 1622 ~~a recommended order within 30 days after the hearing or within~~
 1623 ~~30 days after receipt of the hearing transcript, whichever is~~
 1624 ~~later. Each party shall be allowed 10 days in which to submit~~
 1625 ~~written exceptions to the recommended order. A final order shall~~

1626 ~~be entered by the agency within 30 days after the entry of a~~
 1627 ~~recommended order. The provisions of this subparagraph may be~~
 1628 ~~waived upon stipulation by all parties.~~

1629 ~~(c) The commissioner may immediately suspend payment of~~
 1630 ~~scholarship funds if it is determined that there is probable~~
 1631 ~~cause to believe that there is:~~

1632 ~~1. An imminent threat to the health, safety, or welfare of~~
 1633 ~~the students; or~~

1634 ~~2. Fraudulent activity on the part of the private school.~~
 1635 ~~Notwithstanding s. 1002.22, in incidents of alleged fraudulent~~
 1636 ~~activity pursuant to this section, the Department of Education's~~
 1637 ~~Office of Inspector General is authorized to release personally~~
 1638 ~~identifiable records or reports of students to the following~~
 1639 ~~persons or organizations:~~

1640 ~~a. A court of competent jurisdiction in compliance with an~~
 1641 ~~order of that court or the attorney of record in accordance with~~
 1642 ~~a lawfully issued subpoena, consistent with the Family~~
 1643 ~~Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.~~

1644 ~~b. A person or entity authorized by a court of competent~~
 1645 ~~jurisdiction in compliance with an order of that court or the~~
 1646 ~~attorney of record pursuant to a lawfully issued subpoena,~~
 1647 ~~consistent with the Family Educational Rights and Privacy Act,~~
 1648 ~~20 U.S.C. s. 1232g.~~

1649 ~~e. Any person, entity, or authority issuing a subpoena for~~
 1650 ~~law enforcement purposes when the court or other issuing agency~~

1651 ~~has ordered that the existence or the contents of the subpoena~~
1652 ~~or the information furnished in response to the subpoena not be~~
1653 ~~disclosed, consistent with the Family Educational Rights and~~
1654 ~~Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.~~

1655
1656 ~~The commissioner's order suspending payment pursuant to this~~
1657 ~~paragraph may be appealed pursuant to the same procedures and~~
1658 ~~timelines as the notice of proposed action set forth in~~
1659 ~~paragraph (b).~~

1660 (7)~~(8)~~ PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be
1661 eligible to participate in the John M. McKay Scholarships for
1662 Students with Disabilities Program, a private school may be
1663 sectarian or nonsectarian and must:

1664 (a) Comply with all requirements for private schools
1665 participating in state school choice scholarship programs
1666 pursuant to s. 1002.421.

1667 (b) Provide to the department all documentation required
1668 for a student's participation, including the private school's
1669 and student's fee schedules, at least 30 days before any
1670 quarterly scholarship payment is made for the student pursuant
1671 to paragraph (10) (e) ~~paragraph (11) (e)~~. A student is not
1672 eligible to receive a quarterly scholarship payment if the
1673 private school fails to meet this deadline.

1674 ~~(c) Be academically accountable to the parent for meeting~~
1675 ~~the educational needs of the student by:~~

1676 ~~1. At a minimum, annually providing to the parent a~~
 1677 ~~written explanation of the student's progress.~~

1678 ~~2. Cooperating with the scholarship student whose parent~~
 1679 ~~chooses to participate in the statewide assessments pursuant to~~
 1680 ~~s. 1008.22.~~

1681 ~~(d) Maintain in this state a physical location where a~~
 1682 ~~scholarship student regularly attends classes.~~

1683

1684 If The inability of a private school fails to meet the
 1685 requirements of this subsection or s. 1002.421, the commissioner
 1686 may determine that the private school is ineligible shall
 1687 ~~constitute a basis for the ineligibility of the private school~~
 1688 ~~to participate in the scholarship program as determined by the~~
 1689 ~~department.~~

1690 Section 23. Subsections (12) through (16) of section
 1691 1002.395, Florida Statutes, are renumbered as subsections (11)
 1692 through (15), respectively, and paragraph (f) of subsection (2),
 1693 paragraphs (n), (o), and (p) of subsection (6), and present
 1694 subsections (8), (9), and (11) of that section are amended to
 1695 read:

1696 1002.395 Florida Tax Credit Scholarship Program.—

1697 (2) DEFINITIONS.—As used in this section, the term:

1698 (f) "Eligible nonprofit scholarship-funding organization"
 1699 means a state university; or an independent college or
 1700 university that is eligible to participate in the William L.

1701 Boyd, IV, Florida Resident Access Grant Program, located and
 1702 chartered in this state, is not for profit, and is accredited by
 1703 the Commission on Colleges of the Southern Association of
 1704 Colleges and Schools; or is a charitable organization that:

1705 1. Is exempt from federal income tax pursuant to s.
 1706 501(c)(3) of the Internal Revenue Code;

1707 2. Is a Florida entity formed under chapter 605, chapter
 1708 607, or chapter 617 and whose principal office is located in the
 1709 state; and

1710 3. Complies with subsections (6) and (15) ~~subsections (6)~~
 1711 ~~and (16)~~.

1712 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
 1713 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
 1714 organization:

1715 (n) Must prepare and submit quarterly reports to the
 1716 Department of Education pursuant to paragraph (9)(i) ~~paragraph~~
 1717 ~~(9)(m)~~. In addition, an eligible nonprofit scholarship-funding
 1718 organization must submit in a timely manner any information
 1719 requested by the Department of Education relating to the
 1720 scholarship program.

1721 (o)1.a. Must participate in the joint development of
 1722 agreed-upon procedures ~~to be performed by an independent~~
 1723 ~~certified public accountant as required under paragraph (8)(e)~~
 1724 ~~if the scholarship-funding organization provided more than~~
 1725 ~~\$250,000 in scholarship funds to an eligible private school~~

1726 ~~under this section~~ during the 2009-2010 state fiscal year. The
1727 agreed-upon procedures must uniformly apply to all private
1728 schools and must determine, at a minimum, whether the private
1729 school has been verified as eligible by the Department of
1730 Education under s. 1002.421 ~~paragraph (9)(c)~~; has an adequate
1731 accounting system, system of financial controls, and process for
1732 deposit and classification of scholarship funds; and has
1733 properly expended scholarship funds for education-related
1734 expenses. During the development of the procedures, the
1735 participating scholarship-funding organizations shall specify
1736 guidelines governing the materiality of exceptions that may be
1737 found during the accountant's performance of the procedures. The
1738 procedures and guidelines shall be provided to private schools
1739 and the Commissioner of Education by March 15, 2011.

1740 b. Must participate in a joint review of the agreed-upon
1741 procedures and guidelines developed under sub-subparagraph a.,
1742 by February of each biennium ~~2013 and biennially thereafter~~, if
1743 the scholarship-funding organization provided more than \$250,000
1744 in scholarship funds to an eligible private school under this
1745 chapter ~~section~~ during the state fiscal year preceding the
1746 biennial review. If the procedures and guidelines are revised,
1747 the revisions must be provided to private schools and the
1748 Commissioner of Education by March 15 of the year in which the
1749 revisions were completed. The revised agreed-upon procedures
1750 shall take effect the subsequent school year. For the 2018-2019

1751 school year only, the joint review of the agreed-upon procedures
1752 must be completed and the revisions submitted to the
1753 commissioner no later than September 15, 2018. The revised
1754 procedures are applicable to the 2018-2019 school year, 2013,
1755 and biennially thereafter.

1756 c. Must monitor the compliance of a private school with
1757 s. 1002.421(1)(q) paragraph (8)(e) if the scholarship-funding
1758 organization provided the majority of the scholarship funding to
1759 the school. For each private school subject to s. 1002.421(1)(q)
1760 paragraph (8)(e), the appropriate scholarship-funding
1761 organization shall annually notify the Commissioner of Education
1762 by October 30, ~~2011~~, and ~~annually thereafter~~ of:

1763 (I) A private school's failure to submit a report required
1764 under s. 1002.421(1)(q) paragraph (8)(e); or

1765 (II) Any material exceptions set forth in the report
1766 required under s. 1002.421(1)(q) paragraph (8)(e).

1767 2. Must seek input from the accrediting associations that
1768 are members of the Florida Association of Academic Nonpublic
1769 Schools and the Department of Education when jointly developing
1770 the agreed-upon procedures and guidelines under sub-subparagraph
1771 1.a. and conducting a review of those procedures and guidelines
1772 under sub-subparagraph 1.b.

1773 (p) Must maintain the surety bond or letter of credit
1774 required by subsection (15) ~~subsection (16)~~. The amount of the
1775 surety bond or letter of credit may be adjusted quarterly to

1776 equal the actual amount of undisbursed funds based upon
 1777 submission by the organization of a statement from a certified
 1778 public accountant verifying the amount of undisbursed funds. The
 1779 requirements of this paragraph are waived if the cost of
 1780 acquiring a surety bond or letter of credit exceeds the average
 1781 10-year cost of acquiring a surety bond or letter of credit by
 1782 200 percent. The requirements of this paragraph are waived for a
 1783 state university; or an independent college or university which
 1784 is eligible to participate in the William L. Boyd, IV, Florida
 1785 Resident Access Grant Program, located and chartered in this
 1786 state, is not for profit, and is accredited by the Commission on
 1787 Colleges of the Southern Association of Colleges and Schools.

1788
 1789 Information and documentation provided to the Department of
 1790 Education and the Auditor General relating to the identity of a
 1791 taxpayer that provides an eligible contribution under this
 1792 section shall remain confidential at all times in accordance
 1793 with s. 213.053.

1794 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An
 1795 eligible private school may be sectarian or nonsectarian and
 1796 must:

1797 (a) Comply with all requirements for private schools
 1798 participating in state school choice scholarship programs
 1799 pursuant to s. 1002.421.

1800 ~~(b) Provide to the eligible nonprofit scholarship funding~~

1801 ~~organization, upon request, all documentation required for the~~
1802 ~~student's participation, including the private school's and~~
1803 ~~student's fee schedules.~~

1804 ~~(c) Be academically accountable to the parent for meeting~~
1805 ~~the educational needs of the student by:~~

1806 ~~1. At a minimum, annually providing to the parent a~~
1807 ~~written explanation of the student's progress.~~

1808 ~~(b)1.2.~~ Annually administer or make administering or
1809 ~~making~~ provision for students participating in the scholarship
1810 program in grades 3 through 10 to take one of the nationally
1811 norm-referenced tests identified by the Department of Education
1812 or the statewide assessments pursuant to s. 1008.22. Students
1813 with disabilities for whom standardized testing is not
1814 appropriate are exempt from this requirement. A participating
1815 private school must report a student's scores to the parent. A
1816 participating private school must annually report by August 15
1817 the scores of all participating students to a state university
1818 ~~the Learning System Institute~~ described in paragraph (9) (f)
1819 ~~paragraph (9) (j).~~

1820 2. Administer ~~3. Cooperating with the scholarship student~~
1821 ~~whose parent chooses to have the student participate in the~~
1822 statewide assessments pursuant to s. 1008.22 ~~or,~~ if a private
1823 school chooses to offer the statewide assessments, ~~administering~~
1824 ~~the assessments at the school.~~

1825 ~~a.~~ A participating private school may choose to offer and

1826 administer the statewide assessments to all students who attend
 1827 the private school in grades 3 through 10 and.

1828 ~~b. A participating private school~~ must submit a request in
 1829 writing to the Department of Education by March 1 of each year
 1830 in order to administer the statewide assessments in the
 1831 subsequent school year.

1832 ~~(d) Employ or contract with teachers who have regular and~~
 1833 ~~direct contact with each student receiving a scholarship under~~
 1834 ~~this section at the school's physical location.~~

1835 ~~(e) Provide a report from an independent certified public~~
 1836 ~~accountant who performs the agreed-upon procedures developed~~
 1837 ~~under paragraph (6) (e) if the private school receives more than~~
 1838 ~~\$250,000 in funds from scholarships awarded under this section~~
 1839 ~~in a state fiscal year. A private school subject to this~~
 1840 ~~paragraph must annually submit the report by September 15 to the~~
 1841 ~~scholarship-funding organization that awarded the majority of~~
 1842 ~~the school's scholarship funds. The agreed-upon procedures must~~
 1843 ~~be conducted in accordance with attestation standards~~
 1844 ~~established by the American Institute of Certified Public~~
 1845 ~~Accountants.~~

1846
 1847 If a private school fails ~~is unable~~ to meet the requirements of
 1848 this subsection or s. 1002.421 ~~or has consecutive years of~~
 1849 ~~material exceptions listed in the report required under~~
 1850 ~~paragraph (e),~~ the commissioner may determine that the private

1851 school is ineligible to participate in the scholarship program
 1852 as ~~determined by the Department of Education.~~

1853 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
 1854 Education shall:

1855 (a) Annually submit to the department and division, by
 1856 March 15, a list of eligible nonprofit scholarship-funding
 1857 organizations that meet the requirements of paragraph (2) (f).

1858 (b) Annually verify the eligibility of nonprofit
 1859 scholarship-funding organizations that meet the requirements of
 1860 paragraph (2) (f).

1861 ~~(c) Annually verify the eligibility of private schools
 1862 that meet the requirements of subsection (8).~~

1863 (c)-(d) Annually verify the eligibility of expenditures as
 1864 provided in paragraph (6) (d) using the audit required by
 1865 paragraph (6) (m) and s. 11.45(2) (l) ~~s. 11.45(2) (k)~~.

1866 ~~(e) Establish a toll-free hotline that provides parents
 1867 and private schools with information on participation in the
 1868 scholarship program.~~

1869 ~~(f) Establish a process by which individuals may notify
 1870 the Department of Education of any violation by a parent,
 1871 private school, or school district of state laws relating to
 1872 program participation. The Department of Education shall conduct
 1873 an inquiry of any written complaint of a violation of this
 1874 section, or make a referral to the appropriate agency for an
 1875 investigation, if the complaint is signed by the complainant and~~

1876 ~~is legally sufficient. A complaint is legally sufficient if it~~
1877 ~~contains ultimate facts that show that a violation of this~~
1878 ~~section or any rule adopted by the State Board of Education has~~
1879 ~~occurred. In order to determine legal sufficiency, the~~
1880 ~~Department of Education may require supporting information or~~
1881 ~~documentation from the complainant. A department inquiry is not~~
1882 ~~subject to the requirements of chapter 120.~~

1883 ~~(g) Require an annual, notarized, sworn compliance~~
1884 ~~statement by participating private schools certifying compliance~~
1885 ~~with state laws and shall retain such records.~~

1886 ~~(d)(h)~~ (d) Cross-check the list of participating scholarship
1887 students with the public school enrollment lists to avoid
1888 duplication.

1889 ~~(e)(i)~~ (e) Maintain a list of nationally norm-referenced tests
1890 identified for purposes of satisfying the testing requirement in
1891 subparagraph (8) (b) 1 ~~subparagraph (8) (c) 2~~. The tests must meet
1892 industry standards of quality in accordance with State Board of
1893 Education rule.

1894 ~~(f)(j)~~ (f) Issue a project grant award to a state university
1895 ~~the Learning System Institute at the Florida State University,~~
1896 to which participating private schools must report the scores of
1897 participating students on the nationally norm-referenced tests
1898 or the statewide assessments administered by the private school
1899 in grades 3 through 10. The project term is 2 years, and the
1900 amount of the project is up to \$250,000 ~~\$500,000~~ per year. The

1901 project grant award must be reissued in 2-year intervals in
1902 accordance with this paragraph.

1903 1. The state university ~~Learning System Institute~~ must
1904 annually report to the Department of Education on the student
1905 performance of participating students:

1906 a. On a statewide basis. The report shall also include, to
1907 the extent possible, a comparison of scholarship students'
1908 performance to the statewide student performance of public
1909 school students with socioeconomic backgrounds similar to those
1910 of students participating in the scholarship program. To
1911 minimize costs and reduce time required for the state
1912 university's ~~Learning System Institute's~~ analysis and
1913 evaluation, the Department of Education shall coordinate with
1914 the state university ~~Learning System Institute~~ to provide data
1915 to the state university ~~Learning System Institute~~ in order to
1916 conduct analyses of matched students from public school
1917 assessment data and calculate control group student performance
1918 using an agreed-upon methodology with the state university
1919 ~~Learning System Institute~~; and

1920 b. On an individual school basis. The annual report must
1921 include student performance for each participating private
1922 school in which at least 51 percent of the total enrolled
1923 students in the private school participated in the Florida Tax
1924 Credit Scholarship Program in the prior school year. The report
1925 shall be according to each participating private school, and for

1926 participating students, in which there are at least 30
 1927 participating students who have scores for tests administered.
 1928 If the state university ~~Learning System Institute~~ determines
 1929 that the 30-participating-student cell size may be reduced
 1930 without disclosing personally identifiable information, as
 1931 described in 34 C.F.R. s. 99.12, of a participating student, the
 1932 state university ~~Learning System Institute~~ may reduce the
 1933 participating-student cell size, but the cell size must not be
 1934 reduced to less than 10 participating students. The department
 1935 shall provide each private school's prior school year's student
 1936 enrollment information to the state university ~~Learning System~~
 1937 ~~Institute~~ no later than June 15 of each year, or as requested by
 1938 the state university ~~Learning System Institute~~.

1939 2. The sharing and reporting of student performance data
 1940 under this paragraph must be in accordance with requirements of
 1941 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family
 1942 Educational Rights and Privacy Act, and the applicable rules and
 1943 regulations issued pursuant thereto, and shall be for the sole
 1944 purpose of creating the annual report required by subparagraph
 1945 1. All parties must preserve the confidentiality of such
 1946 information as required by law. The annual report must not
 1947 disaggregate data to a level that will identify individual
 1948 participating schools, except as required under sub-subparagraph
 1949 1.b., or disclose the academic level of individual students.

1950 3. The annual report required by subparagraph 1. shall be

1951 published by the Department of Education on its website.

1952 (g) ~~(k)~~ Notify an eligible nonprofit scholarship-funding
 1953 organization of any of the organization's identified students
 1954 who are receiving educational scholarships pursuant to chapter
 1955 1002.

1956 (h) ~~(l)~~ Notify an eligible nonprofit scholarship-funding
 1957 organization of any of the organization's identified students
 1958 who are receiving tax credit scholarships from other eligible
 1959 nonprofit scholarship-funding organizations.

1960 (i) ~~(m)~~ Require quarterly reports by an eligible nonprofit
 1961 scholarship-funding organization regarding the number of
 1962 students participating in the scholarship program, the private
 1963 schools at which the students are enrolled, and other
 1964 information deemed necessary by the Department of Education.

1965 ~~(n)1. Conduct site visits to private schools participating~~
 1966 ~~in the Florida Tax Credit Scholarship Program. The purpose of~~
 1967 ~~the site visits is solely to verify the information reported by~~
 1968 ~~the schools concerning the enrollment and attendance of~~
 1969 ~~students, the credentials of teachers, background screening of~~
 1970 ~~teachers, and teachers' fingerprinting results. The Department~~
 1971 ~~of Education may not make more than seven site visits each year;~~
 1972 ~~however, the department may make additional site visits at any~~
 1973 ~~time to any school that has received a notice of noncompliance~~
 1974 ~~or a notice of proposed action within the previous 2 years.~~

1975 ~~2. Annually, by December 15, report to the Governor, the~~

1976 ~~President of the Senate, and the Speaker of the House of~~
 1977 ~~Representatives the Department of Education's actions with~~
 1978 ~~respect to implementing accountability in the scholarship~~
 1979 ~~program under this section and s. 1002.421, any substantiated~~
 1980 ~~allegations or violations of law or rule by an eligible private~~
 1981 ~~school under this program concerning the enrollment and~~
 1982 ~~attendance of students, the credentials of teachers, background~~
 1983 ~~screening of teachers, and teachers' fingerprinting results and~~
 1984 ~~the corrective action taken by the Department of Education.~~

1985 (j) ~~(e)~~ Provide a process to match the direct certification
 1986 list with the scholarship application data submitted by any
 1987 nonprofit scholarship-funding organization eligible to receive
 1988 the 3-percent administrative allowance under paragraph (6)(j).

1989 ~~(p)~~ Upon the request of a participating private school,
 1990 provide at no cost to the school the statewide assessments
 1991 administered under s. 1008.22 and any related materials for
 1992 administering the assessments. Students at a private school may
 1993 be assessed using the statewide assessments if the addition of
 1994 those students and the school does not cause the state to exceed
 1995 its contractual caps for the number of students tested and the
 1996 number of testing sites. The state shall provide the same
 1997 materials and support to a private school that it provides to a
 1998 public school. A private school that chooses to administer
 1999 statewide assessments under s. 1008.22 shall follow the
 2000 requirements set forth in ss. 1008.22 and 1008.24, rules adopted

2001 ~~by the State Board of Education to implement those sections, and~~
 2002 ~~district-level testing policies established by the district~~
 2003 ~~school board.~~

2004 ~~(11) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—~~

2005 ~~(a)1. The Commissioner of Education shall deny, suspend,~~
 2006 ~~or revoke a private school's participation in the scholarship~~
 2007 ~~program if it is determined that the private school has failed~~
 2008 ~~to comply with the provisions of this section. However, in~~
 2009 ~~instances in which the noncompliance is correctable within a~~
 2010 ~~reasonable amount of time and in which the health, safety, or~~
 2011 ~~welfare of the students is not threatened, the commissioner may~~
 2012 ~~issue a notice of noncompliance that shall provide the private~~
 2013 ~~school with a timeframe within which to provide evidence of~~
 2014 ~~compliance prior to taking action to suspend or revoke the~~
 2015 ~~private school's participation in the scholarship program.~~

2016 ~~2. The Commissioner of Education may deny, suspend, or~~
 2017 ~~revoke a private school's participation in the scholarship~~
 2018 ~~program if the commissioner determines that:~~

2019 ~~a. An owner or operator of a private school has exhibited~~
 2020 ~~a previous pattern of failure to comply with this section or s.~~
 2021 ~~1002.421; or~~

2022 ~~b. An owner or operator of the private school is operating~~
 2023 ~~or has operated an educational institution in this state or~~
 2024 ~~another state or jurisdiction in a manner contrary to the~~
 2025 ~~health, safety, or welfare of the public.~~

2026
2027 ~~In making the determination under this subparagraph, the~~
2028 ~~commissioner may consider factors that include, but are not~~
2029 ~~limited to, acts or omissions by an owner or operator that led~~
2030 ~~to a previous denial or revocation of participation in an~~
2031 ~~education scholarship program; an owner's or operator's failure~~
2032 ~~to reimburse the Department of Education or a nonprofit~~
2033 ~~scholarship-funding organization for scholarship funds~~
2034 ~~improperly received or retained by a school; imposition of a~~
2035 ~~prior criminal sanction, civil fine, administrative fine,~~
2036 ~~license revocation or suspension, or program eligibility~~
2037 ~~suspension, termination, or revocation related to an owner's or~~
2038 ~~operator's management or operation of an educational~~
2039 ~~institution; or other types of criminal proceedings in which the~~
2040 ~~owner or operator was found guilty of, regardless of~~
2041 ~~adjudication, or entered a plea of nolo contendere or guilty to,~~
2042 ~~any offense involving fraud, deceit, dishonesty, or moral~~
2043 ~~turpitude.~~

2044 ~~(b) The commissioner's determination is subject to the~~
2045 ~~following:~~

2046 ~~1. If the commissioner intends to deny, suspend, or revoke~~
2047 ~~a private school's participation in the scholarship program, the~~
2048 ~~Department of Education shall notify the private school of such~~
2049 ~~proposed action in writing by certified mail and regular mail to~~
2050 ~~the private school's address of record with the Department of~~

2051 ~~Education. The notification shall include the reasons for the~~
2052 ~~proposed action and notice of the timelines and procedures set~~
2053 ~~forth in this paragraph.~~

2054 ~~2. The private school that is adversely affected by the~~
2055 ~~proposed action shall have 15 days from receipt of the notice of~~
2056 ~~proposed action to file with the Department of Education's~~
2057 ~~agency clerk a request for a proceeding pursuant to ss. 120.569~~
2058 ~~and 120.57. If the private school is entitled to a hearing under~~
2059 ~~s. 120.57(1), the Department of Education shall forward the~~
2060 ~~request to the Division of Administrative Hearings.~~

2061 ~~3. Upon receipt of a request referred pursuant to this~~
2062 ~~paragraph, the director of the Division of Administrative~~
2063 ~~Hearings shall expedite the hearing and assign an administrative~~
2064 ~~law judge who shall commence a hearing within 30 days after the~~
2065 ~~receipt of the formal written request by the division and enter~~
2066 ~~a recommended order within 30 days after the hearing or within~~
2067 ~~30 days after receipt of the hearing transcript, whichever is~~
2068 ~~later. Each party shall be allowed 10 days in which to submit~~
2069 ~~written exceptions to the recommended order. A final order shall~~
2070 ~~be entered by the agency within 30 days after the entry of a~~
2071 ~~recommended order. The provisions of this subparagraph may be~~
2072 ~~waived upon stipulation by all parties.~~

2073 ~~(c) The commissioner may immediately suspend payment of~~
2074 ~~scholarship funds if it is determined that there is probable~~
2075 ~~cause to believe that there is:~~

2076 ~~1. An imminent threat to the health, safety, and welfare~~
 2077 ~~of the students;~~

2078 ~~2. A previous pattern of failure to comply with this~~
 2079 ~~section or s. 1002.421; or~~

2080 ~~3. Fraudulent activity on the part of the private school.~~
 2081 ~~Notwithstanding s. 1002.22, in incidents of alleged fraudulent~~
 2082 ~~activity pursuant to this section, the Department of Education's~~
 2083 ~~Office of Inspector General is authorized to release personally~~
 2084 ~~identifiable records or reports of students to the following~~
 2085 ~~persons or organizations:~~

2086 ~~a. A court of competent jurisdiction in compliance with an~~
 2087 ~~order of that court or the attorney of record in accordance with~~
 2088 ~~a lawfully issued subpoena, consistent with the Family~~
 2089 ~~Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.~~

2090 ~~b. A person or entity authorized by a court of competent~~
 2091 ~~jurisdiction in compliance with an order of that court or the~~
 2092 ~~attorney of record pursuant to a lawfully issued subpoena,~~
 2093 ~~consistent with the Family Educational Rights and Privacy Act,~~
 2094 ~~20 U.S.C. s. 1232g.~~

2095 ~~c. Any person, entity, or authority issuing a subpoena for~~
 2096 ~~law enforcement purposes when the court or other issuing agency~~
 2097 ~~has ordered that the existence or the contents of the subpoena~~
 2098 ~~or the information furnished in response to the subpoena not be~~
 2099 ~~disclosed, consistent with the Family Educational Rights and~~
 2100 ~~Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.~~

2101
 2102 ~~The commissioner's order suspending payment pursuant to this~~
 2103 ~~paragraph may be appealed pursuant to the same procedures and~~
 2104 ~~timelines as the notice of proposed action set forth in~~
 2105 ~~paragraph (b).~~

2106 Section 24. Section 1002.40, Florida Statutes, is created
 2107 to read:

2108 1002.40 The Hope Scholarship Program.—

2109 (1) PURPOSE.—The Hope Scholarship Program is established
 2110 to provide the parent of a public school student who was
 2111 subjected to an incident listed in subsection (3) an opportunity
 2112 to transfer the student to another public school or to request a
 2113 scholarship for the student to enroll in and attend an eligible
 2114 private school.

2115 (2) DEFINITIONS.—As used in this section, the term:

2116 (a) "Dealer" has the same meaning as provided in s.
 2117 212.06.

2118 (b) "Department" means the Department of Education.

2119 (c) "Designated agent" has the same meaning as provided in
 2120 s. 212.06(10).

2121 (d) "Eligible contribution" or "contribution" means a
 2122 monetary contribution from a person purchasing a motor vehicle,
 2123 subject to the restrictions provided in this section, to an
 2124 eligible nonprofit scholarship-funding organization. The person
 2125 making the contribution may not designate a specific student as

2126 the beneficiary of the contribution.

2127 (e) "Eligible nonprofit scholarship-funding organization"
 2128 or "organization" has the same meaning as provided in s.
 2129 1002.395(2)(f).

2130 (f) "Eligible private school" has the same meaning as
 2131 provided in s. 1002.395(2)(g).

2132 (g) "Motor vehicle" has the same meaning as provided in s.
 2133 320.01(1)(a), but does not include heavy trucks, truck tractors,
 2134 trailers, and motorcycles.

2135 (h) "Parent" means a resident of this state who is a
 2136 parent, as defined in s. 1000.21, and whose student was
 2137 subjected to an incident listed in subsection (3).

2138 (i) "Program" means the Hope Scholarship Program.

2139 (j) "School" includes any educational program or activity
 2140 conducted by a public K-12 educational institution, any school-
 2141 related or school-sponsored program or activity, and riding on a
 2142 school bus, as defined in s. 1006.25(1), including waiting at a
 2143 school bus stop.

2144 (k) "Unweighted FTE funding amount" means the statewide
 2145 average total funds per unweighted full-time equivalent funding
 2146 amount that is incorporated by reference in the General
 2147 Appropriations Act, or by a subsequent special appropriations
 2148 act, for the applicable state fiscal year.

2149 (3) PROGRAM ELIGIBILITY.—Beginning with the 2018-2019
 2150 school year, contingent upon available funds, and on a first-

2151 come, first-served basis, a student enrolled in a Florida public
2152 school in kindergarten through grade 12 is eligible for a
2153 scholarship under this program if the student has been subjected
2154 to an incident of battery; harassment; hazing; bullying;
2155 kidnapping; physical attack; robbery; sexual offenses,
2156 harassment, assault, or battery; threat or intimidation; or
2157 fighting at school.

2158 (4) PROGRAM PROHIBITIONS.—Payment of a scholarship to a
2159 student enrolled in a private school may not be made if a
2160 student is:

2161 (a) Enrolled in a public school, including, but not
2162 limited to, the Florida School for the Deaf and the Blind; the
2163 College-Preparatory Boarding Academy; a developmental research
2164 school authorized under s. 1002.32; or a charter school
2165 authorized under s. 1002.33, s. 1002.331, or s. 1002.332;

2166 (b) Enrolled in a school operating for the purpose of
2167 providing educational services to youth in the Department of
2168 Juvenile Justice commitment programs;

2169 (c) Participating in a virtual school, correspondence
2170 school, or distance learning program that receives state funding
2171 pursuant to the student's participation unless the participation
2172 is limited to no more than two courses per school year; or

2173 (d) Receiving any other educational scholarship pursuant
2174 to this chapter.

2175 (5) TERM OF HOPE SCHOLARSHIP.—For purposes of continuity

2176 of educational choice, a Hope scholarship shall remain in force
 2177 until the student returns to public school or graduates from
 2178 high school, whichever occurs first. A scholarship student who
 2179 enrolls in a public school or public school program is
 2180 considered to have returned to a public school for the purpose
 2181 of determining the end of the scholarship's term.

2182 (6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

2183 (a) Upon receipt of a report of an incident listed in
 2184 subsection (3), the school principal shall provide a copy of the
 2185 report to the parent and investigate the incident to determine
 2186 if the incident must be reported as required by s. 1006.09(6).
 2187 Upon conclusion of the investigation or within 15 days after the
 2188 incident was reported, whichever occurs first, the school
 2189 district shall notify the parent of the program and offer that
 2190 parent an opportunity to enroll his or her student in another
 2191 public school or to request and receive a scholarship to attend
 2192 an eligible private school, subject to available funding. A
 2193 parent who chooses to enroll his or her student in a Florida
 2194 public school located outside the district in which the student
 2195 resides pursuant to s. 1002.31 shall be eligible for a
 2196 scholarship to transport the student as provided in paragraph
 2197 (11) (b) .

2198 (b) For each student participating in the program in a
 2199 private school who chooses to participate in the statewide
 2200 assessments under s. 1008.22 or the Florida Alternate

2201 Assessment, the school district in which the student resides
 2202 must notify the student and his or her parent about the
 2203 locations and times to take all statewide assessments.

2204 (7) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An
 2205 eligible private school may be sectarian or nonsectarian and
 2206 shall:

2207 (a) Comply with all requirements for private schools
 2208 participating in state school choice scholarship programs
 2209 pursuant to this section and s. 1002.421.

2210 (b)1. Annually administer or make provision for students
 2211 participating in the program in grades 3 through 10 to take one
 2212 of the nationally norm-referenced tests identified by the
 2213 department or the statewide assessments pursuant to s. 1008.22.
 2214 Students with disabilities for whom standardized testing is not
 2215 appropriate are exempt from this requirement. A participating
 2216 private school shall report a student's scores to his or her
 2217 parent.

2218 2. Administer the statewide assessments pursuant to s.
 2219 1008.22 if a private school chooses to offer the statewide
 2220 assessments. A participating private school may choose to offer
 2221 and administer the statewide assessments to all students who
 2222 attend the private school in grades 3 through 10 and must submit
 2223 a request in writing to the department by March 1 of each year
 2224 in order to administer the statewide assessments in the
 2225 subsequent school year.

2226
 2227 If a private school fails to meet the requirements of this
 2228 subsection or s. 1002.421 the commissioner may determine that
 2229 the private school is ineligible to participate in the program.
 2230 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
 2231 shall:
 2232 (a) Cross-check the list of participating scholarship
 2233 students with the public school enrollment lists to avoid
 2234 duplication.
 2235 (b) Maintain a list of nationally norm-referenced tests
 2236 identified for purposes of satisfying the testing requirement in
 2237 paragraph (9) (f). The tests must meet industry standards of
 2238 quality in accordance with State Board of Education rule.
 2239 (c) Require quarterly reports by an eligible nonprofit
 2240 scholarship-funding organization regarding the number of
 2241 students participating in the scholarship program, the private
 2242 schools in which the students are enrolled, and other
 2243 information deemed necessary by the department.
 2244 (d) Contract with an independent entity to provide an
 2245 annual evaluation of the program by:
 2246 1. Reviewing the school climate and code of student
 2247 conduct of each public school at which 10 or more students
 2248 transferred to another public school or private school using the
 2249 Hope scholarship to determine areas in the school or school
 2250 district procedures involving reporting, investigating, and

2251 communicating a parent's and student's rights that are in need
 2252 of improvement. At a minimum, the review must include:
 2253 a. An assessment of the investigation time and quality of
 2254 the response of the school and the school district.
 2255 b. An assessment of the effectiveness of communication
 2256 procedures with the students involved in an incident, the
 2257 students' parents, and the school and school district personnel.
 2258 c. An analysis of school incident and discipline data.
 2259 d. The challenges and obstacles relating to implementing
 2260 recommendations from this review.
 2261 2. Reviewing the school climate and code of student
 2262 conduct of each public school a student transferred to if the
 2263 student was from a school identified in subparagraph 1. in order
 2264 to identify best practices and make recommendations to a public
 2265 school at which the incidents occurred.
 2266 3. Reviewing the performance of participating students
 2267 enrolled in a private school in which at least 51 percent of the
 2268 total enrolled students in the prior school year participated in
 2269 the program and in which there are at least 10 participating
 2270 students who have scores for tests administered.
 2271 4. Surveying the parents of participating students to
 2272 determine academic, safety, and school climate satisfaction and
 2273 to identify any challenges or obstacles in addressing the
 2274 incident or relating to the use of the scholarship.
 2275 (9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM

2276 PARTICIPATION.—A parent who applies for a Hope Scholarship is
 2277 exercising his or her parental option to place his or her
 2278 student in an eligible private school.

2279 (a) The parent must select an eligible private school and
 2280 apply for the admission of his or her student.

2281 (b) The parent must inform the student's school district
 2282 when the parent withdraws his or her student to attend an
 2283 eligible private school.

2284 (c) Any student participating in the program must remain
 2285 in attendance throughout the school year unless excused by the
 2286 school for illness or other good cause.

2287 (d) Each parent and each student has an obligation to the
 2288 private school to comply with the private school's published
 2289 policies.

2290 (e) Upon reasonable notice to the department and the
 2291 school district, the parent may remove the student from the
 2292 private school and place the student in a public school in
 2293 accordance with this section.

2294 (f) The parent must ensure that the student participating
 2295 in the program takes the norm-referenced assessment offered by
 2296 the private school. The parent may also choose to have the
 2297 student participate in the statewide assessments pursuant to s.
 2298 1008.22. If the parent requests that the student participating
 2299 in the program take the statewide assessments pursuant to s.
 2300 1008.22 and the private school has not chosen to offer and

2301 administer the statewide assessments, the parent is responsible
 2302 for transporting the student to the assessment site designated
 2303 by the school district.

2304 (g) Upon receipt of a scholarship warrant, the parent to
 2305 whom the warrant is made must restrictively endorse the warrant
 2306 to the private school for deposit into the account of the
 2307 private school. If payment is made by funds transfer in
 2308 accordance with paragraph (11) (d), the parent must approve each
 2309 payment before the scholarship funds may be deposited. The
 2310 parent may not designate any entity or individual associated
 2311 with the participating private school as the parent's attorney
 2312 in fact to endorse a scholarship warrant or approve a funds
 2313 transfer. A parent who fails to comply with this paragraph
 2314 forfeits the scholarship.

2315 (10) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
 2316 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
 2317 organization may establish scholarships for eligible students
 2318 by:

2319 (a) Receiving applications and determining student
 2320 eligibility in accordance with the requirements of this section.

2321 (b) Notifying parents of their receipt of a scholarship on
 2322 a first-come, first-served basis, based upon available funds.

2323 (c) Establishing a date by which the parent of a
 2324 participating student must confirm continuing participation in
 2325 the program.

2326 (d) Awarding scholarship funds to eligible students,
 2327 giving priority to renewing students from the previous year.

2328 (e) Preparing and submitting quarterly reports to the
 2329 department pursuant to paragraph (8)(c). In addition, an
 2330 eligible nonprofit scholarship-funding organization must submit
 2331 in a timely manner any information requested by the department
 2332 relating to the scholarship program.

2333 (f) Notifying the department of any violation of this
 2334 section.

2335 (11) FUNDING AND PAYMENT.—

2336 (a) The maximum amount awarded to a student enrolled in an
 2337 eligible private school shall be determined as a percentage of
 2338 the unweighted FTE funding amount for that state fiscal year and
 2339 thereafter as follows:

2340 1. Eighty-eight percent for a student enrolled in
 2341 kindergarten through grade 5.

2342 2. Ninety-two percent for a student enrolled in grade 6
 2343 through grade 8.

2344 3. Ninety-six percent for a student enrolled in grade 9
 2345 through grade 12.

2346 (b) The maximum amount awarded to a student enrolled in a
 2347 Florida public school located outside of the district in which
 2348 the student resides shall be \$750.

2349 (c) When a student enters the program, the eligible
 2350 nonprofit scholarship-funding organization must receive all

2351 documentation required for the student's participation,
2352 including a copy of the report of the incident received pursuant
2353 to subsection (6) and the private school's and the student's fee
2354 schedules. The initial payment shall be made after verification
2355 of admission acceptance, and subsequent payments shall be made
2356 upon verification of continued enrollment and attendance at the
2357 private school.

2358 (d) Payment of the scholarship by the eligible nonprofit
2359 scholarship-funding organization may be by individual warrant
2360 made payable to the student's parent or by funds transfer,
2361 including, but not limited to, debit cards, electronic payment
2362 cards, or any other means of payment that the department deems
2363 to be commercially viable or cost-effective. If payment is made
2364 by warrant, the warrant must be delivered by the eligible
2365 nonprofit scholarship-funding organization to the private school
2366 of the parent's choice, and the parent shall restrictively
2367 endorse the warrant to the private school. If payments are made
2368 by funds transfer, the parent must approve each payment before
2369 the scholarship funds may be deposited. The parent may not
2370 designate any entity or individual associated with the
2371 participating private school as the parent's attorney in fact to
2372 endorse a scholarship warrant or approve a funds transfer.

2373 (e) An eligible nonprofit scholarship-funding organization
2374 shall obtain verification from the private school of a student's
2375 continued attendance at the school for each period covered by a

2376 scholarship payment.

2377 (f) Payment of the scholarship shall be made by the
 2378 eligible nonprofit scholarship-funding organization no less
 2379 frequently than on a quarterly basis.

2380 (g) An eligible nonprofit scholarship-funding organization
 2381 may use up to 3 percent of eligible contributions received
 2382 during the state fiscal year in which such contributions are
 2383 collected for administrative expenses if the organization has
 2384 operated as an eligible nonprofit scholarship-funding
 2385 organization for at least the preceding 3 fiscal years and did
 2386 not have any findings of material weakness or material
 2387 noncompliance in its most recent audit under s. 1002.395(6)(m).
 2388 Such administrative expenses must be reasonable and necessary
 2389 for the organization's management and distribution of eligible
 2390 contributions under this section. No funds authorized under this
 2391 paragraph shall be used for lobbying or political activity or
 2392 expenses related to lobbying or political activity. Up to one-
 2393 third of the funds authorized for administrative expenses under
 2394 this paragraph may be used for expenses related to the
 2395 recruitment of contributions. An eligible nonprofit scholarship-
 2396 funding organization may not charge an application fee.

2397 (h) Moneys received pursuant to this section do not
 2398 constitute taxable income to the qualified student or his or her
 2399 parent.

2400 (12) OBLIGATIONS OF THE AUDITOR GENERAL.—

2401 (a) The Auditor General shall conduct an annual
 2402 operational audit of accounts and records of each organization
 2403 that participates in the program. As part of this audit, the
 2404 Auditor General shall verify, at a minimum, the total number of
 2405 students served and transmit that information to the department.
 2406 The Auditor General shall provide the commissioner with a copy
 2407 of each annual operational audit performed pursuant to this
 2408 paragraph within 10 days after the audit is finalized.

2409 (b) The Auditor General shall notify the department of any
 2410 organization that fails to comply with a request for
 2411 information.

2412 (13) SCHOLARSHIP FUNDING TAX CREDITS—

2413 (a) A tax credit is available under s. 212.1832(1) for use
 2414 by a person that makes an eligible contribution. Each eligible
 2415 contribution is limited to a single payment of \$105 per motor
 2416 vehicle purchased at the time of purchase of a motor vehicle or
 2417 a single payment of \$105 per motor vehicle purchased at the time
 2418 of registration of a motor vehicle that was not purchased from a
 2419 dealer. Payments of contributions shall be made to a dealer at
 2420 the time of purchase of a motor vehicle or to a designated agent
 2421 or private tag agent at the time of registration of a motor
 2422 vehicle that was not purchased from a dealer. An eligible
 2423 contribution shall be accompanied by a contribution election
 2424 form provided by the Department of Revenue. The form shall
 2425 include, at a minimum, a brief description of the Hope

2426 Scholarship Program and a section allowing the consumer to
 2427 designate, from all participating scholarship funding
 2428 organizations, which organization will receive the donation. For
 2429 purposes of this subsection, the term "purchase" does not
 2430 include the lease or rental of a motor vehicle.

2431 (b) A dealer, designated agent, or private tag agent
 2432 shall:

2433 1. Provide the purchaser the contribution election form,
 2434 as provided by the Department of Revenue, at the time of
 2435 purchase of a motor vehicle or at the time of registration of a
 2436 motor vehicle that was not purchased from a dealer.

2437 2. Collect eligible contributions.

2438 3. Using a form provided by the Department of Revenue,
 2439 which shall include the dealer's or agent's federal employer
 2440 identification number, remit to an organization no later than
 2441 the date the return filed pursuant to s. 212.11 is due the total
 2442 amount of contributions made to that organization and collected
 2443 during the preceding reporting period. The dealer or agent shall
 2444 also report this information to the Department of Revenue no
 2445 later than the date the return filed pursuant to s. 212.11 is
 2446 due.

2447 4. Report to the Department of Revenue on each return
 2448 filed pursuant to s. 212.11 the total amount of credits granted
 2449 under s. 212.1832 for the preceding reporting period.

2450 (c) An organization shall report to the Department of
 2451 Revenue, on or before the 20th day of each month, the total
 2452 amount of contributions received pursuant to paragraph (b) in
 2453 the preceding calendar month on a form provided by the
 2454 Department of Revenue. Such report shall include:

2455 1. The federal employer identification number of each
 2456 designated agent, private tag agent, or dealer who remitted
 2457 contributions to the organization during that reporting period.

2458 2. The amount of contributions received from each
 2459 designated agent, private tag agent, or dealer during that
 2460 reporting period.

2461 (d) A person who, with intent to unlawfully deprive or
 2462 defraud the program of its moneys or the use or benefit thereof,
 2463 fails to remit a contribution collected under this section is
 2464 guilty of theft, punishable as follows:

2465 1. If the total amount stolen is less than \$300, the
 2466 offense is a misdemeanor of the second degree, punishable as
 2467 provided in s. 775.082 or s. 775.083. Upon a second conviction,
 2468 the offender is guilty of a misdemeanor of the first degree,
 2469 punishable as provided in s. 775.082 or s. 775.083. Upon a third
 2470 or subsequent conviction, the offender is guilty of a felony of
 2471 the third degree, punishable as provided in s. 775.082, s.
 2472 775.083, or s. 775.084.

2473 2. If the total amount stolen is \$300 or more, but less
 2474 than \$20,000, the offense is a felony of the third degree,
 2475 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2476 3. If the total amount stolen is \$20,000 or more, but less
 2477 than \$100,000, the offense is a felony of the second degree,
 2478 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2479 4. If the total amount stolen is \$100,000 or more, the
 2480 offense is a felony of the first degree, punishable as provided
 2481 in s. 775.082, s. 775.083, or s. 775.084.

2482 (e) A person convicted of an offense under paragraph (d)
 2483 shall be ordered by the sentencing judge to make restitution to
 2484 the organization in the amount that was stolen from the program.

2485 (f) Upon a finding that a dealer failed to remit a
 2486 contribution under subparagraph (b)3. for which the dealer
 2487 claimed a credit pursuant to s. 212.1832(2), the Department of
 2488 Revenue shall notify the dealer of such finding and request
 2489 evidence from the dealer that demonstrates the remittance
 2490 obligation was met within 30 days after such notice was issued.
 2491 If, within 30 days after the notice was issued, the dealer fails
 2492 to provide evidence to the Department of Revenue that the
 2493 contribution in question was remitted, the Department of Revenue
 2494 may impose a civil fine in an amount equal to twice the amount
 2495 of contributions the dealer failed to remit, which fine shall be
 2496 transferred into the General Revenue Fund. If the fine is not
 2497 paid within 60 days after the fine is imposed, the Department of

2498 Revenue may bring a civil action under s. 120.69 to recover the
 2499 fine.

2500 (g) Any dealer, designated agent, private tag agent, or
 2501 organization that fails to timely submit reports to the
 2502 Department of Revenue as required in paragraphs (b) and (c) is
 2503 subject to a penalty of \$1,000 for every month, or part thereof,
 2504 the report is not provided, up to a maximum amount of \$10,000.
 2505 This penalty shall be collected by the Department of Revenue and
 2506 shall be transferred into the General Revenue Fund. This penalty
 2507 must be settled or compromised if it is determined by the
 2508 Department of Revenue that the noncompliance is due to
 2509 reasonable cause and not to willful negligence, willful neglect,
 2510 or fraud.

2511 (14) LIABILITY.—The state is not liable for the award or
 2512 any use of awarded funds under this section.

2513 (15) SCOPE OF AUTHORITY.—This section does not expand the
 2514 regulatory authority of this state, its officers, or any school
 2515 district to impose additional regulation on participating
 2516 private schools beyond those reasonably necessary to enforce
 2517 requirements expressly set forth in this section.

2518 (16) RULES.—The State Board of Education shall adopt rules
 2519 to administer this section, except the Department of Revenue
 2520 shall adopt rules to administer subsection (13).

2521 Section 25. Section 1002.411, Florida Statutes, is created
 2522 to read:

2523 1002.411 Reading scholarship accounts.—

2524 (1) READING SCHOLARSHIP ACCOUNTS.—Reading scholarship
2525 accounts are established to provide educational options for
2526 students.

2527 (2) ELIGIBILITY.—Contingent upon available funds, and on a
2528 first-come, first-served basis, each student in grades 3 through
2529 5 who is enrolled in a Florida public school is eligible for a
2530 reading scholarship account if the student scored below a Level
2531 3 on the grade 3 or grade 4 statewide, standardized English
2532 Language Arts (ELA) assessment in the prior school year.

2533 (3) PARENT AND STUDENT RESPONSIBILITIES FOR
2534 PARTICIPATION.—

2535 (a) For an eligible student to receive a reading
2536 scholarship account, the student's parent must:

2537 1. Submit an application to an eligible nonprofit
2538 scholarship-funding organization by the deadline established by
2539 such organization; and

2540 2. Submit eligible expenses to the eligible nonprofit
2541 scholarship-funding organization for reimbursement of qualifying
2542 expenditures which may include:

2543 a. Instructional materials.

2544 b. Curriculum. As used in this sub-subparagraph, the term
2545 "curriculum" means a complete course of study for a particular
2546 content area or grade level, including any required supplemental
2547 materials and associated online instruction.

2548 c. Tuition and fees for part-time tutoring services
2549 provided by a person who holds a baccalaureate or graduate
2550 degree in the subject area; a person who holds an adjunct
2551 teaching certificate pursuant to s. 1012.57; or a person who has
2552 demonstrated a mastery of subject area knowledge pursuant to s.
2553 1012.56(5).

2554 d. Fees for summer education programs.

2555 e. Fees for after-school education programs.

2556 f. Specialized services by approved providers or by a
2557 hospital in this state which are selected by the parent. These
2558 specialized services may include, but are not limited to:

2559 (I) Applied behavior analysis services as provided in ss.
2560 627.6686 and 641.31098.

2561 (II) Services provided by speech-language pathologists as
2562 defined in s. 468.1125.

2563 (III) Occupational therapy services as defined in s.
2564 468.203.

2565 (IV) Services provided by physical therapists as defined
2566 in s. 486.021.

2567 (V) Services provided by listening and spoken language
2568 specialists and an appropriate acoustical environment for a
2569 child who is deaf or hard of hearing and who has received an
2570 implant or assistive hearing device.

2571
2572 A provider of any services receiving payments pursuant to this

2573 subsection may not share any moneys from the reading scholarship
 2574 with or provide a refund or rebate of any moneys from such
 2575 scholarship to the parent or participating student in any
 2576 manner. A parent, student, or provider of any services may not
 2577 bill an insurance company, Medicaid, or any other agency for the
 2578 same services that are paid for using reading scholarship funds.

2579 (b) The parent is responsible for the payment of all
 2580 eligible expenses in excess of the amount in the account in
 2581 accordance with the terms agreed to between the parent and any
 2582 providers and may not receive any refund or rebate of any
 2583 expenditures made in accordance with paragraph (a).

2584 (4) ADMINISTRATION.—An eligible nonprofit scholarship-
 2585 funding organization participating in the Florida Tax Credit
 2586 Scholarship Program established by s. 1002.395 may establish
 2587 reading scholarship accounts for eligible students in accordance
 2588 with the requirements of eligible nonprofit scholarship-funding
 2589 organizations under this chapter.

2590 (5) DEPARTMENT OBLIGATIONS.—The department shall have the
 2591 same duties imposed by this chapter upon the department
 2592 regarding oversight of scholarship programs administered by an
 2593 eligible nonprofit scholarship-funding organization.

2594 (6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—By
 2595 September 30, the school district shall notify the parent of
 2596 each student in grades 3 through 5 who scored below a level 3 on
 2597 the statewide, standardized ELA assessment in the prior school

2598 year of the process to request and receive a scholarship,
 2599 subject to available funds.

2600 (7) ACCOUNT FUNDING AND PAYMENT.—

2601 (a) The maximum amount granted for an eligible student
 2602 shall be provided in the General Appropriations Act.

2603 (b) One hundred percent of the funds appropriated for the
 2604 accounts shall be released to the department at the beginning of
 2605 the first quarter of each fiscal year.

2606 (c) Upon notification from the eligible nonprofit
 2607 scholarship-funding organization that a student has been
 2608 determined eligible, the department shall release the student's
 2609 scholarship funds to such organization to be deposited into the
 2610 student's account.

2611 (d) Accrued interest in the student's account is in
 2612 addition to, and not part of, the awarded funds. Account funds
 2613 include both the awarded funds and accrued interest.

2614 (e) The eligible nonprofit scholarship-funding
 2615 organization may develop a system for payment of scholarship
 2616 funds by funds transfer, including, but not limited to, debit
 2617 cards, electronic payment cards, or any other means of payment
 2618 that the department deems to be commercially viable or cost-
 2619 effective. A student's scholarship award may not be reduced for
 2620 debit card or electronic payment fees. Commodities or services
 2621 related to the development of such a system shall be procured by
 2622 competitive solicitation unless they are purchased from a state

2623 term contract pursuant to s. 287.056.

2624 (f) Payment of the scholarship shall be made by the
 2625 eligible nonprofit scholarship-funding organization no less
 2626 frequently than on a quarterly basis.

2627 (g) In addition to funds appropriated for scholarships and
 2628 subject to a separate, specific legislative appropriation, an
 2629 organization may receive an amount equivalent to not more than 3
 2630 percent of the amount of each scholarship from state funds for
 2631 administrative expenses if the organization has operated as a
 2632 nonprofit entity for at least the preceding 3 fiscal years and
 2633 did not have any findings of material weakness or material
 2634 noncompliance in its most recent audit under s. 1002.395. Such
 2635 administrative expenses must be reasonable and necessary for the
 2636 organization's management and distribution of scholarships under
 2637 this section. Funds authorized under this paragraph may not be
 2638 used for lobbying or political activity or expenses related to
 2639 lobbying or political activity. An organization may not charge
 2640 an application fee for a scholarship. Administrative expenses
 2641 may not be deducted from funds appropriated for scholarships.

2642 (h) Moneys received pursuant to this section do not
 2643 constitute taxable income to the qualified student or his or her
 2644 parent.

2645 (i) A student's scholarship account must be closed and any
 2646 remaining funds shall revert to the state after:

2647 1. Denial or revocation of scholarship eligibility by the

2648 commissioner for fraud or abuse, including, but not limited to,
 2649 the student or student's parent accepting any payment, refund,
 2650 or rebate, in any manner, from a provider of any services
 2651 received pursuant to subsection (3); or

2652 2. Three consecutive fiscal years in which an account has
 2653 been inactive.

2654 (8) LIABILITY.—No liability shall arise on the part of the
 2655 state based on the award or use of a reading scholarship
 2656 account.

2657 Section 26. Section 1002.421, Florida Statutes, is amended
 2658 to read:

2659 1002.421 ~~Accountability of private schools participating~~
 2660 ~~in~~ State school choice scholarship program accountability and
 2661 oversight programs.—

2662 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A Florida
 2663 private school participating in the Florida Tax Credit
 2664 Scholarship Program established pursuant to s. 1002.395 or an
 2665 educational scholarship program established pursuant to this
 2666 chapter must be a Florida private school as defined in s.
 2667 1002.01(2), be registered, and be in compliance ~~comply~~ with all
 2668 requirements of this section in addition to private school
 2669 requirements outlined in s. 1002.42, specific requirements
 2670 identified within respective scholarship program laws, and other
 2671 provisions of Florida law that apply to private schools, and
 2672 must:—

2673 ~~(2) A private school participating in a scholarship~~
 2674 ~~program must be a Florida private school as defined in s.~~
 2675 ~~1002.01(2), must be registered in accordance with s. 1002.42,~~
 2676 ~~and must:~~

2677 (a) Comply with the antidiscrimination provisions of 42
 2678 U.S.C. s. 2000d.

2679 (b) Notify the department of its intent to participate in
 2680 a scholarship program.

2681 (c) Notify the department of any change in the school's
 2682 name, school director, mailing address, or physical location
 2683 within 15 days after the change.

2684 (d) Provide to the department or scholarship-funding
 2685 organization all documentation required for a student's
 2686 participation, including the private school's and student's
 2687 individual fee schedule, and ~~Complete student enrollment and~~
 2688 ~~attendance verification requirements, including use of an online~~
 2689 attendance verification as required by the department or
 2690 scholarship-funding organization form, prior to scholarship
 2691 payment.

2692 (e) Annually complete and submit to the department a
 2693 notarized scholarship compliance statement certifying that all
 2694 school employees and contracted personnel with direct student
 2695 contact have undergone background screening pursuant to s.
 2696 943.0542 and have met the screening standards of s. 435.04.

2697 (f) Demonstrate fiscal soundness and accountability by:

2698 1. Being in operation for at least 3 school years or
 2699 obtaining a surety bond or letter of credit for the amount equal
 2700 to the scholarship funds for any quarter and filing the surety
 2701 bond or letter of credit with the department.

2702 2. Requiring the parent of each scholarship student to
 2703 personally restrictively endorse the scholarship warrant to the
 2704 school or approve a funds transfer before any funds are
 2705 deposited for a student. The school may not act as attorney in
 2706 fact for the parent of a scholarship student under the authority
 2707 of a power of attorney executed by such parent, or under any
 2708 other authority, to endorse a scholarship warrant or approve a
 2709 funds transfer warrants on behalf of such parent.

2710 (g) Meet applicable state and local health, safety, and
 2711 welfare laws, codes, and rules, including:

- 2712 1. Firesafety.
- 2713 2. Building safety.

2714 (h) Employ or contract with teachers who hold
 2715 baccalaureate or higher degrees, have at least 3 years of
 2716 teaching experience in public or private schools, or have
 2717 special skills, knowledge, or expertise that qualifies them to
 2718 provide instruction in subjects taught.

2719 (i) Maintain a physical location in the state where each
 2720 student has regular and direct contact with teachers at the
 2721 school's physical location.

2722 (j) Publish on the school's website, or in a written

2723 format, information for parents regarding the school, including,
2724 but not limited to, programs, services, and the qualifications
2725 of classroom teachers.

2726 (k) At a minimum, provide the parent of each scholarship
2727 student a written explanation of the student's progress on a
2728 quarterly basis.

2729 (l) Cooperate with a student whose parent chooses to
2730 participate in the statewide assessments pursuant to s. 1008.22.

2731 (m)-(i) Require each employee and contracted personnel with
2732 direct student contact, upon employment or engagement to provide
2733 services, to undergo a state and national background screening,
2734 pursuant to s. 943.0542, by electronically filing with the
2735 Department of Law Enforcement a complete set of fingerprints
2736 taken by an authorized law enforcement agency or an employee of
2737 the private school, a school district, or a private company who
2738 is trained to take fingerprints and deny employment to or
2739 terminate an employee if he or she fails to meet the screening
2740 standards under s. 435.04. Results of the screening shall be
2741 provided to the participating private school. For purposes of
2742 this paragraph:

2743 1. An "employee or contracted personnel with direct
2744 student contact" means any employee or contracted personnel who
2745 has unsupervised access to a scholarship student for whom the
2746 private school is responsible.

2747 2. The costs of fingerprinting and the background check

2748 shall not be borne by the state.

2749 3. Continued employment of an employee or contracted
2750 personnel after notification that he or she has failed the
2751 background screening under this paragraph shall cause a private
2752 school to be ineligible for participation in a scholarship
2753 program.

2754 4. An employee or contracted personnel holding a valid
2755 Florida teaching certificate who has been fingerprinted pursuant
2756 to s. 1012.32 is not required to comply with the provisions of
2757 this paragraph.

2758 5.~~(3) (a)~~ All fingerprints submitted to the Department of
2759 Law Enforcement as required by this section shall be retained by
2760 the Department of Law Enforcement in a manner provided by rule
2761 and entered in the statewide automated biometric identification
2762 system authorized by s. 943.05(2)(b). Such fingerprints shall
2763 thereafter be available for all purposes and uses authorized for
2764 arrest fingerprints entered in the statewide automated biometric
2765 identification system pursuant to s. 943.051.

2766 6.~~(b)~~ The Department of Law Enforcement shall search all
2767 arrest fingerprints received under s. 943.051 against the
2768 fingerprints retained in the statewide automated biometric
2769 identification system under subparagraph 5 ~~paragraph (a)~~. Any
2770 arrest record that is identified with the retained fingerprints
2771 of a person subject to the background screening under this
2772 section shall be reported to the employing school with which the

2773 person is affiliated. Each private school participating in a
2774 scholarship program is required to participate in this search
2775 process by informing the Department of Law Enforcement of any
2776 change in the employment or contractual status of its personnel
2777 whose fingerprints are retained under subparagraph 5 ~~paragraph~~
2778 ~~(a)~~. The Department of Law Enforcement shall adopt a rule
2779 setting the amount of the annual fee to be imposed upon each
2780 private school for performing these searches and establishing
2781 the procedures for the retention of private school employee and
2782 contracted personnel fingerprints and the dissemination of
2783 search results. The fee may be borne by the private school or
2784 the person fingerprinted.

2785 7. ~~(e)~~ Employees and contracted personnel whose
2786 fingerprints are not retained by the Department of Law
2787 Enforcement under subparagraphs 5. and 6. ~~paragraphs (a) and (b)~~
2788 are required to be refingerprinted and must meet state and
2789 national background screening requirements upon reemployment or
2790 reengagement to provide services in order to comply with the
2791 requirements of this section.

2792 8. ~~(d)~~ Every 5 years following employment or engagement to
2793 provide services with a private school, employees or contracted
2794 personnel required to be screened under this section must meet
2795 screening standards under s. 435.04, at which time the private
2796 school shall request the Department of Law Enforcement to
2797 forward the fingerprints to the Federal Bureau of Investigation

2798 for national processing. If the fingerprints of employees or
 2799 contracted personnel are not retained by the Department of Law
 2800 Enforcement under subparagraph 5. ~~paragraph (a)~~, employees and
 2801 contracted personnel must electronically file a complete set of
 2802 fingerprints with the Department of Law Enforcement. Upon
 2803 submission of fingerprints for this purpose, the private school
 2804 shall request that the Department of Law Enforcement forward the
 2805 fingerprints to the Federal Bureau of Investigation for national
 2806 processing, and the fingerprints shall be retained by the
 2807 Department of Law Enforcement under subparagraph 5 ~~paragraph~~
 2808 ~~(a)~~.

2809 ~~(4) A private school that accepts scholarship students~~
 2810 ~~under s. 1002.39 or s. 1002.395 must:~~

2811 ~~(a) Disqualify instructional personnel and school~~
 2812 ~~administrators, as defined in s. 1012.01, from employment in any~~
 2813 ~~position that requires direct contact with students if the~~
 2814 ~~personnel or administrators are ineligible for such employment~~
 2815 ~~under s. 1012.315.~~

2816 (n) ~~(b)~~ Adopt policies establishing standards of ethical
 2817 conduct for instructional personnel and school administrators.
 2818 The policies must require all instructional personnel and school
 2819 administrators, as defined in s. 1012.01, to complete training
 2820 on the standards; establish the duty of instructional personnel
 2821 and school administrators to report, and procedures for
 2822 reporting, alleged misconduct by other instructional personnel

2823 and school administrators which affects the health, safety, or
2824 welfare of a student; and include an explanation of the
2825 liability protections provided under ss. 39.203 and 768.095. A
2826 private school, or any of its employees, may not enter into a
2827 confidentiality agreement regarding terminated or dismissed
2828 instructional personnel or school administrators, or personnel
2829 or administrators who resign in lieu of termination, based in
2830 whole or in part on misconduct that affects the health, safety,
2831 or welfare of a student, and may not provide the instructional
2832 personnel or school administrators with employment references or
2833 discuss the personnel's or administrators' performance with
2834 prospective employers in another educational setting, without
2835 disclosing the personnel's or administrators' misconduct. Any
2836 part of an agreement or contract that has the purpose or effect
2837 of concealing misconduct by instructional personnel or school
2838 administrators which affects the health, safety, or welfare of a
2839 student is void, is contrary to public policy, and may not be
2840 enforced.

2841 (o)~~(e)~~ Before employing instructional personnel or school
2842 administrators in any position that requires direct contact with
2843 students, conduct employment history checks of each of the
2844 personnel's or administrators' previous employers, screen the
2845 personnel or administrators through use of the educator
2846 screening tools described in s. 1001.10(5), and document the
2847 findings. If unable to contact a previous employer, the private

2848 school must document efforts to contact the employer.

2849 (p) Require each owner or operator of the private school,
2850 prior to employment or engagement to provide services, to
2851 undergo level 2 background screening as provided under chapter
2852 435. For purposes of this paragraph, the term "owner or
2853 operator" means an owner, operator, superintendent, or principal
2854 of, or a person with equivalent decisionmaking authority over, a
2855 private school participating in a scholarship program
2856 established pursuant to this chapter. The fingerprints for the
2857 background screening must be electronically submitted to the
2858 Department of Law Enforcement and may be taken by an authorized
2859 law enforcement agency or a private company who is trained to
2860 take fingerprints. However, the complete set of fingerprints of
2861 an owner or operator may not be taken by the owner or operator.
2862 The owner or operator shall provide a copy of the results of the
2863 state and national criminal history check to the Department of
2864 Education. The cost of the background screening may be borne by
2865 the owner or operator.

2866 1. Every 5 years following employment or engagement to
2867 provide services, each owner or operator must meet level 2
2868 screening standards as described in s. 435.04, at which time the
2869 owner or operator shall request the Department of Law
2870 Enforcement to forward the fingerprints to the Federal Bureau of
2871 Investigation for level 2 screening. If the fingerprints of an
2872 owner or operator are not retained by the Department of Law

2873 Enforcement under subparagraph 2., the owner or operator must
2874 electronically file a complete set of fingerprints with the
2875 Department of Law Enforcement. Upon submission of fingerprints
2876 for this purpose, the owner or operator shall request that the
2877 Department of Law Enforcement forward the fingerprints to the
2878 Federal Bureau of Investigation for level 2 screening, and the
2879 fingerprints shall be retained by the Department of Law
2880 Enforcement under subparagraph 2.

2881 2. Fingerprints submitted to the Department of Law
2882 Enforcement as required by this paragraph must be retained by
2883 the Department of Law Enforcement in a manner approved by rule
2884 and entered in the statewide automated biometric identification
2885 system authorized by s. 943.05(2)(b). The fingerprints must
2886 thereafter be available for all purposes and uses authorized for
2887 arrest fingerprints entered in the statewide automated biometric
2888 identification system pursuant to s. 943.051.

2889 3. The Department of Law Enforcement shall search all
2890 arrest fingerprints received under s. 943.051 against the
2891 fingerprints retained in the statewide automated biometric
2892 identification system under subparagraph 2. Any arrest record
2893 that is identified with an owner's or operator's fingerprints
2894 must be reported to the owner or operator, who must report to
2895 the Department of Education. Any costs associated with the
2896 search shall be borne by the owner or operator.

2897 4. An owner or operator who fails the level 2 background

2898 screening is not eligible to provide scholarships under this
 2899 section.

2900 5. In addition to the offenses listed in s. 435.04, a
 2901 person required to undergo background screening pursuant to this
 2902 part or authorizing statutes must not have an arrest awaiting
 2903 final disposition for, must not have been found guilty of, or
 2904 entered a plea of nolo contendere to, regardless of
 2905 adjudication, and must not have been adjudicated delinquent for,
 2906 and the record must not have been sealed or expunged for, any of
 2907 the following offenses or any similar offense of another
 2908 jurisdiction:

2909 a. Any authorizing statutes, if the offense was a felony.

2910 b. This chapter, if the offense was a felony.

2911 c. Section 409.920, relating to Medicaid provider fraud.

2912 d. Section 409.9201, relating to Medicaid fraud.

2913 e. Section 741.28, relating to domestic violence.

2914 f. Section 817.034, relating to fraudulent acts through
 2915 mail, wire, radio, electromagnetic, photoelectronic, or
 2916 photooptical systems.

2917 g. Section 817.234, relating to false and fraudulent
 2918 insurance claims.

2919 h. Section 817.505, relating to patient brokering.

2920 i. Section 817.568, relating to criminal use of personal
 2921 identification information.

2922 j. Section 817.60, relating to obtaining a credit card

2923 | through fraudulent means.

2924 | k. Section 817.61, relating to fraudulent use of credit

2925 | cards, if the offense was a felony.

2926 | l. Section 831.01, relating to forgery.

2927 | m. Section 831.02, relating to uttering forged

2928 | instruments.

2929 | n. Section 831.07, relating to forging bank bills, checks,

2930 | drafts, or promissory notes.

2931 | o. Section 831.09, relating to uttering forged bank bills,

2932 | checks, drafts, or promissory notes.

2933 | p. Section 831.30, relating to fraud in obtaining

2934 | medicinal drugs.

2935 | q. Section 831.31, relating to the sale, manufacture,

2936 | delivery, or possession with the intent to sell, manufacture, or

2937 | deliver any counterfeit controlled substance, if the offense was

2938 | a felony.

2939 | 6. At least 30 calendar days before a transfer of

2940 | ownership of a private school, the owner or operator shall

2941 | notify the parent of each scholarship student.

2942 | 7. The owner or operator of a private school that has been

2943 | deemed ineligible to participate in a scholarship program

2944 | pursuant to this chapter may not transfer ownership or

2945 | management authority of the school to a relative in order to

2946 | participate in a scholarship program as the same school or a new

2947 | school. For purposes of this subparagraph, the term "relative"

2948 means father, mother, son, daughter, grandfather, grandmother,
 2949 brother, sister, uncle, aunt, cousin, nephew, niece, husband,
 2950 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,
 2951 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
 2952 stepdaughter, stepbrother, stepsister, half-brother, or half-
 2953 sister.

2954 (q) Provide a report from an independent certified public
 2955 accountant who performs the agreed-upon procedures developed
 2956 pursuant to s. 1002.395(6)(o) if the private school receives
 2957 more than \$250,000 in funds from scholarships awarded under this
 2958 chapter in a state fiscal year. A private school subject to this
 2959 subsection must annually submit the report by September 15 to
 2960 the scholarship-funding organization that awarded the majority
 2961 of the school's scholarship funds. However, a school that
 2962 receives more than \$250,000 in scholarship funds only through
 2963 the John M. McKay Scholarship for Students with Disabilities
 2964 Program pursuant to s. 1002.39 must submit the report by
 2965 September 15 to the department. The agreed-upon procedures must
 2966 be conducted in accordance with attestation standards
 2967 established by the American Institute of Certified Public
 2968 Accountants.

2970 The department shall suspend the payment of funds ~~under ss.~~
 2971 ~~1002.39 and 1002.395~~ to a private school that knowingly fails to
 2972 comply with this subsection, and shall prohibit the school from

2973 enrolling new scholarship students, for 1 fiscal year and until
 2974 the school complies.

2975 ~~(5) If The inability of a private school fails to meet the~~
 2976 ~~requirements of this subsection or has consecutive years of~~
 2977 ~~material exceptions listed in the report required under~~
 2978 ~~paragraph (g), the commissioner may determine that the private~~
 2979 ~~school is ineligible section shall constitute a basis for the~~
 2980 ~~ineligibility of the private school to participate in a~~
 2981 ~~scholarship program as determined by the department.~~

2982 (2) DEPARTMENT OF EDUCATION OBLIGATIONS.-

2983 (a) The Department of Education shall:

2984 1. Annually verify the eligibility of private schools that
 2985 meet the requirements of this section, specific requirements
 2986 identified within respective scholarship program laws, and other
 2987 provisions of Florida law that apply to private schools.

2988 2. Establish a toll-free hotline that provides parents and
 2989 private schools with information on participation in the
 2990 scholarship programs.

2991 3. Establish a process by which individuals may notify the
 2992 department of any violation by a parent, private school, or
 2993 school district of state laws relating to program participation.
 2994 If the department has reasonable cause to believe that a
 2995 violation of this section or any rule adopted by the State Board
 2996 of Education has occurred, it shall conduct an inquiry, or make
 2997 a referral to the appropriate agency for an investigation. A

2998 department inquiry is not subject to the requirements of chapter
 2999 120.

3000 4. Require an annual, notarized, sworn compliance
 3001 statement from participating private schools certifying
 3002 compliance with state laws, and retain such records.

3003 5. Coordinate with the entities conducting the health
 3004 inspection for a private school to obtain copies of the
 3005 inspection reports.

3006 6. Conduct site visits to private schools entering a
 3007 scholarship program for the first time. Beginning with the 2019-
 3008 2020 school year, a private school is not eligible to receive
 3009 scholarship payments until a satisfactory site visit has been
 3010 conducted and the school is in compliance with all other
 3011 requirements of this section.

3012 7. Coordinate with the State Fire Marshal to obtain access
 3013 to fire inspection reports for private schools. The authority
 3014 conducting the fire safety inspection shall certify to the State
 3015 Fire Marshal that the annual inspection has been completed and
 3016 the school is in full compliance. The certification shall be
 3017 made electronically or by such other means as directed by the
 3018 State Fire Marshal.

3019 8. Upon the request of a participating private school
 3020 authorized to administer statewide assessments, provide at no
 3021 cost to the school the statewide assessments administered under
 3022 s. 1008.22 and any related materials for administering the

3023 assessments. Students at a private school may be assessed using
 3024 the statewide assessments if the addition of those students and
 3025 the school does not cause the state to exceed its contractual
 3026 caps for the number of students tested and the number of testing
 3027 sites. The state shall provide the same materials and support to
 3028 a private school that it provides to a public school. A private
 3029 school that chooses to administer statewide assessments under s.
 3030 1008.22 shall follow the requirements set forth in ss. 1008.22
 3031 and 1008.24, rules adopted by the State Board of Education to
 3032 implement those sections, and district-level testing policies
 3033 established by the district school board.

3034 (b) The department may conduct site visits to any private
 3035 school participating in a scholarship program pursuant to this
 3036 chapter that has received a complaint about a violation of
 3037 statute or state board rule pursuant to subparagraph (2)(a)3. or
 3038 has received a notice of noncompliance or a notice of proposed
 3039 action within the previous 2 years.

3040 (c) Annually, by December 15, the department shall report
 3041 to the Governor, the President of the Senate, and the Speaker of
 3042 the House of Representatives the department's actions in
 3043 implementing accountability in the scholarship programs under
 3044 this section, any substantiated allegations or violations of law
 3045 or rule by an eligible private school under this program, and
 3046 the corrective action taken.

3047 (3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.-

3048 The Commissioner of Education:

3049 (a) Shall deny, suspend, or revoke a private school's
3050 participation in a scholarship program if it is determined that
3051 the private school has failed to comply with the provisions of
3052 this section or exhibits a previous pattern of failure to
3053 comply. However, if the noncompliance is correctable within a
3054 reasonable amount of time, not to exceed 45 days, and if the
3055 health, safety, or welfare of the students is not threatened,
3056 the commissioner may issue a notice of noncompliance which
3057 provides the private school with a timeframe within which to
3058 provide evidence of compliance before taking action to suspend
3059 or revoke the private school's participation in the scholarship
3060 program.

3061 (b) May deny, suspend, or revoke a private school's
3062 participation in a scholarship program if the commissioner
3063 determines that an owner or operator of the private school is
3064 operating or has operated an educational institution in this
3065 state or in another state or jurisdiction in a manner contrary
3066 to the health, safety, or welfare of the public or if the owner
3067 or operator has exhibited a previous pattern of failure to
3068 comply with this section or specific requirements identified
3069 within respective scholarship program laws. For purposes of this
3070 subsection, the term "owner or operator" has the same meaning as
3071 in paragraph (1) (p).

3072 (c) In making such a determination, may consider factors

3073 that include, but are not limited to, acts or omissions by an
3074 owner or operator which led to a previous denial, suspension, or
3075 revocation of participation in a state or federal education
3076 scholarship program; an owner's or operator's failure to
3077 reimburse the department or scholarship-funding organization for
3078 scholarship funds improperly received or retained by a school;
3079 imposition of a prior criminal sanction related to an owner's or
3080 operator's management or operation of an educational
3081 institution; imposition of a civil fine or administrative fine,
3082 license revocation or suspension, or program eligibility
3083 suspension, termination, or revocation related to an owner's or
3084 operator's management or operation of an educational
3085 institution; or other types of criminal proceedings in which an
3086 owner or operator was found guilty of, regardless of
3087 adjudication, or entered a plea of nolo contendere or guilty to,
3088 any offense involving fraud, deceit, dishonesty, or moral
3089 turpitude.

3090 (d) The commissioner's determination is subject to the
3091 following:

3092 1. If the commissioner intends to deny, suspend, or revoke
3093 a private school's participation in the scholarship program, the
3094 department shall notify the private school of such proposed
3095 action in writing by certified mail and regular mail to the
3096 private school's address of record with the department. The
3097 notification shall include the reasons for the proposed action

3098 and notice of the timelines and procedures set forth in this
 3099 paragraph.

3100 2. The private school that is adversely affected by the
 3101 proposed action shall have 15 days from receipt of the notice of
 3102 proposed action to file with the department's agency clerk a
 3103 request for a proceeding pursuant to ss. 120.569 and 120.57. If
 3104 the private school is entitled to a hearing under s. 120.57(1),
 3105 the department shall forward the request to the Division of
 3106 Administrative Hearings.

3107 3. Upon receipt of a request referred pursuant to this
 3108 paragraph, the director of the Division of Administrative
 3109 Hearings shall expedite the hearing and assign an administrative
 3110 law judge who shall commence a hearing within 30 days after the
 3111 receipt of the formal written request by the division and enter
 3112 a recommended order within 30 days after the hearing or within
 3113 30 days after receipt of the hearing transcript, whichever is
 3114 later. Each party shall be allowed 10 days in which to submit
 3115 written exceptions to the recommended order. A final order shall
 3116 be entered by the agency within 30 days after the entry of a
 3117 recommended order. The provisions of this subparagraph may be
 3118 waived upon stipulation by all parties.

3119 (e) The commissioner may immediately suspend payment of
 3120 scholarship funds if it is determined that there is probable
 3121 cause to believe that there is:

3122 1. An imminent threat to the health, safety, or welfare of

3123 the students;
 3124 2. A previous pattern of failure to comply with this
 3125 section; or
 3126 3. Fraudulent activity on the part of the private school.
 3127 Notwithstanding s. 1002.22, in incidents of alleged fraudulent
 3128 activity pursuant to this section, the department's Office of
 3129 Inspector General is authorized to release personally
 3130 identifiable records or reports of students to the following
 3131 persons or organizations:
 3132 a. A court of competent jurisdiction in compliance with an
 3133 order of that court or the attorney of record in accordance with
 3134 a lawfully issued subpoena, consistent with the Family
 3135 Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.
 3136 b. A person or entity authorized by a court of competent
 3137 jurisdiction in compliance with an order of that court or the
 3138 attorney of record pursuant to a lawfully issued subpoena,
 3139 consistent with the Family Educational Rights and Privacy Act,
 3140 20 U.S.C. s. 1232g.
 3141 c. Any person, entity, or authority issuing a subpoena for
 3142 law enforcement purposes when the court or other issuing agency
 3143 has ordered that the existence or the contents of the subpoena
 3144 or the information furnished in response to the subpoena not be
 3145 disclosed, consistent with the Family Educational Rights and
 3146 Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.
 3147

3148 The commissioner's order suspending payment pursuant to this
 3149 paragraph may be appealed pursuant to the same procedures and
 3150 timelines as the notice of proposed action set forth in
 3151 paragraph (d).

3152 ~~(4)(6)~~ The inclusion of eligible private schools within
 3153 options available to Florida public school students does not
 3154 expand the regulatory authority of the state, its officers, or
 3155 any school district to impose any additional regulation of
 3156 private schools beyond those reasonably necessary to enforce
 3157 requirements expressly set forth in this section.

3158 ~~(5)(7)~~ The State Board of Education shall adopt rules
 3159 pursuant to ss. 120.536(1) and 120.54 to administer this
 3160 section, including rules to establish a deadline for private
 3161 school applications for participation and timelines for the
 3162 department to conduct site visits.

3163 Section 27. Subsection (2) of section 1003.42, Florida
 3164 Statutes, is amended to read:

3165 1003.42 Required instruction.—

3166 (2) Members of the instructional staff of the public
 3167 schools, subject to the rules of the State Board of Education
 3168 and the district school board, shall teach efficiently and
 3169 faithfully, using the books and materials required that meet the
 3170 highest standards for professionalism and historical accuracy,
 3171 following the prescribed courses of study, and employing
 3172 approved methods of instruction, the following:

3173 (a) The history and content of the Declaration of
 3174 Independence, including national sovereignty, natural law, self-
 3175 evident truth, equality of all persons, limited government,
 3176 popular sovereignty, and inalienable rights of life, liberty,
 3177 and property, and how they form the philosophical foundation of
 3178 our government.

3179 (b) The history, meaning, significance, and effect of the
 3180 provisions of the Constitution of the United States and
 3181 amendments thereto, with emphasis on each of the 10 amendments
 3182 that make up the Bill of Rights and how the constitution
 3183 provides the structure of our government.

3184 (c) The arguments in support of adopting our republican
 3185 form of government, as they are embodied in the most important
 3186 of the Federalist Papers.

3187 (d) Flag education, including proper flag display and flag
 3188 salute.

3189 (e) The elements of civil government, including the
 3190 primary functions of and interrelationships between the Federal
 3191 Government, the state, and its counties, municipalities, school
 3192 districts, and special districts.

3193 (f) The history of the United States, including the period
 3194 of discovery, early colonies, the War for Independence, the
 3195 Civil War, the expansion of the United States to its present
 3196 boundaries, the world wars, and the civil rights movement to the
 3197 present. American history shall be viewed as factual, not as

3198 constructed, shall be viewed as knowable, teachable, and
 3199 testable, and shall be defined as the creation of a new nation
 3200 based largely on the universal principles stated in the
 3201 Declaration of Independence.

3202 (g) The history of the Holocaust (1933-1945), the
 3203 systematic, planned annihilation of European Jews and other
 3204 groups by Nazi Germany, a watershed event in the history of
 3205 humanity, to be taught in a manner that leads to an
 3206 investigation of human behavior, an understanding of the
 3207 ramifications of prejudice, racism, and stereotyping, and an
 3208 examination of what it means to be a responsible and respectful
 3209 person, for the purposes of encouraging tolerance of diversity
 3210 in a pluralistic society and for nurturing and protecting
 3211 democratic values and institutions.

3212 (h) The history of African Americans, including the
 3213 history of African peoples before the political conflicts that
 3214 led to the development of slavery, the passage to America, the
 3215 enslavement experience, abolition, and the contributions of
 3216 African Americans to society. Instructional materials shall
 3217 include the contributions of African Americans to American
 3218 society.

3219 (i) The elementary principles of agriculture.

3220 (j) The true effects of all alcoholic and intoxicating
 3221 liquors and beverages and narcotics upon the human body and
 3222 mind.

- 3223 (k) Kindness to animals.
- 3224 (l) The history of the state.
- 3225 (m) The conservation of natural resources.
- 3226 (n) Comprehensive health education that addresses concepts
- 3227 of community health; consumer health; environmental health;
- 3228 family life, including an awareness of the benefits of sexual
- 3229 abstinence as the expected standard and the consequences of
- 3230 teenage pregnancy; mental and emotional health; injury
- 3231 prevention and safety; Internet safety; nutrition; personal
- 3232 health; prevention and control of disease; and substance use and
- 3233 abuse. The health education curriculum for students in grades 7
- 3234 through 12 shall include a teen dating violence and abuse
- 3235 component that includes, but is not limited to, the definition
- 3236 of dating violence and abuse, the warning signs of dating
- 3237 violence and abusive behavior, the characteristics of healthy
- 3238 relationships, measures to prevent and stop dating violence and
- 3239 abuse, and community resources available to victims of dating
- 3240 violence and abuse.
- 3241 (o) Such additional materials, subjects, courses, or
- 3242 fields in such grades as are prescribed by law or by rules of
- 3243 the State Board of Education and the district school board in
- 3244 fulfilling the requirements of law.
- 3245 (p) The study of Hispanic contributions to the United
- 3246 States.
- 3247 (q) The study of women's contributions to the United

3248 States.

3249 (r) The nature and importance of free enterprise to the
3250 United States economy.

3251 (s) A character-development program in the elementary
3252 schools, similar to Character First or Character Counts, which
3253 is secular in nature. Beginning in school year 2004-2005, the
3254 character-development program shall be required in kindergarten
3255 through grade 12. Each district school board shall develop or
3256 adopt a curriculum for the character-development program that
3257 shall be submitted to the department for approval. The
3258 character-development curriculum shall stress the qualities of
3259 patriotism; responsibility; citizenship; kindness; respect for
3260 authority, life, liberty, and personal property; honesty;
3261 charity; self-control; racial, ethnic, and religious tolerance;
3262 and cooperation. The character-development curriculum for grades
3263 9 through 12 shall, at a minimum, include instruction on
3264 developing leadership skills, interpersonal skills, organization
3265 skills, and research skills; creating a resume; developing and
3266 practicing the skills necessary for employment interviews;
3267 conflict resolution, workplace ethics, and workplace law;
3268 managing stress and expectations; and developing skills that
3269 enable students to become more resilient and self-motivated.

3270 (t) In order to encourage patriotism, the sacrifices that
3271 veterans and Medal of Honor recipients have made in serving our
3272 country and protecting democratic values worldwide. Such

3273 instruction must occur on or before Medal of Honor Day,
 3274 Veterans' Day, and Memorial Day. Members of the instructional
 3275 staff are encouraged to use the assistance of local veterans and
 3276 Medal of Honor recipients when practicable.

3277
 3278 The State Board of Education is encouraged to adopt standards
 3279 and pursue assessment of the requirements of this subsection. A
 3280 character development program that incorporates the values of
 3281 the recipients of the Congressional Medal of Honor and that is
 3282 offered as part of a social studies, English Language Arts, or
 3283 other schoolwide character building and veteran awareness
 3284 initiative meets the requirements of paragraphs (s) and (t).

3285 Section 28. Section 1003.576, Florida Statutes, is amended
 3286 to read:

3287 1003.576 Individual education plans for exceptional
 3288 students.—The Department of Education must develop and have an
 3289 operating electronic IEP system in place for ~~potential~~ statewide
 3290 use ~~no later than July 1, 2007~~. The statewide system shall be
 3291 developed collaboratively with school districts and must include
 3292 input from school districts currently developing or operating
 3293 electronic IEP systems.

3294 Section 29. Subsection (6) of section 1006.07, Florida
 3295 Statutes, is amended to read:

3296 1006.07 District school board duties relating to student
 3297 discipline and school safety.—The district school board shall

3298 provide for the proper accounting for all students, for the
 3299 attendance and control of students at school, and for proper
 3300 attention to health, safety, and other matters relating to the
 3301 welfare of students, including:

3302 (6) SAFETY AND SECURITY BEST PRACTICES.—Each school
 3303 district shall ~~Use the Safety and Security Best Practices~~
 3304 ~~developed by the Office of Program Policy Analysis and~~
 3305 ~~Government Accountability to~~ conduct a security risk assessment
 3306 at each public school and conduct a self-assessment of the
 3307 school districts' current safety and security practices using a
 3308 format prescribed by the department. Based on these assessment
 3309 ~~self-assessment~~ findings, the district school superintendent
 3310 shall provide recommendations to the district school board which
 3311 identify strategies and activities that the district school
 3312 board should implement in order to improve school safety and
 3313 security. Annually, each district school board must receive such
 3314 findings and the superintendent's recommendations ~~the self-~~
 3315 ~~assessment results~~ at a publicly noticed district school board
 3316 meeting to provide the public an opportunity to hear the
 3317 district school board members discuss and take action on the
 3318 ~~report~~ findings and recommendations. Each district school
 3319 superintendent shall report such findings ~~the self-assessment~~
 3320 ~~results~~ and school board action to the commissioner within 30
 3321 days after the district school board meeting.

3322 Section 30. Paragraph (b) of subsection (13) and paragraph

3323 (b) of subsection (24) of section 1007.271, Florida Statutes,
 3324 are amended to read:

3325 1007.271 Dual enrollment programs.—

3326 (13) (a) The dual enrollment program for a home education
 3327 student, including, but not limited to, students with
 3328 disabilities, consists of the enrollment of an eligible home
 3329 education secondary student in a postsecondary course creditable
 3330 toward an associate degree, a career certificate, or a
 3331 baccalaureate degree. To participate in the dual enrollment
 3332 program, an eligible home education secondary student must:

3333 1. Provide proof of enrollment in a home education program
 3334 pursuant to s. 1002.41.

3335 2. Be responsible for his or her own ~~instructional~~
 3336 ~~materials and~~ transportation unless provided for in the
 3337 articulation agreement.

3338 3. Sign a home education articulation agreement pursuant
 3339 to paragraph (b).

3340 (b) Each postsecondary institution eligible to participate
 3341 in the dual enrollment program pursuant to s. 1011.62(1)(i) must
 3342 enter into a home education articulation agreement with each
 3343 home education student seeking enrollment in a dual enrollment
 3344 course and the student's parent. By August 1 of each year, the
 3345 eligible postsecondary institution shall complete and submit the
 3346 home education articulation agreement to the Department of
 3347 Education. The home education articulation agreement must

3348 include, at a minimum:

3349 1. A delineation of courses and programs available to
 3350 dually enrolled home education students. Courses and programs
 3351 may be added, revised, or deleted at any time by the
 3352 postsecondary institution.

3353 2. The initial and continued eligibility requirements for
 3354 home education student participation, not to exceed those
 3355 required of other dually enrolled students.

3356 3. The student's responsibilities for providing his or her
 3357 own ~~instructional materials and~~ transportation.

3358 4. A copy of the statement on transfer guarantees
 3359 developed by the Department of Education under subsection (15).

3360 (24)

3361 (b) Each postsecondary institution eligible to participate
 3362 in the dual enrollment program pursuant to s. 1011.62(1)(i) must
 3363 enter into a private school articulation agreement with each
 3364 eligible private school in its geographic service area seeking
 3365 to offer dual enrollment courses to its students, including, but
 3366 not limited to, students with disabilities. By August 1 of each
 3367 year, the eligible postsecondary institution shall complete and
 3368 submit the private school articulation agreement to the
 3369 Department of Education. The private school articulation
 3370 agreement must include, at a minimum:

3371 1. A delineation of courses and programs available to the
 3372 private school student. The postsecondary institution may add,

3373 | revise, or delete courses and programs at any time.

3374 | 2. The initial and continued eligibility requirements for
3375 | private school student participation, not to exceed those
3376 | required of other dual enrollment students.

3377 | 3. The student's responsibilities for providing his or her
3378 | own instructional materials and transportation.

3379 | 4. A provision clarifying that the private school will
3380 | award appropriate credit toward high school completion for the
3381 | postsecondary course under the dual enrollment program.

3382 | 5. A provision expressing that costs associated with
3383 | tuition and fees, including registration, and laboratory fees,
3384 | will not be passed along to the student.

3385 | ~~6. A provision stating whether the private school will~~
3386 | ~~compensate the postsecondary institution for the standard~~
3387 | ~~tuition rate per credit hour for each dual enrollment course~~
3388 | ~~taken by its students.~~

3389 | Section 31. Paragraphs (a) and (d) of subsection (3) and
3390 | paragraph (a) of subsection (8) of section 1008.22, Florida
3391 | Statutes, are amended to read:

3392 | 1008.22 Student assessment program for public schools.—

3393 | (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
3394 | Commissioner of Education shall design and implement a
3395 | statewide, standardized assessment program aligned to the core
3396 | curricular content established in the Next Generation Sunshine
3397 | State Standards. The commissioner also must develop or select

3398 and implement a common battery of assessment tools that will be
3399 used in all juvenile justice education programs in the state.
3400 These tools must accurately measure the core curricular content
3401 established in the Next Generation Sunshine State Standards.
3402 Participation in the assessment program is mandatory for all
3403 school districts and all students attending public schools,
3404 including adult students seeking a standard high school diploma
3405 under s. 1003.4282 and students in Department of Juvenile
3406 Justice education programs, except as otherwise provided by law.
3407 If a student does not participate in the assessment program, the
3408 school district must notify the student's parent and provide the
3409 parent with information regarding the implications of such
3410 nonparticipation. The statewide, standardized assessment program
3411 shall be designed and implemented as follows:

3412 (a) Statewide, standardized comprehensive assessments.—The
3413 statewide, standardized Reading assessment shall be administered
3414 annually in grades 3 through 10. The statewide, standardized
3415 Writing assessment shall be administered annually at least once
3416 at the elementary, middle, and high school levels. When the
3417 Reading and Writing assessments are replaced by English Language
3418 Arts (ELA) assessments, ELA assessments shall be administered to
3419 students in grades 3 through 10. Retake opportunities for the
3420 grade 10 Reading assessment or, upon implementation, the grade
3421 10 ELA assessment must be provided. Students taking the ELA
3422 assessments shall not take the statewide, standardized

3423 assessments in Reading or Writing. Reading passages and writing
3424 prompts for ELA assessments shall incorporate grade-level core
3425 curricula content from social studies ~~be administered online.~~
3426 The statewide, standardized Mathematics assessments shall be
3427 administered annually in grades 3 through 8. Students taking a
3428 revised Mathematics assessment shall not take the discontinued
3429 assessment. The statewide, standardized Science assessment shall
3430 be administered annually at least once at the elementary and
3431 middle grades levels. In order to earn a standard high school
3432 diploma, a student who has not earned a passing score on the
3433 grade 10 Reading assessment or, upon implementation, the grade
3434 10 ELA assessment must earn a passing score on the assessment
3435 retake or earn a concordant score as authorized under subsection
3436 (9).

3437 (d) Implementation schedule.—

3438 1. The Commissioner of Education shall establish and
3439 publish on the department's website an implementation schedule
3440 to transition from the statewide, standardized Reading and
3441 Writing assessments to the ELA assessments and to the revised
3442 Mathematics assessments, including the Algebra I and Geometry
3443 EOC assessments. The schedule must take into consideration
3444 funding, sufficient field and baseline data, access to
3445 assessments, instructional alignment, and school district
3446 readiness to administer the assessments online. All such
3447 assessments must be delivered through computer-based testing,

3448 ~~however, the following assessments must be delivered in a~~
3449 ~~computer-based format, as follows: the grade 3 Mathematics~~
3450 ~~assessment beginning in the 2016-2017 school year; the grade 4~~
3451 ~~ELA assessment, beginning in the 2015-2016 school year; and the~~
3452 ~~grade 4 Mathematics assessment, beginning in the 2016-2017~~
3453 ~~school year.~~ Notwithstanding the requirements of this
3454 subparagraph, statewide, standardized ELA and mathematics
3455 assessments in grades 3 through ~~8~~ 6 must be delivered only in a
3456 paper-based format, ~~beginning with the 2017-2018 school year,~~
3457 ~~and all such assessments must be paper-based~~ no later than the
3458 2018-2019 school year, and statewide, standardized ELA and
3459 mathematics assessments in grades 7 and 8 must be delivered only
3460 in a paper-based format no later than the 2019-2020 school year.

3461 2. The Department of Education shall publish minimum and
3462 recommended technology requirements that include specifications
3463 for hardware, software, networking, security, and broadband
3464 capacity to facilitate school district compliance with the
3465 requirements of this section.

3466 (8) PUBLICATION OF ASSESSMENTS.—To promote transparency in
3467 the statewide assessment program, in any procurement for the ELA
3468 assessment in grades 3 through 10 and the mathematics assessment
3469 in grades 3 through 8, the Department of Education shall solicit
3470 cost proposals for publication of the state assessments on its
3471 website in accordance with this subsection.

3472 (a) The department shall publish each assessment

3473 administered under paragraph (3) (a) and subparagraph (3) (b)1.,
 3474 excluding assessment retakes, at least once on a triennial basis
 3475 pursuant to a schedule determined by the Commissioner of
 3476 Education. Each assessment, when published, must have been
 3477 administered during the most recent school year and be in a
 3478 format that facilitates the sharing of assessment items.

3479 Section 32. Subsection (2) of section 1010.20, Florida
 3480 Statutes, is amended to read:

3481 1010.20 Cost accounting and reporting for school
 3482 districts.—

3483 (2) COST REPORTING.—

3484 (a) Each district shall report on a district-aggregate
 3485 basis expenditures for inservice training pursuant to s.
 3486 1011.62(3) and for categorical programs as provided in s.
 3487 1011.62(6).

3488 (b) Each district shall report to the department on a
 3489 school-by-school and on an aggregate district basis expenditures
 3490 for:

3491 1. Each program funded in s. 1011.62(1)(c).

3492 2. Total operating costs as reported pursuant to s.
 3493 1010.215.

3494 3. Expenditures for classroom instruction pursuant to the
 3495 calculation in s. 1010.215(4)(b)1. and 2.

3496 (c) The department shall:

3497 1. Categorize all public schools and public school

3498 districts into appropriate groups based primarily on average
3499 full-time equivalent student enrollment as reported on the most
3500 recent student membership survey under s. 1011.62 and in state
3501 board rule to determine groups of peer schools and districts.

3502 2. Annually calculate for each public school, district,
3503 and the entire state the percentage of classroom expenditures to
3504 total operating expenditures reported in subparagraphs (b)2. and
3505 3. The results shall be categorized pursuant to this paragraph.

3506 3. Annually calculate for all public schools, districts,
3507 and the state the average percentage of classroom expenditures
3508 to total operating expenditures reported in subparagraphs (b)2.
3509 and 3. The results shall be categorized pursuant to this
3510 paragraph.

3511 4. Develop a web-based fiscal transparency tool that
3512 identifies public schools and districts that produce high
3513 academic achievement based on the ratio of classroom instruction
3514 expenditures to total expenditures. The fiscal transparency tool
3515 shall combine the data calculated pursuant to this paragraph
3516 with the student performance measurements calculated pursuant to
3517 s. 1012.34(7) to determine the financial efficiency of each
3518 public school and district. The results shall be displayed in an
3519 easy to use format that enables the user to compare performance
3520 among public schools and districts.

3521 (d)-(e) The Commissioner of Education shall present to the
3522 Legislature, prior to the opening of the regular session each

3523 year, a district-by-district report of the expenditures reported
 3524 pursuant to paragraphs (a) and (b). The report shall include
 3525 total expenditures, a detailed analysis showing expenditures for
 3526 each program, and such other data as may be useful for
 3527 management of the education system. The Commissioner of
 3528 Education shall also compute cost factors relative to the base
 3529 student allocation for each funded program in s. 1011.62(1)(c).

3530 Section 33. Subsection (2) of section 1010.30, Florida
 3531 Statutes, is amended to read:

3532 1010.30 Audits required.—

3533 (2) If an audit contains a significant deficiency or
 3534 material weakness finding, the district school board, the
 3535 Florida College System institution board of trustees, or the
 3536 university board of trustees shall conduct an audit overview
 3537 during a public meeting. The audit overview shall describe the
 3538 corrective action to be taken and a timeline for completion of
 3539 such action.

3540 Section 34. Paragraph (a) of subsection (3) of section
 3541 1011.01, Florida Statutes, is amended to read:

3542 1011.01 Budget system established.—

3543 (3) (a) Each district school board and each Florida College
 3544 System institution board of trustees shall prepare, adopt, and
 3545 submit to the Commissioner of Education an annual operating
 3546 budget. Operating budgets shall be prepared and submitted in
 3547 accordance with the provisions of law, rules of the State Board

3548 of Education, the General Appropriations Act, and for district
 3549 school boards in accordance with the provisions of s. 200.065
 3550 ~~ss. 200.065 and 1011.64.~~

3551 Section 35. Subsection (2) of section 1011.03, Florida
 3552 Statutes, is amended to read:

3553 1011.03 Public hearings; budget to be submitted to
 3554 Department of Education.—

3555 ~~(2) The advertisement of a district that has been required~~
 3556 ~~by the Legislature to increase classroom expenditures pursuant~~
 3557 ~~to s. 1011.64 must include the following statement:~~

3558 ~~"This proposed budget reflects an increase in classroom~~
 3559 ~~expenditures as a percent of total current operating~~
 3560 ~~expenditures of XX percent over the (previous fiscal year)~~
 3561 ~~fiscal year. This increase in classroom expenditures is required~~
 3562 ~~by the Legislature because the district has performed below the~~
 3563 ~~required performance standard on XX of XX student performance~~
 3564 ~~standards for the (previous school year) school year. In order~~
 3565 ~~to achieve the legislatively required level of classroom~~
 3566 ~~expenditures as a percentage of total operating expenditures,~~
 3567 ~~the proposed budget includes an increase in overall classroom~~
 3568 ~~expenditures of \$XX,XXX,XXX above the amount spent for this same~~
 3569 ~~purpose during the (previous fiscal year) fiscal year. In order~~
 3570 ~~to achieve improved student academic performance, this proposed~~
 3571 ~~increase is being budgeted for the following activities:~~
 3572 ~~...(list activities and amount budgeted)...."~~

3573 Section 36. Subsection (2) of section 1011.035, Florida
 3574 Statutes, is amended to read:

3575 1011.035 School district fiscal ~~budget~~ transparency.-

3576 (2) Each district school board shall post on its website a
 3577 plain language version of each proposed, tentative, and official
 3578 budget which describes each budget item in terms that are easily
 3579 understandable to the public and include:

3580 (a) Graphical representations, for each public school
 3581 within the district and for the school district, of the
 3582 following:

3583 1. Summary financial efficiency data.

3584 2. Fiscal trend information for the previous 3 years on:

3585 a. The ratio of full-time equivalent students to full-time
 3586 equivalent instructional personnel.

3587 b. The ratio of full-time equivalent students to full-time
 3588 equivalent administrative personnel.

3589 c. The total operating expenditures per full-time
 3590 equivalent student.

3591 d. The total instructional expenditures per full-time
 3592 equivalent student.

3593 e. The general administrative expenditures as a percentage
 3594 of total budget.

3595 f. The rate of change in the general fund's ending fund
 3596 balance not classified as restricted.

3597 (b) A link to the web-based fiscal transparency tool

3598 developed by the department pursuant to s. 1010.20 to enable
 3599 taxpayers to evaluate the financial efficiency of the school
 3600 district and compare the financial efficiency of the school
 3601 district with other similarly situated school districts.

3602
 3603 This information must be prominently posted on the school
 3604 district's website in a manner that is readily accessible to the
 3605 public.

3606 Section 37. Subsections (1) and (2) of section 1011.051,
 3607 Florida Statutes, are amended to read:

3608 1011.051 Guidelines for general funds.—The district school
 3609 board shall maintain a general fund ending fund balance that is
 3610 sufficient to address normal contingencies.

3611 (1) If at any time the portion of the general fund's
 3612 ending fund balance not classified as restricted, committed, or
 3613 nonspendable in the district's approved operating budget is
 3614 projected to fall below 3 percent of projected general fund
 3615 revenues during the current fiscal year, the superintendent
 3616 shall provide written notification to the district school board
 3617 and the Commissioner of Education. If such financial condition
 3618 exists for 2 consecutive fiscal years, the superintendent shall
 3619 reduce the district's administrative expenditures reported
 3620 pursuant to s. 1010.215(4) (a) in proportion to the reduction in
 3621 the general fund's ending balance or the reduction in student
 3622 enrollment, whichever is greater.

3623 (2) (a) If at any time the portion of the general fund's
 3624 ending fund balance not classified as restricted, committed, or
 3625 nonspendable in the district's approved operating budget is
 3626 projected to fall below 2 percent of projected general fund
 3627 revenues during the current fiscal year, the superintendent
 3628 shall provide written notification to the district school board
 3629 and the Commissioner of Education. Within 14 days after
 3630 receiving such notification, if the commissioner determines that
 3631 the district does not have a plan that is reasonably anticipated
 3632 to avoid a financial emergency as determined pursuant to s.
 3633 218.503, the commissioner shall appoint a financial emergency
 3634 board that shall operate under the requirements, powers, and
 3635 duties specified in s. 218.503(3)(g).

3636 (b) If any of the conditions identified in s. 218.503(1)
 3637 existed in the 2015-2016 school year or thereafter, the
 3638 department shall contract with an independent third party to
 3639 conduct an investigation of all accounts and records to
 3640 determine the cause of the deficit, what efforts, if any, were
 3641 made to avoid the deficit, and whether any of the conditions
 3642 identified in s. 1011.10 have occurred. The investigation must
 3643 include a detailed review and analysis of documents and records,
 3644 including, but not limited to, budget reports, journal entries,
 3645 budget methodologies, staff emails, hard copy records, monthly
 3646 financial statements, quarterly revenue and expenditure reports,
 3647 finance staff job descriptions, and minutes from meetings. The

3648 results of the investigation must include recommendations for
 3649 corrective action and controls to avoid a reoccurrence of a
 3650 future budget shortfall. A final report shall be provided to the
 3651 district school board, the department, the Legislative Auditing
 3652 Committee, and the district's financial emergency board, if
 3653 applicable.

3654 Section 38. Subsection (2) of section 1011.06, Florida
 3655 Statutes, is amended to read:

3656 1011.06 Expenditures.—

3657 (2) EXPENDITURES FROM DISTRICT AND OTHER FUNDS.—

3658 Expenditures from district and all other funds available for the
 3659 public school program of any district shall be authorized by law
 3660 and must be in accordance with procedures prescribed by the
 3661 district school board. A district school board may establish
 3662 policies that allow expenditures to exceed the amount budgeted
 3663 by function and object, provided that the district school board
 3664 complies with s. 1011.09(4) and approves the expenditure by
 3665 amending and amends the budget at the next scheduled public
 3666 meeting. The district school board must provide a full
 3667 explanation of any amendments at the public meeting ~~within~~
 3668 ~~timelines established by school board policies.~~

3669 Section 39. Subsection (4) of section 1011.09, Florida
 3670 Statutes, is amended to read:

3671 1011.09 Expenditure of funds by district school board.—All
 3672 state funds apportioned to the credit of any district constitute

3673 a part of the district school fund of that district and must be
3674 budgeted and expended under authority of the district school
3675 board subject to the provisions of law and rules of the State
3676 Board of Education.

3677 (4) If the financial conditions in s. 1011.051 exist, a
3678 district school board ~~During the 2009-2010 fiscal year, unless~~
3679 ~~otherwise specifically approved by the district school board,~~
3680 ~~public funds~~ may not make expenditures ~~be expended~~ for ~~out-of-~~
3681 ~~state~~ travel outside of the district or cellular phones,
3682 cellular phone service, personal digital assistants, or any
3683 other mobile wireless communication device or service, including
3684 text messaging, whether through purchasing, leasing,
3685 contracting, or any other method, while the financial conditions
3686 exist. The expenditure of public funds for art programs, music
3687 programs, sports programs, and extracurricular programs for
3688 students is a higher priority than expending funds for employee
3689 travel and cellular phones.

3690 Section 40. Subsection (3) is added to section 1011.10,
3691 Florida Statutes, to read:

3692 1011.10 Penalty.—

3693 (3) If any of the conditions identified in s. 218.503(1)
3694 exist within a school district, the salary of each district
3695 school board member and district school superintendent,
3696 calculated pursuant to ss. 1001.395 and 1001.47, shall be
3697 withheld until the conditions are corrected.

3698 Section 41. Subsection (8) of section 1011.60, Florida
 3699 Statutes, is amended to read:

3700 1011.60 Minimum requirements of the Florida Education
 3701 Finance Program.—Each district which participates in the state
 3702 appropriations for the Florida Education Finance Program shall
 3703 provide evidence of its effort to maintain an adequate school
 3704 program throughout the district and shall meet at least the
 3705 following requirements:

3706 ~~(8) MINIMUM CLASSROOM EXPENDITURE REQUIREMENTS. Comply~~
 3707 ~~with the minimum classroom expenditure requirements and~~
 3708 ~~associated reporting pursuant to s. 1011.64.~~

3709 Section 42. Paragraphs (f), (o), and (t) of subsection
 3710 (1), paragraph (b) of subsection (6), and paragraphs (a), (c),
 3711 and (d) of subsection (9) of section 1011.62, Florida Statutes,
 3712 are amended to read:

3713 1011.62 Funds for operation of schools.—If the annual
 3714 allocation from the Florida Education Finance Program to each
 3715 district for operation of schools is not determined in the
 3716 annual appropriations act or the substantive bill implementing
 3717 the annual appropriations act, it shall be determined as
 3718 follows:

3719 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 3720 OPERATION.—The following procedure shall be followed in
 3721 determining the annual allocation to each district for
 3722 operation:

3723 (f) Supplemental academic instruction allocation;
 3724 ~~category~~ fund.—

3725 1. There is created the supplemental academic instruction
 3726 allocation ~~a category~~ fund to provide supplemental academic
 3727 instruction to students in kindergarten through grade 12. ~~This~~
 3728 ~~paragraph may be cited as the "Supplemental Academic Instruction~~
 3729 ~~Category~~ Fund."

3730 2. The supplemental academic instruction allocation shall
 3731 be provided annually in the Florida Education Finance Program as
 3732 specified in the General Appropriations Act. These funds are
 3733 ~~category~~ fund ~~is~~ in addition to the funds appropriated on the
 3734 basis of FTE student membership in the Florida Education Finance
 3735 Program and shall be included in the total potential funds of
 3736 each district. Beginning with the 2018-2019 fiscal year, These
 3737 ~~funds shall be used to provide supplemental academic instruction~~
 3738 ~~to students enrolled in the K-12 program.~~ each school district
 3739 that has a school earning a grade of "D" or "F" pursuant to s.
 3740 1008.34 must use that school's portion of the supplemental
 3741 academic instruction allocation to implement the intervention
 3742 and support strategies for school improvement pursuant to s.
 3743 1008.33 and for salary incentives pursuant to s. 1012.2315(3) or
 3744 salary supplements pursuant to s. 1012.22(1)(c)5.c. that are
 3745 provided through a memorandum of understanding between the
 3746 collective bargaining agent and the school board that addresses
 3747 the selection, placement, and expectations of instructional

3748 personnel and school administrators. For all other schools, the
3749 school district's use of the supplemental academic instruction
3750 allocation ~~one or more of the 300 lowest-performing elementary~~
3751 ~~schools based on the state reading assessment for the prior year~~
3752 ~~shall use these funds, together with the funds provided in the~~
3753 ~~district's research-based reading instruction allocation and~~
3754 ~~other available funds, to provide an additional hour of~~
3755 ~~instruction beyond the normal school day for each day of the~~
3756 ~~entire school year for intensive reading instruction for the~~
3757 ~~students in each of these schools. This additional hour of~~
3758 ~~instruction must be provided by teachers or reading specialists~~
3759 ~~who have demonstrated effectiveness in teaching reading or by a~~
3760 ~~K-5 mentoring reading program that is supervised by a teacher~~
3761 ~~who is effective at teaching reading. Students enrolled in these~~
3762 ~~schools who have level 5 assessment scores may participate in~~
3763 ~~the additional hour of instruction on an optional basis.~~
3764 ~~Exceptional student education centers shall not be included in~~
3765 ~~the 300 schools. The designation of the 300 lowest-performing~~
3766 ~~elementary schools must be based on the state reading assessment~~
3767 ~~for the prior year. After this requirement has been met,~~
3768 ~~supplemental instruction strategies may include, but is are not~~
3769 ~~limited to, the use of a modified curriculum, reading~~
3770 ~~instruction, after-school instruction, tutoring, mentoring, a~~
3771 ~~reduction in class size, extended school year, intensive skills~~
3772 ~~development in summer school, dropout prevention programs as~~

3773 defined in ss. 1003.52 and 1003.53(1) (a), (b), and (c), and
 3774 other methods of improving student achievement. Supplemental
 3775 academic instruction may be provided to a student in any manner
 3776 and at any time during or beyond the regular 180-day term
 3777 identified by the school as being the most effective and
 3778 efficient way to best help that student progress from grade to
 3779 grade and to graduate.

3780 ~~3. Categorical funds for supplemental academic instruction~~
 3781 ~~shall be provided annually in the Florida Education Finance~~
 3782 ~~Program as specified in the General Appropriations Act. These~~
 3783 ~~funds shall be provided as a supplement to the funds~~
 3784 ~~appropriated for the basic funding level and shall be included~~
 3785 ~~in the total funds of each district. The supplemental academic~~
 3786 instruction allocation shall consist of a base amount that has a
 3787 workload adjustment based on changes in unweighted FTE. ~~In~~
 3788 ~~addition, districts that have elementary schools included in the~~
 3789 ~~300 lowest performing schools designation shall be allocated~~
 3790 ~~additional funds to assist those districts in providing~~
 3791 ~~intensive reading instruction to students in those schools. The~~
 3792 ~~amount provided shall be based on each district's level of per-~~
 3793 ~~student funding in the reading instruction allocation and the~~
 3794 ~~supplemental academic instruction categorical fund and on the~~
 3795 ~~total FTE for each of the schools. The supplemental academic~~
 3796 instruction allocation ~~categorical funding~~ shall be recalculated
 3797 during the fiscal year ~~following an updated designation of the~~

3798 ~~300 lowest performing elementary schools and shall be based on~~
 3799 ~~actual student membership from the FTE surveys. Upon~~
 3800 ~~recalculation of funding for the supplemental academic~~
 3801 ~~instruction allocation ~~categorical fund~~, if the total allocation~~
 3802 ~~is greater than the amount provided in the General~~
 3803 ~~Appropriations Act, the allocation shall be prorated to the~~
 3804 ~~level provided to support the appropriation, based on each~~
 3805 ~~district's share of the total.~~

3806 4. ~~Effective with the 1999-2000 fiscal year,~~ Funding on
 3807 the basis of FTE membership beyond the 180-day regular term
 3808 shall be provided in the FEFP only for students enrolled in
 3809 juvenile justice education programs or in education programs for
 3810 juveniles placed in secure facilities or programs under s.
 3811 985.19. Funding for instruction beyond the regular 180-day
 3812 school year for all other K-12 students shall be provided
 3813 through the supplemental academic instruction allocation and
 3814 other state, federal, and local fund sources with ample
 3815 flexibility for schools to provide supplemental instruction to
 3816 assist students in progressing from grade to grade and
 3817 graduating.

3818 5. ~~The Florida State University School, as a lab school,~~
 3819 ~~is authorized to expend from its FEFP or Lottery Enhancement~~
 3820 ~~Trust Fund allocation the cost to the student of remediation in~~
 3821 ~~reading, writing, or mathematics for any graduate who requires~~
 3822 ~~remediation at a postsecondary educational institution.~~

3823 ~~6. Beginning in the 1999-2000 school year, dropout~~
 3824 ~~prevention programs as defined in ss. 1003.52, 1003.53(1)(a),~~
 3825 ~~(b), and (c), and 1003.54 shall be included in group 1 programs~~
 3826 ~~under subparagraph (d)3.~~

3827 (o) Calculation of additional full-time equivalent
 3828 membership based on successful completion of a career-themed
 3829 course pursuant to ss. 1003.491, 1003.492, and 1003.493, or
 3830 courses with embedded CAPE industry certifications or CAPE
 3831 Digital Tool certificates, and issuance of industry
 3832 certification identified on the CAPE Industry Certification
 3833 Funding List pursuant to rules adopted by the State Board of
 3834 Education or CAPE Digital Tool certificates pursuant to s.
 3835 1003.4203.—

3836 1.a. A value of 0.025 full-time equivalent student
 3837 membership shall be calculated for CAPE Digital Tool
 3838 certificates earned by students in elementary and middle school
 3839 grades.

3840 b. A value of 0.1 or 0.2 full-time equivalent student
 3841 membership shall be calculated for each student who completes a
 3842 course as defined in s. 1003.493(1)(b) or courses with embedded
 3843 CAPE industry certifications and who is issued an industry
 3844 certification identified annually on the CAPE Industry
 3845 Certification Funding List approved under rules adopted by the
 3846 State Board of Education. A value of 0.2 full-time equivalent
 3847 membership shall be calculated for each student who is issued a

3848 CAPE industry certification that has a statewide articulation
3849 agreement for college credit approved by the State Board of
3850 Education. For CAPE industry certifications that do not
3851 articulate for college credit, the Department of Education shall
3852 assign a full-time equivalent value of 0.1 for each
3853 certification. Middle grades students who earn additional FTE
3854 membership for a CAPE Digital Tool certificate pursuant to sub-
3855 subparagraph a. may not use the previously funded examination to
3856 satisfy the requirements for earning an industry certification
3857 under this sub-subparagraph. Additional FTE membership for an
3858 elementary or middle grades student may not exceed 0.1 for
3859 certificates or certifications earned within the same fiscal
3860 year. The State Board of Education shall include the assigned
3861 values on the CAPE Industry Certification Funding List under
3862 rules adopted by the state board. Such value shall be added to
3863 the total full-time equivalent student membership for grades 6
3864 through 12 in the subsequent year. CAPE industry certifications
3865 earned through dual enrollment must be reported and funded
3866 pursuant to s. 1011.80. However, if a student earns a
3867 certification through a dual enrollment course and the
3868 certification is not a fundable certification on the
3869 postsecondary certification funding list, or the dual enrollment
3870 certification is earned as a result of an agreement between a
3871 school district and a nonpublic postsecondary institution, the
3872 bonus value shall be funded in the same manner as other nondual

3873 enrollment course industry certifications. In such cases, the
 3874 school district may provide for an agreement between the high
 3875 school and the technical center, or the school district and the
 3876 postsecondary institution may enter into an agreement for
 3877 equitable distribution of the bonus funds.

3878 c. A value of 0.3 full-time equivalent student membership
 3879 shall be calculated for student completion of the courses and
 3880 the embedded certifications identified on the CAPE Industry
 3881 Certification Funding List and approved by the commissioner
 3882 pursuant to ss. 1003.4203(5) (a) and 1008.44.

3883 d. A value of 0.5 full-time equivalent student membership
 3884 shall be calculated for CAPE Acceleration Industry
 3885 Certifications that articulate for 15 to 29 college credit
 3886 hours, and 1.0 full-time equivalent student membership shall be
 3887 calculated for CAPE Acceleration Industry Certifications that
 3888 articulate for 30 or more college credit hours pursuant to CAPE
 3889 Acceleration Industry Certifications approved by the
 3890 commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

3891 2. Each district must allocate at least 80 percent of the
 3892 funds provided for CAPE industry certification, in accordance
 3893 with this paragraph, to the program that generated the funds.
 3894 This allocation may not be used to supplant funds provided for
 3895 basic operation of the program.

3896 3. For CAPE industry certifications earned in the 2013-
 3897 2014 school year and in subsequent years, the school district

3898 shall distribute to each classroom teacher who provided direct
 3899 instruction toward the attainment of a CAPE industry
 3900 certification that qualified for additional full-time equivalent
 3901 membership under subparagraph 1.:

3902 a. A bonus of \$25 for each student taught by a teacher who
 3903 provided instruction in a course that led to the attainment of a
 3904 CAPE industry certification on the CAPE Industry Certification
 3905 Funding List with a weight of 0.1.

3906 b. A bonus of \$50 for each student taught by a teacher who
 3907 provided instruction in a course that led to the attainment of a
 3908 CAPE industry certification on the CAPE Industry Certification
 3909 Funding List with a weight of 0.2.

3910 c. A bonus of \$75 for each student taught by a teacher who
 3911 provided instruction in a course that led to the attainment of a
 3912 CAPE industry certification on the CAPE Industry Certification
 3913 Funding List with a weight of 0.3.

3914 d. A bonus of \$100 for each student taught by a teacher
 3915 who provided instruction in a course that led to the attainment
 3916 of a CAPE industry certification on the CAPE Industry
 3917 Certification Funding List with a weight of 0.5 or 1.0.

3918
 3919 Bonuses awarded pursuant to this paragraph shall be provided to
 3920 teachers who are employed by the district in the year in which
 3921 the additional FTE membership calculation is included in the
 3922 calculation. Bonuses shall be calculated based upon the

3923 associated weight of a CAPE industry certification on the CAPE
 3924 Industry Certification Funding List for the year in which the
 3925 certification is earned by the student. Any bonus awarded to a
 3926 teacher pursuant to ~~under~~ this paragraph is in addition to any
 3927 regular wage or other bonus the teacher received or is scheduled
 3928 to receive. A bonus may not be awarded to a teacher who fails to
 3929 maintain the security of any CAPE industry certification
 3930 examination or who otherwise violates the security or
 3931 administration protocol of any assessment instrument that may
 3932 result in a bonus being awarded to the teacher under this
 3933 paragraph.

3934 (t) Computation for funding through the Florida Education
 3935 Finance Program.—The State Board of Education may adopt rules
 3936 establishing programs, industry certifications, and courses for
 3937 which the student may earn credit toward high school graduation
 3938 and the criteria under which a student's industry certification
 3939 or grade may be rescinded.

3940 (6) CATEGORICAL FUNDS.—

3941 (b) If a district school board finds and declares in a
 3942 resolution adopted at a regular meeting of the school board that
 3943 the funds received for any of the following categorical
 3944 appropriations are urgently needed to maintain school board
 3945 specified academic classroom instruction, the school board may
 3946 consider and approve an amendment to the school district
 3947 operating budget transferring the identified amount of the

3948 | categorical funds to the appropriate account for expenditure:
 3949 | 1. Funds for student transportation.
 3950 | 2. Funds for safe schools.
 3951 | ~~3. Funds for supplemental academic instruction if the~~
 3952 | ~~required additional hour of instruction beyond the normal school~~
 3953 | ~~day for each day of the entire school year has been provided for~~
 3954 | ~~the students in each low-performing elementary school in the~~
 3955 | ~~district pursuant to paragraph (1)(f).~~
 3956 | 3.4. Funds for research-based reading instruction if the
 3957 | required additional hour of instruction beyond the normal school
 3958 | day for each day of the entire school year has been provided for
 3959 | the students in each low-performing elementary school in the
 3960 | district pursuant to paragraph (9)(a).
 3961 | 4.5. Funds for instructional materials if all
 3962 | instructional material purchases necessary to provide updated
 3963 | materials that are aligned with applicable state standards and
 3964 | course descriptions and that meet statutory requirements of
 3965 | content and learning have been completed for that fiscal year,
 3966 | but no sooner than March 1. Funds available after March 1 may be
 3967 | used to purchase hardware for student instruction.
 3968 | (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—
 3969 | (a) The research-based reading instruction allocation is
 3970 | created to provide comprehensive reading instruction to students
 3971 | in kindergarten through grade 12. Each school district that has
 3972 | one or more of the 300 lowest-performing elementary schools

3973 | based on a 3-year average of the state reading assessment data
3974 | shall give priority to using that school's portion of the
3975 | allocation to provide ~~providing~~ an additional hour per day of
3976 | intensive reading instruction ~~beyond the normal school day for~~
3977 | ~~each day of the entire school year~~ for the students in each
3978 | school. ~~The designation of the 300 lowest-performing elementary~~
3979 | ~~schools must be based on the state reading assessment for the~~
3980 | ~~prior year.~~ Students enrolled in these schools who earned a have
3981 | level 4 or level 5 score on the statewide, standardized English
3982 | Language Arts assessment for the previous school year ~~scores~~ may
3983 | participate in the additional hour of instruction ~~on an optional~~
3984 | ~~basis~~. Exceptional student education centers may not be included
3985 | in the 300 schools. The intensive reading instruction delivered
3986 | in this additional hour ~~and for other students~~ shall include:
3987 | research-based reading instruction that has been proven to
3988 | accelerate progress of students exhibiting a reading deficiency;
3989 | differentiated instruction based on screening, diagnostic,
3990 | progress monitoring, or student assessment data to meet
3991 | students' specific reading needs; explicit and systematic
3992 | reading strategies to develop phonemic awareness, phonics,
3993 | fluency, vocabulary, and comprehension, with more extensive
3994 | opportunities for guided practice, error correction, and
3995 | feedback; and the integration of social studies, science, and
3996 | mathematics-text reading, text discussion, and writing in
3997 | response to reading.

3998 (c) Funds allocated under this subsection must be used to
 3999 provide a system of comprehensive reading instruction to
 4000 students enrolled in the K-12 programs, which may include the
 4001 following:

4002 1. ~~The provision of~~ An additional hour per day of
 4003 intensive reading instruction to students in the 300 lowest-
 4004 performing elementary schools by teachers and reading
 4005 specialists who have demonstrated effectiveness in teaching
 4006 reading as required in paragraph (a).

4007 2. Kindergarten through grade 5 reading intervention
 4008 teachers to provide intensive intervention during the school day
 4009 and in the required extra hour for students identified as having
 4010 a reading deficiency.

4011 3. ~~The provision of~~ Highly qualified reading coaches to
 4012 specifically support teachers in making instructional decisions
 4013 based on student data, and improve teacher delivery of effective
 4014 reading instruction, intervention, and reading in the content
 4015 areas based on student need.

4016 4. Professional development for school district teachers
 4017 in scientifically based reading instruction, including
 4018 strategies to teach reading in content areas and with an
 4019 emphasis on technical and informational text, to help school
 4020 district teachers earn a certification or an endorsement in
 4021 reading.

4022 5. ~~The provision of~~ Summer reading camps, using only

4023 teachers or other district personnel who are certified or
4024 endorsed in reading consistent with s. 1008.25(7)(b)3., for all
4025 students in kindergarten through grade 2 who demonstrate a
4026 reading deficiency as determined by district and state
4027 assessments, and students in grades 3 through 5 who score at
4028 Level 1 on the statewide, standardized ~~reading assessment or,~~
4029 ~~upon implementation,~~ the English Language Arts assessment.

4030 6. ~~The provision of~~ Supplemental instructional materials
4031 that are grounded in scientifically based reading research as
4032 identified by the Just Read, Florida! Office pursuant to s.
4033 1001.215(8).

4034 7. ~~The provision of~~ Intensive interventions for students
4035 in kindergarten through grade 12 who have been identified as
4036 having a reading deficiency or who are reading below grade level
4037 as determined by the statewide, standardized English Language
4038 Arts assessment.

4039 (d)1. Each school district that has a school that earns a
4040 grade below a "B" pursuant to s. 1008.34 shall annually, ~~by a~~
4041 ~~date determined by the Department of Education but before May 1,~~
4042 ~~school districts shall~~ submit a ~~K-12~~ comprehensive reading plan
4043 for the specific use of the research-based reading instruction
4044 allocation in the format prescribed by the department for review
4045 and approval by the department as part of the monitoring,
4046 intervention, and support strategies required under s. 1008.33
4047 ~~Just Read, Florida! Office created pursuant to s. 1001.215. The~~

4048 | ~~plan annually submitted by school districts shall be deemed~~
4049 | ~~approved unless the department rejects the plan on or before~~
4050 | ~~June 1. If a school district and the Just Read, Florida! Office~~
4051 | ~~cannot reach agreement on the contents of the plan, the school~~
4052 | ~~district may appeal to the State Board of Education for~~
4053 | ~~resolution.~~ School districts shall be allowed reasonable
4054 | flexibility in designing their plans and shall be encouraged to
4055 | offer reading intervention through innovative methods, including
4056 | career academies. The plan format shall be developed with input
4057 | from school district personnel, including teachers and
4058 | principals, and shall provide for ~~allow courses in core, career,~~
4059 | ~~and alternative programs that deliver~~ intensive reading
4060 | intervention remediation through integrated curricula, provided
4061 | that the interventions are delivered by a teacher who is
4062 | certified or endorsed in ~~deemed highly qualified to teach~~
4063 | ~~reading or working toward that status. No later than July 1~~
4064 | ~~annually, the department shall release the school district's~~
4065 | ~~allocation of appropriated funds to those districts having~~
4066 | ~~approved plans. A school district that spends 100 percent of~~
4067 | ~~this allocation on its approved plan shall be deemed to have~~
4068 | ~~been in compliance with the plan. The department may withhold~~
4069 | ~~funds upon a determination that reading instruction allocation~~
4070 | ~~funds are not being used to implement the approved plan. The~~
4071 | ~~department shall monitor and track the implementation of each~~
4072 | ~~district plan, including conducting site visits and collecting~~

4073 ~~specific data on expenditures and reading improvement results.~~
 4074 ~~By February 1 of each year, the department shall report its~~
 4075 ~~findings to the Legislature.~~

4076 2. Each school district that has a school designated as
 4077 one of the 300 lowest-performing elementary schools as specified
 4078 in paragraph (a) shall specifically delineate in the
 4079 comprehensive reading plan, or in an addendum to the
 4080 comprehensive reading plan, the implementation design and
 4081 reading intervention strategies that will be used for the
 4082 required additional hour of reading instruction.

4083
 4084 The term "reading intervention" may include strategies
 4085 identified by the Just Read, Florida! Office pursuant to s.
 4086 1001.215(8) and may include ~~includes evidence-based strategies~~
 4087 ~~frequently used to remediate reading deficiencies and also~~
 4088 ~~includes~~ individual instruction, tutoring, mentoring, or the use
 4089 of technology that targets specific reading skills and
 4090 abilities.

4091 Section 43. Section 1011.6202, Florida Statutes, is
 4092 amended to read:

4093 1011.6202 Principal Autonomy ~~Pilot~~ Program Initiative.—The
 4094 Principal Autonomy ~~Pilot~~ Program Initiative is created within
 4095 the Department of Education. The purpose of the ~~pilot~~ program is
 4096 to provide a ~~the~~ highly effective principal of a participating
 4097 school with increased autonomy and authority to operate his or

4098 her school, as well as other schools, in a way that produces
4099 significant improvements in student achievement and school
4100 management while complying with constitutional requirements. The
4101 State Board of Education may, upon approval of a principal
4102 autonomy proposal, enter into a performance contract with the up
4103 ~~to seven~~ district school board ~~boards~~ for participation in the
4104 ~~pilot~~ program.

4105 (1) PARTICIPATING SCHOOL DISTRICTS.—Beginning with the
4106 2018-2019 school year, contingent upon available funds, and on a
4107 first-come, first-served basis, a The district school board
4108 ~~boards in Broward, Duval, Jefferson, Madison, Palm Beach,~~
4109 ~~Pinellas, and Seminole Counties~~ may submit, no later than
4110 December 1, to the state board for approval a principal autonomy
4111 proposal that exchanges statutory and rule exemptions for an
4112 agreement to meet performance goals established in the proposal.
4113 If approved by the state board, the ~~each of these~~ school
4114 district is ~~districts~~ shall be eligible to participate in the
4115 ~~pilot~~ program for 3 years. ~~At the end of the 3 years, the~~
4116 ~~performance of all participating schools in the school district~~
4117 ~~shall be evaluated.~~

4118 (2) PRINCIPAL AUTONOMY PROPOSAL.—

4119 (a) To participate in the ~~pilot~~ program, a school district
4120 must:

4121 1. Identify three schools that received at least two
4122 school grades of "D" or "F" pursuant to s. 1008.34 during the

4123 previous 3 school years.

4124 2. Identify three principals who have earned a highly
4125 effective rating on the prior year's performance evaluation
4126 pursuant to s. 1012.34, one of whom shall be assigned to each of
4127 the participating schools.

4128 3. Describe the current financial and administrative
4129 management of each participating school; identify the areas in
4130 which each school principal will have increased fiscal and
4131 administrative autonomy, including the authority and
4132 responsibilities provided in s. 1012.28(8); and identify the
4133 areas in which each participating school will continue to follow
4134 district school board fiscal and administrative policies.

4135 4. Explain the methods used to identify the educational
4136 strengths and needs of the participating school's students and
4137 identify how student achievement can be improved.

4138 5. Establish performance goals for student achievement, as
4139 defined in s. 1008.34(1), and explain how the increased autonomy
4140 of principals will help participating schools improve student
4141 achievement and school management.

4142 6. Provide each participating school's mission and a
4143 description of its student population.

4144 (b) The state board shall establish criteria, which must
4145 include the criteria listed in paragraph (a), for the approval
4146 of a principal autonomy proposal.

4147 (c) A district school board must submit its principal

4148 | autonomy proposal to the state board for approval by December 1
4149 | in order to begin participation in the subsequent school year.
4150 | By February 28 of the school year in which the proposal is
4151 | submitted, the state board shall notify the district school
4152 | board in writing whether the proposal is approved.

4153 | (3) EXEMPTION FROM LAWS.—

4154 | (a) With the exception of those laws listed in paragraph
4155 | (b), a participating school or a school operated by an
4156 | independent governing board pursuant to subsection (5) is exempt
4157 | from the provisions of chapters 1000-1013 and rules of the state
4158 | board that implement those exempt provisions.

4159 | (b) A participating school or a school operated by an
4160 | independent governing board pursuant to subsection (5) shall
4161 | comply with the provisions of chapters 1000-1013, and rules of
4162 | the state board that implement those provisions, pertaining to
4163 | the following:

4164 | 1. Those laws relating to the election and compensation of
4165 | district school board members, the election or appointment and
4166 | compensation of district school superintendents, public meetings
4167 | and public records requirements, financial disclosure, and
4168 | conflicts of interest.

4169 | 2. Those laws relating to the student assessment program
4170 | and school grading system, including chapter 1008.

4171 | 3. Those laws relating to the provision of services to
4172 | students with disabilities.

- 4173 4. Those laws relating to civil rights, including s.
 4174 1000.05, relating to discrimination.
- 4175 5. Those laws relating to student health, safety, and
 4176 welfare.
- 4177 6. Section 1001.42(4)(f), relating to the uniform opening
 4178 date for public schools.
- 4179 7. Section 1003.03, governing maximum class size, except
 4180 that the calculation for compliance pursuant to s. 1003.03 is
 4181 the average at the school level for a participating school.
- 4182 8. Sections 1012.22(1)(c) and 1012.27(2), relating to
 4183 compensation and salary schedules.
- 4184 9. Section 1012.33(5), relating to workforce reductions
 4185 for annual contracts for instructional personnel. This
 4186 subparagraph does not apply to at-will employees.
- 4187 10. Section 1012.335, relating to annual contracts for
 4188 instructional personnel hired on or after July 1, 2011. This
 4189 subparagraph does not apply to at-will employees.
- 4190 11. Section 1012.34, relating to personnel evaluation
 4191 procedures and criteria.
- 4192 12. Those laws pertaining to educational facilities,
 4193 including chapter 1013, except that s. 1013.20, relating to
 4194 covered walkways for relocatables, and s. 1013.21, relating to
 4195 the use of relocatable facilities exceeding 20 years of age, are
 4196 eligible for exemption.
- 4197 13. Those laws pertaining to participating school

4198 districts, including this section and ss. 1011.69(2) and
4199 1012.28(8).

4200 (c) A school shall remain exempt, as provided in this
4201 subsection, beyond the term of the program so long as the school
4202 receives no grade lower than a "B."

4203 (4) PROFESSIONAL DEVELOPMENT.—Each participating school
4204 district shall require that the principal of each participating
4205 school and a designated leadership team selected by the
4206 principal of the participating school, ~~a three-member leadership~~
4207 ~~team from each participating school, and district personnel~~
4208 ~~working with each participating school~~ complete a nationally
4209 recognized school turnaround program which focuses on improving
4210 leadership, instructional infrastructure, talent management, and
4211 differentiated support and accountability. The required
4212 personnel must enroll in the nationally recognized school
4213 turnaround program upon acceptance into the ~~pilot~~ program. ~~Each~~
4214 ~~participating school district shall receive \$100,000 from the~~
4215 ~~department for participation in the nationally recognized school~~
4216 ~~turnaround program.~~

4217 (5) DISTRICT-INDEPENDENT AUTONOMOUS SCHOOLS.—To foster
4218 development of principal autonomy and autonomous schools,
4219 participating school districts may expand the impact of
4220 participating principals by allowing participating principals to
4221 manage multiple schools under an independent governing board.

4222 (a) A participating principal who successfully completes

4223 the training required by subsection (4) may manage one or more
 4224 schools that are operated by an independent governing board
 4225 through a contract with the school board. To avoid any conflict
 4226 of interest regarding the review, approval, and oversight of the
 4227 school, members of the governing board may not be employees of
 4228 the school district or any school operated by the governing
 4229 board.

4230 (b) For the purposes of tort liability, the independent
 4231 governing board, autonomous school, and its employees or agents
 4232 shall be governed by s. 768.28. The school board shall not be
 4233 liable for civil damages under state law for the employment
 4234 actions or personal injury, property damage, or death resulting
 4235 from an act or omission of an independent governing board,
 4236 autonomous school, and its employees or agents.

4237 (c) An autonomous school may be a private or a public
 4238 employer. As a public employer, the autonomous school may
 4239 participate in the Florida Retirement System upon application
 4240 and approval as a covered group under s. 121.021(34). If an
 4241 autonomous school participates in the Florida Retirement System,
 4242 the school's employees shall be compulsory members of the
 4243 Florida Retirement System.

4244 (6) ~~(5)~~ TERM OF PARTICIPATION.—The state board shall
 4245 authorize a school district to participate in the ~~pilot~~ program
 4246 for a period of 3 years commencing with approval of the
 4247 principal autonomy proposal. ~~Authorization to participate in the~~

4248 ~~pilot program may be renewed upon action of the state board. The~~
4249 ~~state board may revoke authorization to participate in the pilot~~
4250 ~~program if the school district fails to meet the requirements of~~
4251 ~~this section during the 3-year period.~~

4252 ~~(6) REPORTING.—Each participating school district shall~~
4253 ~~submit an annual report to the state board. The state board~~
4254 ~~shall annually report on the implementation of the Principal~~
4255 ~~Autonomy Pilot Program Initiative. Upon completion of the pilot~~
4256 ~~program's first 3-year term, the Commissioner of Education shall~~
4257 ~~submit to the President of the Senate and the Speaker of the~~
4258 ~~House of Representatives by December 1 a full evaluation of the~~
4259 ~~effectiveness of the pilot program.~~

4260 (7) FUNDING.—Subject to an annual appropriation, The
4261 ~~Legislature shall provide an appropriation to the department~~
4262 shall fund for the costs of the ~~pilot~~ program to include the,
4263 ~~including~~ administrative ~~costs~~ and enrollment costs for the
4264 nationally recognized school turnaround program required in
4265 subsection (4), and an ~~additional~~ amount not to exceed of
4266 \$10,000 for each participating principal in each participating
4267 district as an annual salary supplement for 3 years, ~~a fund for~~
4268 ~~the principal's school to be used at the principal's discretion,~~
4269 ~~or both, as determined by the district.~~ To be eligible for a
4270 salary supplement under this subsection, a participating
4271 principal must:

4272 (a) Be rated "highly effective" as determined by the

4273 principal's performance evaluation under s. 1012.34;

4274 (b) Be transferred to, or manage pursuant to subsection
4275 (5), a school that earned a grade of "F" or two ~~three~~
4276 consecutive grades of "D" pursuant to s. 1008.34 and provided
4277 additional authority and responsibilities pursuant to s.
4278 1012.28(8); and

4279 (c) Have implemented a turnaround option under s. 1008.33
4280 ~~s. 1008.33(4)~~ at a school as the school's principal or manager.
4281 The turnaround option must have resulted in the school improving
4282 by at least one letter grade while he or she was serving as the
4283 school's principal or manager.

4284 (8) RULEMAKING.—The State Board of Education shall adopt
4285 rules to administer this section.

4286 Section 44. Section 1011.64, Florida Statutes, is
4287 repealed.

4288 Section 45. Subsection (5) of section 1011.69, Florida
4289 Statutes, is amended to read:

4290 1011.69 Equity in School-Level Funding Act.—

4291 (5) After providing Title I, Part A, Basic funds to
4292 schools above the 75 percent poverty threshold, which may
4293 include high schools above the 50 percent threshold as permitted
4294 by federal law, school districts shall provide any remaining
4295 Title I, Part A, Basic funds directly to all eligible schools as
4296 provided in this subsection. For purposes of this subsection, an
4297 eligible school is a school that is eligible to receive Title I

4298 funds, including a charter school. The threshold for identifying
 4299 eligible schools may not exceed the threshold established by a
 4300 school district for the 2016-2017 school year or the statewide
 4301 percentage of economically disadvantaged students, as determined
 4302 annually.

4303 (a) Prior to the allocation of Title I funds to eligible
 4304 schools, a school district may withhold funds only as follows:

4305 1. One percent for parent involvement, in addition to the
 4306 one percent the district must reserve under federal law for
 4307 allocations to eligible schools for parent involvement;

4308 2. A necessary and reasonable amount for administration,
 4309 which includes the district's indirect cost rate, not to exceed
 4310 a total of 8 percent; and

4311 3. A reasonable and necessary amount to provide:

4312 a. Homeless programs;

4313 b. Delinquent and neglected programs;

4314 c. Prekindergarten programs and activities;

4315 d. Private school equitable services; and

4316 e. Transportation for foster care children to their school
 4317 of origin or choice programs.

4318 4. A necessary and reasonable amount, not to exceed 1
 4319 percent, for eligible schools to provide:

4320 a. Extended learning opportunities, such as summer school,
 4321 before-school and after-school programs, and additional class
 4322 periods of instruction during the school day.

4323 b. Supplemental academic and enrichment services, as well
 4324 as wrap-around services.

4325
 4326 Any funds provided by eligible schools pursuant to paragraph (b)
 4327 shall not be included calculation of the 1 percent limitation.

4328 (b) All remaining Title I funds shall be distributed to
 4329 all eligible schools in accordance with federal law and
 4330 regulation. To maximize the efficient use of resources, school
 4331 districts may allow eligible schools, not including charter
 4332 schools, to ~~An eligible school may~~ use funds under this
 4333 subsection for district-level ~~to participate in discretionary~~
 4334 educational services provided by the school district under
 4335 paragraph (a).

4336 Section 46. Paragraph (e) of subsection (2) of section
 4337 1011.71, Florida Statutes, is amended to read:

4338 1011.71 District school tax.—

4339 (2) In addition to the maximum millage levy as provided in
 4340 subsection (1), each school board may levy not more than 1.5
 4341 mills against the taxable value for school purposes for charter
 4342 schools pursuant to s. 1013.62(3) and for district schools to
 4343 fund:

4344 (e) Payments for educational facilities and sites due
 4345 under a lease-purchase agreement entered into by a district
 4346 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
 4347 exceeding, in the aggregate, an amount equal to three-fourths of

4348 the proceeds from the millage levied by a district school board
 4349 pursuant to this subsection. The three-fourths limit is waived
 4350 for lease-purchase agreements entered into before June 30, 2009,
 4351 by a district school board pursuant to this paragraph. If
 4352 payments under lease-purchase agreements in the aggregate,
 4353 including lease-purchase agreements entered into before June 30,
 4354 2009, exceed three-fourths of the proceeds from the millage
 4355 levied pursuant to this subsection, the district school board
 4356 may not withhold the administrative fees authorized by s.
 4357 1002.33(20) from any charter school operating in the school
 4358 district.

4359 Section 47. Section 1012.23, Florida Statutes, is amended
 4360 to read:

4361 1012.23 School district personnel policies.—

4362 (2) Neither the district school superintendent nor a
 4363 district school board member may appoint or ~~not~~ employ ~~or~~
 4364 ~~appoint~~ a relative, as defined in s. 112.3135, to work under the
 4365 direct supervision of that district school board member or
 4366 district school superintendent. The limitations of this
 4367 subsection do not apply to employees appointed or employed
 4368 before the election or appointment of a school board member or
 4369 district school superintendent. The Commission on Ethics shall
 4370 accept and investigate any alleged violations of this section
 4371 pursuant to the procedures contained in ss. 112.322-112.3241.

4372 Section 48. Subsection (4) of section 1012.2315, Florida

4373 Statutes, is amended to read:
 4374 1012.2315 Assignment of teachers.—
 4375 (4) COLLECTIVE BARGAINING.—
 4376 (a) Notwithstanding provisions of chapter 447 relating to
 4377 district school board collective bargaining, collective
 4378 bargaining provisions may not preclude a school district from
 4379 providing incentives to high-quality teachers and assigning such
 4380 teachers to low-performing schools.
 4381 b)
 4382 1. In addition to the provisions under s. 447.305(2), an
 4383 employee organization that has been certified as the bargaining
 4384 agent for a unit of instructional personnel as defined in s.
 4385 1012.01(2) must include for each such certified bargaining unit
 4386 the following information in its application for renewal of
 4387 registration:
 4388 a. The number of employees in the bargaining unit who are
 4389 eligible for representation by the employee organization.
 4390 b. The number of employees who are represented by the
 4391 employee organization, specifying the number of members who pay
 4392 dues and the number of members who do not pay dues.
 4393 2. Notwithstanding provisions of chapter 447 relating to
 4394 collective bargaining, an employee organization whose dues
 4395 paying membership is less than 50 percent of the employees
 4396 eligible for representation in the unit, as identified in
 4397 subparagraph 1., must petition the Public Employees Relation

4398 Commission pursuant to subsections (2) and (3) of s. 447.307 for
4399 recertification as the exclusive representative of all employees
4400 in the unit within 1 month after the date on which the
4401 organization applies for renewal of registration pursuant to s.
4402 447.305(2). The certification of an employee organization that
4403 does not comply with this paragraph is revoked.

4404 Section 49. Subsection (8) of section 1012.28, Florida
4405 Statutes, is amended to read:

4406 1012.28 Public school personnel; duties of school
4407 principals.—

4408 (8) The principal of a school participating in the
4409 Principal Autonomy ~~Pilot~~ Program Initiative under s. 1011.6202
4410 has the following additional authority and responsibilities:

4411 (a) In addition to the authority provided in subsection
4412 (6), the authority to select qualified instructional personnel
4413 for placement or to refuse to accept the placement or transfer
4414 of instructional personnel by the district school
4415 superintendent. Placement of instructional personnel at a
4416 participating school in a participating school district does not
4417 affect the employee's status as a school district employee.

4418 (b) The authority to deploy financial resources to school
4419 programs at the principal's discretion to help improve student
4420 achievement, as defined in s. 1008.34(1), and meet performance
4421 goals identified in the principal autonomy proposal submitted
4422 pursuant to s. 1011.6202.

4423 (c) To annually provide to the district school
4424 superintendent and the district school board a budget for the
4425 operation of the participating school that identifies how funds
4426 provided pursuant to s. 1011.69(2) are allocated. ~~The school~~
4427 ~~district shall include the budget in the annual report provided~~
4428 ~~to the State Board of Education pursuant to s. 1011.6202(6).~~

4429 Section 50. Subsection (2) of section 1012.32, Florida
4430 Statutes, is amended to read:

4431 1012.32 Qualifications of personnel.—

4432 (2) (a) Instructional and noninstructional personnel who
4433 are hired or contracted to fill positions that require direct
4434 contact with students in any district school system or
4435 university lab school must, upon employment or engagement to
4436 provide services, undergo background screening as required under
4437 s. 1012.465 or s. 1012.56, whichever is applicable.

4438 (b) Instructional and noninstructional personnel who are
4439 hired or contracted to fill positions in any charter school and
4440 members of the governing board of any charter school, in
4441 compliance with s. 1002.33(12)(g), must, upon employment,
4442 engagement of services, or appointment, undergo background
4443 screening as required under s. 1012.465 or s. 1012.56, whichever
4444 is applicable, by filing with the district school board for the
4445 school district in which the charter school is located a
4446 complete set of fingerprints taken by an authorized law
4447 enforcement agency or an employee of the school or school

4448 district who is trained to take fingerprints.

4449 (c) Instructional and noninstructional personnel who are
 4450 hired or contracted to fill positions that require direct
 4451 contact with students in an alternative school that operates
 4452 under contract with a district school system must, upon
 4453 employment or engagement to provide services, undergo background
 4454 screening as required under s. 1012.465 or s. 1012.56, whichever
 4455 is applicable, by filing with the district school board for the
 4456 school district to which the alternative school is under
 4457 contract a complete set of fingerprints taken by an authorized
 4458 law enforcement agency or an employee of the school or school
 4459 district who is trained to take fingerprints.

4460 (d) Student teachers and persons participating in a field
 4461 experience pursuant to s. 1004.04(5) or s. 1004.85 in any
 4462 district school system, lab school, or charter school must, upon
 4463 engagement to provide services, undergo background screening as
 4464 required under s. 1012.56.

4465
 4466 Fingerprints shall be submitted to the Department of Law
 4467 Enforcement for statewide criminal and juvenile records checks
 4468 and to the Federal Bureau of Investigation for federal criminal
 4469 records checks. A person subject to this subsection who is found
 4470 ineligible for employment under s. 1012.315, or otherwise found
 4471 through background screening to have been convicted of any crime
 4472 involving moral turpitude as defined by rule of the State Board

4473 of Education, shall not be employed, engaged to provide
 4474 services, or serve in any position that requires direct contact
 4475 with students. Probationary persons subject to this subsection
 4476 terminated because of their criminal record have the right to
 4477 appeal such decisions. The cost of the background screening may
 4478 be borne by the district school board, the charter school, the
 4479 employee, the contractor, or a person subject to this
 4480 subsection. If the district school board does not notify the
 4481 charter school of the eligibility of governing board members and
 4482 instructional and noninstructional personnel within 14 days
 4483 after the submission of the fingerprints, it shall reimburse the
 4484 cost of background screening.

4485 Section 51. Subsection (4) of section 1012.55, Florida
 4486 Statutes, is amended, and paragraph (e) is added to subsection
 4487 (1) of that section, to read:

4488 1012.55 Positions for which certificates required.—

4489 (1)

4490 (e)1. The department shall issue a 3-year temporary
 4491 certificate in educational leadership under s. 1012.56(7) to an
 4492 individual who:

4493 a. Earned a passing score on the Florida Educational
 4494 Leadership Examination.

4495 b. Served as a commissioned or noncommissioned military
 4496 officer in the United States Armed Forces for at least 3 years.

4497 c. Was honorably discharged or has retired from the United

4498 States Armed Forces.

4499 d. Is employed full time in a position for which an
 4500 educator certificate is required in a Florida public school,
 4501 state-supported school, or nonpublic school that has a Level II
 4502 program under s. 1012.562.

4503 2. A Level II program under s. 1012.562 must accept an
 4504 applicant who holds a temporary certificate under subparagraph
 4505 1. The department shall issue a permanent certification as a
 4506 school principal to an individual who holds a temporary
 4507 certificate under subparagraph 1. and successfully completes the
 4508 Level II program.

4509 (4) A commissioned or noncommissioned military officer who
 4510 is an instructor of junior reserve officer training shall be
 4511 exempt from requirements for teacher certification, except for
 4512 the background screening pursuant to s. 1012.32, if he or she
 4513 meets the following qualifications:

4514 (a) Is retired from active military duty, pursuant to
 4515 chapter 102 of Title 10 U.S.C.

4516 (b) Satisfies criteria established by the appropriate
 4517 military service for certification by the service as a junior
 4518 reserve officer training instructor.

4519 (c) Has an exemplary military record.

4520
 4521 If such instructor is assigned instructional duties other than
 4522 junior reserve officer training, he or she shall hold the

4523 certificate required by law and rules of the state board for the
 4524 type of service rendered. An instructor of junior reserve
 4525 officer training under this subsection may receive funding
 4526 through the Florida Teachers Classroom Supply Assistance Program
 4527 under s. 1012.71.

4528 Section 52. Subsection (7) of section 1012.56, Florida
 4529 Statutes, is amended to read:

4530 1012.56 Educator certification requirements.—

4531 (7) TYPES AND TERMS OF CERTIFICATION.—

4532 (a) The Department of Education shall issue a professional
 4533 certificate for a period not to exceed 5 years to any applicant
 4534 who fulfills one of the following:

4535 1. Meets all the requirements outlined in subsection (2).

4536 2. For a professional certificate covering grades 6
 4537 through 12:

4538 a. Meets the requirements of paragraphs (2) (a)-(h).

4539 b. Holds a master's or higher degree in the area of
 4540 science, technology, engineering, or mathematics.

4541 c. Teaches a high school course in the subject of the
 4542 advanced degree.

4543 d. Is rated highly effective as determined by the
 4544 teacher's performance evaluation under s. 1012.34, based in part
 4545 on student performance as measured by a statewide, standardized
 4546 assessment or an Advanced Placement, Advanced International
 4547 Certificate of Education, or International Baccalaureate

4548 examination.

4549 e. Achieves a passing score on the Florida professional
4550 education competency examination required by state board rule.

4551 3. Meets the requirements of paragraphs (2) (a)-(h) and
4552 completes a professional preparation and education competence
4553 program approved by the department pursuant to paragraph (8) (c).
4554 An applicant who completes the program and is rated highly
4555 effective as determined by his or her performance evaluation
4556 under s. 1012.34 is not required to take or achieve a passing
4557 score on the professional education competency examination in
4558 order to be awarded a professional certificate.

4559 (b) The department shall issue a temporary certificate to
4560 any applicant who completes the requirements outlined in
4561 paragraphs (2) (a)-(f) and completes the subject area content
4562 requirements specified in state board rule or demonstrates
4563 mastery of subject area knowledge pursuant to subsection (5) and
4564 holds an accredited degree or a degree approved by the
4565 Department of Education at the level required for the subject
4566 area specialization in state board rule.

4567 (c) The department shall issue one nonrenewable 2-year
4568 temporary certificate and one nonrenewable 5-year professional
4569 certificate to a qualified applicant who holds a bachelor's
4570 degree in the area of speech-language impairment to allow for
4571 completion of a master's degree program in speech-language
4572 impairment.

4573
 4574 Each temporary certificate is valid for 3 school fiscal years
 4575 and is nonrenewable. However, the requirement in paragraph
 4576 (2) (g) must be met within 1 calendar year of the date of
 4577 employment under the temporary certificate. Individuals who are
 4578 employed under contract at the end of the 1 calendar year time
 4579 period may continue to be employed through the end of the school
 4580 year in which they have been contracted. A school district shall
 4581 not employ, or continue the employment of, an individual in a
 4582 position for which a temporary certificate is required beyond
 4583 this time period if the individual has not met the requirement
 4584 of paragraph (2) (g). At least 1 year before an individual's
 4585 temporary certificate is set to expire, the department shall
 4586 electronically notify the individual of the date on which his or
 4587 her certificate will expire and provide a list of each method by
 4588 which the qualifications for a professional certificate can be
 4589 completed. The State Board of Education shall adopt rules to
 4590 allow the department to extend the validity period of a
 4591 temporary certificate for 2 years when the requirements for the
 4592 professional certificate, not including the requirement in
 4593 paragraph (2) (g), were not completed due to the serious illness
 4594 or injury of the applicant, the military service of an
 4595 applicant's spouse, or other extraordinary extenuating
 4596 circumstances. The rules must authorize the department to extend
 4597 the validity period of a temporary certificate ~~or~~ for 1 year if

4598 the ~~temporary~~ certificateholder is rated effective or highly
 4599 effective based solely on a student learning growth formula
 4600 approved by the Commissioner of Education pursuant to s.
 4601 1012.34(8). The department shall reissue the temporary
 4602 certificate for 2 additional years upon approval by the
 4603 Commissioner of Education. A written request for reissuance of
 4604 the certificate shall be submitted by the district school
 4605 superintendent, the governing authority of a university lab
 4606 school, the governing authority of a state-supported school, or
 4607 the governing authority of a private school.

4608 Section 53. Section 1012.562, Florida Statutes, is amended
 4609 to read:

4610 1012.562 Public accountability and state approval of
 4611 school leader preparation programs.—The Department of Education
 4612 shall establish a process for the approval of Level I and Level
 4613 II school leader preparation programs that will enable aspiring
 4614 school leaders to obtain their certificate in educational
 4615 leadership under s. 1012.56. School leader preparation programs
 4616 must be competency-based, aligned to the principal leadership
 4617 standards adopted by the state board, and open to individuals
 4618 employed by public schools, including charter schools and
 4619 virtual schools. Level I programs ~~may be offered by school~~
 4620 ~~districts or postsecondary institutions and~~ lead to initial
 4621 certification in educational leadership for the purpose of
 4622 preparing individuals to serve as school administrators. Level

4623 II programs ~~may be offered by school districts,~~ build upon Level
 4624 I training~~,~~ and lead to renewal certification as a school
 4625 principal.

4626 (1) PURPOSE.—The purpose of school leader preparation
 4627 programs are to:

4628 (a) Increase the supply of effective school leaders in the
 4629 public schools of this state.

4630 (b) Produce school leaders who are prepared to lead the
 4631 state's diverse student population in meeting high standards for
 4632 academic achievement.

4633 (c) Enable school leaders to facilitate the development
 4634 and retention of effective and highly effective classroom
 4635 teachers.

4636 (d) Produce leaders with the competencies and skills
 4637 necessary to achieve the state's education goals.

4638 (e) Sustain the state system of school improvement and
 4639 education accountability.

4640 (2) LEVEL I PROGRAMS.—

4641 (a) Initial approval of a Level I program shall be for a
 4642 period of 5 years. A postsecondary institution, or school
 4643 district, charter school, or charter management organization may
 4644 submit to the department in a format prescribed by the
 4645 department an application to establish a Level I school leader
 4646 preparation program. To be approved, a Level I program must:

4647 1. Provide competency-based training aligned to the

4648 principal leadership standards adopted by the State Board of
 4649 Education.

4650 2. If the program is provided by a postsecondary
 4651 institution, partner with at least one school district.

4652 3. Describe the qualifications that will be used to
 4653 determine program admission standards, including a candidate's
 4654 instructional expertise and leadership potential.

4655 4. Describe how the training provided through the program
 4656 will be aligned to the personnel evaluation criteria under s.
 4657 1012.34.

4658 (b) Renewal of a Level I program's approval shall be for a
 4659 period of 5 years and shall be based upon evidence of the
 4660 program's continued ability to meet the requirements of
 4661 paragraph (a). A postsecondary institution or school district
 4662 must submit an institutional program evaluation plan in a format
 4663 prescribed by the department for a Level I program to be
 4664 considered for renewal. The plan must include:

4665 1. The percentage of personnel who complete the program
 4666 and are placed in school leadership positions in public schools
 4667 within the state.

4668 2. Results from the personnel evaluations required under
 4669 s. 1012.34 for personnel who complete the program.

4670 3. The passage rate of personnel who complete the program
 4671 on the Florida Education Leadership Examination.

4672 4. The impact personnel who complete the program have on

4673 student learning as measured by the formulas developed by the
 4674 commissioner pursuant to s. 1012.34(7).

4675 5. Strategies for continuous improvement of the program.

4676 6. Strategies for involving personnel who complete the
 4677 program, other school personnel, community agencies, business
 4678 representatives, and other stakeholders in the program
 4679 evaluation process.

4680 7. Additional data included at the discretion of the
 4681 postsecondary institution or school district.

4682 (c) A Level I program must guarantee the high quality of
 4683 personnel who complete the program for the first 2 years after
 4684 program completion or the person's initial certification as a
 4685 school leader, whichever occurs first. If a person who completed
 4686 the program is evaluated at less than highly effective or
 4687 effective under s. 1012.34 and the person's employer requests
 4688 additional training, the Level I program must provide additional
 4689 training at no cost to the person or his or her employer. The
 4690 training must include the creation of an individualized plan
 4691 agreed to by the employer that includes specific learning
 4692 outcomes. The Level I program is not responsible for the
 4693 person's employment contract with his or her employer.

4694 (3) LEVEL II PROGRAMS.—Initial approval and subsequent
 4695 renewal of a Level II program shall be for a period of 5 years.
 4696 A school district, charter school, or charter management
 4697 organization may submit to the department in a format prescribed

4698 by the department an application to establish a Level II school
 4699 leader preparation program or for program renewal. To be
 4700 approved or renewed, a Level II program must:

4701 (a) Demonstrate that personnel accepted into the Level II
 4702 program have:

4703 1. Obtained their certificate in educational leadership
 4704 under s. 1012.56.

4705 2. Earned a highly effective or effective designation
 4706 under s. 1012.34.

4707 3. Satisfactorily performed instructional leadership
 4708 responsibilities as measured by the evaluation system in s.
 4709 1012.34.

4710 (b) Demonstrate that the Level II program:

4711 1. Provides competency-based training aligned to the
 4712 principal leadership standards adopted by the State Board of
 4713 Education.

4714 2. Provides training aligned to the personnel evaluation
 4715 criteria under s. 1012.34 and professional development program
 4716 in s. 1012.986.

4717 3. Provides individualized instruction using a customized
 4718 learning plan for each person enrolled in the program that is
 4719 based on data from self-assessment, selection, and appraisal
 4720 instruments.

4721 4. Conducts program evaluations and implements program
 4722 improvements using input from personnel who completed the

4723 program and employers and data gathered pursuant to paragraph
 4724 (2) (b) .

4725 (c) Gather and monitor the data specified in paragraph
 4726 (2) (b) .

4727 (4) RULES.—The State Board of Education shall adopt rules
 4728 to administer this section.

4729 Section 54. Subsection (3) is added to section 1012.59,
 4730 Florida Statutes, to read:

4731 1012.59 Certification fees.—

4732 (3) The State Board of Education shall waive initial
 4733 general knowledge, professional education, and subject area
 4734 examination fees and certification fees for:

4735 (a) A member of the United States Armed Forces or a
 4736 reserve component thereof who is serving or has served on active
 4737 duty and the spouse of such a member.

4738 (b) The surviving spouse of a member of the United States
 4739 Armed Forces or a reserve component thereof who was serving on
 4740 active duty at the time of death.

4741 (c) An honorably discharged veteran of the United States
 4742 Armed Forces or a veteran of a reserve component thereof who
 4743 served on active duty and the spouse or surviving spouse of such
 4744 a veteran.

4745 Section 55. Subsection (11) of section 1012.98, Florida
 4746 Statutes, is amended to read:

4747 1012.98 School Community Professional Development Act.—

4748 (11) The department shall disseminate to the school
4749 community proven model professional development programs that
4750 have demonstrated success in increasing rigorous and relevant
4751 content, increasing student achievement and engagement, meeting
4752 identified student needs, and providing effective mentorship
4753 activities to new teachers and training to teacher mentors. The
4754 methods of dissemination must include a web-based statewide
4755 performance-support system including a database of exemplary
4756 professional development activities, a listing of available
4757 professional development resources, training programs, and
4758 available technical assistance. Professional development
4759 resources must include sample course-at-a-glance and unit
4760 overview templates that school districts may use when developing
4761 curriculum. The templates must provide an organized structure
4762 for addressing the Florida Standards, grade-level expectations,
4763 evidence outcomes, and 21st century skills that build to
4764 students' mastery of the standards at each grade level. Each
4765 template must support teaching to greater intellectual depth and
4766 emphasize transfer and application of concepts, content, and
4767 skills. At a minimum, each template must:
4768 (a) Provide course or year-long sequencing of concept-
4769 based unit overviews based on the Florida Standards.
4770 (b) Describe the knowledge and vocabulary necessary for
4771 comprehension.
4772 (c) Promote the instructional shifts required within the

4773 standards.

4774 (d) Illustrate the interdependence of grade level
 4775 expectations within and across content areas within a grade.

4776 Section 56. Paragraph (a) of subsection (2) of section
 4777 1013.28, Florida Statutes, is amended to read:

4778 1013.28 Disposal of property.—

4779 (2) TANGIBLE PERSONAL PROPERTY.—

4780 (a) Tangible personal property that has been properly
 4781 classified as surplus by a district school board or Florida
 4782 College System institution board of trustees shall be disposed
 4783 of in accordance with the procedure established by chapter 274.
 4784 However, the provisions of chapter 274 shall not be applicable
 4785 to a motor vehicle used in driver education to which title is
 4786 obtained for a token amount from an automobile dealer or
 4787 manufacturer. In such cases, the disposal of the vehicle shall
 4788 be as prescribed in the contractual agreement between the
 4789 automotive agency or manufacturer and the board. Tangible
 4790 personal property that has been properly classified as surplus,
 4791 marked for disposal, or otherwise unused by a district school
 4792 board shall be provided for a charter school's use on the same
 4793 basis as it is made available to other public schools in the
 4794 district. A charter school receiving property from the school
 4795 district may not sell or dispose of such property without
 4796 written permission of the school district.

4797 Section 57. Paragraph (e) is added to subsection (2) of

4798 section 1013.385, Florida Statutes, to read:

4799 1013.385 School district construction flexibility.—

4800 (2) A resolution adopted under this section may propose
 4801 implementation of exceptions to requirements of the uniform
 4802 statewide building code for the planning and construction of
 4803 public educational and ancillary plants adopted pursuant to ss.
 4804 553.73 and 1013.37 relating to:

4805 (e) Any other provisions that limit the ability of a
 4806 school to operate in a facility on the same basis as a charter
 4807 school pursuant to s. 1002.33(18) so long as the regional
 4808 planning council determines that there is sufficient shelter
 4809 capacity within the school district as documented in the
 4810 Statewide Emergency Shelter Plan.

4811 Section 58. Paragraph (a) of subsection (1), paragraphs
 4812 (a) and (e) of subsection (3), and subsection (5) of section
 4813 1013.62, Florida Statutes, are amended to read:

4814 1013.62 Charter schools capital outlay funding.—

4815 (1) Charter school capital outlay funding shall consist of
 4816 ~~revenue resulting from the discretionary millage authorized in~~
 4817 ~~s. 1011.71(2) and state funds when such funds are appropriated~~
 4818 ~~in the General Appropriations Act. However, if the amount of~~
 4819 ~~state funds appropriated for charter school capital outlay in~~
 4820 ~~any fiscal year is not equal to or is less than the average~~
 4821 ~~charter school capital outlay funds per unweighted full-time~~
 4822 ~~equivalent student for the 2018-2019 fiscal year, multiplied by~~

4823 the estimated number of charter school students for the
 4824 applicable fiscal year, and adjusted by changes in the Consumer
 4825 Price Index from the previous fiscal year, charter school
 4826 capital outlay funding shall also consist of revenue resulting
 4827 from the discretionary millage authorized in s. 1011.71(2).

4828 (a) To be eligible to receive capital outlay funds, a
 4829 charter school must:

4830 1.a. Have been in operation for 2 or more years;

4831 b. Be governed by a governing board established in the
 4832 state for 2 or more years which operates both charter schools
 4833 and conversion charter schools within the state;

4834 c. Be an expanded feeder chain of a charter school within
 4835 the same school district that is currently receiving charter
 4836 school capital outlay funds;

4837 d. Have been accredited by a regional accrediting
 4838 association as defined by State Board of Education rule; or

4839 e. Serve students in facilities that are provided by a
 4840 business partner for a charter school-in-the-workplace pursuant
 4841 to s. 1002.33(15)(b).

4842 2. Have an annual audit that does not reveal any of the
 4843 financial emergency conditions provided in s. 218.503(1) for the
 4844 most recent fiscal year for which such audit results are
 4845 available.

4846 3. Have satisfactory student achievement based on state
 4847 accountability standards applicable to the charter school.

4848 4. Have received final approval from its sponsor pursuant
 4849 to s. 1002.33 for operation during that fiscal year.

4850 5. Serve students in facilities that are not provided by
 4851 the charter school's sponsor.

4852 (3) If the school board levies the discretionary millage
 4853 authorized in s. 1011.71(2), and the state funds appropriated
 4854 for charter school capital outlay in any fiscal year is not
 4855 equal to or is less than the average charter school capital
 4856 outlay funds per unweighted full-time equivalent student for the
 4857 2018-2019 fiscal year, multiplied by the estimated number of
 4858 charter school students for the applicable fiscal year, and
 4859 adjusted by changes in the Consumer Price Index from the
 4860 previous fiscal year, the department shall use the following
 4861 calculation methodology to determine the amount of revenue that
 4862 a school district must distribute to each eligible charter
 4863 school:

4864 (a) Reduce the total discretionary millage revenue by the
 4865 school district's annual debt service obligation incurred as of
 4866 March 1, 2017, which has not been subsequently retired, and any
 4867 amount of participation requirement pursuant to s.
 4868 1013.64(2)(a)8. that is being satisfied by revenues raised by
 4869 the discretionary millage.

4870 (e) School districts shall distribute capital outlay funds
 4871 to charter schools no later than February 1 of each year if
 4872 required by this subsection, ~~beginning on February 1, 2018, for~~

4873 | ~~the 2017-2018 fiscal year.~~

4874

4875 | By October 1 of each year, each school district shall certify to
 4876 | the department the amount of debt service and participation
 4877 | requirement that complies with the requirement of paragraph
 4878 | (3) (a) and can be reduced from the total discretionary millage
 4879 | revenue. The Auditor General shall verify compliance with the
 4880 | requirements of paragraph (3) (a) and s. 1011.71(2) (e) during
 4881 | scheduled operational audits of school districts.

4882 | (5) If a charter school is nonrenewed or terminated, any
 4883 | unencumbered funds and all equipment and property purchased with
 4884 | district public funds shall revert to the ownership of the
 4885 | district school board, as provided for in s. 1002.33(8) (d) and
 4886 | (e) ~~s. 1002.33(8) (e) and (f)~~. In the case of a charter lab
 4887 | school, any unencumbered funds and all equipment and property
 4888 | purchased with university public funds shall revert to the
 4889 | ownership of the state university that issued the charter. The
 4890 | reversion of such equipment, property, and furnishings shall
 4891 | focus on recoverable assets, but not on intangible or
 4892 | irrecoverable costs such as rental or leasing fees, normal
 4893 | maintenance, and limited renovations. The reversion of all
 4894 | property secured with public funds is subject to the complete
 4895 | satisfaction of all lawful liens or encumbrances. If there are
 4896 | additional local issues such as the shared use of facilities or
 4897 | partial ownership of facilities or property, these issues shall

4898 | be agreed to in the charter contract prior to the expenditure of
 4899 | funds.

4900 | Section 59. For the 2018-2019 fiscal year, the sum of
 4901 | \$19,350,000 in recurring funds from the General Revenue Fund and
 4902 | the sum of \$850,000 in nonrecurring funds from the General
 4903 | Revenue Fund are appropriated to the Department of Education to
 4904 | implement this act. Of the recurring funds, \$9,700,000 shall be
 4905 | used to fund Reading Scholarship Accounts, \$300,000 is provided
 4906 | as an administrative fee pursuant to s. 1002.411(1), Florida
 4907 | Statutes, \$2,000,000 shall be used to implement the provisions
 4908 | of s. 1002.411(5), Florida Statutes, \$5,600,000 shall be used to
 4909 | implement the provisions of s. 1008.22(3)(d), Florida Statutes,
 4910 | \$950,000 shall be used to implement the additional oversight
 4911 | requirements pursuant to s. 1002.421, Florida Statutes, \$250,000
 4912 | shall be used to issue a competitive grant award pursuant to s.
 4913 | 1002.395(9), Florida Statutes, and \$550,000 shall be used for
 4914 | instructional materials pursuant to s. 1007.271(13), Florida
 4915 | Statutes. Of the nonrecurring funds, \$750,000 shall be used to
 4916 | fund the web-based fiscal transparency tool required pursuant to
 4917 | s. 1010.20(2)(c), Florida Statutes and \$100,000 shall be used to
 4918 | implement the provision of s. 1011.051(2)(b), Florida Statutes.

4919 | Section 60. The Department of Revenue may, and all
 4920 | conditions are deemed met to, adopt emergency rules pursuant to
 4921 | ss. 120.536(1) and 120.54, Florida Statutes, to administer this
 4922 | act.

4923 | Section 61. This act shall take effect July 1, 2018. |