

## CHAPTER 2019-23

### Committee Substitute for Senate Bill No. 7070

An act relating to K-12 education; amending s. 212.099, F.S.; deleting a specified reference to a certain program; revising the definition of the terms “eligible contribution” or “contribution”; revising the authorized uses of eligible contributions; amending s. 212.1832, F.S.; deleting a specified reference to a certain program; deleting obsolete language; amending s. 1002.20, F.S.; revising the programs through which certain parents may seek private educational choice options; amending s. 1002.33, F.S.; providing that charters may include a provision for charter schools to be held responsible for all costs incurred by the district in connection with complaints to the Office of Civil Rights or the Equal Employment Opportunity Commission; amending s. 1002.333, F.S.; revising definitions; revising requirements for hope operators seeking to open a school of hope; revising requirements for the performance-based agreement; revising requirements for the expenditure of funds under the Schools of Hope Program; requiring that ownership of certain property, furnishings, and equipment revert to the district school board upon the dissolution or termination of a school of hope; providing that certain funds and specified improvements, furnishings, equipment, and records be held in trust upon a request by a district school board; deleting the authorization for a traditional public school to receive funds from the program; deleting a requirement for the State Board of Education to provide awards and annually report certain information; conforming provisions to changes made by the act; creating s. 1002.394, F.S.; establishing the Family Empowerment Scholarship Program; providing the purpose of the program; defining terms; providing initial scholarship eligibility requirements; providing for the term of such scholarships; prohibiting certain students from scholarship eligibility; requiring school districts to inform specified households within their respective districts of their eligibility to receive a Family Empowerment Scholarship; requiring the Department of Education to provide the form to be used by school districts for that purpose; requiring school districts to notify certain students of specified information relating to statewide assessments; requiring school districts, upon the request of the department, to provide statewide assessments and related materials to certain private schools; providing requirements for the administration of statewide assessments at certain private schools; requiring school districts to publish information relating to the scholarship program on their respective websites; providing requirements for the published information; requiring the department to publish and update information relating to the program on the department website; requiring the department to cross-check specified information; providing requirements for private school participation in the program; providing requirements for participating students and their parents; providing obligations for participation of eligible scholarship-funding organizations in the program; providing the maximum number of students who may

participate in the scholarship program, beginning with a specified school year; providing for subsequent increases in the authorized number of participating students; providing for the calculation of school district funding entitlement under the program; requiring school districts to report all students who attend a private school under the program; providing that such students must be reported separately for certain purposes; requiring the department to transfer funds from the General Revenue Fund to an account for the program; requiring that program funds for students entering a Department of Juvenile Justice commitment program be transferred from the school district in which the student last attended school before commitment; providing that the department must receive specified information relating to such students within a specified timeframe; requiring the Chief Financial Officer to make scholarship payments to the department; providing requirements for such payments; requiring the department to request from the Department of Financial Services a sample of certain endorsed warrants for a specified purpose; providing immunity from liability for the state; providing a scope of authority with regard to the regulation of private schools; requiring the state board to adopt rules; providing a requirement for such rules; providing an implementation schedule for a specified school year; providing additional eligibility requirements; requiring the Department of Education to expedite the publication of specified information on the department's website; providing a deadline for a specified payment by the Chief Financial Officer; providing for the expiration of provisions related to a specified school year; amending s. 1002.385, F.S.; deleting the authorization for certain nonprofit scholarship-funding organizations to receive specified funds; amending s. 1002.395, F.S.; revising eligibility requirements under the Florida Tax Credit Scholarship Program for certain students; revising obligations of certain nonprofit scholarship-funding organizations relating to the program; revising a requirement for certain contributions to annually be used by a specified date to provide scholarships to eligible students; revising the calculation methodology to be used for the scholarship amount provided to certain students under the program; amending s. 1002.40, F.S.; revising the calculation methodology to be used for awards under the Hope Scholarship Program; conforming provisions to changes made by the act; specifying limitations on the amount of certain contributions which eligible scholarship-funding organizations may carry forward to the following fiscal year; authorizing certain funds relating to the Hope Scholarship Program to be used to fund the Florida Tax Credit Scholarship Program, under specified conditions; expanding the language required to be included on the contribution election form relating to the Hope Scholarship Program and the Florida Tax Credit Scholarship Program; amending s. 1002.411, F.S.; deleting obsolete language; revising the award of reading scholarship accounts to be provided in the General Appropriations Act; deleting the authorization for certain nonprofit scholarship-funding organizations to receive specified funds; creating part VII of ch. 1003, F.S., entitled "Public School Innovation"; creating s. 1003.64, F.S.; providing legislative intent; creating the Community School Grant Program within the department;

providing the purpose of the program; defining terms; establishing the Center for Community Schools within the University of Central Florida; authorizing the center to facilitate the implementation of its community school model through grants; providing duties for the center; providing that, in prioritizing planning grant awards, priority must be given to certain school districts; requiring the center to annually publish, by a specified date, specified information on its website; amending s. 1004.04, F.S.; revising requirements for the rules to establish uniform core curricula for state-approved teacher preparation programs; revising the evidence to be used in the determination of continued approval of teacher preparation programs; revising reporting requirements for public and private institutions that offer state-approved teacher preparation programs; revising requirements for preservice field experience courses and internships; amending s. 1004.85, F.S.; revising requirements for educator preparation programs; revising requirements relating to annual performance evaluations that educator preparation institutes are required to submit to the department; amending s. 1008.33, F.S.; authorizing a district-managed turnaround plan to include a proposal regarding the length and number of planned school days; making a technical change; amending s. 1011.62, F.S.; deleting a requirement for the total allocation of the federally connected student supplement to be prorated under specified circumstances; creating the Florida Best and Brightest Teacher and Principal Allocation; providing the purpose of the allocation; requiring that, subject to the appropriation of funds, each school district receive an allocation based on its proportional share of Florida Education Finance Program base funding; authorizing the Legislature to specify a minimum allocation; requiring school districts to provide specified awards to eligible teachers and principals from allocated funds; requiring school districts to prorate awards under certain circumstances; creating the turnaround school supplemental services allocation; providing a purpose; providing for services that may be funded by the allocation; authorizing school districts to enter into formal agreements with certain organizations to provide specified services to students and families; requiring a school district to submit a plan to its school board before distribution of the allocation; specifying requirements for such plans; requiring each school district to annually submit approved plans to the commissioner by a specified date; specifying the basis for each school district's funding allocation; providing for a school's continued eligibility for funding; amending s. 1011.71, F.S.; conforming a cross-reference and provisions to changes made by the act; amending s. 1012.56, F.S.; deleting obsolete language; requiring school districts to provide test support information to individuals who do not meet passing scores on any subtest of the general knowledge examination; deleting the requirement that an individual who holds a temporary certificate demonstrate mastery of general knowledge within a specified timeframe; removing the prohibition on employment for an individual who has not met specified requirements; expanding circumstances under which the State Board of Education is required to adopt rules to allow the department to extend the validity period of a temporary certificate; requiring the department to extend, rather than reissue, a temporary

certificate in certain circumstances; amending s. 1012.59, F.S.; revising requirements for rulemaking by the state board relating to certification fees; deleting a requirement that an examination fee be sufficient to cover the actual cost of developing and administering the examination; amending s. 1012.731, F.S.; renaming the Florida Best and Brightest Teacher Scholarship Program as the Florida Best and Brightest Teacher Program; revising legislative intent relating to the program; deleting authority for the Department of Education to administer the program; specifying the funding source for the program; providing for recruitment, retention, and recognition awards; providing eligibility requirements; deleting a requirement for school districts to submit certain information to the department; deleting a requirement for the department to disburse scholarship funds to certain school districts; deleting a requirement for school districts to award specified scholarships; deleting a definition; amending s. 1012.732, F.S.; renaming the Florida Best and Brightest Principal Scholarship Program as the Florida Best and Brightest Principal Program; revising legislative intent relating to the program; deleting authority for the department to administer the program; specifying the funding source for the program; providing eligibility requirements; deleting a requirement for the department to identify eligible school principals and disburse funds; deleting a requirement for school districts to award scholarships to specified school principals; deleting a requirement for school districts to provide certain principals with additional authority and responsibilities; deleting a definition; amending s. 1013.31, F.S.; authorizing a school district, in the absence of a survey recommendation, to use funds from a taxpayer-approved bond referendum to fund construction of educational, auxiliary, or ancillary facilities and to use funds from a specified district school tax for certain capital outlay purposes; authorizing the commissioner to direct specified capital outlay funds to be withheld from school districts until a specified time; amending s. 1013.385, F.S.; revising voting requirements for adoption by a district school board of a resolution to implement exceptions to the educational facilities construction requirements; deleting actions required of district school boards before voting may take place; amending s. 1013.64, F.S.; authorizing certain school districts to request funding from a specified account before completion of certain requirements; revising the information required to be included in a school district's request to receive certain funding; providing that specified restrictions do not apply to certain school districts; prohibiting district school boards from using specified funds to pay for any portion of the cost of certain new construction; requiring the department, in conjunction with the Office of Economic and Demographic Research, to annually review and adjust limits on the cost per student station, based on certain factors; requiring the department to use the adjusted cost per student station for each instructional level; requiring the department to collaborate with the office to select a certain index by a specified date; deleting a requirement that the department make the final determination on district compliance under specified circumstances; providing an exception to a prohibition on the usage of specified funds by district school boards; deleting obsolete language; revising the calculation

methodology relating to a prohibition on funding for district school boards; deleting a requirement that school districts be subject to sanctions under certain circumstances; revising the costs that may be included and that may not be included in calculating the cost per student station; expanding the authority of the Department of Revenue to adopt emergency rules; providing that certain rules are effective for a specified length of time and may be renewed; providing an effective date; providing for future expiration; providing effective dates.

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

**Section 1.** Section 212.099, Florida Statutes, is amended to read:

**212.099** Credit for contributions to eligible nonprofit scholarship-funding organizations Florida Sales Tax Credit Scholarship Program.—

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

(a) “Eligible business” means a tenant or person actually occupying, using, or entitled to the use of any property from which the rental or license fee is subject to taxation under s. 212.031.

(b) “Eligible contribution” or “contribution” means a monetary contribution from an eligible business to an eligible nonprofit scholarship-funding organization to be used pursuant to ~~s. 1002.385~~ or s. 1002.395. The eligible business making the contribution may not designate a specific student as the beneficiary of the contribution.

(c) “Eligible nonprofit scholarship-funding organization” or “organization” has the same meaning as provided in s. 1002.395(2)(f).

(2) An eligible business shall be granted a credit against the tax imposed under s. 212.031 and collected from the eligible business by a dealer. The credit shall be in an amount equal to 100 percent of an eligible contribution made to an organization.

(3) A dealer shall take a credit against the tax imposed under s. 212.031 in an amount equal to the credit taken by the eligible business under subsection (2).

(4)(a) An eligible business must apply to the department for an allocation of tax credits under this section. The eligible business must specify in the application the state fiscal year during which the contribution will be made, the organization that will receive the contribution, the planned amount of the contribution, the address of the property from which the rental or license fee is subject to taxation under s. 212.031, and the federal employer identification number of the dealer who collects the tax imposed under s. 212.031 from the eligible business and who will reduce collection of taxes from the eligible business pursuant to this section. The department shall approve allocations of tax credits on a first-come, first-served basis and shall

provide to the eligible business a separate approval or denial letter for each dealer for which the eligible business applied for an allocation of tax credits. Within 10 days after approving or denying an application, the department shall provide a copy of its approval or denial letter to the organization specified by the eligible business in the application. An approval letter must include the name and federal employer identification number of the dealer from whom a credit under this section can be taken and the amount of tax credits approved for use with that dealer.

(b) Upon receipt of an eligible contribution, the organization shall provide the eligible business that made the contribution with a separate certificate of contribution for each dealer from whom a credit can be taken as approved under paragraph (a). A certificate of contribution must include the contributor's name and, if available, federal employer identification number, the amount contributed, the date of contribution, the name of the organization, and the name and federal employer identification number of the dealer.

(5) Each dealer that receives from an eligible business a copy of the department's approval letter and a certificate of contribution, both of which identify the dealer as the dealer who collects the tax imposed under s. 212.031 from the eligible business and who will reduce collection of taxes from the eligible business pursuant to this section, shall reduce the tax collected from the eligible business under s. 212.031 by the total amount of contributions indicated in the certificate of contribution. The reduction may not exceed the amount of credit allocation approved by the department and may not exceed the amount of tax that would otherwise be collected from the eligible business by a dealer when a payment is made under the rental or license fee arrangement. However, payments by an eligible business to a dealer may not be reduced before October 1, 2018.

(a) If the total amount of credits an eligible business may take cannot be fully used within any period that a payment is due under the rental or license fee arrangement because of an insufficient amount of tax that the dealer would collect from the eligible business during that period, the unused amount may be carried forward for a period not to exceed 10 years.

(b) A tax credit may not be claimed on an amended return or through a refund.

(c) A dealer that claims a tax credit must file returns and pay taxes by electronic means under s. 213.755.

(d) An eligible business may not convey, assign, or transfer an approved tax credit or a carryforward tax credit to another entity unless all of the assets of the eligible business are conveyed, assigned, or transferred in the same transaction and the successor business continues the same lease with the dealer.

(e) Within any state fiscal year, an eligible business may rescind all or part of a tax credit approved under this section. The amount rescinded shall become available for that state fiscal year to another eligible business as approved by the department if the business receives notice from the department that the rescindment has been accepted by the department. Any amount rescinded under this subsection shall become available to an eligible business on a first-come, first-served basis based on tax credit applications received after the date the rescindment is accepted by the department.

(f) Within 10 days after the rescindment of a tax credit under paragraph (e) is accepted by the department, the department shall notify the eligible nonprofit scholarship-funding organization specified by the eligible business. The department shall also include the eligible nonprofit scholarship-funding organization specified by the eligible business on all letters or correspondence of acknowledgment for tax credits under this section.

(6) An organization shall report to the department, on or before the 20th day of each month, the total amount of contributions received pursuant to subsection (4) in the preceding calendar month on a form provided by the department. Such report shall include the amount of contributions received during that reporting period and the federal employer identification number of each dealer associated with the contribution.

(7)(a) Eligible contributions may be used to fund the program established under s. 1002.395 ~~s. 1002.385~~ if funds appropriated in a state fiscal year for the program are insufficient to fund eligible students.

~~(b) If the conditions in paragraph (a) are met, the organization shall first use eligible contributions received during a state fiscal year to fund scholarships for students in the priority set forth in s. 1002.385(12)(d). Remaining contributions may be used to fund scholarships for students eligible pursuant to s. 1002.395(3)(b)1. or 2.~~

~~(b)(e)~~ The organization shall separately account for each scholarship funded pursuant to this section.

~~(d) Notwithstanding s. 1002.385(6)(b), any funds remaining from a closed scholarship account funded pursuant to this section shall be used to fund other scholarships pursuant to s. 1002.385.~~

~~(c)(e)~~ The organization may, subject to the limitations of s. 1002.395(6)(j) 1., use up to 3 percent ~~of~~ eligible contributions received during the state fiscal year in which such contributions are collected for administrative expenses.

(8) The sum of tax credits that may be approved by the department in any state fiscal year is \$57.5 million.

(9) For purposes of the distributions of tax revenue under s. 212.20, the department shall disregard any tax credits allowed under this section to

ensure that any reduction in tax revenue received that is attributable to the tax credits results only in a reduction in distributions to the General Revenue Fund.

(10) The department may adopt rules to administer this section.

**Section 2.** Section 212.1832, Florida Statutes, is amended to read:

**212.1832** Credit for contributions to eligible nonprofit scholarship-funding organizations the Hope Scholarship Program.—

(1) The purchaser of a motor vehicle shall be granted a credit of 100 percent of an eligible contribution made to an eligible nonprofit scholarship-funding organization under s. 1002.40 against any tax imposed by the state under this chapter and collected from the purchaser by a dealer, designated agent, or private tag agent as a result of the purchase or acquisition of a motor vehicle ~~on or after October 1, 2018~~, except that a credit may not exceed the tax that would otherwise be collected from the purchaser by a dealer, designated agent, or private tag agent. For purposes of this subsection, the term “purchase” does not include the lease or rental of a motor vehicle.

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

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

**Section 3.** Paragraph (b) of subsection (6) of section 1002.20, Florida Statutes, is amended to read:

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

**(6) EDUCATIONAL CHOICE.**—

(b) *Private educational choices.*—Parents of public school students may seek private educational choice options under certain programs established under chapter 1002.

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

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

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

**Section 4.** Paragraph (f) is added to subsection (7) of section 1002.33, Florida Statutes, to read:

**1002.33 Charter schools.**—

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

(f) A charter may include a provision requiring the charter school to be held responsible for all costs associated with, but not limited to, mediation, damages, and attorney fees incurred by the district in connection with complaints to the Office of Civil Rights or the Equal Employment Opportunity Commission.

**Section 5.** Subsections (1) and (4), paragraphs (b), (d), and (h) of subsection (5), subsection (10), and paragraphs (b) and (d) of subsection (11) of section 1002.333, Florida Statutes, are amended to read:

**1002.333 Persistently low-performing schools.**—

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

(a) “Florida Opportunity Zone” means a population census tract that has been designated by the United States Department of the Treasury as a Qualified Opportunity Zone pursuant to Internal Revenue Code s. 1400Z-1(b)(1)(B).

~~(b)(a)~~ “Hope operator” means an entity identified by the department pursuant to subsection (2).

~~(c)~~(b) “Persistently low-performing school” means a school that has earned three consecutive grades lower than a “C,” pursuant to s. 1008.34, in at least 3 of the previous 5 years and has not earned a grade of “B” or higher in the most recent 2 school years, and a school that was closed pursuant to s. 1008.33(4) within 2 years after the submission of a notice of intent.

~~(d)~~(e) “School of hope” means:

1. A charter school operated by a hope operator which:

a. Serves students from one or more persistently low-performing schools and students who reside in a Florida Opportunity Zone;

b. Is located in a Florida Opportunity Zone or in the attendance zone of a persistently low-performing school or within a 5-mile radius of such school, whichever is greater; and

c. Is a Title I eligible school; or

2. A school operated by a hope operator pursuant to s. 1008.33(4)(b)3.

(4) ESTABLISHMENT OF SCHOOLS OF HOPE.—A hope operator seeking to open a school of hope must submit a notice of intent to the school district in which a persistently low-performing school has been identified by the State Board of Education pursuant to subsection (10) or in which a Florida Opportunity Zone is located.

(a) The notice of intent must include:

1. An academic focus and plan.

2. A financial plan.

3. Goals and objectives for increasing student achievement for the students from low-income families.

4. A completed or planned community outreach plan.

5. The organizational history of success in working with students with similar demographics.

6. The grade levels to be served and enrollment projections.

7. The proposed location or geographic area proposed for the school consistent with the requirements of sub-subparagraphs (1)(d)1.a. and b and its proximity to the persistently low-performing school.

8. A staffing plan.

(b) Notwithstanding the requirements of s. 1002.33, a school district shall enter into a performance-based agreement with a hope operator to open

schools to serve students from persistently low-performing schools and students residing in a Florida Opportunity Zone.

(5) PERFORMANCE-BASED AGREEMENT.—The following shall comprise the entirety of the performance-based agreement:

(b) The location or geographic area proposed for the school of hope and its proximity to the persistently low-performing school, as applicable.

(d) A plan of action and specific milestones for student recruitment and the enrollment of students from persistently low-performing schools and students residing in a Florida Opportunity Zone, including enrollment preferences and procedures for conducting transparent admissions lotteries that are open to the public. Students from persistently low-performing schools and students residing in a Florida Opportunity Zone shall be exempt from any enrollment lottery to the extent permitted by federal grant requirements.

(h) A provision allowing the hope operator to open additional schools to serve students enrolled in or zoned for a persistently low-performing school and students residing in a Florida Opportunity Zone if the hope operator maintains its status under subsection (3).

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

(a) A school of hope is eligible to receive funds from the Schools of Hope Program for the following expenditures:

1. Preparing teachers, school leaders, and specialized instructional support personnel, including costs associated with:
  - a. Providing professional development.
  - b. Hiring and compensating teachers, school leaders, and specialized instructional support personnel for services ~~beyond the school day and year until the school reaches full enrollment in accordance with the performance-based agreement pursuant to subsection (5).~~
2. Acquiring supplies, training, equipment, and educational materials, including developing and acquiring instructional materials.
3. Providing one-time startup costs associated with providing transportation to students to and from the charter school.
4. Carrying out community engagement activities, which may include paying the cost of student and staff recruitment.
5. Providing funds to cover the nonvoted ad valorem millage that would otherwise be required for schools and the required local effort funds

calculated pursuant to s. 1011.62 when the state board enters into an agreement with a hope operator pursuant to subsection (5).

6. Providing funds for the initial leasing costs of a school facility in the event the department determines that a suitable district-owned facility is unavailable or not leased in a timely manner pursuant to paragraph (7)(d).

In the event a school of hope is dissolved or is otherwise terminated, all property, furnishings, and equipment purchased with public funds shall automatically revert to full ownership by the district school board, subject to complete satisfaction of any lawful liens or encumbrances. Any unencumbered public funds from the school of hope, district school board property and improvements, furnishings, and equipment purchased with public funds, or financial or other records pertaining to the school of hope, in the possession of any person, entity, or holding company, other than the charter school, shall be held in trust upon the district school board's request, until any appeal status is resolved.

~~(b) A traditional public school that is required to submit a plan for implementation pursuant to s. 1008.33(4) is eligible to receive up to \$2,000 per full-time equivalent student from the Schools of Hope Program based upon the strength of the school's plan for implementation and its focus on evidence-based interventions that lead to student success by providing wrap-around services that leverage community assets, improve school and community collaboration, and develop family and community partnerships. Wrap-around services include, but are not limited to, tutorial and after-school programs, student counseling, nutrition education, parental counseling, and adult education. Plans for implementation may also include models that develop a culture of attending college, high academic expectations, character development, dress codes, and an extended school day and school year. At a minimum, a plan for implementation must:~~

~~1. Establish wrap-around services that develop family and community partnerships.~~

~~2. Establish clearly defined and measurable high academic and character standards.~~

~~3. Increase parental involvement and engagement in the child's education.~~

~~4. Describe how the school district will identify, recruit, retain, and reward instructional personnel. The state board may waive the requirements of s. 1012.22(1)(c)5., and suspend the requirements of s. 1012.34, to facilitate implementation of the plan.~~

~~5. Identify a knowledge-rich curriculum that the school will use that focuses on developing a student's background knowledge.~~

~~6. Provide professional development that focuses on academic rigor, direct instruction, and creating high academic and character standards.~~

(e) ~~The state board shall:~~

~~1. Provide awards for up to 25 schools and prioritize awards for plans submitted pursuant to paragraph (b) that are based on whole school transformation and that are developed in consultation with the school's principal.~~

~~2. Annually report on the implementation of this subsection in the report required by s. 1008.345(5), and provide summarized academic performance reports of each traditional public school receiving funds.~~

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

**(11) STATE BOARD OF EDUCATION AUTHORITY AND OBLIGATIONS.**—Pursuant to Art. IX of the State Constitution, which prescribes the duty of the State Board of Education to supervise the public school system, the State Board of Education shall:

(b) Adopt a standard notice of intent and performance-based agreement that must be used by hope operators and district school boards to eliminate regulatory and bureaucratic barriers that delay access to high quality schools for students in persistently low-performing schools and students residing in Florida Opportunity Zones.

(d) Provide students in persistently low-performing schools and students residing in Florida Opportunity Zones with a public school that meets accountability standards. The State Board of Education may enter into a performance-based agreement with a hope operator when a school district has not improved the school after 3 years of the interventions and support provided under s. 1008.33 or has not complied with the requirements of subsection (4). Upon the State Board of Education entering into a performance-based agreement with a hope operator, the school district shall transfer to the school of hope the proportionate share of state funds allocated from the Florida Education Finance Program.

**Section 6. Section 1002.394, Florida Statutes, is created to read:**

**1002.394 The Family Empowerment Scholarship Program.—**

(1) **PURPOSE.**—The Family Empowerment Scholarship Program is established to provide children of families in this state which have limited financial resources with educational options to achieve success in their education.

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

(a) “Department” means the Department of Education.

(b) “Eligible nonprofit scholarship-funding organization” has the same meaning as provided in s. 1002.395(2)(f).

(c) “Eligible private school” has the same meaning as provided in s. 1002.395(2)(g).

(d) “Parent” means a resident of this state who is a parent, as defined in s. 1000.21.

(e) “Program” means the Family Empowerment Scholarship Program.

(3) INITIAL SCHOLARSHIP ELIGIBILITY.—A student is eligible for a Family Empowerment Scholarship under this section if the student meets the following criteria:

(a)1. The student is on the direct certification list pursuant to s. 1002.395(2)(c) or the student’s household income level does not exceed 300 percent of the federal poverty level; or

2. The student is currently placed, or during the previous state fiscal year was placed, in foster care or in out-of-home care as defined in s. 39.01.

Priority shall be given to students whose household income levels do not exceed 185 percent of the federal poverty level or who are in foster care or out-of-home care. A student who initially receives a scholarship based on eligibility under subparagraph 2. remains eligible to participate until the student graduates from high school or attains the age of 21 years, whichever occurs first, regardless of the student’s household income level. A sibling of a student who is participating in the scholarship program under this subsection is eligible for a scholarship if the student resides in the same household as the sibling.

(b) The student is eligible to enroll in kindergarten or has spent the prior school year in attendance at a Florida public school. For purposes of this paragraph, prior school year in attendance means that the student was enrolled and reported by a school district for funding during the preceding October and February Florida Education Finance Program surveys in kindergarten through grade 12, which includes time spent in a Department of Juvenile Justice commitment program if funded under the Florida Education Finance Program.

However, a dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country due to a parent’s permanent change of station orders or a foster child is exempt from the prior public school attendance requirement under this paragraph, but must meet the other eligibility requirements specified under this section to participate in the program.

(c) The parent has obtained acceptance for admission of the student to a private school that is eligible for the program under subsection (8) and the

parent has requested a scholarship from the Department of Education at least 60 days before the date of the first scholarship payment. The request must be communicated directly to the department in a manner that creates a written or electronic record of the request and the date of receipt of the request. The department must notify the school district of the parent's intent upon receipt of the parent's request.

**(4) TERM OF SCHOLARSHIP.—**

(a) For purposes of continuity of educational choice, a Family Empowerment Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 21, whichever occurs first. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a Department of Juvenile Justice detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.

(b) Upon reasonable notice to the department and the school district, the student's parent may remove the student from the private school and place the student in a public school in accordance with this section.

(c) Upon reasonable notice to the department, the student's parent may move the student from one participating private school to another participating private school.

**(5) SCHOLARSHIP PROHIBITIONS.—**A student is not eligible for a Family Empowerment Scholarship while he or she is:

(a) Enrolled in a public school, including, but not limited to, the Florida School for the Deaf and the Blind; the College-Preparatory Boarding Academy; a developmental research school authorized under s. 1002.32; or a charter school authorized under chapter 1002;

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

(c) Receiving any other educational scholarship pursuant to this chapter;

(d) Participating in a home education program as defined in s. 1002.01(1);

(e) Participating in a private tutoring program pursuant to s. 1002.43; or

(f) Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation.

**(6) SCHOOL DISTRICT OBLIGATIONS.—**

(a) By July 15, 2019, and by April 1 of each year thereafter, a school district shall inform all households within the district receiving free or reduced-priced meals under the National School Lunch Act of their eligibility to apply to the department for a Family Empowerment Scholarship. The form of such notice shall be provided by the department, and the school district shall include the provided form in any normal correspondence with eligible households. Such notice is limited to once a year.

(b) The school district in which a participating student resides must notify the student and his or her parent about the locations and times to take all statewide assessments under s. 1008.22 if the student chooses to participate in such assessments. Upon the request of the department, a school district shall coordinate with the department to provide to a participating private school the statewide assessments administered under s. 1008.22 and any related materials for administering the assessments. For a student who participates in the Family Empowerment Scholarship Program whose parent requests that the student take the statewide assessments under s. 1008.22, the district in which the student attends a private school shall provide locations and times to take all statewide assessments. A school district is responsible for implementing test administrations at a participating private school, including the:

1. Provision of training for private school staff on test security and assessment administration procedures;
2. Distribution of testing materials to a private school;
3. Retrieval of testing materials from a private school;
4. Provision of the required format for a private school to submit information to the district for test administration and enrollment purposes; and
5. Provision of any required assistance, monitoring, or investigation at a private school.

(c) Each school district must publish information about the Family Empowerment Scholarship Program on the district's website homepage. At a minimum, the published information must include a website link to the Family Empowerment Scholarship Program published on the Department of Education website as well as a telephone number and e-mail that students and parents may use to contact relevant personnel in the school district to obtain information about the scholarship.

(7) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department shall:

(a) Publish and update, as necessary, information on the department website about the Family Empowerment Scholarship Program, including, but not limited to, student eligibility criteria, parental responsibilities, and relevant data.

(b) Cross-check the list of participating scholarship students with the public school enrollment lists before each scholarship payment to avoid duplication.

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be eligible to participate in the Family Empowerment Scholarship Program, a private school may be sectarian or nonsectarian and must:

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

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

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

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

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

(9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—A parent who applies for a Family Empowerment Scholarship is exercising his or her parental option to place his or her child in a private school.

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

(b) The parent must request the scholarship at least 60 days before the date of the first scholarship payment.

(c) The parent must inform the applicable school district when the parent withdraws his or her student from a public school to attend an eligible private school.

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

(e) Before enrolling in a private school, a student and his or her parent or guardian must meet with the private school's principal or the principal's designee to review the school's academic programs and policies, customized educational programs, code of student conduct, and attendance policies.

(f) The parent shall ensure that the student participating in the scholarship program takes the norm-referenced assessment offered by the private school. The parent may also choose to have the student participate in the statewide assessments pursuant to paragraph (6)(b).

(g) If the parent requests that the student participating in the program take all statewide assessments required pursuant to s. 1008.22, the parent is responsible for transporting the student to the assessment site designated by the school district.

(h) Upon receipt of a scholarship warrant, the parent to whom the warrant is issued must restrictively endorse the warrant to the private school for deposit into the private school's account. The parent may not designate any entity or individual associated with the participating private school as the parent's attorney in fact to endorse a scholarship warrant. A participant who fails to comply with this paragraph forfeits the scholarship.

**(10) OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING ORGANIZATIONS.—An eligible nonprofit scholarship-funding organization:**

(a) Shall verify the household income level of students pursuant to subparagraph (3)(a)1. and submit the verified list of students and related documentation to the department.

(b) May, from eligible contributions received pursuant to s. 1002.395(6)(j)1., use an amount not to exceed 1 percent of the total amount of all scholarships awarded under this section for administrative expenses associated with performing functions under this section. Such administrative expense amount is considered within the 3 percent limit on the total amount an organization may use to administer scholarships under this chapter.

(c) Must, in a timely manner, submit any information requested by the department relating to the scholarship under this section.

(d) Must notify the department about any violation of this section by a parent or a private school.

(11) SCHOLARSHIP FUNDING AND PAYMENT.—

(a) The scholarship is established for up to 18,000 students annually on a first-come, first-served basis beginning with the 2019-2020 school year. Beginning in the 2020-2021 school year, the number of students participating in the scholarship program under this section may annually increase by 0.25 percent of the state's total public school student enrollment.

(b) The scholarship amount provided to a student for any single school year shall be for tuition and fees for an eligible private school, not to exceed annual limits, which shall be determined in accordance with this paragraph. The calculated amount for a student to attend an eligible private school shall be based upon the grade level and school district in which the student was assigned as 95 percent of the funds per unweighted full-time equivalent in the Florida Education Finance Program for a student in the basic program established pursuant to s. 1011.62(1)(c)1., plus a per-full-time equivalent share of funds for all categorical programs, except for the Exceptional Student Education Guaranteed Allocation.

(c) The amount of the Family Empowerment Scholarship shall be the calculated amount or the amount of the private school's tuition and fees, whichever is less. The amount of any assessment fee required by the participating private school may be paid from the total amount of the scholarship.

(d) The school district shall report all students who are attending a private school under this program. The students attending private schools on Family Empowerment Scholarships shall be reported separately from other students reported for purposes of the Florida Education Finance Program.

(e) Following notification on July 1, September 1, December 1, or February 1 of the number of program participants, the department shall transfer, from general revenue funds only, the amount calculated pursuant to paragraph (b) to a separate account for the scholarship program for quarterly disbursement to parents of participating students. For a student exiting a Department of Juvenile Justice commitment program who chooses to participate in the scholarship program, the amount of the Family Empowerment Scholarship calculated pursuant to paragraph (b) must be transferred from the school district in which the student last attended a public school before commitment to the Department of Juvenile Justice. When a student enters the scholarship program, the department must receive all documentation required for the student's participation, including the private school's and the student's fee schedules, at least 30 days before the first quarterly scholarship payment is made for the student.

(f) Upon notification by the department that it has received the documentation required under paragraph (e), the Chief Financial Officer shall make scholarship payments in four equal amounts no later than September 1, November 1, February 1, and April 1 of each school year in

which the scholarship is in force. The initial payment shall be made after department verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the private school. Payment must be by individual warrant made payable to the student's parent and mailed by the department to the private school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school for deposit into the account of the private school.

(g) Subsequent to each scholarship payment, the department shall request from the Department of Financial Services a sample of endorsed warrants to review and confirm compliance with endorsement requirements.

(12) LIABILITY.—No liability shall arise on the part of the state based on the award or use of a Family Empowerment Scholarship.

(13) SCOPE OF AUTHORITY.—The inclusion of eligible private schools within the options available to Florida public school students does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation of private schools beyond those reasonably necessary to enforce requirements expressly set forth in this section.

(14) RULES.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section. The state board rules must include a requirement that the department work collaboratively with an approved scholarship-funding organization to expedite the process for the verification and reporting obligations specified under subsection (10).

(15) IMPLEMENTATION SCHEDULE FOR THE 2019-2020 SCHOOL YEAR.—Notwithstanding the provisions of this section related to notification requirements and eligibility timelines, for the 2019-2020 school year:

(a) A student is eligible for a Family Empowerment Scholarship under this section if the student's parent has obtained acceptance of the student's admission to a private school that is eligible for the program under subsection (8) and the parent has requested a scholarship from the Department of Education no later than August 15, 2019. The request must be communicated directly to the department in a manner that creates a written or electronic record of the request and the date of receipt of the request.

(b) The department shall expedite the publication of information relevant to the Family Empowerment Scholarship Program on the department's website, including, but not limited to, the eligibility criteria for students to qualify for the scholarship under this section and how parents may request the scholarship. The department must immediately notify the school district of the parent's intent upon receipt of the parent's request.

(c) Upon notification by the department that it has received the documentation required under paragraph (10)(a), the Chief Financial Officer shall make the first quarter payment of scholarships no later than October 1, 2019.

This subsection shall expire June 30, 2020.

**Section 7.** Paragraph (g) of subsection (13) of section 1002.385, Florida Statutes, is amended to read:

**1002.385** The Gardiner Scholarship.—

**(13) FUNDING AND PAYMENT.—**

~~(g)—In addition to funds appropriated for scholarship awards and subject to a separate, specific legislative appropriation, an organization may receive an amount equivalent to not more than 3 percent of the amount of each scholarship award from state funds for administrative expenses if the organization has operated as a nonprofit entity for at least the preceding 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under s. 1002.395(6)(m). Such administrative expenses must be reasonable and necessary for the organization's management and distribution of scholarships under this section. Funds authorized under this paragraph may not be used for lobbying or political activity or expenses related to lobbying or political activity. An organization may not charge an application fee for a scholarship. Administrative expenses may not be deducted from funds appropriated for scholarship awards.~~

**Section 8.** Subsection (3), paragraphs (d) and (j) of subsection (6), and paragraph (a) of subsection (11) of section 1002.395, Florida Statutes, are amended to read:

**1002.395** Florida Tax Credit Scholarship Program.—

**(3) PROGRAM; SCHOLARSHIP ELIGIBILITY.—**

(a) The Florida Tax Credit Scholarship Program is established.

(b) A student is eligible for a Florida tax credit scholarship under this section if the student meets one or more of the following criteria:

1. The student is on the direct certification list or the student's household income level does not exceed 185 percent of the federal poverty level; or

2. The student is currently placed, or during the previous state fiscal year was placed, in foster care or in out-of-home care as defined in s. 39.01.

3. The student's household income level is greater than 185 percent of the federal poverty level but does not exceed 260 percent of the federal poverty level.

A student who initially receives a scholarship based on eligibility under subparagraph (b)2. remains eligible to participate until the student graduates from high school or attains the age of 21 years, whichever occurs first, regardless of the student's household income level. A student who initially received a scholarship based on income eligibility before the 2019-2020 school year remains eligible to participate until he or she graduates from high school, attains the age of 21 years, or the student's household income level exceeds 260 percent of the federal poverty level, whichever occurs first. A sibling of a student who is participating in the scholarship program under this subsection is eligible for a scholarship if the student resides in the same household as the sibling.

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

(d) Must provide scholarships, from eligible contributions, to eligible students for the cost of:

1. Tuition and fees for an eligible private school; or

2. Transportation to a Florida public school in which a student is enrolled and that is different from the school to which the student was assigned that is located outside the district in which the student resides or to a lab school as defined in s. 1002.32.

(j)1. ~~May use up to 3 percent of eligible contributions received pursuant to this section and ss. 212.099, 212.1832, and 1002.40 during the state fiscal year in which such contributions are collected for administrative expenses if the organization has operated as an eligible nonprofit scholarship-funding organization for at least the preceding 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under paragraph (m).~~ Administrative expenses from eligible contributions may not exceed 3 percent of the total amount of all scholarships awarded by an eligible scholarship-funding organization under this chapter. Such administrative expenses must be reasonable and necessary for the organization's management and distribution of scholarships awarded ~~eligible contributions~~ under this chapter section. No funds authorized under this subparagraph shall be used for lobbying or political activity or expenses related to lobbying or political activity. Up to one-third of the funds authorized for administrative expenses under this subparagraph may be used for expenses related to the recruitment of contributions from taxpayers. An eligible nonprofit scholarship-funding organization may not charge an application fee.

2. Must expend for annual or partial-year scholarships an amount equal to or greater than 75 percent of the net eligible contributions remaining after administrative expenses during the state fiscal year in which such contributions are collected. No more than 25 percent of such net eligible contributions may be carried forward to the following state fiscal year. All amounts carried forward, for audit purposes, must be specifically identified for particular students, by student name and the name of the school to which the student is admitted, subject to the requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the applicable rules and regulations issued pursuant thereto. Any amounts carried forward shall be expended for annual or partial-year scholarships in the following state fiscal year. No later than September 30 of each year, net eligible contributions remaining on June 30 of each year that are in excess of the 25 percent that may be carried forward shall be used to provide scholarships to eligible students or transferred to other eligible nonprofit scholarship-funding organizations to provide scholarships for eligible students. All transferred funds must be deposited by each eligible nonprofit scholarship-funding organization receiving such funds into its scholarship account. All transferred amounts received by any eligible nonprofit scholarship-funding organization must be separately disclosed in the annual financial audit required under paragraph (m).

3. Must, before granting a scholarship for an academic year, document each scholarship student's eligibility for that academic year. A scholarship-funding organization may not grant multiyear scholarships in one approval process.

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

**(11) SCHOLARSHIP AMOUNT AND PAYMENT.—**

(a) ~~Except as provided in subparagraph 2.,~~ The scholarship amount provided to any student for any single school year by an eligible nonprofit scholarship-funding organization from eligible contributions shall be for total costs authorized under paragraph (6)(d), not to exceed annual limits, which shall be determined as follows:

1.a. ~~For The base amount awarded to a student who received a scholarship in the 2018-2019 school year, who remains eligible, and who is enrolled in an eligible private school, the amount shall be the greater amount calculated pursuant to subparagraph 2. or determined as a percentage of the unweighted FTE funding amount for the 2018-2019 that state fiscal year and thereafter as follows:~~

a.(1) Eighty-eight percent for a student enrolled in kindergarten through grade 5.

~~b.(II)~~ Ninety-two percent for a student enrolled in grade 6 through grade 8.

~~c.(III)~~ Ninety-six percent for a student enrolled in grade 9 through grade 12.

2. For students initially eligible in the 2019-2020 school year or thereafter, the calculated amount for a student to attend an eligible private school shall be based upon the grade level and school district in which the student resides as 95 percent of the funds per unweighted full-time equivalent in the Florida Education Finance Program for a student in the basic program established pursuant to s. 1011.62(1)(c)1., plus a per-full-time equivalent share of funds for all categorical programs, except for the Exceptional Student Education Guaranteed Allocation.

~~3.b.~~ The scholarship amount awarded to a student enrolled in a Florida public school in which a student is enrolled and that is different from the school to which the student was assigned that is located outside the district in which the student resides or in a lab school as defined in s. 1002.32, is limited to \$750.

~~2.~~ The annual limit for a scholarship under sub-subparagraph 1.a. shall be reduced by:

~~a.~~ Twelve percent if the student's household income level is greater than or equal to 200 percent, but less than 215 percent, of the federal poverty level.

~~b.~~ Twenty-six percent if the student's household income level is greater than or equal to 215 percent, but less than 230 percent, of the federal poverty level.

~~c.~~ Forty percent if the student's household income level is greater than or equal to 230 percent, but less than 245 percent, of the federal poverty level.

~~d.~~ Fifty percent if the student's household income level is greater than or equal to 245 percent, but less than or equal to 260 percent, of the federal poverty level.

Section 9. Effective upon becoming a law, paragraph (i) is added to subsection (11) of section 1002.40, Florida Statutes, and paragraphs (a) and (g) of subsection (11) and paragraph (a) of subsection (13) of that section are amended, to read:

**1002.40 The Hope Scholarship Program.—**

**(11) FUNDING AND PAYMENT.—**

(a) For students initially eligible in the 2019-2020 school year or thereafter, the calculated amount for a student to attend an eligible private school shall be based upon the grade level and school district in which the

student was assigned as 95 percent of the funds per unweighted full-time equivalent in the Florida Education Finance Program for a student in the basic program established pursuant to s. 1011.62(1)(c)1., plus a per-full-time equivalent share of funds for all categorical programs, except for the Exceptional Student Education Guaranteed Allocation. The maximum amount awarded to a student enrolled in an eligible private school shall be determined as a percentage of the unweighted FTE funding amount for that state fiscal year and thereafter as follows:

- ~~1. Eighty-eight percent for a student enrolled in kindergarten through grade 5.~~
- ~~2. Ninety-two percent for a student enrolled in grade 6 through grade 8.~~
- ~~3. Ninety-six percent for a student enrolled in grade 9 through grade 12.~~

~~(g) An eligible nonprofit scholarship-funding organization, subject to the limitations of s. 1002.395(6)(j)1., may use up to 3 percent of eligible contributions received during the state fiscal year in which such contributions are collected for administrative expenses if the organization has operated as an eligible nonprofit scholarship-funding organization for at least the preceding 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under s. 1002.395(6)(m). Such administrative expenses must be reasonable and necessary for the organization's management and distribution of eligible contributions under this section. Funds authorized under this paragraph may not be used for lobbying or political activity or expenses related to lobbying or political activity. Up to one-third of the funds authorized for administrative expenses under this paragraph may be used for expenses related to the recruitment of contributions. An eligible nonprofit scholarship-funding organization may not charge an application fee.~~

~~(i) Notwithstanding s. 1002.395(6)(j)2., no more than 5 percent of net eligible contributions may be carried forward to the following state fiscal year by an eligible scholarship-funding organization. For audit purposes, all amounts carried forward must be specifically identified for individual students by student name and by the name of the school to which the student is admitted, subject to the requirements of ss. 1002.21 and 1002.22 and 20 U.S.C. s. 1232g, and the applicable rules and regulations issued pursuant to such requirements. Any amounts carried forward shall be expended for annual scholarships or partial-year scholarships in the following state fiscal year. Net eligible contributions remaining on June 30 of each year which are in excess of the 5 percent that may be carried forward shall be transferred to other eligible nonprofit scholarship-funding organizations participating in the Hope Scholarship Program to provide scholarships for eligible students. All transferred funds must be deposited by each eligible nonprofit scholarship-funding organization receiving such funds into the scholarship account of eligible students. All transferred amounts received by an eligible nonprofit scholarship-funding organization must be separately disclosed in the annual financial audit requirement~~

under s. 1002.395(6)(m). If no other eligible nonprofit scholarship-funding organization participates in the Hope Scholarship Program, net eligible contributions in excess of the 5 percent may be used to fund scholarships for students eligible under s. 1002.395(3).

**(13) SCHOLARSHIP FUNDING TAX CREDITS.—**

(a) A tax credit is available under s. 212.1832(1) for use by a person that makes an eligible contribution. Eligible contributions shall be used to fund scholarships under this section and may be used to fund scholarships under s. 1002.395. Each eligible contribution is limited to a single payment of \$105 per motor vehicle purchased at the time of purchase of a motor vehicle or a single payment of \$105 per motor vehicle purchased at the time of registration of a motor vehicle that was not purchased from a dealer, except that a contribution may not exceed the state tax imposed under chapter 212 that would otherwise be collected from the purchaser by a dealer, designated agent, or private tag agent. Payments of contributions shall be made to a dealer at the time of purchase of a motor vehicle or to a designated agent or private tag agent at the time of registration of a motor vehicle that was not purchased from a dealer. An eligible contribution shall be accompanied by a contribution election form provided by the Department of Revenue. The form shall include, at a minimum, the following brief description of the Hope Scholarship Program and the Florida Tax Credit Scholarship Program: “THE HOPE SCHOLARSHIP PROGRAM PROVIDES A PUBLIC SCHOOL STUDENT WHO WAS SUBJECTED TO AN INCIDENT OF VIOLENCE OR BULLYING AT SCHOOL THE OPPORTUNITY TO APPLY FOR A SCHOLARSHIP TO ATTEND AN ELIGIBLE PRIVATE SCHOOL RATHER THAN REMAIN IN AN UNSAFE SCHOOL ENVIRONMENT. THE FLORIDA TAX CREDIT SCHOLARSHIP PROGRAM PROVIDES A LOW-INCOME STUDENT THE OPPORTUNITY TO APPLY FOR A SCHOLARSHIP TO ATTEND AN ELIGIBLE PRIVATE SCHOOL.” The form shall also include, at a minimum, a section allowing the consumer to designate, from all participating scholarship funding organizations, which organization will receive his or her donation. For purposes of this subsection, the term “purchase” does not include the lease or rental of a motor vehicle.

**Section 10.** Paragraphs (a) and (g) of subsection (7) of section 1002.411, Florida Statutes, are amended to read:

**1002.411** Reading scholarship accounts.—

**(7) ACCOUNT FUNDING AND PAYMENT.—**

(a) ~~For the 2018-2019 school year, The amount of the scholarship shall be \$500 per eligible student. Thereafter, the maximum amount granted for an eligible student shall be~~ as provided in the General Appropriations Act.

~~(g) In addition to funds appropriated for scholarships and subject to a separate, specific legislative appropriation, an organization may receive an amount equivalent to not more than 3 percent of the amount of each~~

~~scholarship from state funds for administrative expenses if the organization has operated as a nonprofit entity for at least the preceding 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under s. 1002.395. Such administrative expenses must be reasonable and necessary for the organization's management and distribution of scholarships under this section. Funds authorized under this paragraph may not be used for lobbying or political activity or expenses related to lobbying or political activity. An organization may not charge an application fee for a scholarship. Administrative expenses may not be deducted from funds appropriated for scholarships.~~

Section 11. Part VII of chapter 1003, Florida Statutes, consisting of s. 1003.64, Florida Statutes, is created and entitled "Public School Innovation."

1003.64 Community School Grant Program.—It is the intent of the Legislature to improve student success and well-being by engaging and supporting parents and community organizations in their efforts to positively impact student learning and development.

(1) PURPOSE.—The Community School Grant Program is established to fund and support the planning and implementation of community school programs, subject to legislative appropriation.

(2) DEFINITIONS.—

(a) "Center" means the Center for Community Schools at the University of Central Florida.

(b) "Community organization" means a nonprofit organization that has been in existence for at least 3 years and serves individuals within a county in which a public school implementing the community school model is located. The community organization serves as the lead partner in the community school model and facilitates the use of grant funds under this section.

(c) "Community school model" means a school service model developed by the center which utilizes a long-term partnership among a school district, a community organization, a college or university, and a health care provider to establish, develop, and sustain a system for addressing student, family, and community needs during and outside of the school day. The model must establish a collaborative governance structure among the community partners for providing services and include standards for effective implementation, reporting, and evaluation at each participating school. The governance structure may include other community leaders such as parent-teacher organizations, community businesses, and faith leaders. The model must also provide for family engagement and expanded learning opportunities and support for students. A community school may include, but is not limited to, a community partnership school.

(3) GRANT PROGRAM.—Contingent upon available funds, the center may facilitate the implementation of its community school model in the state through grants that enable community organizations to establish long-term partnerships and secure resources for planning, staffing, and providing services to students and families through the community school model. The center shall:

(a) Require a participating public school to establish long-term partnerships through a memorandum of understanding. After receiving a grant award under this section, the center shall condition the award of grant funds in the subsequent years upon the matching funds secured through the long-term partnerships.

(b) Prioritize awards based on demonstration of the technical and financial ability to sustain the community school model beyond an initial grant award. For planning grant awards, priority must be given to school districts in which the community school model has not been established and which demonstrate the technical and financial ability to sustain the community school model.

(4) REPORTING.—Beginning with September 1, 2020, and annually thereafter, the center shall publish on its website information on each community organization receiving a grant from the center to implement the community school model. The information must include:

(a) The amount of grant funds provided through the center for each participating school and the amount of matching funds provided by the community organization for each year the community organization has received a grant for that school.

(b) The long-term partners who have entered into a memorandum of understanding for implementing the community school model pursuant to paragraph (2)(c).

(c) A description of the services and community engagement activities provided through the community school model.

(d) The number of students, families, and community members served through the community school model.

(e) The academic progress of students enrolled at the public school, including student progression data, attendance, behavior, and student achievement and learning gains on statewide, standardized assessments as determined pursuant to s. 1008.34.

**Section 12.** Paragraph (b) of subsection (2), paragraphs (a), (b), and (e) of subsection (4), and paragraphs (c) and (d) of subsection (5) of section 1004.04, Florida Statutes, are amended to read:

1004.04 Public accountability and state approval for teacher preparation programs.—

(2) UNIFORM CORE CURRICULA AND CANDIDATE ASSESSMENT.

(b) The rules to establish uniform core curricula for each state-approved teacher preparation program must include, but are not limited to, the following:

1. Candidate instruction and assessment in the Florida Educator Accomplished Practices across content areas.

2. The use of state-adopted content standards to guide curricula and instruction.

3. Scientifically researched and evidence-based reading instructional strategies that improve reading performance for all students, including explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and multisensory intervention strategies.

4. Content literacy and mathematics practices.

5. Strategies appropriate for the instruction of English language learners.

6. Strategies appropriate for the instruction of students with disabilities.

7. Strategies to differentiate instruction based on student needs School safety.

8. The use of character-based classroom management.

(4) CONTINUED PROGRAM APPROVAL.—Continued approval of a teacher preparation program shall be based upon evidence that the program continues to implement the requirements for initial approval and upon significant, objective, and quantifiable measures of the program and the performance of the program completers.

(a) The criteria for continued approval must include each of the following:

1. Documentation from the program that each program candidate met the admission requirements provided in subsection (3).

2. Documentation from the program that the program and each program completer have met the requirements provided in subsection (2).

3. Evidence of performance in each of the following areas:

a. Placement rate of program completers into instructional positions in Florida public schools and private schools, if available.

b. Rate of retention for employed program completers in instructional positions in Florida public schools.

c. Performance of students in prekindergarten through grade 12 who are assigned to in-field program completers on statewide assessments using the results of the student learning growth formula adopted under s. 1012.34.

d. Performance of students in prekindergarten through grade 12 who are assigned to in-field program completers aggregated by student subgroup, as defined in the federal Elementary and Secondary Education Act (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II), as a measure of how well the program prepares teachers to work with a diverse population of students in a variety of settings in Florida public schools.

e. Results of program completers' annual evaluations in accordance with the timeline as set forth in s. 1012.34.

f. Production of program completers in statewide critical teacher shortage areas as identified in s. 1012.07.

4. Results of the program completers' survey measuring their satisfaction with preparation for the realities of the classroom.

5. Results of the employers' survey measuring satisfaction with the program and the program's responsiveness to local school districts.

(b) The State Board of Education shall adopt rules for continued approval of teacher preparation programs which include the program review process, the continued approval timelines, and the performance level targets for each of the continued approval criteria in paragraph (a). Additional criteria may be approved by the State Board of Education. ~~Such criteria may include a program completer's satisfaction with instruction and an employer's satisfaction with, and the program's responsiveness to, local school districts.~~ The Commissioner of Education shall determine the continued approval of each program based on the data collected pursuant to this section and the rules of the State Board of Education.

(e) Each Florida public and private institution that offers a state-approved teacher preparation program must annually report information regarding its approved programs to the state and the general public. The report to the state must include a list of candidates who are admitted to, who are enrolled in, or who complete a teacher preparation program; additional evidence necessary to document requirements for continued approval; and data necessary to complete applicable federal reporting requirements. The state reporting requirements must minimize a program's reporting burden whenever possible without compromising data quality. The report to the general public must include, at a minimum, the annual progress data reported by the state under this paragraph and results of the surveys required under paragraph (a), and may include other information chosen by the institution or program.

**(5) PRESERVICE FIELD EXPERIENCE.**—All postsecondary instructors, school district personnel and instructional personnel, and school sites

preparing instructional personnel through preservice field experience courses and internships shall meet special requirements. District school boards may pay student teachers during their internships.

(c) Preservice field experience must fully prepare a candidate to manage a classroom by requiring the ~~include~~ candidate to practice and demonstrate ~~demonstration~~ of the uniform core curricula specific to the candidate's ~~candidate's~~ area or areas of program concentration with a diverse population of students in a variety of challenging environments, including, but not limited to, high-poverty schools, urban schools, and rural schools settings. The length of structured field experiences may be extended to ensure that candidates achieve the competencies needed to meet certification requirements.

(d) Postsecondary teacher preparation programs in cooperation with district school boards and approved private school associations shall select the school sites for preservice field experience activities based upon the qualifications of the supervising personnel as described in this subsection and the needs of the candidates. These sites must represent the full spectrum of school communities, including, but not limited to, schools servicing low-achieving students ~~located in urban settings.~~ In order to be selected, school sites must demonstrate commitment to the education of public school students and to the preparation of future teachers.

**Section 13.** Paragraph (a) of subsection (3) and subsection (5) of section 1004.85, Florida Statutes, are amended to read:

1004.85 Postsecondary educator preparation institutes.—

(3) Educator preparation institutes approved pursuant to this section may offer competency-based certification programs specifically designed for noneducation major baccalaureate degree holders to enable program participants to meet the educator certification requirements of s. 1012.56. An educator preparation institute choosing to offer a competency-based certification program pursuant to the provisions of this section must implement a program previously approved by the Department of Education for this purpose or a program developed by the institute and approved by the department for this purpose. Approved programs shall be available for use by other approved educator preparation institutes.

(a) Within 90 days after receipt of a request for approval, the Department of Education shall approve a preparation program pursuant to the requirements of this subsection or issue a statement of the deficiencies in the request for approval. The department shall approve a certification program if the institute provides evidence of the institute's capacity to implement a competency-based program that includes each of the following:

1.a. Participant instruction and assessment in the Florida Educator Accomplished Practices across content areas.

b. The use of state-adopted student content standards to guide curriculum and instruction.

c. Scientifically researched and evidence-based reading instructional strategies that improve reading performance for all students, including explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and multisensory intervention strategies.

d. Content literacy and mathematical practices.

e. Strategies appropriate for instruction of English language learners.

f. Strategies appropriate for instruction of students with disabilities.

g. Strategies to differentiate instruction based on student needs ~~School safety.~~

h. The use of character-based classroom management.

2. An educational plan for each participant to meet certification requirements and demonstrate his or her ability to teach the subject area for which the participant is seeking certification, which is based on an assessment of his or her competency in the areas listed in subparagraph 1.

3. Field experiences appropriate to the certification subject area specified in the educational plan with a diverse population of students in a variety of challenging environments, including, but not limited to, high-poverty schools, urban schools, and rural schools, settings under the supervision of qualified educators.

4. A certification ombudsman to facilitate the process and procedures required for participants who complete the program to meet any requirements related to the background screening pursuant to s. 1012.32 and educator professional or temporary certification pursuant to s. 1012.56.

(5) Each institute approved pursuant to this section shall submit to the Department of Education annual performance evaluations that measure the effectiveness of the programs, including the pass rates of participants on all examinations required for teacher certification, employment rates, longitudinal retention rates, and ~~employer~~ employer satisfaction surveys of employers and candidates. The ~~employer~~ employer satisfaction surveys must be designed to measure the sufficient preparation of the educator for the realities of to enter the classroom and the institute's responsiveness to local school districts. These evaluations shall be used by the Department of Education for purposes of continued approval of an educator preparation institute's certification program.

**Section 14.** Paragraphs (a) and (d) of subsection (4) of section 1008.33, Florida Statutes, are amended to read:

## 1008.33 Authority to enforce public school improvement.—

(4)(a) The state board shall apply intensive intervention and support strategies tailored to the needs of schools earning two consecutive grades of “D” or a grade of “F.” In the first full school year after a school initially earns two consecutive grades of “D” or a grade of “F,” the school district must immediately implement intervention and support strategies prescribed in rule under paragraph (3)(c) and, by September 1, provide the department with the memorandum of understanding negotiated pursuant to s. 1001.42(21) and, by October 1, a district-managed turnaround plan for approval by the state board. The district-managed turnaround plan may include a proposal for the district to implement an extended school day, a summer program, or a combination of an extended school day and a summer program. Upon approval by the state board, the school district must implement the plan for the remainder of the school year and continue the plan for 1 full school year. The state board may allow a school an additional year of implementation before the school must implement a turnaround option required under paragraph (b) if it determines that the school is likely to improve to a grade of “C” or higher after the first full school year of implementation.

(d) If a school earning two consecutive grades of “D” or a grade of “F” does not improve to a grade of “C” or higher after 2 full school years of implementing the turnaround option selected by the school district under paragraph (b), the school district must implement another turnaround option. Implementation of the turnaround option must begin the school year following the implementation period of the existing turnaround option, unless the state board determines that the school is likely to improve to a grade of “C” or higher if additional time is provided to implement the existing turnaround option.

**Section 15.** Present subsections (18) and (19) of section 1011.62, Florida Statutes, are redesignated as subsections (19) and (20), respectively, a new subsection (18) and subsection (21) are added to that section, and paragraph (a) of subsection (4), subsection (11), paragraph (d) of subsection (13), and subsection (14) of that section are amended, to read:

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

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

(a) *Estimated taxable value calculations.*—

1.a. Not later than 2 working days before July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. The value certified shall be the taxable value for school purposes for that year, and no further adjustments shall be made, except those made pursuant to paragraphs (c) and (d), or an assessment roll change required by final judicial decisions as specified in paragraph ~~(19)(b)~~ ~~(18)(b)~~. Not later than July 19, the Commissioner of Education shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 96 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The Commissioner of Education shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

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

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

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

b. For each year identified in sub-subparagraph a., the taxable value certified by the appraiser pursuant to s. 193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a. This is the certification that reflects all final administrative actions of the value adjustment board.

**(11) VIRTUAL EDUCATION CONTRIBUTION.**—The Legislature may annually provide in the Florida Education Finance Program a virtual education contribution. The amount of the virtual education contribution shall be the difference between the amount per FTE established in the General Appropriations Act for virtual education and the amount per FTE for each district and the Florida Virtual School, which may be calculated by

taking the sum of the base FEFP allocation, the discretionary local effort, the state-funded discretionary contribution, the discretionary millage compression supplement, the research-based reading instruction allocation, best and brightest teacher and principal allocation, and the instructional materials allocation, and then dividing by the total unweighted FTE. This difference shall be multiplied by the virtual education unweighted FTE for programs and options identified in s. 1002.455 and the Florida Virtual School and its franchises to equal the virtual education contribution and shall be included as a separate allocation in the funding formula.

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

(d) The amount allocated for each eligible school district shall be recalculated during the year using actual student membership, as amended, from the most recent February survey and the tax-exempt valuation from the most recent assessment roll. ~~Upon recalculation, if the total allocation is greater than the amount provided in the General Appropriations Act, it must be prorated to the level of the appropriation based on each district's share of the total recalculated amount.~~

(14) **QUALITY ASSURANCE GUARANTEE.**—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 unweighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per unweighted FTE student which shall include the adjusted FTE dollars as provided in subsection (19) ~~(18)~~, quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per unweighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection (19) ~~(18)~~ and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per unweighted FTE to prior year funds per unweighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per unweighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

**(18) THE FLORIDA BEST AND BRIGHTEST TEACHER AND PRINCIPAL ALLOCATION.—**

(a) The Florida Best and Brightest Teacher and Principal Allocation is created to recruit, retain, and recognize classroom teachers and instructional personnel who meet the criteria established in s. 1012.731 and reward principals who meet the criteria established in s. 1012.732. Subject to annual appropriation, each school district shall receive an allocation based on the district's proportionate share of FEFP base funding. The Legislature may specify a minimum allocation for all districts in the General Appropriations Act.

(b) From the allocation, each district shall provide the following:

1. A one-time recruitment award, as provided in s. 1012.731(3)(a);
2. A retention award, as provided in s. 1012.731(3)(b); and
3. A recognition award, as provided in s. 1012.731(3)(c) from the remaining balance of the appropriation after the payment of all other awards authorized under ss. 1012.731 and 1012.732.

(c) From the allocation, each district shall provide eligible principals an award as provided in s. 1012.732(3).

If a district's calculated awards exceed the allocation, the district may prorate the awards.

**(21) TURNAROUND SCHOOL SUPPLEMENTAL SERVICES ALLOCATION.—**The turnaround school supplemental services allocation is created to provide district-managed turnaround schools, as identified in s. 1008.33(4)(a), schools that earn three consecutive grades below a "C," as identified in s. 1008.33(4)(b)3., and schools that have improved to a "C" and are no longer in turnaround status, as identified in s. 1008.33(4)(c), with funds to offer services designed to improve the overall academic and community welfare of the schools' students and their families.

(a)1. Services funded by the allocation may include, but are not limited to, tutorial and after-school programs, student counseling, nutrition education, parental counseling, and an extended school day and school year. In addition, services may include models that develop a culture that encourages students to complete high school and to attend college or career training, set high academic expectations, and inspire character development.

2. A school district may enter into a formal agreement with a nonprofit organization that has tax-exempt status under s. 501(c)(3) of the Internal Revenue Code to implement an integrated student support service model that provides students and families with access to wrap-around services, including, but not limited to, health services, after-school programs, drug prevention programs, college and career readiness programs, and food and clothing banks.

(b) Before distribution of the allocation, the school district shall develop and submit a plan for implementation to its school board for approval no later than August 1 of each fiscal year.

(c) At a minimum, the plan required under paragraph (b) must:

1. Establish comprehensive support services that develop family and community partnerships;

2. Establish clearly defined and measurable high academic and character standards;

3. Increase parental involvement and engagement in the child's education;

4. Describe how instructional personnel will be identified, recruited, retained, and rewarded;

5. Provide professional development that focuses on academic rigor, direct instruction, and creating high academic and character standards;

6. Provide focused instruction to improve student academic proficiency, which may include additional instruction time beyond the normal school day or school year; and

7. Include a strategy for continuing to provide services after the school is no longer in turnaround status by virtue of achieving a grade of "C" or higher.

(d) Each school district shall submit its approved plans to the commissioner by September 1 of each fiscal year.

(e) Subject to legislative appropriation, each school district's allocation must be based on the unweighted FTE student enrollment at the eligible schools and a per-FTE funding amount of \$500 or as provided in the General Appropriations Act. The supplement provided in the General Appropriations Act shall be based on the most recent school grades and shall serve as a proxy for the official calculation. Once school grades are available for the school year immediately preceding the fiscal year coinciding with the appropriation, the supplement shall be recalculated for the official participating schools as part of the subsequent FEFP calculation. The commissioner may prepare a preliminary calculation so that districts may proceed with timely planning and use of the funds. If the calculated funds for the statewide allocation exceed the funds appropriated, the allocation of funds to each school district must be prorated based on each school district's share of the total unweighted FTE student enrollment for the eligible schools.

(f) Subject to legislative appropriation, each school shall remain eligible for the allocation for a maximum of 4 continuous fiscal years while implementing a turnaround option pursuant to s. 1008.33(4). In addition, a school that improves to a grade of "C" or higher shall remain eligible to

receive the allocation for a maximum of 2 continuous fiscal years after exiting turnaround status.

**Section 16.** Subsection (1) and paragraph (a) of subsection (2) of section 1011.71, Florida Statutes, are amended to read:

**1011.71 District school tax.—**

(1) If the district school tax is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, each district school board desiring to participate in the state allocation of funds for current operation as prescribed by s. 1011.62(19) ~~s. 1011.62(18)~~ shall levy on the taxable value for school purposes of the district, exclusive of millage voted under s. 9(b) or s. 12, Art. VII of the State Constitution, a millage rate not to exceed the amount certified by the commissioner as the minimum millage rate necessary to provide the district required local effort for the current year, pursuant to s. 1011.62(4)(a)1. In addition to the required local effort millage levy, each district school board may levy a nonvoted current operating discretionary millage. The Legislature shall prescribe annually in the appropriations act the maximum amount of millage a district may levy.

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

(a) ~~New construction, and remodeling projects, as set forth in s. 1013.64(6)(b) and included in the district's educational plant survey pursuant to s. 1013.31, without regard to prioritization,~~ sites and site improvement or expansion to new sites, existing sites, auxiliary facilities, athletic facilities, or ancillary facilities.

**Section 17.** Effective upon becoming a law, subsections (2), (3), and (7) of section 1012.56, Florida Statutes, are amended to read:

**1012.56 Educator certification requirements.—**

(2) **ELIGIBILITY CRITERIA.**—To be eligible to seek certification, a person must:

(a) Be at least 18 years of age.

(b) File an affidavit that the applicant subscribes to and will uphold the principles incorporated in the Constitution of the United States and the Constitution of the State of Florida and that the information provided in the application is true, accurate, and complete. The affidavit shall be by original signature or by electronic authentication. The affidavit shall include substantially the following warning:

WARNING: Giving false information in order to obtain or renew a Florida educator's certificate is a criminal offense under Florida law. Anyone giving false information on this affidavit is subject to criminal prosecution as well as disciplinary action by the Education Practices Commission.

(c) Document receipt of a bachelor's or higher degree from an accredited institution of higher learning, or a nonaccredited institution of higher learning that the Department of Education has identified as having a quality program resulting in a bachelor's degree, or higher. Each applicant seeking initial certification must have attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study. The applicant may document the required education by submitting official transcripts from institutions of higher education or by authorizing the direct submission of such official transcripts through established electronic network systems. The bachelor's or higher degree may not be required in areas approved in rule by the State Board of Education as nondegreed areas. The State Board of Education may adopt rules that, for purposes of demonstrating completion of specific certification requirements, allow for the acceptance of college course credits recommended by the American Council for Education (ACE), as posted on an official ACE transcript.

(d) Submit to background screening in accordance with subsection (10). If the background screening indicates a criminal history or if the applicant acknowledges a criminal history, the applicant's records shall be referred to the investigative section in the Department of Education for review and determination of eligibility for certification. If the applicant fails to provide the necessary documentation requested by the department within 90 days after the date of the receipt of the certified mail request, the statement of eligibility and pending application shall become invalid.

(e) Be of good moral character.

(f) Be competent and capable of performing the duties, functions, and responsibilities of an educator.

(g) Demonstrate mastery of general knowledge, pursuant to subsection (3), if the person serves as a classroom teacher pursuant to s. 1012.01(2)(a).

(h) Demonstrate mastery of subject area knowledge, pursuant to subsection (5).

(i) Demonstrate mastery of professional preparation and education competence, pursuant to subsection (6).

(3) **MASTERY OF GENERAL KNOWLEDGE.**—Acceptable means of demonstrating mastery of general knowledge are:

(a) Achievement of passing scores on the general knowledge examination required by state board rule;

(b) Documentation of a valid professional standard teaching certificate issued by another state;

(c) Documentation of a valid certificate issued by the National Board for Professional Teaching Standards or a national educator credentialing board approved by the State Board of Education;

(d) Documentation of two semesters of successful, full-time or part-time teaching in a Florida College System institution, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution of higher education identified by the Department of Education as having a quality program; or

(e) ~~Effective July 1, 2015,~~ Achievement of passing scores, identified in state board rule, on national or international examinations that test comparable content and relevant standards in verbal, analytical writing, and quantitative reasoning skills, including, but not limited to, the verbal, analytical writing, and quantitative reasoning portions of the Graduate Record Examination. Passing scores identified in state board rule must be at approximately the same level of rigor as is required to pass the general knowledge examinations.

A school district that employs an individual who does not achieve passing scores on any subtest of the general knowledge examination must provide information regarding the availability of state-level and district-level supports and instruction to assist him or her in achieving a passing score. Such information must include, but need not be limited to, state-level test information guides, school district test preparation resources, and preparation courses offered by state universities and Florida College System institutions.

(7) TYPES AND TERMS OF CERTIFICATION.—

(a) The Department of Education shall issue a professional certificate for a period not to exceed 5 years to any applicant who fulfills one of the following:

1. Meets all the applicable requirements outlined in subsection (2).
2. For a professional certificate covering grades 6 through 12:
  - a. Meets the applicable requirements of paragraphs (2)(a)-(h).
  - b. Holds a master's or higher degree in the area of science, technology, engineering, or mathematics.
  - c. Teaches a high school course in the subject of the advanced degree.
  - d. Is rated highly effective as determined by the teacher's performance evaluation under s. 1012.34, based in part on student performance as measured by a statewide, standardized assessment or an Advanced

Placement, Advanced International Certificate of Education, or International Baccalaureate examination.

e. Achieves a passing score on the Florida professional education competency examination required by state board rule.

3. Meets the applicable requirements of paragraphs (2)(a)-(h) and completes a professional preparation and education competence program approved by the department pursuant to paragraph (8)(c). An applicant who completes the program and is rated highly effective as determined by his or her performance evaluation under s. 1012.34 is not required to take or achieve a passing score on the professional education competency examination in order to be awarded a professional certificate.

(b) The department shall issue a temporary certificate to any applicant who completes the requirements outlined in paragraphs (2)(a)-(f) and completes the subject area content requirements specified in state board rule or demonstrates mastery of subject area knowledge pursuant to subsection (5) and holds an accredited degree or a degree approved by the Department of Education at the level required for the subject area specialization in state board rule.

(c) The department shall issue one nonrenewable 2-year temporary certificate and one nonrenewable 5-year professional certificate to a qualified applicant who holds a bachelor's degree in the area of speech-language impairment to allow for completion of a master's degree program in speech-language impairment.

Each temporary certificate is valid for 3 school fiscal years and is nonrenewable. However, the requirement in paragraph (2)(g) must be met within 1 calendar year of the date of employment under the temporary certificate. Individuals who are employed under contract at the end of the 1 calendar year time period may continue to be employed through the end of the school year in which they have been contracted. A school district shall not employ, or continue the employment of, an individual in a position for which a temporary certificate is required beyond this time period if the individual has not met the requirement of paragraph (2)(g). At least 1 year before an individual's temporary certificate is set to expire, the department shall electronically notify the individual of the date on which his or her certificate will expire and provide a list of each method by which the qualifications for a professional certificate can be completed. The State Board of Education shall adopt rules to allow the department to extend the validity period of a temporary certificate for 2 years when the requirements for the professional certificate, not including the requirement in paragraph (2)(g), were not completed due to the serious illness or injury of the applicant, the military service of an applicant's spouse, or other extraordinary extenuating circumstances, or if the certificateholder is rated highly effective in the immediate prior year's performance evaluation pursuant to s. 1012.34 or has completed a 2-year mentorship program pursuant to s. 1012.56(8). The rules must authorize the department to extend the validity

~~period of a temporary certificate for 1 year if the certificateholder is rated effective or highly effective based solely on a student learning growth formula approved by the Commissioner of Education pursuant to s. 1012.34(8). The department shall extend reissue the temporary certificate for 2 additional years upon approval by the Commissioner of Education. A written request for extension reissuance of the certificate shall be submitted by the district school superintendent, the governing authority of a university lab school, the governing authority of a state-supported school, or the governing authority of a private school.~~

**Section 18.** Effective upon becoming a law, subsection (1) of section 1012.59, Florida Statutes, is amended to read:

1012.59 Certification fees.—

(1) ~~The State Board of Education, by rule, shall establish by rule separate fees for applications, examinations, certification, certification renewal, late renewal, recordmaking, and recordkeeping, and may establish procedures for scheduling and administering an examination upon an applicant's request. Unless otherwise specified in this subsection, each fee shall be based on department estimates of the revenue required to implement the provisions of law with respect to certification of school personnel. The application fee is shall be nonrefundable. The rule must specify an~~ Each examination fee for the following:

(a) Initial registration for first-time test takers.

(b) Retake of the full battery of subtests of an examination, if applicable. The retake fee for the full battery of subtests may not exceed the fee for the initial registration.

(c) Retake for each subtest of an examination. The retake fee for each subtest must be prorated based on the number of subtests within the examination shall be sufficient to cover the actual cost of developing and administering the examination.

**Section 19.** Section 1012.731, Florida Statutes, is amended to read:

**1012.731 The Florida Best and Brightest Teacher Scholarship Program.**

(1) ~~The Legislature recognizes that, second only to parents, teachers play the most critical role within schools in preparing students to achieve a high level of academic performance. The Legislature further recognizes that research has linked student outcomes to a teacher's own academic achievement. Therefore, it is the intent of the Legislature to recruit, retain, and recognize designate teachers who meet the needs of this state and have achieved success in the classroom high academic standards during their own education as Florida's best and brightest teacher scholars.~~

(2) ~~There is created~~ **The Florida Best and Brightest Teacher Scholarship Program** ~~is created to~~ be administered by the Department of Education. The

scholarship program shall provide categorical funding for scholarships to recruitment and retention awards to classroom teachers, as defined in 1012.01(2)(a), and recognition awards to instructional personnel, as defined in 1012.01(2), to be funded as provided in s. 1011.62(18) be awarded to classroom teachers, as defined in s. 1012.01(2)(a), who have demonstrated a high level of academic achievement.

(3)(a) To be eligible for a one-time recruitment award as specified in the General Appropriations Act, a newly hired classroom teacher must be a content expert, based on criteria established by the department, in mathematics, science, computer science, reading, or civics scholarship in the amount of \$6,000, a classroom teacher must:

1. Have achieved a composite score at or above the 80th percentile on either the SAT or the ACT based on the National Percentile Ranks in effect when the classroom teacher took the assessment and have been evaluated as highly effective pursuant to s. 1012.34 in the school year immediately preceding the year in which the scholarship will be awarded, unless the classroom teacher is newly hired by the district school board and has not been evaluated pursuant to s. 1012.34.

2. Beginning with the 2020-2021 school year, have achieved a composite score at or above the 77th percentile or, if the classroom teacher graduated cum laude or higher with a baccalaureate degree, the 71st percentile on either the SAT, ACT, GRE, LSAT, GMAT, or MCAT based on the National Percentile Ranks in effect when the classroom teacher took the assessment; and have been evaluated as highly effective pursuant to s. 1012.34, or have been evaluated as highly effective based on a commissioner approved student learning growth formula pursuant to s. 1012.34(8), in the school year immediately preceding the year in which the scholarship will be awarded, unless the classroom teacher is newly hired by the district school board and has not been evaluated pursuant to s. 1012.34.

(b) To be eligible for a retention award as specified in the General Appropriations Act, a classroom teacher must have been rated as highly effective or effective the preceding year pursuant to s. 1012.34, and teach in a school for 2 consecutive school years, including the current year, which has improved an average of 3 percentage points or more in the percentage of total possible points achieved for determining school grades over the prior 3 years

1. In order to demonstrate eligibility for an award, an eligible classroom teacher must submit to the school district, no later than November 1, an official record of his or her qualifying assessment score and, beginning with the 2020-2021 school year, an official transcript demonstrating that he or she graduated cum laude or higher with a baccalaureate degree, if applicable. Once a classroom teacher is deemed eligible by the school district, the teacher shall remain eligible as long as he or she remains employed by the school district as a classroom teacher at the time of the award and receives an annual performance evaluation rating of highly effective pursuant to s. 1012.34 or is evaluated as highly effective based on a

~~commissioner-approved student learning growth formula pursuant to s. 1012.34(8) for the 2019-2020 school year or thereafter.~~

~~2.—A school district employee who is no longer a classroom teacher may receive an award if the employee was a classroom teacher in the prior school year, was rated highly effective, and met the requirements of this section as a classroom teacher.~~

(c) To be eligible for a recognition award, instructional personnel must be rated as highly effective or effective and be selected by his or her school principal, based on performance criteria and policies adopted by the district school board or charter school governing board. Recognition awards must be provided from funds remaining under the allocation provided in s. 1011.62(18) after the payment of all teacher recruitment and retention awards and principal awards authorized under this section and the General Appropriations Act. Notwithstanding the requirements of this subsection, for the 2017-2018, 2018-2019, and 2019-2020 school years, any classroom teacher who:

~~1.—Was evaluated as highly effective pursuant to s. 1012.34 in the school year immediately preceding the year in which the scholarship will be awarded shall receive a scholarship of \$1200, including a classroom teacher who received an award pursuant to paragraph (a).~~

~~2.—Was evaluated as effective pursuant to s. 1012.34 in the school year immediately preceding the year in which the scholarship will be awarded a scholarship of up to \$800. If the number of eligible classroom teachers under this subparagraph exceeds the total allocation, the department shall prorate the per-teacher scholarship amount.~~

This paragraph expires July 1, 2020.

~~(4) Annually, by December 1, each school district shall submit to the department:~~

~~(a) The number of eligible classroom teachers who qualify for the scholarship.~~

~~(b) The name and master school identification number (MSID) of each school in the district to which an eligible classroom teacher is assigned.~~

~~(c) The name of the school principal of each eligible classroom teacher's school if he or she has served as the school's principal for at least 2 consecutive school years including the current school year.~~

~~(5) Annually, by February 1, the department shall disburse scholarship funds to each school district for each eligible classroom teacher to receive a scholarship in accordance with this section.~~

~~(6) Annually, by April 1, each school district shall award the scholarship to each eligible classroom teacher.~~

(7) ~~For purposes of this section, the term “school district” includes the Florida School for the Deaf and the Blind and charter school governing boards.~~

**Section 20.** Section 1012.732, Florida Statutes, is amended to read:

**1012.732 The Florida Best and Brightest Principal Scholarship Program.—**

(1) ~~The Legislature recognizes that the most effective school principals establish a safe and supportive school environment for students and faculty. Research shows that these principals increase student learning by providing opportunities for the professional growth, collaboration, and autonomy that classroom teachers need to become and remain highly effective educational professionals. As a result, these principals are able to recruit and retain more of the best classroom teachers and improve student outcomes at their schools, including schools serving low-income and high-need student populations. Therefore, it is the intent of the Legislature to designate school principals whose schools make noticeable academic improvement~~ school faculty has a high percentage of classroom teachers who are designated as Florida’s best and brightest teacher scholars pursuant to s. 1012.731 as Florida’s best and brightest principals.

(2) ~~There is created The Florida Best and Brightest Principal Scholarship Program is created to be administered by the Department of Education. The program shall provide awards to categorical funding for scholarships to be awarded to school principals, as defined in s. 1012.01(3)(c)1., to be funded as provided in s. 1011.62(18) who have recruited and retained a high percentage of best and brightest teachers.~~

(3) A school principal identified pursuant to s. 1012.731(4)(e) is eligible to receive an award, as specified in the General Appropriations Act, a scholarship under this section if he or she has served as school principal at his or her school for at least 4 ~~2~~ consecutive school years, including the current school year, and the school has improved an average of 3 percentage points or more in the percentage of total possible points achieved for determining school grades over the prior 3 years his or her school has a ratio of best and brightest teachers to other classroom teachers that is at the 80th percentile or higher for schools within the same grade group, statewide, including elementary schools, middle schools, high schools, and schools with a combination of grade levels.

(4) ~~Annually, by February 1, the department shall identify eligible school principals and disburse funds to each school district for each eligible school principal to receive a scholarship. A scholarship of \$5,000 must be awarded to every eligible school principal assigned to a Title I school and a scholarship of \$4,000 to every eligible school principal who is not assigned to a Title I school.~~

~~(5) Annually, by April 1, each school district must award a scholarship to each eligible school principal.~~

~~(6) A school district must provide a best and brightest principal with the additional authority and responsibilities provided in s. 1012.28(8) for a minimum of 2 years.~~

~~(7) For purposes of this section, the term “school district” includes the Florida School for the Deaf and the Blind and charter school governing boards.~~

**Section 21.** Paragraphs (a) and (d) of subsection (1) of section 1013.31, Florida Statutes, are amended to read:

1013.31 Educational plant survey; localized need assessment; PECO project funding.—

(1) At least every 5 years, each board shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Department of Education shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a school district or Florida College System institution that delivers career or adult education programs. Information used by the Department of Education to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or Florida College System institution.

(a) *Educational plant survey and localized need assessment for capital outlay purposes.*—~~A survey recommendation is not required when a district uses may only use funds from the following sources for educational, auxiliary, and ancillary plant capital outlay purposes without needing a survey recommendation:~~

1. The local capital outlay improvement fund, consisting of funds that come from and are a part of the district’s basic operating budget;

2. A taxpayer-approved bond referendum, to fund construction of ~~If a board decides to build an educational, auxiliary, or ancillary plant facility without a survey recommendation and the taxpayers approve a bond referendum, the voted bond referendum;~~

3. One-half cent sales surtax revenue;

4. One cent local governmental surtax revenue;

5. Impact fees; and

6. Private gifts or donations; and
7. The district school tax levied pursuant to s. 1011.71(2).

(d) *Review and validation.*—The Department of Education shall review and validate the surveys of school districts and Florida College System institutions, and the Chancellor of the State University System shall review and validate the surveys of universities, and any amendments thereto for compliance with the requirements of this chapter and shall recommend those in compliance for approval by the State Board of Education or the Board of Governors, as appropriate. Annually, the department shall perform an in-depth analysis of a representative sample of each survey of recommended needs for five districts selected by the commissioner from among districts with the largest need-to-revenue ratio. For the purpose of this subsection, the need-to-revenue ratio is determined by dividing the total 5-year cost of projects listed on the district survey by the total 5-year fixed capital outlay revenue projections from state and local sources as determined by the department. The commissioner may direct fixed capital outlay funds provided from general revenue or from state trust funds to be withheld from districts until such time as the survey accurately projects facilities needs.

**Section 22.** Subsection (1) of section 1013.385, Florida Statutes, is amended to read:

**1013.385 School district construction flexibility.**—

(1) A district school board may, with a majority supermajority vote at a public meeting that begins no earlier than 5 p.m., adopt a resolution to implement one or more of the exceptions to the educational facilities construction requirements provided in this section. ~~Before voting on the resolution, a district school board must conduct a cost-benefit analysis prepared according to a professionally accepted methodology that describes how each exception selected by the district school board achieves cost savings, improves the efficient use of school district resources, and impacts the life-cycle costs and life span for each educational facility to be constructed, as applicable, and demonstrates that implementation of the exception will not compromise student safety or the quality of student instruction. The district school board must conduct at least one public workshop to discuss and receive public comment on the proposed resolution and cost-benefit analysis, which must begin no earlier than 5 p.m. and may occur at the same meeting at which the resolution will be voted upon.~~

**Section 23.** Paragraph (a) of subsection (2) and paragraphs (b), (c), and (d) of subsection (6) of section 1013.64, Florida Statutes, are amended to read:

1013.64 Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects.—Allocations from the

Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(2)(a) The department shall establish, as a part of the Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to be known as the “Special Facility Construction Account.” The Special Facility Construction Account shall be used to provide necessary construction funds to school districts which have urgent construction needs but which lack sufficient resources at present, and cannot reasonably anticipate sufficient resources within the period of the next 3 years, for these purposes from currently authorized sources of capital outlay revenue. A school district requesting funding from the Special Facility Construction Account shall submit one specific construction project, not to exceed one complete educational plant, to the Special Facility Construction Committee. A district may not receive funding for more than one approved project in any 3-year period or while any portion of the district’s participation requirement is outstanding. The first year of the 3-year period shall be the first year a district receives an appropriation. During the 2019-2020 school year, a school district that sustained hurricane damage in the 2018-2019 school year may request funding from the Special Facility Construction Account for a new project before the completion of the district’s participation requirement for an outstanding project. The department shall encourage a construction program that reduces the average size of schools in the district. The request must meet the following criteria to be considered by the committee:

1. The project must be deemed a critical need and must be recommended for funding by the Special Facility Construction Committee. Before developing construction plans for the proposed facility, the district school board must request a preapplication review by the Special Facility Construction Committee or a project review subcommittee convened by the chair of the committee to include two representatives of the department and two staff members from school districts not eligible to participate in the program. A school district may request a preapplication review at any time; however, if the district school board seeks inclusion in the department’s next annual capital outlay legislative budget request, the preapplication review request must be made before February 1. Within 90 days after receiving the preapplication review request, the committee or subcommittee must meet in the school district to review the project proposal and existing facilities. To determine whether the proposed project is a critical need, the committee or subcommittee shall consider, at a minimum, the capacity of all existing facilities within the district as determined by the Florida Inventory of School Houses; the district’s pattern of student growth; the district’s existing and projected capital outlay full-time equivalent student enrollment as determined by the demographic, revenue, and education estimating conferences established in s. 216.136; the district’s existing satisfactory student stations; the use of all existing district property and facilities; grade level configurations; and any other information that may affect the need for the proposed project.

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

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

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

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

6. Upon construction, the total cost per student station, including change orders, must not exceed the cost per student station as provided in subsection (6) ~~unless approved except for cost overruns created by a disaster as defined in s. 252.34 or an unforeseeable circumstance beyond the district's control as determined by the Special Facility Construction Committee.~~ At the discretion of the committee, costs that exceed the cost per student station for special facilities may include legal and administrative fees, the cost of site improvements or related offsite improvements, the cost of complying with public shelter and hurricane hardening requirements, cost overruns created by a disaster as defined in s. 252.34(2), costs of security enhancements approved by the school safety specialist, and unforeseeable circumstances beyond the district's control.

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

8. For construction projects for which Special Facilities Construction Account funding is sought before the 2019-2020 fiscal year, the district shall, at the time of the request and for a continuing period necessary to meet the district's participation requirement, levy the maximum millage against its nonexempt assessed property value as allowed in s. 1011.71(2) or shall raise an equivalent amount of revenue from the school capital outlay surtax authorized under s. 212.055(6). Beginning with construction projects for which Special Facilities Construction Account funding is sought in the 2019-2020 fiscal year, the district shall, for a minimum of 3 years before submitting the request and for a continuing period necessary to meet its participation requirement, levy the maximum millage against the district's

nonexempt assessed property value as authorized under s. 1011.71(2) or shall raise an equivalent amount of revenue from the school capital outlay surtax authorized under s. 212.055(6). Any district with a new or active project, funded under the provisions of this subsection, shall be required to budget no more than the value of 1 mill per year to the project until the district's participation requirement relating to the local discretionary capital improvement millage or the equivalent amount of revenue from the school capital outlay surtax is satisfied.

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

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

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

12. Phase I ~~Final phase III~~ plans must be approved ~~certified~~ by the district school board as being complete ~~and in compliance with the building and life safety codes~~ before June 1 of the year the application is made.

(6)

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

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

(January 2006) as adjusted annually to reflect increases or decreases in the Consumer Price Index. The department, in conjunction with the Office of Economic and Demographic Research, shall review and adjust the cost per student station limits to reflect actual construction costs by January 1, 2020, and annually thereafter. The adjusted cost per student station shall be used by the department for computation of the statewide average costs per student station for each instructional level pursuant to paragraph (d). The department shall also collaborate with the Office of Economic and Demographic Research to select an industry-recognized construction index to replace the Consumer Price Index by January 1, 2020, adjusted annually to reflect changes in the construction index.

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

3. Except for educational facilities and sites subject to a lease-purchase agreement entered pursuant to s. 1011.71(2)(e) Effective July 1, 2017, in addition to the funding sources listed in subparagraph 1., a district school board may not use funds from any sources for new construction of educational plant space with a total cost per student station, including change orders, which equals more than the current adjusted amounts provided in sub-subparagraphs 1.a.-c. ~~which shall subsequently be adjusted annually to reflect increases or decreases in the Consumer Price Index.~~ However, if a contract has been executed for architectural and design services or for construction management services before July 1, 2017, a district school board may use funds from any source for the new construction of educational plant space and such funds are exempt from the total cost per student station requirements.

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

(c) ~~Except as otherwise provided, new construction for which a contract has been executed for architectural and design services or for construction management services by a district school board on or after July 1, 2017, may not exceed the cost per student station as provided in paragraph (b). A school district that exceeds the cost per student station provided in paragraph (b), as determined by the Auditor General, shall be subject to sanctions. If the Auditor General determines that the cost per student station overage is de minimus or due to extraordinary circumstances outside the control of the district, the sanctions shall not apply. The sanctions are as follows:~~

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

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

~~a.—Each oversight committee shall be composed of the following:~~

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

~~(II)—One appointee of the office of the state attorney with jurisdiction over the district.~~

~~(III)—One appointee of the Chief Financial Officer who is a licensed certified public accountant.~~

~~b.—An appointee to the oversight committee may not be employed by the school district; be a relative, as defined in s. 1002.33(24)(a)2., of any school district employee; or be an elected official. Each appointee must sign an affidavit attesting to these conditions and affirming that no conflict of interest exists in his or her oversight role.~~

~~(d) The department shall:~~

~~1. Compute for each calendar year the statewide average construction costs for facilities serving each instructional level, for relocatable educational facilities, for administrative facilities, and for other ancillary and auxiliary facilities. The department shall compute the statewide average costs per student station for each instructional level.~~

~~2. Annually review the actual completed construction costs of educational facilities in each school district. For any school district in which the total actual cost per student station, including change orders, exceeds the statewide limits established in paragraph (b), the school district shall report to the department the actual cost per student station and the reason for the school district's inability to adhere to the limits established in paragraph (b). The department shall collect all such reports and shall provide these reports to the Auditor General for verification purposes.~~

~~Cost per student station includes contract costs, legal and administrative costs, fees of architects and engineers, and the cost of furniture and equipment, and site improvement costs. Cost per student station does not include the cost of purchasing or leasing the site for the construction, legal and administrative costs, or the cost of related site or offsite improvements. Cost per student station also does not include the cost for securing entries,~~

checkpoint construction, lighting specifically designed for entry point security, security cameras, automatic locks and locking devices, electronic security systems, fencing designed to prevent intruder entry into a building, bullet-proof glass, or other capital construction items approved by the school safety specialist to ensure building security for new educational, auxiliary, or ancillary facilities; ~~costs for these items must be below 2 percent per student station.~~

Section 24. (1) The Department of Revenue is authorized, and all conditions are deemed to be met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of administering the provisions of this act relating to the Hope Scholarship Program and Florida Tax Credit Scholarship Program.

(2) Notwithstanding any other provision of law, emergency rules adopted pursuant to subsection (1) are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

(3) This section shall take effect upon this act becoming a law and shall expire January 1, 2022.

Section 25. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 2019.

Approved by the Governor May 9, 2019.

Filed in Office Secretary of State May 9, 2019.