

CHAPTER 2022-154

Senate Bill No. 2524

An act relating to education; amending s. 435.02, F.S.; revising the definition of the term “specified agency”; amending s. 435.12, F.S.; requiring certain employees to submit to rescreening on a specified schedule; amending s. 464.0195, F.S.; revising the goals of the Florida Center for Nursing; amending s. 800.101, F.S.; providing criminal penalties for certain actions relating to specified reports; amending ss. 943.0585 and 943.059, F.S.; prohibiting certain persons from denying criminal history records that have been expunged or sealed; amending s. 1001.51, F.S.; requiring certain records and reports to include certain determinations relating to withholding certain information from a parent; requiring such determinations to be annually reviewed and redetermined; amending s. 1001.92, F.S.; revising a certain performance-based metric for state university performance funding; providing that a state university is ineligible to receive performance funding under certain circumstances; designating who may provide a substantiated finding; amending s. 1002.31, F.S.; deleting obsolete language; revising the requirements for school district and charter school capacity determinations; providing requirements for the determination of capacity for certain virtual schools; revising requirements for a certain district school board process required for controlled open enrollment; amending s. 1002.33, F.S.; providing for a standard virtual charter contract and standard virtual charter renewal contract; revising charter requirements; requiring virtual charter schools to comply with specified provisions; amending s. 1002.394, F.S.; revising Department of Education duties under the Family Empowerment Scholarship Program; revising requirements for a specified calculation; revising the scholarship amount for students enrolled in certain public schools or lab schools; revising terminology; revising the number of scholarships that may be awarded through the program; amending s. 1002.395, F.S.; revising duties of the department under the Florida Tax Credit Scholarship Program; authorizing administrative expenses to include certain contracts and strategies relating to the transportation of students; revising the scholarship amount for students enrolled in certain public schools or lab schools; amending s. 1002.40, F.S.; revising department duties under the Hope Scholarship Program; amending s. 1002.411, F.S.; renaming the “reading scholarship accounts” as the “New Worlds Reading Scholarship Accounts”; revising student eligibility requirements for reading scholarship accounts; providing that a school district may not prohibit instructional personnel from providing services during specified time periods; amending s. 1002.421, F.S.; revising background screening requirements for certain private schools; amending s. 1002.45, F.S.; revising and providing definitions; authorizing students who reside in the school district, rather than students enrolled in the school district, to participate in school district virtual instruction programs; deleting the purpose of specified programs; requiring each virtual instruction program,

rather than full-time programs, to operate under its own Master School Identification Number; authorizing certain service organizations to execute specified contractual arrangements; revising school district responsibilities; requiring the State Board of Education to approve certain virtual instruction program providers; revising the requirements for approval of a virtual instruction program provider; providing additional requirements for school district contracts with approved virtual instruction program providers; revising the requirements for calculating student funding for students enrolled in certain virtual education programs; requiring approved virtual instruction program providers to receive a district grade; providing requirements for such grade; revising requirements for the automatic termination of an approved virtual instruction provider's contract; requiring the State Board of Education to adopt rules for a specified standard contract; amending s. 1002.455, F.S.; revising the virtual instruction options available to certain students; requiring school districts enrolling certain students in virtual education programs to comply with specified enrollment requirements; amending s. 1002.81, F.S.; conforming a cross-reference; amending s. 1002.82, F.S.; requiring the department to establish procedures for the annual calculation of the prevailing market rate and the collection of certain data; conforming cross-references; amending s. 1002.84, F.S.; establishing the distribution methodology that early learning coalitions must use to distribute school readiness program funds to eligible providers; providing requirements for early learning coalitions; amending s. 1002.85, F.S.; revising the requirements for the school readiness program plan submitted to the department by early learning coalitions; amending s. 1002.87, F.S.; conforming a cross-reference; amending s. 1002.89, F.S.; providing for the determination of school readiness program funding for early learning coalitions; providing requirements for such funding calculations; making technical changes; amending s. 1002.895, F.S.; providing for the determination of the market rate schedule for the school readiness program; requiring the department to establish procedures for the annual collection of specified data; requiring the department to provide certain data to the Early Learning Programs Estimating Conference; creating s. 1002.90, F.S.; requiring the principals of the conference to annually develop official cost-of-care information; providing requirements for conference principals; requiring the department to provide conference principals with specified data; requiring the conference to annually provide the official cost-of-care information to the Legislature by a specified date; amending s. 1002.92, F.S.; requiring certain child care facilities to annually provide specified data to the statewide child care and resource and referral network; amending s. 1002.995, F.S.; requiring the department to provide incentives to certain early learning personnel and instructors, subject to appropriation; amending s. 1003.485, F.S.; defining the term "micro-credential"; providing the purpose and contents of the of the New Worlds Reading Initiative; revising the responsibilities of the administrator of the initiative; requiring that students be provided with specified options upon enrollment; conforming cross-references; amending s. 1003.498, F.S.; providing requirements for funding for certain virtual courses; amending

s. 1003.52, F.S.; revising requirements for the funding of certain students in juvenile justice education programs; amending s. 1003.621, F.S.; conforming a cross-reference; amending s. 1004.015, F.S.; revising Board of Governors and State Board of Education duties in support of the Florida Talent Development Council; amending s. 1004.04, F.S.; revising teacher preparation program core curricula requirements; revising criteria for continued program approval; authorizing the State Board of Education to adopt rules that include certain criteria and authorize continued program approval; requiring that the rules establish certain continued program approval criteria; revising specified requirements relating to field experiences; creating s. 1004.6496, F.S.; authorizing the University of Florida Board of Trustees to use specified funds to establish the Hamilton Center for Classical and Civic Education within the university; providing the purpose for the center; establishing goals for the center; amending s. 1004.85, F.S.; revising teacher preparation program core curricula requirements; requiring certain program candidates to complete a minimum period of field experience, as determined by the State Board of Education; revising criteria for continued program approval; authorizing the State Board of Education to adopt rules that include certain criteria and authorize continued program approval; requiring the State Board of Education to adopt rules that establish certain continued program approval criteria; amending s. 1006.12, F.S.; conforming cross-references; amending s. 1006.22, F.S.; revising the requirements for the use of motor vehicles other than school buses for the transportation of students; amending s. 1006.27, F.S.; creating the Driving Choice Grant Program within the department for specified purposes relating to the transportation of certain students; providing requirements for the program; requiring the department to publish on its website an interim and final report by specified dates; providing requirements for such reports; amending s. 1006.73, F.S.; requiring the Florida Postsecondary Academic Library Network to provide specified support for certain open education resources; establishing the Student Open Access Resource Repository and the Student Open Access Resource Grant Program; defining the term “open access resource”; requiring the chancellors of the State University System and the Florida College System to collaborate and take the lead in identifying and developing processes to coordinate and support the adaptation or development of open educational resources; requiring the network to support the adaptation or development of open educational resources teams; providing requirements for such teams and the network; providing requirements for the Student Open Access Resources Repository; authorizing the Florida Postsecondary Academic Library Network to award certain grants, subject to appropriation; providing requirements for the administration of and participation in the Student Open Access Resource Grant Program; requiring Florida College Systems and state universities to post courses that utilize open education resources and have zero textbook costs on their course registration systems and websites within a specified timeframe; providing requirements for posting such courses; authorizing a certain Zero Textbook Cost Indicator to be used for such purpose; revising reporting

requirements for the host entity of the network; requiring the Board of Governors and the department to include certain funding increases in their annual legislative budget requests; amending s. 1007.271, F.S.; requiring instructional materials to be made available to all dual enrollment students free of charge; creating s. 1007.36, F.S.; creating the Inclusive Transition and Employment Management Program within the department; providing the purpose of the program; amending s. 1008.33, F.S.; making technical changes; requiring a school district to take specified actions for a school that earns an initial school grade of “D”; revising the options available to a school district that must implement a turnaround plan for a school; authorizing a school district to submit a turnaround plan for a school that has earned an initial school grade of “D”; revising the options available to a school district with a school that implemented a turnaround plan and did not improve its school grade; amending s. 1008.34, F.S.; requiring the State Board of Education to annually review the percentage of schools earning certain school grades and determine if the school grading scale must be adjusted; providing requirements for such adjustments; requiring the state board to provide specified information to the public; requiring the department to annually, for certain years, collect certain data relating to statewide and district-required assessments and coordinated screening and progress monitoring; providing reporting requirements relating to the collection of such data; amending s. 1009.26, F.S.; deleting obsolete language; requiring the Board of Governors to establish two Programs of Strategic Emphasis in a specified category; amending s. 1009.30, F.S.; revising the criteria for reimbursement of eligible postsecondary institutions for tuition and related instructional materials costs for dual enrollment courses; revising participating institution reporting requirements under the program; requiring the department to reimburse each participating institution within a specified timeframe; amending s. 1009.89, F.S.; requiring eligible institutions in the William L. Boyd, IV, Effective Access to Student Education Grant Program to post certain information on their websites; amending s. 1009.895, F.S.; revising the definition of the term “institution”; deleting the eligibility requirement that students complete the Free Application for Federal Student Aid; authorizing institutions to cover certain costs for students in the program; creating s. 1009.896, F.S.; providing a short title; providing legislative intent; establishing the Linking Industry to Nursing Education (LINE) Fund for specified purposes; providing definitions; requiring the fund to be administered by the Board of Governors and the department; providing for the matching of specified funds, subject to available funds, for institutions with an approved proposal; providing requirements for the use of program funds, proposal requirements, for the review of such proposal, and for participation in the program; providing annual reporting requirements; requiring the Board of Governors to adopt specified regulations and the State Board of Education to adopt specified rules; creating s. 1009.897, F.S.; creating a Prepping Institutions, Programs, Employers, and Learners through Incentives for Nursing Education (PIPELINE) Fund for specified purposes; defining the term “institution”; providing for allocations of

performance-based funding to institutions, subject to appropriation; providing metrics for the award of such funding; requiring the Board of Governors to adopt regulations and the State Board of Education to adopt rules; amending s. 1010.20, F.S.; revising the percentage of certain funds school districts must spend on juvenile justice programs; amending s. 1011.48, F.S.; revising requirements for certain fees charged by an educational research center for child development; amending s. 1011.62, F.S.; revising the calculation for the basic amount for current operation for kindergarten through grade 12; authorizing certain funds to be used to purchase certain computers and device hardware; revising full-time equivalent student membership amounts for purposes related to the sparsity supplement under the Florida Education Finance Program; providing that the evidence-based reading instruction allocation may be used to provide certain instruction to prekindergarten students; providing priority for expenditures to certain students; revising authorized expenditures; requiring that school district comprehensive reading plans be based on a root-cause analysis; establishing requirements for the analysis; revising requirements for instructional personnel who provide intensive reading interventions; deleting the comprehensive reading plan approval process; conforming provisions to changes made by the act; deleting the Florida digital classrooms allocation; deleting the funding compression and hold harmless allocation; amending s. 1011.68, F.S.; revising the requirements for specified student transportation funds to be used to pay for transportation in specified vehicles; amending s. 1011.71, F.S.; conforming cross-references; amending s. 1012.22, F.S.; conforming cross-references; requiring certain compensation to be included in calculating certain salary adjustments; amending s. 1012.315, F.S.; revising screening standards for specified individuals; providing applicability; amending s. 1012.32, F.S.; revising the procedure for background screenings; deleting the right to appeal certain terminations; revising provisions specifying financial responsibility and reimbursement for background screenings; providing applicability; amending s. 1012.34, F.S.; providing that certain procedures relating to a school district's instructional, administrative, and supervisory personnel set the standards of service to be offered to the public and are not subject to collective bargaining; amending s. 1012.465, F.S.; conforming provisions to changes made by the act; amending s. 1012.467, F.S.; repealing certain reciprocity provisions on a specified date; amending s. 1012.56, F.S.; prohibiting certain persons from having specified responsibilities before the results of a background screening are available; conforming provisions to changes made by the act; requiring certain provisions to be implemented by a certain date; amending s. 1012.584, F.S.; conforming cross-references; creating s. 1003.4204, F.S.; establishing the Safer, Smarter Schools Program in statute; amending s. 1013.40, F.S.; modifying planning and construction requirements for Florida College System institution facilities; providing effective dates.

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

Section 1. Effective January 1, 2023, subsection (5) of section 435.02, Florida Statutes, is amended to read:

435.02 Definitions.—For the purposes of this chapter, the term:

(5) “Specified agency” means the Department of Health, the Department of Children and Families, ~~the Division of Vocational Rehabilitation within the Department of Education,~~ the Agency for Health Care Administration, the Department of Elderly Affairs, the Department of Juvenile Justice, the Agency for Persons with Disabilities, the Department of Education, each district unit under s. 1001.30, special district units under s. 1011.24, the Florida School for the Deaf and the Blind under s. 1002.36, the Florida Virtual School under s. 1002.37, virtual instruction programs under s. 1002.45, charter schools under s. 1002.33, hope operators under s. 1002.333, private schools participating in an educational scholarship program established pursuant to chapter 1002, alternative schools under s. 1008.341, regional workforce boards providing services as defined in s. 445.002(3), and local licensing agencies approved pursuant to s. 402.307, when these agencies are conducting state and national criminal history background screening on persons who work with children or persons who are elderly or disabled.

Section 2. Effective January 1, 2023, subsection (3) of section 435.12, Florida Statutes, is amended to read:

435.12 Care Provider Background Screening Clearinghouse.—

(3)(a) Employees of each district unit under s. 1001.30, special district units under s. 1011.24, the Florida School for the Deaf and the Blind under s. 1002.36, the Florida Virtual School under s. 1002.37, virtual instruction programs under s. 1002.45, charter schools under s. 1002.33, hope operators under s. 1002.333, private schools participating in an educational scholarship program established pursuant to chapter 1002, and alternative schools under s. 1008.341 must be rescreened in compliance with the following schedule:

1. Employees for whom the last screening was conducted on or before June 30, 2019, must be rescreened by June 30, 2024.

2. Employees for whom the last screening was conducted between July 1, 2019, and June 30, 2021, must be rescreened by June 30, 2025.

3. Employees for whom the last screening was conducted between July 1, 2021, and December 31, 2022, must be rescreened by June 30, 2026.

(b) A person is not required to be rescreened before January 1, 2023, solely for the purpose of retention under this section if the person was screened before participation by the specified agencies named in paragraph (a) in the clearinghouse. An employee who has undergone a fingerprint-based criminal history check by a specified agency before the clearinghouse is operational is not required to be checked again solely for the purpose of

entry in the clearinghouse. Every employee who is or will become subject to fingerprint-based criminal history checks to be eligible to be licensed, have their license renewed, or meet screening or rescreening requirements by a specified agency once the specified agency participates in the clearinghouse shall be subject to the requirements of this section with respect to entry of records in the clearinghouse and retention of fingerprints for reporting the results of searching against state incoming arrest fingerprint submissions.

Section 3. Subsection (2) of section 464.0195, Florida Statutes, is amended to read:

464.0195 Florida Center for Nursing; goals.—

(2) The primary goals for the center shall be to:

(a) Develop a strategic statewide plan for nursing manpower in this state by:

1. Conducting a statistically valid biennial data-driven gap analysis of the supply and demand of the health care workforce. Demand must align with the Labor Market Estimating Conference created in s. 216.136. The center shall:

a. Establish ~~Establishing~~ and maintain ~~maintaining~~ a database on nursing supply and demand in the state, to include current supply and demand.;

b.2. Analyze ~~Analyzing~~ the current and future supply and demand in the state and making future projections of such, including assessing the impact of this state’s participation in the Nurse Licensure Compact under s. 464.0095.; and

2.3. Developing recommendations to increase nurse faculty and clinical preceptors, support nurse faculty development, and promote advanced nurse education.

3. Developing best practices in the academic preparation and continuing education needs of qualified nurse educators, nurse faculty, and clinical preceptors ~~Selecting from the plan priorities to be addressed.~~

4. Collecting data on nurse faculty, employment, distribution, and retention.

5. Piloting innovative projects to support the recruitment, development, and retention of qualified nurse faculty and clinical preceptors.

6. Encouraging and coordinating the development of academic-practice partnerships to support nurse faculty employment and advancement.

7. Developing distance learning infrastructure for nursing education and advancing faculty competencies in the pedagogy of teaching and the

evidence-based use of technology, simulation, and distance learning techniques.

~~(b) Convene various groups representative of nurses, other health care providers, business and industry, consumers, legislators, and educators to:~~

- ~~1. Review and comment on data analysis prepared for the center;~~
- ~~2. Recommend systemic changes, including strategies for implementation of recommended changes; and~~
- ~~3. Evaluate and report the results of these efforts to the Legislature and others.~~

~~(b)(e) Enhance and promote recognition, reward, and renewal activities for nurses in the state by:~~

1. Promoting nursing excellence programs such as magnet recognition by the American Nurses Credentialing Center;
2. Proposing and creating additional reward, recognition, and renewal activities for nurses; and
3. Promoting media and positive image-building efforts for nursing.

Section 4. Effective October 1, 2022, subsections (3) and (4) of section 800.101, Florida Statutes, are amended, and subsection (5) is added to that section, to read:

800.101 Offenses against students by authority figures.—

(3) A person who violates subsection (2) this section commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Subsection (2) This section does not apply to conduct constituting an offense that is subject to reclassification under s. 775.0862.

(5)(a) A person who is required to report a violation of subsection (2) and who knowingly or willfully fails to do so, or who knowingly or willfully prevents another person from doing so, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person who knowingly or willfully submits false, inaccurate, or incomplete information while reporting a violation of subsection (2) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) A person who knowingly or willfully coerces or threatens another person with the intent to alter his or her testimony or written report regarding a violation of subsection (2) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 5. Paragraph (b) of subsection (6) of section 943.0585, Florida Statutes, is amended to read:

943.0585 Court-ordered expunction of criminal history records.—

(6) EFFECT OF EXPUNCTION ORDER.—

(b) The person who is the subject of a criminal history record that is expunged under this section or under other provisions of law, including former ss. 893.14, 901.33, and 943.058, may lawfully deny or fail to acknowledge the arrests covered by the expunged record, except when the subject of the record:

- 1. Is a candidate for employment with a criminal justice agency;
- 2. Is a defendant in a criminal prosecution;
- 3. Concurrently or subsequently petitions for relief under this section, s. 943.0583, or s. 943.059;
- 4. Is a candidate for admission to The Florida Bar;
- 5. Is seeking to be employed or licensed by or to contract with the Department of Children and Families, the Division of Vocational Rehabilitation within the Department of Education, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Health, the Department of Elderly Affairs, or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the disabled, or the elderly;

6.a. Is seeking to be employed or licensed by, or contract with, the Department of Education, any district unit under s. 1001.30, any special district unit under s. 1011.24, the Florida School for the Deaf and the Blind under s. 1002.36, the Florida Virtual School under s. 1002.37, any virtual instruction program under s. 1002.45 school board, any university laboratory school, any charter school under s. 1002.33, any hope operator under s. 1002.333, any alternative school under s. 1008.341 school, any private or parochial school, or any local governmental entity that licenses child care facilities;

b. Is seeking to be employed or used by a contractor or licensee under sub-subparagraph a.; or

c. Is a person screened under s. 1012.467;

- 7. Is seeking to be licensed by the Division of Insurance Agent and Agency Services within the Department of Financial Services; or
- 8. Is seeking to be appointed as a guardian pursuant to s. 744.3125.

Section 6. Paragraph (b) of subsection (6) of section 943.059, Florida Statutes, is amended to read:

943.059 Court-ordered sealing of criminal history records.—

(6) EFFECT OF ORDER.—

(b) The subject of the criminal history record sealed under this section or under other provisions of law, including former ss. 893.14, 901.33, and 943.058, may lawfully deny or fail to acknowledge the arrests covered by the sealed record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;
2. Is a defendant in a criminal prosecution;
3. Concurrently or subsequently petitions for relief under this section, s. 943.0583, or s. 943.0585;
4. Is a candidate for admission to The Florida Bar;

5. Is seeking to be employed or licensed by or to contract with the Department of Children and Families, the Division of Vocational Rehabilitation within the Department of Education, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Health, the Department of Elderly Affairs, or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the disabled, or the elderly;

6.a. Is seeking to be employed or licensed by, or contract with, the Department of Education, a district unit under s. 1001.30, a special district unit under s. 1011.24, the Florida School for the Deaf and the Blind under s. 1002.36, the Florida Virtual School under s. 1002.37, a virtual instruction program under s. 1002.45 school board, a university laboratory school, a charter school under s. 1002.33, a hope operator under s. 1002.333, an alternative school under s. 1008.341, a private or parochial school, or a local governmental entity that licenses child care facilities;

b. Is seeking to be employed or used by a contractor or licensee under sub-subparagraph a.; or

c. Is a person screened under s. 1012.467;

7. Is attempting to purchase a firearm from a licensed importer, licensed manufacturer, or licensed dealer and is subject to a criminal history check under state or federal law;

8. Is seeking to be licensed by the Division of Insurance Agent and Agency Services within the Department of Financial Services;

9. Is seeking to be appointed as a guardian pursuant to s. 744.3125; or

10. Is seeking to be licensed by the Bureau of License Issuance of the Division of Licensing within the Department of Agriculture and Consumer Services to carry a concealed weapon or concealed firearm. This

subparagraph applies only in the determination of an applicant's eligibility under s. 790.06.

Section 7. Paragraph (a) of subsection (12) of section 1001.51, Florida Statutes, is amended to read:

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

(12) RECORDS AND REPORTS.—Recommend such records as should be kept in addition to those prescribed by rules of the State Board of Education; prepare forms for keeping such records as are approved by the district school board; ensure that such records are properly kept; and make all reports that are needed or required, as follows:

(a) *Forms, blanks, and reports.*—Require that all employees accurately keep all records and promptly make in proper form all reports required by the education code or by rules of the State Board of Education; recommend the keeping of such additional records and the making of such additional reports as may be deemed necessary to provide data essential for the operation of the school system; and prepare such forms and blanks as may be required and ensure that these records and reports are properly prepared. Such records and reports shall include any determination to withhold from a parent information regarding the provision of any services to support the mental, physical, or emotional well-being of the parent's minor child. Any such determination must be based solely on child-specific information personally known to the school personnel and documented and approved by the school principal or his or her designee. Such determination must be annually reviewed and redetermined.

Any district school superintendent who knowingly signs and transmits to any state official a report that the superintendent knows to be false or incorrect; who knowingly fails to complete the investigation of any allegation of misconduct that affects the health, safety, or welfare of a student, that would be a violation of s. 800.101, or that would be a disqualifying offense under s. 1012.315, or any allegation of sexual misconduct with a student; who knowingly fails to report the alleged misconduct to the department as required in s. 1012.796; or who knowingly fails to report misconduct to the

law enforcement agencies with jurisdiction over the conduct pursuant to district school board policy under s. 1001.42(6), forfeits his or her salary for 1 year following the date of such act or failure to act.

Section 8. Subsection (1) of section 1001.92, Florida Statutes, is amended to read:

1001.92 State University System Performance-Based Incentive.—

(1) A State University System Performance-Based Incentive shall be awarded to state universities using performance-based metrics adopted by the Board of Governors of the State University System. Beginning with the Board of Governors' determination of each university's performance improvement and achievement ratings, and the related distribution of annual fiscal year appropriation, the performance-based metrics must include:

- (a) The 4-year graduation rate for first-time-in-college students;
- (b) Beginning in fiscal year 2022-2023 ~~2021-2022~~, the 3-year ~~2-year~~ graduation rate for associate in arts transfer students;
- (c) Retention rates;
- (d) Postgraduation education rates;
- (e) Degree production;
- (f) Affordability;
- (g) Postgraduation employment and salaries, including wage thresholds that reflect the added value of a baccalaureate degree;
- (h) Access rate, based on the percentage of undergraduate students enrolled during the fall term who received a Pell Grant during the fall term; and
- (i) Beginning in fiscal year ~~2021-2022~~, the 6-year graduation rate for students who are awarded a Pell Grant in their first year.

The Board of Governors may approve other metrics in a publicly noticed meeting. The board shall adopt benchmarks to evaluate each state university's performance on the metrics to measure the state university's achievement of institutional excellence or need for improvement and minimum requirements for eligibility to receive performance funding. Benchmarks and metrics may not be adjusted after university performance data has been received by the Board of Governors.

Section 9. Contingent upon HB 7 or similar legislation in the 2022 Regular Session or an extension thereof becoming a law, subsections (5) and (6) of section 1001.92, Florida Statutes, are redesignated as subsections (6)

and (7), respectively, and a new subsection (5) is added to that section, to read:

1001.92 State University System Performance-Based Incentive.—

(5) Notwithstanding any other provision of this section, if any institution is found to have a substantiated violation of s. 1000.05(4)(a), the institution shall be ineligible to receive performance funding during the next fiscal year following the year in which the violation is substantiated. Substantiated findings are those as determined by a court of law, a standing committee of the Legislature, or the Board of Governors.

Section 10. Paragraphs (a) and (b) of subsection (2) and paragraph (f) of subsection (3) of section 1002.31, Florida Statutes, are amended, and paragraphs (j) and (k) are added to subsection (3) of that section, to read:

1002.31 Controlled open enrollment; Public school parental choice.—

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

(b) Each school district and charter school capacity determinations for its schools, by grade level, must be updated every 12 weeks current and must be identified on the school district and charter school's websites. In determining the capacity of each district school, the district school board shall incorporate the specifications, plans, elements, and commitments contained in the school district educational facilities plan and the long-term work programs required under s. 1013.35. Each charter school governing board shall determine capacity based upon its charter school contract. Each virtual charter school and each school district with a contract with an approved virtual instruction program provider shall determine capacity based upon the enrollment requirements established under s. 1002.45(1)(e)4.

(3) Each district school board shall adopt by rule and post on its website the process required to participate in controlled open enrollment. The process must:

(f) Require school districts to provide information on Address—the availability of transportation options, such as:

1. The responsibility of school districts to provide transportation to another public school pursuant to ss. 1002.38, 1002.39, and 1002.394.

2. The availability of funds for transportation under ss. 1002.394, 1002.395, and 1011.68.

3. Any other transportation the school district may provide.

4. Any transportation options available in the community.

(j) Require school districts to maintain a wait list of students who are denied access due to capacity and notify parents when space becomes available.

(k) Require schools to accept students throughout the school year as capacity becomes available.

Section 11. Subsections (1) and (7), paragraph (a) of subsection (10), paragraphs (b) and (f) of subsection (17), and paragraph (a) of subsection (21) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(1) AUTHORIZATION.—All charter schools in Florida are public schools and shall be part of the state’s program of public education. A charter school may be formed by creating a new school or converting an existing public school to charter status. A charter school may operate a virtual charter school pursuant to s. 1002.45(1)(d) to provide online instruction to students, pursuant to s. 1002.455, in kindergarten through grade 12. The school district in which the student enrolls in the virtual charter school shall report the student for funding pursuant to s. 1011.61(1)(c)1.b.(VI), and the home school district shall not report the student for funding. An existing charter school that is seeking to become a virtual charter school must amend its charter or submit a new application pursuant to subsection (6) to become a virtual charter school. A virtual charter school is subject to the requirements of this section; however, a virtual charter school is exempt from subparagraph (7)(a)13., subsections (18) and (19), paragraph (20)(c), and s. 1003.03. A public school may not use the term charter in its name unless it has been approved under this section.

(7) CHARTER.—The terms and conditions for the operation of a charter school, including a virtual 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 or virtual charter school shall use the standard charter contract or standard virtual charter contract, respectively, 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 or proposed virtual

charter contract that differs from the standard charter or virtual 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.

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

1. The school's mission, the types of students to be served, and, for a virtual charter school, the types of students the school intends to serve who reside outside of the sponsoring school district, and the ages and grades to be included.

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

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

b. In order to provide students with access to diverse instructional delivery models, to facilitate the integration of technology within traditional classroom instruction, and to provide students with the skills they need to compete in the 21st century economy, the Legislature encourages instructional methods for blended learning courses consisting of both traditional classroom and online instructional techniques. Charter schools may implement blended learning courses which combine traditional classroom instruction and virtual instruction. Students in a blended learning course must be full-time students of the charter school pursuant to s. 1011.61(1)(a) 1. Instructional personnel certified pursuant to s. 1012.55 who provide virtual instruction for blended learning courses may be employees of the charter school or may be under contract to provide instructional services to charter school students. At a minimum, such instructional personnel must hold an active state or school district adjunct certification under s. 1012.57 for the subject area of the blended learning course. The funding and performance accountability requirements for blended learning courses are the same as those for traditional courses.

3. The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will

be used. The criteria listed in this subparagraph shall include a detailed description of:

- a. How the baseline student academic achievement levels and prior rates of academic progress will be established.
- b. How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school.
- c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

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

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

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

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

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

8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other nearby public schools or school districts.

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included. Both public

sector and private sector professional experience shall be equally valid in such a consideration.

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

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

12. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for 5 years, excluding 2 planning years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the sponsor. A charter lab school is eligible for a charter for a term of up to 15 years. In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 15-year charter, subject to approval by the sponsor. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only according to the provisions set forth in subsection (8).

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

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

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

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

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

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

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

(b) The sponsor has 30 days after approval of the application to provide an initial proposed charter contract to the charter school. The applicant and the sponsor have 40 days thereafter to negotiate and notice the charter contract for final approval by the sponsor unless both parties agree to an extension. The proposed charter contract shall be provided to the charter school at least 7 calendar days before the date of the meeting at which the charter is scheduled to be voted upon by the sponsor. The Department of Education shall provide mediation services for any dispute regarding this section subsequent to the approval of a charter application and for any dispute relating to the approved charter, except a dispute regarding a charter school application denial. If either the charter school or the sponsor indicates in writing that the party does not desire to settle any dispute arising under this section through mediation procedures offered by the Department of Education, a charter school may immediately appeal any formal or informal decision by the sponsor to an administrative law judge appointed by the Division of Administrative Hearings. If the Commissioner of Education determines that the dispute cannot be settled through mediation, the dispute may also be appealed to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge has final order authority to rule on issues of equitable treatment of the charter school as a public school, whether proposed

provisions of the charter violate the intended flexibility granted charter schools by statute, or any other matter regarding this section, except a dispute regarding charter school application denial, a charter termination, or a charter nonrenewal. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals, to be paid by the party against whom the administrative law judge rules.

(c)1. A charter may be renewed provided that a program review demonstrates that the criteria in paragraph (a) have been successfully accomplished and that none of the grounds for nonrenewal established by paragraph (8)(a) has been documented. In order to facilitate long-term financing for charter school construction, charter schools operating for a minimum of 3 years and demonstrating exemplary academic programming and fiscal management are eligible for a 15-year charter renewal. Such long-term charter is subject to annual review and may be terminated during the term of the charter.

2. The 15-year charter renewal that may be granted pursuant to subparagraph 1. shall be granted to a charter school that has received a school grade of “A” or “B” pursuant to s. 1008.34 in 3 of the past 4 years and is not in a state of financial emergency or deficit position as defined by this section. Such long-term charter is subject to annual review and may be terminated during the term of the charter pursuant to subsection (8).

(d) A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school’s governing board and the approval of both parties to the agreement. Changes to curriculum which are consistent with state standards shall be deemed approved unless the sponsor and the Department of Education determine in writing that the curriculum is inconsistent with state standards. Modification during any term may include, but is not limited to, consolidation of multiple charters into a single charter if the charters are operated under the same governing board, regardless of the renewal cycle. A charter school that is not subject to a school improvement plan and that closes as part of a consolidation shall be reported by the sponsor as a consolidation.

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

(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.

(10) ELIGIBLE STUDENTS.—

(a)1. A charter school may be exempt from the requirements of s. 1002.31 if the school is open to any student covered in an interdistrict agreement and any student residing in the school district in which the charter school is located.

2. A virtual charter school when enrolling students shall comply with the applicable requirements of s. 1002.31 and with the enrollment requirements established under s. 1002.45(1)(e)4.

3. ~~A~~ However, in the case of a charter lab school, the charter lab school shall be open to any student eligible to attend the lab school as provided in s. 1002.32 or who resides in the school district in which the charter lab school is located.

4. Any eligible student shall be allowed interdistrict transfer to attend a charter school when based on good cause. Good cause shall include, but is not limited to, geographic proximity to a charter school in a neighboring school district.

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

(b)1. The basis for the agreement for funding students enrolled in a charter school shall be the sum of the school district's operating funds from the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy; divided by total funded weighted full-time equivalent students in the school district; and multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law are entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including transportation, and the evidence-based reading allocation, ~~and the Florida digital classrooms allocation.~~ Total funding for each charter school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education. For charter schools operated by a not-for-profit or municipal entity, any unrestricted current and capital assets identified in the charter school's annual financial audit may be used for other charter schools

operated by the not-for-profit or municipal entity within the school district. Unrestricted current assets shall be used in accordance with s. 1011.62, and any unrestricted capital assets shall be used in accordance with s. 1013.62(2).

2.a. Students enrolled in a charter school sponsored by a state university or Florida College System institution pursuant to paragraph (5)(a) shall be funded as if they are in a basic program or a special program in the school district. The basis for funding these students is the sum of the total operating funds from the Florida Education Finance Program for the school district in which the school is located as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from each school district's current operating discretionary millage levy, divided by total funded weighted full-time equivalent students in the district, and multiplied by the full-time equivalent membership of the charter school. The Department of Education shall develop a tool that each state university or Florida College System institution sponsoring a charter school shall use for purposes of calculating the funding amount for each eligible charter school student. The total amount obtained from the calculation must be appropriated from state funds in the General Appropriations Act to the charter school.

b. Capital outlay funding for a charter school sponsored by a state university or Florida College System institution pursuant to paragraph (5)(a) is determined pursuant to s. 1013.62 and the General Appropriations Act.

(f) Funding for a virtual charter school shall be as provided in s. 1002.45(6) ~~s. 1002.45(7)~~.

(21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

(a) The Department of Education shall provide information to the public, directly and through sponsors, on how to form and operate a charter school and how to enroll in a charter school once it is created. This information shall include the standard application form, standard charter and virtual charter contracts ~~contract~~, standard evaluation instrument, and standard charter and virtual charter renewal contracts ~~contract~~, which shall include the information specified in subsection (7) and shall be developed by consulting and negotiating with both sponsors and charter schools before implementation. The charter and virtual charter contracts and charter renewal and virtual charter contracts shall be used by charter school sponsors.

Section 12. Paragraph (a) of subsection (8) and subsection (12) of section 1002.394, Florida Statutes, are amended to read:

1002.394 The Family Empowerment Scholarship Program.—

(8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

(a) The department shall:

1. 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.

2. Cross-check ~~before each distribution of funds~~ the list of participating scholarship students with the public school enrollment lists ~~before each scholarship payment~~ to avoid duplication.

3. Maintain and publish a list of nationally norm-referenced tests identified for purposes of satisfying the testing requirement in subparagraph (9)(c)1. The tests must meet industry standards of quality in accordance with state board rule.

4. Notify eligible nonprofit scholarship-funding organizations of the deadlines for submitting the verified list of students determined to be eligible for a scholarship.

5. Notify each school district of a parent's participation in the scholarship program for purposes of paragraph (7)(f).

6. Deny or terminate program participation upon a parent's failure to comply with subsection (10).

7. Notify the parent and the organization when a scholarship account is closed and program funds revert to the state.

8. Notify an eligible nonprofit scholarship-funding organization of any of the organization's or other organization's identified students who are receiving scholarships under this chapter.

9. Maintain on its website a list of approved providers as required by s. 1002.66, eligible postsecondary educational institutions, eligible private schools, and eligible organizations and may identify or provide links to lists of other approved providers.

10. Require each organization to verify eligible expenditures before the distribution of funds for any expenditures made pursuant to subparagraphs (4)(b)1. and 2. Review of expenditures made for services specified in subparagraphs (4)(b)3.-15. may be completed after the purchase is made.

11. Investigate any written complaint of a violation of this section by a parent, a student, a private school, a public school, a school district, an organization, a provider, or another appropriate party in accordance with the process established under s. 1002.421.

12. Require quarterly reports by an organization, which must include, at a minimum, the number of students participating in the program; the demographics of program participants; the disability category of program participants; the matrix level of services, if known; the program award amount per student; the total expenditures for the purposes specified in

paragraph (4)(b); the types of providers of services to students; and any other information deemed necessary by the department.

13. Notify eligible nonprofit scholarship funding organizations that scholarships may not be awarded in a school district in which the award will exceed 99 percent of the school district’s share of state funding through the Florida Education Finance Program as calculated by the department.

14. Adjust payments to eligible nonprofit scholarship-funding organizations and, when the Florida Education Finance Program is recalculated, adjust the amount of state funds allocated to school districts through the Florida Education Finance Program based upon the results of the cross-check completed pursuant to subparagraph 2.

(12) SCHOLARSHIP FUNDING AND PAYMENT.—

(a)1. Scholarships for students determined eligible pursuant to paragraph (3)(a) are established for up to 18,000 students annually beginning in the 2019-2020 school year. Beginning in the 2020-2021 school year, the maximum number of students participating in the scholarship program under this section shall annually increase by 1.0 percent of the state’s total full-time equivalent student membership public school student enrollment. An eligible student who meets any of the following requirements shall be excluded from the maximum number of students if the student:

~~a. Received a scholarship pursuant to s. 1002.395 during the previous school year but did not receive a renewal scholarship based solely on the eligible nonprofit scholarship-funding organization’s lack of available funds after the organization fully exhausted its efforts to use funds available for awards under ss. 1002.395 and 1002.40(11)(i). Eligible nonprofit scholarship-funding organizations with students who meet the criterion in this subparagraph must annually notify the department in a format and by a date established by the department. The maximum number of scholarships awarded pursuant to this subparagraph shall not exceed 15,000 per school year;~~

~~a.b.~~ Is a dependent child of a member of the United States Armed Forces, a foster child, or an adopted child; or

~~b.e.~~ Is determined eligible pursuant to subparagraph (3)(a)1. or subparagraph (3)(a)2. and either spent the prior school year in attendance at a Florida public school or, beginning in the 2022-2023 school year, is eligible to enroll in kindergarten. For purposes of this subparagraph, the term “prior school year in attendance” means that the student was enrolled and reported by a school district for funding during either the preceding October or February full-time equivalent student membership 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.

2. 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 subparagraph. The calculated scholarship amount for a participating student shall be based upon the grade level and school district in which the student was assigned as 100 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 established pursuant to s. 1011.62(1)(e).

3. The amount of the 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 and any costs to provide a digital device, including Internet access, if necessary, to the student may be paid from the total amount of the scholarship.

4. A scholarship of \$750 or an amount equal to the school district expenditure per student riding a school bus, as determined by the department, whichever is greater, may be awarded to a student who is determined eligible pursuant to subparagraph (3)(a)1. or subparagraph (3)(a)2. and enrolled in a Florida public school that is different from the school to which the student was assigned or in a lab school as defined in s. 1002.32 if the school district does not provide the student with transportation to the school.

~~5. Upon notification from the organization on July 1, September 1, December 1, and February 1 that an application has been approved for the program, the department shall verify that the student is not prohibited from receiving a scholarship pursuant to subsection (6). The organization must provide the department with the documentation necessary to verify the student's participation. Upon receiving the documentation verification, the department shall transfer, from state funds only, the amount calculated pursuant to subparagraph 2. to the organization for quarterly disbursement to parents of participating students each school year in which the scholarship is in force. 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 subparagraph 2. 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 organization 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.~~

6. The initial payment shall be made after the organization's 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 or by funds transfer or any other means of payment that the department deems to be commercially viable or cost-effective. If the payment is made by warrant, the warrant must be delivered by the organization to the private school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school. An organization shall ensure that the parent to whom the warrant is made has restrictively endorsed the warrant to the private school for deposit into the account of the private school or that the parent has approved a funds transfer before any scholarship funds are deposited.

(b)1. Scholarships for students determined eligible pursuant to paragraph (3)(b) are established for up to 26,500 ~~20,000~~ students annually beginning in the 2022-2023 ~~2021-2022~~ school year. Beginning in the 2023-2024 ~~2022-2023~~ school year, the maximum number of students participating in the scholarship program under this section shall annually increase by 1.0 percent of the state's total exceptional student education full-time equivalent student membership enrollment, not including gifted students. An eligible student who meets any of the following requirements shall be excluded from the maximum number of students if the student:

a. Received specialized instructional services under the Voluntary Prekindergarten Education Program pursuant to s. 1002.66 during the previous school year and the student has a current IEP developed by the district ~~local~~ school board in accordance with rules of the State Board of Education;

b. Is a dependent child of a member of the United States Armed Forces, a foster child, or an adopted child;

c. Spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind. For purposes of this subparagraph, the term "prior school year in attendance" means that the student was enrolled and reported by:

(I) A school district for funding during either the preceding October or February full-time equivalent student membership ~~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;

(II) The Florida School for the Deaf and the Blind during the preceding October or February full-time equivalent student membership surveys in kindergarten through grade 12;

(III) A school district for funding during the preceding October or February full-time equivalent student membership ~~Florida Education Finance Program~~ surveys, was at least 4 years of age when enrolled and reported, and was eligible for services under s. 1003.21(1)(e); or

(IV) Received a John M. McKay Scholarship for Students with Disabilities in the 2021-2022 school year.

2. For a student who has a Level I to Level III matrix of services or a diagnosis by a physician or psychologist, the calculated scholarship amount for a student participating in the program must be based upon the grade level and school district in which the student would have been enrolled as the total funds per unweighted full-time equivalent in the Florida Education Finance Program for a student in the basic exceptional student education program pursuant to s. 1011.62(1)(c)1. and (e)1.c., plus a per full-time equivalent share of funds for all categorical programs, as funded in the General Appropriations Act, except that for the exceptional student education guaranteed allocation, as provided in s. 1011.62(1)(e)1.c. and 2., the funds must be allocated based on the school district's average exceptional student education guaranteed allocation funds per exceptional student education full-time equivalent student.

3. For a student with a Level IV or Level V matrix of services, the calculated scholarship amount must be based upon the school district to which the student would have been assigned as the total funds per full-time equivalent for the Level IV or Level V exceptional student education program pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time equivalent share of funds for all categorical programs, as funded in the General Appropriations Act.

4. For a student who received a Gardiner Scholarship pursuant to s. 1002.385 in the 2020-2021 school year, the amount shall be the greater of the amount calculated pursuant to subparagraph 2. or the amount the student received for the 2020-2021 school year.

5. For a student who received a John M. McKay Scholarship pursuant to s. 1002.39 in the 2020-2021 school year, the amount shall be the greater of the amount calculated pursuant to subparagraph 2. or the amount the student received for the 2020-2021 school year.

6. ~~Upon notification from an organization on July 1, September 1, December 1, and February 1 that an application has been approved for the program, the department shall verify that the student is not prohibited from receiving a scholarship pursuant to subsection (6).~~ The organization must provide the department with the documentation necessary to verify the student's participation.

7. ~~Upon receiving the documentation verification,~~ the department shall release, from state funds only, the student's scholarship funds to the organization, to be deposited into the student's account 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.

8. Accrued interest in the student's account is in addition to, and not part of, the awarded funds. Program funds include both the awarded funds and accrued interest.

9. The organization may develop a system for payment of benefits by funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of payment which the department deems to be commercially viable or cost-effective. A student's scholarship award may not be reduced for debit card or electronic payment fees. Commodities or services related to the development of such a system must be procured by competitive solicitation unless they are purchased from a state term contract pursuant to s. 287.056.

10. Moneys received pursuant to this section do not constitute taxable income to the qualified student or the parent of the qualified student.

Section 13. Paragraph (j) of subsection (6), paragraph (d) of subsection (9), and paragraph (a) of subsection (11) of section 1002.395, Florida Statutes, are amended to read:

1002.395 Florida Tax Credit Scholarship Program.—

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

(j)1. May use 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 funded 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 funded under this chapter. Administrative expenses may include developing or contracting with ride-share programs or facilitating carpool strategies for recipients of a transportation scholarship. 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.

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

(d) Cross-check the list of participating scholarship students with the public school enrollment lists to avoid duplication and, when the Florida Education Finance Program is recalculated, adjust the amount of state funds allocated to school districts through the Florida Education Finance Program based upon the results of the cross-check.

(11) SCHOLARSHIP AMOUNT AND PAYMENT.—

(a) 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. For 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 a percentage of the unweighted FTE funding amount for the 2018-2019 state fiscal year and thereafter as follows:

- a. Eighty-eight percent for a student enrolled in kindergarten through grade 5.
 - b. Ninety-two percent for a student enrolled in grade 6 through grade 8.
 - c. 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 calculated in accordance with s. 1002.394(12)(a).

3. 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 or in a lab school as defined in s. 1002.32, must be an amount equal to the school district expenditure per student riding a school bus, as determined by the department, or is limited to \$750, whichever is greater.~~

Section 14. Paragraph (a) of subsection (8) of section 1002.40, Florida Statutes, is amended to read:

1002.40 The Hope Scholarship Program.—

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

(a) Cross-check the list of participating scholarship students with the public school enrollment lists to avoid duplication and, when the Florida Education Finance Program is recalculated, adjust the amount of state funds allocated to school districts through the Florida Education Finance Program based upon the results of the cross-check.

Section 15. Subsections (1), (2), and (6) of section 1002.411, Florida Statutes, are amended to read:

1002.411 New Worlds Reading Scholarship Accounts.—

(1) NEW WORLDS READING SCHOLARSHIP ACCOUNTS.—New Worlds Reading Scholarship Accounts are established to provide educational options for students.

(2) ELIGIBILITY.—Contingent upon available funds, and on a first-come, first-served basis, each student ~~in grades 3 through 5~~ who is enrolled in a Florida public school in kindergarten through grade 5 is eligible for a reading scholarship account if the student has a substantial reading deficiency identified under s. 1008.25(5)(a) or scored below a Level 3 on the grade 3 or grade 4 statewide, standardized English Language Arts (ELA) assessment in the prior school year. An eligible student who is classified as an English Language Learner and is enrolled in a program or receiving services that are specifically designed to meet the instructional needs of English Language Learner students shall receive priority.

(6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

(a) By September 30, the school district shall notify the parent of each student in kindergarten grades 3 through grade 5 who has a substantial reading deficiency identified under s. 1008.25(5)(a) or scored below a level 3 on the statewide, standardized ELA assessment in the prior school year of the process to request and receive a reading scholarship, subject to available funds.

(b) A school district may not prohibit instructional personnel from providing services pursuant to this section on the instructional personnel's school campus outside regular work hours, subject to school district policies for safety and security operations to protect students, instructional personnel, and educational facilities.

Section 16. Effective January 1, 2023, paragraph (e) of subsection (1) of section 1002.421, Florida Statutes, is amended to read:

1002.421 State school choice scholarship program accountability and oversight.—

(1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private school participating in an educational scholarship program established pursuant to this chapter must be a private school as defined in s. 1002.01(2) in this state, be registered, and be in compliance with all requirements of this section in addition to private school requirements outlined in s. 1002.42, specific requirements identified within respective scholarship program laws, and other provisions of Florida law that apply to private schools, and must:

(e) Annually complete and submit to the department a notarized scholarship compliance statement certifying that all school employees and contracted personnel with direct student contact have undergone background screening pursuant to s. 435.12 ~~s. 943.0542~~ and have met the screening standards as provided in s. 435.04.

The department shall suspend the payment of funds to a private school that knowingly fails to comply with this subsection, and shall prohibit the school from enrolling new scholarship students, for 1 fiscal year and until the school complies. If a private school fails to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (q), the commissioner may determine that the private school is ineligible to participate in a scholarship program.

Section 17. Subsections (6) through (11) of section 1002.45, Florida Statutes, are renumbered as subsections (5) through (10), respectively, and subsections (1) and (2), paragraphs (b), (c), and (d) of subsection (3), subsections (4) and (5), and present subsections (6), (7), (8), and (11) of section 1002.45, Florida Statutes, are amended, to read:

1002.45 Virtual instruction programs.—

(1) PROGRAM.—

(a) For purposes of this section, the term:

1. “Approved virtual instruction program provider” means a provider that is approved by the State Board Department of Education under subsection (2), the Florida Virtual School, a franchise of the Florida Virtual School, or a Florida College System institution.

2. “Department” means the Department of Education.

3.2. “Virtual instruction program” means a program of instruction provided in an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both.

(b)1. Each school district shall provide at least one option for part-time and full-time virtual instruction for students residing within the school district. All school districts must provide parents with timely written notification of at least one open enrollment period for full-time students of 90 days or more which ends 30 days before the first day of the school year. ~~The purpose of the program is to make quality virtual instruction available to students using online and distance learning technology in the nontraditional classroom.~~ A school district virtual instruction program shall consist of the following:

a.1. Full-time and part-time virtual instruction for students enrolled in kindergarten through grade 12.

b.2. Full-time or part-time virtual instruction for students enrolled in dropout prevention and academic intervention programs under s. 1003.53, Department of Juvenile Justice education programs under s. 1003.52, core-curricula courses to meet class size requirements under s. 1003.03, or Florida College System institutions under this section.

2. Each virtual instruction program established under paragraph (c) by a school district either directly or through a contract with an approved virtual instruction program provider shall operate under its own Master School Identification Number as prescribed by the department.

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

1. ~~Contract with the Florida Virtual School or establish a franchise of the Florida Virtual School pursuant to s. 1002.37(2) for the provision of a program under paragraph (b). Using this option is subject to the requirements of this section and s. 1011.61(1)(c)1.b.(III) and (IV) and (4). A district may report full-time equivalent student membership for credit earned by a student who is enrolled in a virtual education course provided by the district which was completed after the end of the regular school year if the FTE is~~

~~reported no later than the deadline for amending the final student membership report for that year.~~

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

3. Enter into an agreement with other school districts to allow the participation of its students in an approved virtual instruction program provided by the other school district. The agreement must indicate a process for the transfer of funds required by paragraph ~~(6)(b)~~ ~~(7)(a)~~.

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

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

Contracts under subparagraph 1. or subparagraph 2. may include multi-district contractual arrangements ~~that may be executed by a regional consortium~~ service organization established pursuant to s. 1001.451 for its member districts. A multidistrict contractual arrangement or an agreement under subparagraph 3. is not subject to s. 1001.42(4)(d) and does not require the participating school districts to be contiguous. These arrangements may be used to fulfill the requirements of paragraph (b).

(d) A virtual charter school may provide full-time or part-time virtual instruction for students in kindergarten through grade 12 residing within the school district sponsoring the virtual charter school if the virtual charter school has a charter approved pursuant to s. 1002.33. A virtual charter school may:

1. Contract with the Florida Virtual School.

2. Contract with an approved virtual instruction program provider under subsection (2).

3. Enter into an agreement with a school district to allow the participation of the virtual charter school's students in the school district's virtual instruction program. The agreement must indicate a process for reporting of student enrollment and the transfer of funds required by paragraph ~~(6)(b)~~ ~~(7)(a)~~.

(e) Each school district shall:

1. Provide to the department by each October 1, a copy of each contract and the amount ~~amounts~~ paid per unweighted full-time equivalent virtual student for services procured pursuant to subparagraphs (c)1. and 2.

2. ~~Expend any the difference in the amount of funds per unweighted full-time equivalent virtual student allocated to provided for a student participating in the school district virtual instruction program pursuant to subsection (6)(7) and the amount price paid per unweighted full-time equivalent virtual student by the school district for a contract executed pursuant to subparagraph (c)1. or subparagraph (c)2. on for acquiring computer and device hardware and associated operating system software that comply with the requirements of s. 1001.20(4)(a)1.b.~~

3. ~~Provide to the department and by September 1 of each year report to the department an itemized list of items acquired in subparagraph 2 with these funds.~~

~~4.3.~~ Limit the enrollment of ~~virtual~~ full-time equivalent ~~virtual~~ students residing outside of the school district providing the virtual instruction pursuant to paragraph (c) to no more than 50 percent of the total enrolled ~~virtual~~ full-time equivalent virtual students residing inside the school district providing the virtual instruction. This subparagraph applies to any virtual instruction contract or agreement that is entered into for the first time after June 30, 2021. However, a school district may not enroll more ~~virtual~~ full-time equivalent virtual students residing outside of the school district than the total number of reported full-time equivalent students residing inside the school district.

(2) PROVIDER QUALIFICATIONS.—

(a) The department shall annually publish on its website online a list of providers approved by the State Board of Education to offer virtual instruction programs. ~~To be approved by the department,~~ a virtual instruction program provider must document that it:

1. Is nonsectarian in its programs, admission policies, employment practices, and operations;

2. Complies with the antidiscrimination provisions of s. 1000.05;

3. Locates an administrative office or offices in this state, requires its administrative staff to be state residents, requires all instructional staff to be Florida-certified teachers under chapter 1012 and conducts background screenings for all employees or contracted personnel, as required by s. 1012.32, using state and national criminal history records;

4. Electronically provides to parents and students specific information ~~posted and accessible online~~ that includes, but is not limited to, the following teacher-parent and teacher-student contact information for each course:

a. How to contact the instructor via phone, e-mail, or online messaging tools.

b. How to contact technical support via phone, e-mail, or online messaging tools.

c. How to contact the administration office via phone, e-mail, or online messaging tools.

d. Any requirement for regular contact with the instructor for the course and clear expectations for meeting the requirement.

e. The requirement that the instructor in each course must, at a minimum, conduct one contact with the parent and the student each month;

5. Possesses prior, successful experience offering virtual instruction online courses to elementary, middle, or high school students as demonstrated by quantified student learning gains in each subject area and grade level provided for consideration as an instructional program option. However, for a virtual instruction program provider without sufficient prior, successful experience offering online courses, the State Board of Education department may conditionally approve the virtual instruction program provider to offer courses measured pursuant to subparagraph (7)(a) 2. (8)(a)2. Conditional approval shall be valid for 1 school year only and, based on the virtual instruction program provider's experience in offering the courses, the State Board of Education may department shall determine whether to grant approval to offer a virtual instruction program;

6. Is accredited by a regional accrediting association as defined by State Board of Education rule;

7. Ensures instructional and curricular quality through a detailed curriculum and student performance accountability plan that addresses every subject and grade level it intends to provide through contract with the school district, including:

a. Courses and programs that meet the standards of the International Association for K-12 Online Learning and the Southern Regional Education Board.

b. Instructional content and services that align with, and measure student attainment of, student proficiency in the Next Generation Sunshine State Standards.

c. Mechanisms that determine and ensure that a student has satisfied requirements for grade level promotion and high school graduation with a standard diploma, as appropriate;

8. Publishes ~~for the general public~~, in accordance with disclosure requirements adopted in rule by the State Board of Education, as part of its application as an approved virtual instruction program a provider and in all contracts negotiated pursuant to this section:

a. Information and data about the curriculum of each full-time and part-time virtual instruction program.

b. School policies and procedures.

c. Certification status and physical location of all administrative and instructional personnel.

d. Hours and times of availability of instructional personnel.

e. Student-teacher ratios.

f. Student completion and promotion rates.

g. Student, educator, and school performance accountability outcomes;

9. If the approved virtual instruction program provider is a Florida College System institution, employs instructors who meet the certification requirements for instructional staff under chapter 1012; and

10. Performs an annual financial audit of its accounts and records conducted by an independent auditor who is a certified public accountant licensed under chapter 473. The independent auditor shall conduct the audit which is in accordance with rules adopted by the Auditor General and, is conducted in compliance with generally accepted auditing standards, and include includes a report on financial statements presented in accordance with generally accepted accounting principles. The audit report shall be accompanied by a written statement from the approved virtual instruction program provider in response to any deficiencies identified within the audit report and shall be submitted by the approved virtual instruction program provider to the State Board of Education and the Auditor General no later than 9 months after the end of the preceding fiscal year.

(b) An approved virtual instruction program provider ~~that maintains compliance with all requirements of this section shall retain its approved status for a period of during the 3 school years after the date of the department's approval by the State Board of Education under paragraph (a) as long as the provider continues to comply with all requirements of this section. However, each provider approved by the department for the 2011-2012 school year must reapply for approval to provide a part-time program for students in grades 9 through 12.~~

(3) VIRTUAL INSTRUCTION PROGRAM REQUIREMENTS.—Each virtual instruction program under this section must:

(b) Offer instruction that is designed to enable a student to gain proficiency in each virtual instruction ~~virtually delivered~~ course of study.

(c) Provide each student enrolled in the virtual instruction program with all the necessary instructional materials.

(d) Provide each full-time student enrolled in the virtual instruction program who qualifies for free or reduced-price school lunches under the National School Lunch Act, or who is on the direct certification list, and who does not have a computer or Internet access in his or her home with:

1. All equipment necessary for participants in the virtual instruction program, including, but not limited to, a computer, computer monitor, and printer, if a printer is necessary to participate in the virtual instruction program; and

2. Access to or reimbursement for all Internet services necessary for online delivery of instruction.

(4) CONTRACT REQUIREMENTS.—Each contract with an approved virtual instruction program provider must, at minimum:

(a) Set forth a detailed curriculum plan that illustrates how students will be provided services and be measured for attainment of proficiency in the Next Generation Sunshine State Standards for each grade level and subject.

(b) Provide a method for determining that a student has satisfied the requirements for graduation in s. 1002.3105(5), s. 1003.4281, or s. 1003.4282 if the contract is for the provision of a full-time virtual instruction program to students in grades 9 through 12.

(c) Specify a method for resolving conflicts among the parties.

(d) Specify authorized reasons for termination of the contract.

(e) Require the approved virtual instruction program provider to be responsible for all debts of the virtual instruction program if the contract is not renewed or is terminated.

(f) Require the approved virtual instruction program provider to comply with all requirements of this section.

(g) Require the approved virtual instruction program provider to submit a concise, uniform, monthly financial statement summary sheet in a form prescribed by the department.

(h) Provide the current incoming baseline standard of student academic achievement, the outcomes to be achieved, the method of measurement that will be used, and a detailed description of:

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

2. How these baseline rates will be compared to rates of academic progress achieved by the same students while enrolled in the virtual instruction program.

3. To the extent possible, how the rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

(i) Require the approved virtual instruction program provider to annually submit an accountability report that contains demographic

information and student achievement performance data, that links baseline student data to the provider performance projections identified in the contract.

A contracting school district shall facilitate compliance with the requirements of paragraphs (h) and (i).

~~(5) STUDENT ELIGIBILITY.—A student may enroll in a virtual instruction program provided by the school district or by a virtual charter school pursuant to s. 1002.455.~~

~~(5)(6) STUDENT PARTICIPATION REQUIREMENTS.—Each student enrolled in the school district's a virtual instruction program authorized pursuant to paragraph (1)(c) or virtual charter school must:~~

~~(a) Comply with the compulsory attendance requirements of s. 1003.21. Student attendance must be verified by the school district.~~

~~(b) Take statewide assessments pursuant to s. 1008.22. Statewide assessments may be administered within the school district in which such student resides, or as specified in the contract in accordance with s. 1008.24(3). If requested by the approved virtual instruction program provider or virtual charter school, the district of residence must provide the student with access to the district's testing facilities.~~

~~(6)(7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL FUNDING.—~~

~~(a) All virtual instruction programs established pursuant to paragraph (1)(c) are subject to the requirements of s. 1011.61(1)(c)1.b.(III), (IV), (VI) and (4) and the school district providing the virtual instruction program shall report the full-time equivalent students, in a manner prescribed by the department. A school district may report a full-time equivalent student for credit earned by a student who is enrolled in a virtual instruction course provided by the district which was completed after the end of the regular school year if the full-time equivalent student is reported no later than the deadline for amending the final full-time equivalent student membership report for that year Students enrolled in a virtual instruction program or a virtual charter school shall be funded through the Florida Education Finance Program as provided in the General Appropriations Act. However, such funds may not be provided for the purpose of fulfilling the class size requirements in ss. 1003.03 and 1011.685. The school district providing the virtual instruction shall report the full-time equivalent students for a virtual instruction program or a virtual charter school to the department in a manner prescribed by the department.~~

~~(b) Students enrolled in a virtual instruction program shall be funded in the Florida Education Finance Program as provided in the General Appropriations Act. The calculation to determine the amount of funds for each student through the Florida Education Finance Program shall include~~

the sum of the base Florida Education Finance Program pursuant to s. 1011.62(1)(s) and all categorical programs except for the categorical programs established pursuant to ss. 1011.62(1)(f), 1011.62(7), 1011.62(13), 1011.68, 1011.685, and 1012.71. Students residing outside of the school district reporting the full-time equivalent virtual student shall be funded from state funds only.

~~(b) For purposes of a virtual instruction program or a virtual charter school, “full-time equivalent student” has the same meaning as provided in s. 1011.61(1)(c)1.b.(III) or (IV).~~

~~(c) For a student enrolled in a kindergarten through grade 12 virtual instruction program, a “full-time equivalent student” has the same meaning as provided in s. 1011.61(1)(c)1.b.(III) and (IV).~~

~~(d) The full-time equivalent student membership calculated under this subsection is subject to the requirements in s. 1011.61(4).~~

~~(c)(e) A Florida College System institution provider may not report students who are served in a virtual instruction program for funding under the Florida College System Program Fund.~~

~~(7)(8) ASSESSMENT AND ACCOUNTABILITY.—~~

~~(a) Each approved virtual instruction program provider contracted pursuant to under this section must:~~

~~1. Participate in the statewide assessment program under s. 1008.22 and in the state’s education performance accountability system under s. 1008.31.~~

~~2. Receive a school grade under s. 1008.34 or a school improvement rating under s. 1008.341, as applicable. The ~~school grade or~~ school improvement rating received by each approved virtual instruction program provider shall be based upon the aggregated assessment scores of all students served by the provider statewide. Each approved virtual instruction program provider shall receive a district grade pursuant to s. 1008.34 based upon the aggregated assessment scores of all students served by the provider statewide and a separate school grade for each school district with which it contracts based upon the assessment scores of all students served within the school district. The department shall publish the school grade or school improvement rating received by each approved virtual instruction program provider on its Internet website. The department shall develop an evaluation method for providers of part-time programs which includes the percentage of students making learning gains, the percentage of students successfully passing any required end-of-course assessment, the percentage of students taking Advanced Placement examinations, and the percentage of students scoring 3 or higher on an Advanced Placement examination.~~

~~(b) The performance of part-time students in grades 9 through 12 shall not be included for purposes of school grades or school improvement ratings under subparagraph (a)2.; however, their performance shall be included for~~

school grading or school improvement rating purposes by the district nonvirtual school providing the student’s primary instruction.

(c) An approved virtual instruction program provider that receives a school grade of “D” or “F” pursuant to under s. 1008.34 or a school improvement rating of “Unsatisfactory” pursuant to under s. 1008.341 must file a school improvement plan with the department for consultation to determine the causes for low performance and corrective actions necessary to improve performance ~~to develop a plan for correction and improvement.~~

(d) An approved virtual instruction program provider’s contract is automatically ~~must be~~ terminated if the provider earns two consecutive receives a school grades grade of “D” or “F” pursuant to under s. 1008.34 after all school grade appeals are final or earns two consecutive a school improvement ratings rating of “Unsatisfactory” pursuant to under s. 1008.341 ~~for 2 years during any consecutive 4-year period~~ or has violated any qualification requirement pursuant to subsection (2). An approved virtual instruction program A provider that has a contract terminated under this paragraph may not be considered an approved virtual instruction program provider for a ~~period of~~ at least 1 year after the date upon which the contract was terminated and until the State Board of Education department determines that the virtual instruction program provider is in compliance with subsection (2) and has corrected each cause of the provider’s low performance.

~~(10)(11)~~ RULES.—The State Board of Education shall adopt rules necessary to administer this section, including rules that prescribe disclosure requirements under subsection (2), a standard contract that meets the requirements under subsection (4), and school district reporting requirements under subsection (6) (7).

Section 18. Section 1002.455, Florida Statutes, is amended to read:

1002.455 Student eligibility for K-12 virtual instruction.—All students, including home education and private school students, are eligible to participate in any of the following virtual instruction options:

(1) School district operated part-time or full-time kindergarten through grade 12 virtual instruction programs pursuant to s. 1002.45(1)(c)4. to students within the school district under s. 1002.45(1)(b).

(2) Part-time or full-time virtual charter school instruction authorized pursuant to s. 1002.45(1)(c)5. under s. 1002.33 to students within the school district or to students in other school districts throughout the state pursuant to s. 1002.31; however, the school district enrolling the full-time equivalent virtual student shall comply with the enrollment requirements established under to s. 1002.45(1)(e)4.

(3) Virtual courses offered in the course code directory to students within the school district or to students in other school districts throughout the state pursuant to s. 1003.498.

(4) Florida Virtual School instructional services authorized pursuant to ~~under~~ s. 1002.37.

(5) Virtual instruction provided by a school district through a contract with an approved virtual instruction program provider pursuant to s. 1002.45(1)(c)2. to students within the school district or to students in other school districts throughout the state pursuant to s. 1002.31; however the school district enrolling the full-time equivalent virtual student shall comply with the enrollment requirements established under s. 1002.45(1)(e)4.

Section 19. Subsection (4) of section 1002.81, Florida Statutes, is amended to read:

1002.81 Definitions.—Consistent with the requirements of 45 C.F.R. parts 98 and 99 and as used in this part, the term:

(4) “Direct enhancement services” means services for families and children that are in addition to payments for the placement of children in the school readiness program. Direct enhancement services for families and children may include supports for providers, parent training and involvement activities, and strategies to meet the needs of unique populations and local eligibility priorities. Direct enhancement services offered by an early learning coalition shall be consistent with the activities prescribed in s. 1002.89(4)(b) ~~s. 1002.89(5)(b)~~.

Section 20. Paragraphs (d), (m), and (p) of subsection (2) and paragraph (a) of subsection (7) of section 1002.82, Florida Statutes, are amended to read:

1002.82 Department of Education; powers and duties.—

(2) The department shall:

(d) Establish procedures for the annual ~~biennial~~ calculation of the prevailing market rate and procedures for the collection of data to support the calculation of the cost of care pursuant to s. 1002.90 ~~or an alternative model that has been approved by the Administration for Children and Families pursuant to 45 C.F.R. s. 98.45(e)~~.

(m) Provide technical support to an early learning coalition to facilitate the use of a standard statewide provider contract adopted by the department to be used with each school readiness program provider, with standardized attachments by provider type. The department shall publish a copy of the standard statewide provider contract on its website. The standard statewide contract shall include, at a minimum, contracted slots, if applicable, in accordance with the Child Care and Development Block Grant Act of 2014, 45 C.F.R. parts 98 and 99; quality improvement strategies, if applicable;

program assessment requirements; and provisions for provider probation, termination for cause, and emergency termination for those actions or inactions of a provider that pose an immediate and serious danger to the health, safety, or welfare of the children. The standard statewide provider contract shall also include appropriate due process procedures. During the pendency of an appeal of a termination, the provider may not continue to offer its services. Any provision imposed upon a provider that is inconsistent with, or prohibited by, law is void and unenforceable. Provisions for termination for cause must also include failure to meet the minimum quality measures established under paragraph (n) for a period of up to 5 years, unless the coalition determines that the provider is essential to meeting capacity needs based on the assessment under s. 1002.85(2)(i) ~~s. 1002.85(2)(j)~~ and the provider has an active improvement plan pursuant to paragraph (n).

(p) No later than July 1, 2022, develop and adopt requirements for the implementation of a program designed to make available contracted slots to serve children at the greatest risk of school failure as determined by such children being located in an area that has been designated as a poverty area tract according to the latest census data. The contracted slot program may also be used to increase the availability of child care capacity based on the assessment under s. 1002.85(2)(i) ~~s. 1002.85(2)(j)~~.

(7) By January 1 of each year, the department shall annually publish on its website a report of its activities conducted under this section. The report must include a summary of the coalitions' annual reports, a statewide summary, and the following:

(a) An analysis of early learning activities throughout the state, including the school readiness program and the Voluntary Prekindergarten Education Program.

1. The total and average number of children served in the school readiness program, enumerated by age, eligibility priority category, and coalition, and the total number of children served in the Voluntary Prekindergarten Education Program.

2. A summary of expenditures by coalition, by fund source, including a breakdown by coalition of the percentage of expenditures for administrative activities, quality activities, nondirect services, and direct services for children.

3. A description of the department's and each coalition's expenditures by fund source for the quality and enhancement activities described in s. 1002.89(4)(b) ~~s. 1002.89(5)(b)~~.

4. A summary of annual findings and collections related to provider fraud and parent fraud.

5. Data regarding the coalitions' delivery of early learning programs.

6. The total number of children disenrolled statewide and the reason for disenrollment.

7. The total number of providers by provider type.

8. The number of school readiness program providers who have completed the program assessment required under paragraph (2)(n); the number of providers who have not met the minimum program assessment composite score for contracting established under paragraph (2)(n); and the number of providers that have an active improvement plan based on the results of the program assessment under paragraph (2)(n).

9. The total number of provider contracts revoked and the reasons for revocation.

Section 21. Subsection (17) of section 1002.84, Florida Statutes, is amended to read:

1002.84 Early learning coalitions; school readiness powers and duties. Each early learning coalition shall:

(17)(a) Distribute the school readiness program funds as allocated in the General Appropriations Act to the eligible providers using the following methodology:

1. For each county in the early learning coalition, multiply the cost of care by care level as provided in s. 1002.90 by the county's district cost differential provided in s. 1011.62(2).

2. If a county enacted a local ordinance before January 1, 2022, that establishes the county's staff-to-children ratio for licensed child care facilities below the ratio established in s. 402.305(4), multiply the provider reimbursement rates for that county by the adjustment factor specified in the General Appropriations Act.

3. Apply the weight established pursuant to s. 1002.90 for each provider type to calculate the minimum provider reimbursement rates by care level.

4. Multiply the weighted provider reimbursement rates by 22 percent to determine the amount of the school readiness allocation an early learning coalition is eligible to retain pursuant to s. 1002.89(4).

(b) Distribute to each eligible provider the minimum provider reimbursement rate, by provider type and care level, regardless of the provider's private pay rate. All minimum provider reimbursement rates shall be charged as direct services pursuant to s. 1002.89.

Each early learning coalition with approved minimum provider reimbursement rates for the infant to age 5 care levels that are higher than the minimum provider reimbursement rates established in this subsection may continue to implement its approved minimum provider reimbursement rates

~~until the rates established in this subsection exceed its approved rates Adopt a payment schedule that encompasses all programs funded under this part and part V of this chapter. The payment schedule must take into consideration the prevailing market rate or an alternative model that has been approved by the Administration for Children and Families pursuant to 45 C.F.R. s. 98.45(e), include the projected number of children to be served, and be submitted for approval by the department. Informal child care arrangements shall be reimbursed at not more than 50 percent of the rate adopted for a family day care home.~~

Section 22. Paragraphs (c) through (j) of subsection (2) of section 1002.85, Florida Statutes, are redesignated as paragraphs (b) through (i), respectively, and present paragraphs (b) and (c) of that subsection are amended to read:

1002.85 Early learning coalition plans.—

(2) Each early learning coalition must biennially submit a school readiness program plan to the department before the expenditure of funds. A coalition may not implement its school readiness program plan until it receives approval from the department. A coalition may not implement any revision to its school readiness program plan until the coalition submits the revised plan to and receives approval from the department. If the department rejects a plan or revision, the coalition must continue to operate under its previously approved plan. The plan must include, but is not limited to:

~~(b) The minimum number of children to be served by care level.~~

~~(b)(e)~~ The coalition's procedures for implementing the requirements of this part, including:

1. Single point of entry.
2. Uniform waiting list.
3. Eligibility and enrollment processes and local eligibility priorities for children pursuant to s. 1002.87.
4. Parent access and choice.
5. Sliding fee scale and policies on applying the waiver or reduction of fees in accordance with s. 1002.84(9).
6. Use of preassessments and postassessments, as applicable.
- ~~7. Payment rate schedule.~~
- ~~7.8.~~ Use of contracted slots, as applicable, based on the results of the assessment required under paragraph ~~(i)~~ (j).

Section 23. Paragraph (c) of subsection (1) of section 1002.87, Florida Statutes, is amended to read:

1002.87 School readiness program; eligibility and enrollment.—

(1) Each early learning coalition shall give priority for participation in the school readiness program as follows:

(c) Subsequent priority shall be given, based on the early learning coalition's local priorities identified under s. 1002.85(2)(i) ~~s. 1002.85(2)(j)~~, to children who meet the following criteria:

1. A child from birth to the beginning of the school year for which the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2. who is from a working family that is economically disadvantaged, and may include such child's eligible siblings, beginning with the school year in which the sibling is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2. until the beginning of the school year in which the sibling is eligible to begin 6th grade, provided that the first priority for funding an eligible sibling is local revenues available to the coalition for funding direct services.

2. A child of a parent who transitions from the work program into employment as described in s. 445.032 from birth to the beginning of the school year for which the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2.

3. An at-risk child who is at least 9 years of age but younger than 13 years of age. An at-risk child whose sibling is enrolled in the school readiness program within an eligibility priority category listed in paragraphs (a) and (b) and subparagraph 1. shall be given priority over other children who are eligible under this paragraph.

4. A child who is younger than 13 years of age from a working family that is economically disadvantaged.

5. A child of a parent who transitions from the work program into employment as described in s. 445.032 who is younger than 13 years of age.

6. A child who has special needs, has been determined eligible as a student with a disability, has a current individual education plan with a Florida school district, and is not younger than 3 years of age. A special needs child eligible under this paragraph remains eligible until the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2.

7. A child who otherwise meets one of the eligibility criteria in paragraphs (a) and (b) and subparagraphs 1. and 2. but who is also enrolled concurrently in the federal Head Start Program and the Voluntary Prekindergarten Education Program.

Section 24. Section 1002.89, Florida Statutes, is amended to read:

1002.89 School readiness program; funding.—

(1) DETERMINATION OF EARLY LEARNING COALITION SCHOOL READINESS PROGRAM FUNDING.—Funding for the school readiness program shall be used by ~~allocated among~~ the early learning coalitions in accordance with this part section and the General Appropriations Act.

(a) School readiness program allocation.—If the annual allocation for the school readiness program is not determined in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, it shall be determined as follows:

1. For each county in the early learning coalition, the total school readiness eligible population, as adopted by the Early Learning Programs Estimating Conference pursuant to s. 216.136(8), shall be multiplied by the county's district cost differential provided in s. 1011.62(2).

2. If a county passed a local ordinance before January 1, 2022, that establishes the county's staff-to-children ratio for licensed child care facilities below the ratio established in s. 402.305(4), multiply the product calculated in subparagraph 1. by the adjustment factor specified in the General Appropriations Act.

3. Each county's school readiness allocation shall be based on the county's proportionate share of the total adjusted eligible school readiness population.

(b) Gold Seal Quality Care Program allocation.—There is created the Gold Seal Quality Care Program allocation to provide eligible school readiness program providers the rate differential established pursuant to s. 1002.945(6). Subject to legislative appropriation, all expenditures from the Gold Seal Quality Care Program allocation shall be used by the department to help meet federal targeted requirements for improving quality to the extent allowable in the state's approved Child Care and Development Fund Plan.

(c) Differential payment program allocation.—There is created the differential payment program allocation to provide eligible school readiness program providers the differential pay established pursuant to s. 1002.82(2)(o). Subject to legislative appropriation, all expenditures from the differential payment program allocation shall be used by the department to help meet federal targeted requirements for improving quality to the extent allowable in the state's approved Child Care and Development Fund Plan.

(d) Special needs differential allocation.—There is created the special needs differential allocation to assist eligible school readiness program providers to implement the special needs rate provisions defined in the state's approved Child Care and Development Fund Plan. Subject to

legislative appropriation, each early learning coalition shall be reimbursed based on actual expenditures. All expenditures from the special needs differential allocation shall be used by the department to help meet federal targeted requirements for improving quality to the extent allowable in the state's approved plan.

(2) INSTRUCTION REQUIREMENTS.—All instructions to early learning coalitions for administering this section shall emanate from the department in accordance with the policies of the Legislature.

~~(3) All cost savings and all revenues received through a mandatory sliding fee scale shall be used to increase the number of children served.~~

(3)(4) MATCHING FUND REQUIREMENTS.—All state, federal, and local matching funds provided to an early learning coalition for purposes of this section shall be used for implementation of its approved school readiness program plan, including the hiring of staff to effectively operate the school readiness program.

~~(4)(5) COST REQUIREMENTS.~~—Costs shall be kept to the minimum necessary for the efficient and effective administration of the school readiness program with the highest priority of expenditure being direct services for eligible children. However, no more than 5 percent of the funds allocated in paragraph (1)(a) described in subsection (4) may be used for administrative costs and no more than 22 percent of the funds allocated in paragraph (1)(a) described in subsection (4) may be used in any fiscal year for any combination of administrative costs, quality activities, and nondirect services as follows:

(a) Administrative costs as described in 45 C.F.R. s. 98.54, which shall include monitoring providers using the standard methodology adopted under s. 1002.82 to improve compliance with state and federal regulations and law pursuant to the requirements of the statewide provider contract adopted under s. 1002.82(2)(m).

(b) Activities to improve the quality of child care as described in 45 C.F.R. s. 98.53, which shall be limited to the following:

1. Developing, establishing, expanding, operating, and coordinating resource and referral programs specifically related to the provision of comprehensive consumer education to parents and the public to promote informed child care choices specified in 45 C.F.R. s. 98.33.

2. Awarding grants and providing financial support to school readiness program providers and their staff to assist them in meeting applicable state requirements for the program assessment required under s. 1002.82(2)(n), child care performance standards, implementing developmentally appropriate curricula and related classroom resources that support curricula, providing literacy supports, and providing continued professional

development and training. Any grants awarded pursuant to this subparagraph shall comply with ss. 215.971 and 287.058.

3. Providing training, technical assistance, and financial support to school readiness program providers, staff, and parents on standards, child screenings, child assessments, child development research and best practices, developmentally appropriate curricula, character development, teacher-child interactions, age-appropriate discipline practices, health and safety, nutrition, first aid, cardiopulmonary resuscitation, the recognition of communicable diseases, and child abuse detection, prevention, and reporting.

4. Providing, from among the funds provided for the activities described in subparagraphs 1.-3., adequate funding for infants and toddlers as necessary to meet federal requirements related to expenditures for quality activities for infant and toddler care.

5. Improving the monitoring of compliance with, and enforcement of, applicable state and local requirements as described in and limited by 45 C.F.R. s. 98.40.

6. Responding to Warm-Line requests by providers and parents, including providing developmental and health screenings to school readiness program children.

(c) Nondirect services as described in applicable Office of Management and Budget instructions are those services not defined as administrative, direct, or quality services that are required to administer the school readiness program. Such services include, but are not limited to:

1. Assisting families to complete the required application and eligibility documentation.
2. Determining child and family eligibility.
3. Recruiting eligible child care providers.
4. Processing and tracking attendance records.
5. Developing and maintaining a statewide child care information system.

As used in this paragraph, the term “nondirect services” does not include payments to school readiness program providers for direct services provided to children who are eligible under s. 1002.87, administrative costs as described in paragraph (a), or quality activities as described in paragraph (b).

(5)(6) LIMITATION ON THE USE OF PROGRAM FUNDS.—Funds appropriated for the school readiness program may not be expended for the purchase or improvement of land; for the purchase, construction, or

permanent improvement of any building or facility; or for the purchase of buses. However, funds may be expended for minor remodeling and upgrading of child care facilities which is necessary for the administration of the program and to ensure that providers meet state and local child care standards, including applicable health and safety requirements.

Section 25. Effective upon this act becoming a law, section 1002.895, Florida Statutes, is amended to read:

1002.895 Market rate schedule.—The school readiness program market rate schedule shall be implemented as follows:

(1) The department shall establish procedures for the adoption of a market rate schedule ~~until an alternative model that has been approved by the Administration for Children and Families pursuant to 45 C.F.R. s. 98.45(e) is available for adoption.~~ The schedule must include, at a minimum, county-by-county rates:

(a) The market rate, including the minimum and the maximum rates for child care providers that hold a Gold Seal Quality Care designation under s. 1002.945 and adhere to its accrediting association's teacher-to-child ratios and group size requirements.

(b) The market rate for child care providers that do not hold a Gold Seal Quality Care designation.

(2) The market rate schedule, ~~at a minimum,~~ must differentiate rates by provider type, including, but not limited to:

(a) ~~Differentiate rates by type, including, but not limited to,~~ a Child care providers provider that hold holds a Gold Seal Quality Care designation under s. 1002.945 and adhere adheres to their its accrediting association's teacher-to-child ratios and group size requirements., a

(b) ~~Child care providers facility licensed under s. 402.305, a public or nonpublic school exempt from licensure under s. 402.3025, a faith-based child care providers facility exempt from licensure under s. 402.316 that do does not hold a Gold Seal Quality Care designation, and a large family child care homes home licensed under s. 402.3131 that do not hold a Gold Seal Quality Care designation.~~,

(c) Public or nonpublic schools exempt from licensure under s. 402.3025.

(d) or a Family day care homes home licensed or registered under s. 402.313.

(e) Large family child care homes licensed under s. 402.3131.

(3)(b) The market rate schedule must differentiate rates by the type of child care services provided for children with special needs or risk categories,

infants, toddlers, 2-year-old children, 3-year-old children, 4-year-old children, 5-year-old preschool-age children, and school-age children.

~~(4)(e)~~ The market rate schedule must differentiate rates between full-time and part-time child care services and consider discounted rates for child care services for multiple children in a single family.

~~(d)~~ Consider discounted rates for child care services for multiple children in a single family.

~~(5)(3)~~ The market rate schedule must be based exclusively on the prices charged for child care services.

~~(6)~~ The department shall establish procedures to annually collect data regarding the cost of care to include, but not be limited to:

(a) Data from the Department of Economic Opportunity's Bureau of Workforce Statistics and Economic Research on the average salary for child care personnel to include, at a minimum, child care instructors and child care directors.

(b) Data from child care providers as part of data collected under s. 1002.92(4) to include, at a minimum, the average annual cost of materials and curriculum, the average annual cost of food and maintenance costs, and the average annual cost of any regulatory fees or operational costs per child.

~~(7)~~ The department shall provide all applicable data collected in this section to the Early Learning Programs Estimating Conference established pursuant to s. 216.136(8).

~~(4)~~ The market rate schedule shall be considered by an early learning coalition in the adoption of a payment schedule. The payment schedule must take into consideration the prevailing market rate and include the projected number of children to be served by each county and be submitted for approval by the department. Informal child care arrangements shall be reimbursed at not more than 50 percent of the rate adopted for a family day care home.

~~(8)(5)~~ The department may contract with one or more qualified entities to administer this section and provide support and technical assistance for child care providers.

~~(9)(6)~~ The department may adopt rules for establishing procedures for the collection of child care providers' market rate, the calculation of the prevailing market rate by program care level and provider type in a predetermined geographic market, and the publication of the market rate schedule.

Section 26. Effective upon this act becoming a law, section 1002.90, Florida Statutes, is created to read:

1002.90 School readiness cost-of-care information.—Annually, the principals of the Early Learning Programs Estimating Conference established in s. 216.136(8) shall develop official cost-of-care information based on actual school readiness direct services program expenditures and information provided pursuant to s. 1002.895. Conference principals shall agree on the cost of child care by care level and provider type, the provider type weights, and the methods of computation. The department shall provide the conference principals with all requested and necessary data to develop such information. The data may include a matrix by early learning coalition of any full-time equivalent changes made by the Division of Early Learning as part of its administration of the school readiness program. The Early Learning Programs Estimating Conference shall provide the official cost-of-care information to the Legislature at least 90 days before the scheduled annual legislative session.

Section 27. Subsection (4) of section 1002.92, Florida Statutes, is amended to read:

1002.92 Child care and early childhood resource and referral.—

(4) A child care facility licensed under s. 402.305 and licensed and registered family day care homes must provide the statewide child care and resource and referral network with the following information annually:

- (a) Type of program.
- (b) Hours of service.
- (c) Ages of children served.
- (d) Fees and eligibility for services.
- (e) Data required under s. 1002.895.

Section 28. Paragraph (c) is added to subsection (1) of section 1002.995, Florida Statutes, to read:

1002.995 Early learning professional development standards and career pathways.—

(1) The department shall:

(c) Subject to the appropriation of funds by the Legislature, provide incentives to school readiness personnel who meet the requirements of s. 1002.88(1)(e) and prekindergarten instructors who meet the requirements specified in s. 1002.55, s. 1002.61, or s. 1002.63 and who possess a reading certification or endorsement or a literacy micro-credential as specified in s. 1003.485 and teach students in the school readiness program or the voluntary prekindergarten education program.

Section 29. Subsections (3) through (5) of section 1003.485, Florida Statutes, are renumbered as subsections (5) through (7), respectively, paragraphs (a) and (b) of subsection (1), subsection (2), paragraphs (d) and (h) of present subsection (4), and paragraph (b) of present subsection (5) are amended, and paragraph (g) is added to subsection (1) of that section, to read:

1003.485 The New Worlds Reading Initiative.—

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

(a) “Administrator” means a state university registered with the department under s. 1002.395(15)(i) and designated to administer the initiative under paragraph (3)(a) ~~(2)(a)~~.

(b) “Annual tax credit amount” means, for any state fiscal year, the sum of the amount of tax credits approved under paragraph (5)(b) ~~(3)(b)~~, including tax credits to be taken under s. 211.0252, s. 212.1833, s. 220.1876, s. 561.1212, or s. 624.51056, which are approved for taxpayers whose taxable years begin on or after January 1 of the calendar year preceding the start of the applicable state fiscal year.

(g) “Micro-credential” means evidence-based professional development activities that are competency-based, personalized, and on-demand. Educators must demonstrate their competence via evidence submitted and reviewed by trained evaluators.

(2) NEW WORLDS READING INITIATIVE; PURPOSE ADMINISTRATION.—The purpose of the New Worlds Reading Initiative is established under the department is to improve literacy skills and instill a love of reading by providing high-quality, free books to students in kindergarten through grade 5 who are reading below grade level and to improve the literacy skills of students in kindergarten through grade 12. The New Worlds Reading Initiative shall consist of:

(a) The program established under this section to provide high-quality, free books to students.

(b) The New Worlds Reading Scholarship Program under s. 1002.411.

(c) The New Worlds Scholar program under s. 1008.365, which rewards high school students who instill a love of reading and improve the literacy skills of students in kindergarten through grade 3.

(d) The micro-credential program established under this section which emphasizes strong core instruction and a tiered model of reading interventions for struggling readers.

(3)(a) DEPARTMENT RESPONSIBILITIES.—The department shall:

(a)1. Designate an administrator to implement the initiative and to receive funding as provided in this section. The administrator must have an academic innovation institution with extensive experience in:

- 1.a. Conducting academic research in early literacy instruction.
- 2.b. Implementing online delivery of early learning and literacy training for educators nationally.
- 3.e. Developing online support materials that assist parents and caregivers in developing early literacy skills.
- 4.d. Conducting fundraising and public awareness campaigns to support the development and growth of evidence-based educational initiatives that support learning at home and in schools.

(b)2. Publish information about the initiative and tax credits under subsection (5) (3) on its website, including the process for a taxpayer to select the administrator as the recipient of funding through a tax credit.

(c)3. Beginning September 30, 2022, and annually thereafter, report on its website the number of students participating in the initiative in each school district, information from the annual financial report under paragraph (4)(i) subparagraph (b)6., and the academic achievement and learning gains, as applicable, of participating students based on data provided by school districts as permitted under s. 1002.22. The department shall establish a date by which the administrator and each school district must annually provide the data necessary to complete the report.

(4)(b) ADMINISTRATOR RESPONSIBILITIES.—The administrator shall:

(a)1. Develop, in consultation with the Just Read, Florida! Office under s. 1001.215, a selection of high-quality books encompassing diverse subjects and genres for each grade level to be mailed to students in the initiative.

(b)2. Distribute books at no cost to students as provided in paragraph (6)(c) (4)(e) either directly or through an agreement with a book distribution company.

(c)3. Assist local implementation of the initiative by providing marketing materials to school districts and any partnering nonprofit organizations to assist with public awareness campaigns and other activities designed to increase family engagement and instill a love of reading in students.

(d)4. Maintain a clearinghouse for information on national, state, and local nonprofit organizations that support efforts to improve literacy and provide books to children.

(e)5. Develop for parents of students in the initiative resources and training materials for parents of students in the initiative, that engage

~~families in reading and support the reading achievement of their students including brief video training modules, which engage families in reading and assist with improving student literacy skills. The administrator shall periodically send to parents hyperlinks to these resources and materials, including video modules, via text message and e-mail, tips for facilitating reading at home and hyperlinks to the video training modules.~~

(f) Provide professional development and resources to teachers that correlate with the books provided through the initiative.

(g) Develop a micro-credential that requires teachers to demonstrate competency to:

1. Diagnose literacy difficulties and determine the appropriate range of literacy interventions based upon the age and literacy deficiency of the student;

2. Use evidence-based instructional and intervention practices, including strategies identified by the Just Read, Florida! Office pursuant to s. 1001.215(8); and

3. Effectively use progress monitoring and intervention materials.

(h) Administer the early literacy micro-credential program established under this section, which must include components on content, student learning, pedagogy, and professional development and must build on a strong foundation of scientifically researched and evidence-based reading instructional and intervention programs that incorporate explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and incorporate decodable or phonetic text instructional strategies, as identified by the Just Read, Florida! Office, pursuant to s. 1001.215(8).

1. At a minimum, the micro-credential curriculum must be designed specifically for instructional personnel in prekindergarten through grade 3 based upon the strategies and techniques identified in s. 1002.59 and address foundational literacy skills of students in grades 4 through 12.

2. The micro-credential must be competency based and designed for eligible instructional personnel to complete the credentialing process in no more than 60 hours, in an online format. The micro-credential may be delivered in an in-person format. Eligible instructional personnel may receive the micro-credential once competency is demonstrated even if it is prior to the completion of 60 hours.

3. The micro-credential must be available by December 31, 2022, at no cost, to instructional personnel as defined in s. 1012.01(2); prekindergarten instructors as specified in ss. 1002.55, 1002.61, and 1002.63; and child care personnel as defined in ss. 1002.88(1)(e) and 402.302(3).

(i)~~6~~. Annually submit to the department an annual financial report that includes, at a minimum, the amount of eligible contributions received by the administrator; the amount spent on each activity required by this subsection paragraph, including administrative expenses; and the number of students and households served under the initiative.

(j)~~7~~. Maintain separate accounts for operating funds and funds for the purchase and delivery of books.

(k)~~8~~. Expend eligible contributions received only for the purchase and delivery of books and to implement the requirements of this section, as well as for administrative expenses not to exceed 2 percent of total eligible contributions. Notwithstanding s. 1002.395(6)(j)2., the administrator may carry forward up to 25 percent of eligible contributions to the following state fiscal year for purposes authorized by this subsection. Any eligible contributions in excess of the 25 percent carry forward not used to provide additional books throughout the year to eligible students shall revert to the state treasury.

(l)~~9~~. Upon receipt of a contribution, provide the taxpayer that made the contribution with a certificate of contribution. A certificate of contribution must include the taxpayer's name and, if available, its federal employer identification number; the amount contributed; the date of contribution; and the name of the administrator.

(6)(4) ELIGIBILITY; NOTIFICATION; SCHOOL DISTRICT OBLIGATIONS.—

(d) Upon enrollment and at the beginning of each school year, students must be provided options for specific book topics or genres in order to maximize student interest in reading.

(h) School districts and partnering nonprofit organizations shall raise awareness of the initiative, including information on eligibility and video training modules under paragraph (4)(e) ~~subparagraph (2)(b)5.~~, through, at least, the following:

1. The student handbook and the read-at-home plan under s. 1008.25(5)(c).

2. A parent or curriculum night or separate initiative awareness event at each elementary school.

3. Partnering with the county library to host awareness events, which should coincide with other initiatives such as library card drives, family library nights, summer access events, and other family engagement programming.

(7)(5) ADMINISTRATION; RULES.—

(b) The Department of Revenue may adopt rules necessary to administer this section and ss. 211.0252, 212.1833, 220.1876, 561.1212, and 624.51056, including rules establishing application forms, procedures governing the approval of tax credits and carryforward tax credits under subsection (5) (3), and procedures to be followed by taxpayers when claiming approved tax credits on their returns.

Section 30. Paragraph (b) of subsection (2) of section 1003.498, Florida Statutes, is amended to read:

1003.498 School district virtual course offerings.—

(2) School districts may offer virtual courses for students enrolled in the school district. These courses must be identified in the course code directory. Students may participate in these virtual course offerings pursuant to s. 1002.455.

(b)1. Any student who is enrolled in a school district may register and enroll in an online course offered by any other school district in the state. The school district in which the student completes the course shall report the student's completion of that course for funding pursuant to s. 1011.61(1)(c) 1.b.(VI), and the home school district shall not report the student for funding for that course.

2. The full-time equivalent student membership calculated under this subsection is subject to the requirements in s. 1011.61(4). The Department of Education shall establish procedures to enable interdistrict coordination for the delivery and funding of this online option.

3. Funding for virtual courses shall be as provided in s. 1002.45(6).

Section 31. Paragraph (a) of subsection (13) of section 1003.52, Florida Statutes, is amended to read:

1003.52 Educational services in Department of Juvenile Justice programs.—

(13)(a) ~~Funding for~~ Eligible students enrolled in juvenile justice education programs shall be funded the same as students enrolled in traditional public schools funded in ~~provided through~~ the Florida Education Finance Program and as specified ~~provided~~ in s. 1011.62 and the General Appropriations Act. ~~Funding shall include, at a minimum:~~

~~1. Weighted program funding or the basic amount for current operation multiplied by the district cost differential as provided in s. 1011.62(2);~~

~~2. The supplemental allocation for juvenile justice education as provided in s. 1011.62(9);~~

~~3.—A proportionate share of the district’s exceptional student education guaranteed allocation, the supplemental academic instruction allocation, and the instructional materials allocation;~~

~~4.—An amount equivalent to the proportionate share of the state average potential discretionary local effort for operations, which shall be determined as follows:~~

~~a.—If the district levies the maximum discretionary local effort and the district’s discretionary local effort per FTE is less than the state average potential discretionary local effort per FTE, the proportionate share shall include both the discretionary local effort and the compression supplement per FTE. If the district’s discretionary local effort per FTE is greater than the state average per FTE, the proportionate share shall be equal to the state average; or~~

~~b.—If the district does not levy the maximum discretionary local effort and the district’s actual discretionary local effort per FTE is less than the state average potential discretionary local effort per FTE, the proportionate share shall be equal to the district’s actual discretionary local effort per FTE. If the district’s actual discretionary local effort per FTE is greater than the state average per FTE, the proportionate share shall be equal to the state average potential local effort per FTE; and~~

~~5.—A proportionate share of the district’s proration to funds available, if necessary.~~

Section 32. Paragraph (g) of subsection (2) of section 1003.621, Florida Statutes, is amended to read:

1003.621 Academically high-performing school districts.—It is the intent of the Legislature to recognize and reward school districts that demonstrate the ability to consistently maintain or improve their high-performing status. The purpose of this section is to provide high-performing school districts with flexibility in meeting the specific requirements in statute and rules of the State Board of Education.

(2) COMPLIANCE WITH STATUTES AND RULES.—Each academically high-performing school district shall comply with all of the provisions in chapters 1000-1013, and rules of the State Board of Education which implement these provisions, pertaining to the following:

(g) Those statutes pertaining to planning and budgeting, including chapter 1011, except s. 1011.62(8)(e) ~~s. 1011.62(8)(d)~~, relating to the requirement for a comprehensive reading plan. A district that is exempt from submitting a comprehensive reading plan shall be deemed approved to receive the evidence-based reading instruction allocation. Each academically high-performing school district may provide up to 2 days of virtual instruction as part of the required 180 actual teaching days or the equivalent on an hourly basis each school year, as specified by rules of the State Board of

Education. Virtual instruction that is conducted in accordance with the plan approved by the department, is teacher-developed, and is aligned with the standards for enrolled courses complies with s. 1011.60(2). The day or days must be indicated on the calendar approved by the school board. The district shall submit a plan for each day of virtual instruction to the department for approval, in a format prescribed by the department, with assurances of alignment to statewide student standards as described in s. 1003.41 before the start of each school year.

Section 33. Subsection (6) of section 1004.015, Florida Statutes, is amended to read:

1004.015 Florida Talent Development Council.—

(6) The council shall coordinate, facilitate, and communicate statewide efforts to meet supply and demand needs for the state’s health care workforce. Annually, ~~by beginning~~ December 1, 2021, the council shall report on the implementation of this subsection and any other relevant information on the Florida Talent Development Council’s web page located on the Department of Economic Opportunity’s website. To support the efforts of the council, the Board of Governors and the State Board of Education shall:

~~(a)—Conduct a statistically valid biennial data-driven gap analysis of the supply and demand of the health care workforce. Demand must align with the Labor Market Estimating Conference created in s. 216.136.~~

~~(a)(b)~~ Provide 10-year trend information on nursing education programs subject to the requirements of s. 464.019. The Department of Health, the Board of Governors, the State Board of Education, the Commission for Independent Education, the Independent Colleges and Universities of Florida, the Florida Center for Nursing, and postsecondary institutions participating in a state grant, fund, or performance-based incentive program under s. 1009.89, s. 1009.896, or s. 1009.897 ~~or s. 1009.891~~, shall provide data, by institution and program, on:

1. The number ~~and type of programs and~~ student slots available.
2. The number of student applications submitted, the number of qualified student applicants, ~~and~~ the number of students accepted, and the number of students enrolled.
3. The number of program graduates.
4. Program retention rates of students tracked from program entry to graduation.
5. Graduate passage rates, as defined in s. 464.003, on and the number of times each graduate took the National Council of State Boards of Nursing Licensing Examination.

6. The number of graduates who become employed as practical or professional nurses in the state.

7. The educational advancement of nurses through career pathways by comparing their initial degree to the highest degree they obtained for the preceding 10 years.

8. The outcomes of students enrolled at institutions participating in the Linking Industry to Nursing Education (LINE) Fund under s. 1009.896 or the Prepping Institutions, Programs, Employers, and Learners through Incentives for Nursing Education (PIPELINE) Fund under s. 1009.897.

9. The outcomes of graduates who have received a nursing student loan forgiveness repayment under s. 1009.66. Such data must include, for the previous 4 fiscal years, the number of graduates who have received a repayment, the amount repaid on behalf of each graduate, each graduate's employer of record for each repayment and the length of employment at each employer, and the level or levels of nursing licensure earned by each graduate.

(b)(e) Develop definitions for data elements and a uniform a survey for use by the Department of Health, the Commission for Independent Education, the Independent Colleges and Universities of Florida, and postsecondary institutions participating in a state loan forgiveness program, grant, fund, or performance-based incentive program under s. 1009.66, s. 1009.89, s. 1009.896, or s. 1009.897 ~~or s. 1009.891~~, to collect data required under paragraph (a) ~~(b)~~. The survey must include, but is not limited to, a student's age, gender, race, ethnicity, veteran status, wage, employer information, loan debt, and retirement expectations.

Section 34. Paragraph (b) of subsection (2), paragraphs (a) and (b) of subsection (4), and paragraph (c) 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.
- 8. Strategies and practices to support evidence-based content aligned to state standards and grading practices ~~The use of character-based classroom management.~~
- 9. Strategies appropriate for the early identification of a student in crisis or experiencing a mental health challenge and the referral of such student to a mental health professional for support.
- 10. Strategies to support the use of technology in education and distance learning.

(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. Candidate readiness based on passage rates on educator certification examinations under s. 1012.56, as applicable 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).~~

~~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.

~~a.e.~~ 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.

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

c.f. Workforce contributions, including placement of program completers in instructional positions in Florida public and private schools, with additional weight given to production of program completers in statewide critical teacher shortage areas as identified in s. 1012.07.

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

4.5. 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. 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, which may include weighted criteria and may authorize continued program approval based on a review conducted by a nationally recognized accrediting entity. The rules must establish criteria, based on program size, for determining whether a program review is necessary, whether program quality should be aggregated and measured at the provider or institution level, and whether program reviews may be validly conducted on a remote basis.

(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 candidate to practice and demonstrate the uniform core curricula specific to the 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. Beginning with candidates entering a program in the 2023-2024 school year, a minimum of 60 hours of preservice ~~The length of structured field experience must be completed~~

~~before the culminating field experience, which must include a minimum of 12 weeks of student teaching experiences may be extended to ensure that candidates achieve the competencies needed to meet certification requirements.~~

Section 35. Section 1004.6496, Florida Statutes, is created to read:

1004.6496 Hamilton Center for Classical and Civic Education.—

(1) The Board of Trustees of the University of Florida may use funds as provided in the General Appropriations Act to establish the Hamilton Center for Classical and Civic Education as an academic unit within the University of Florida. The purpose of the center is to support teaching and research concerning the ideas, traditions, and texts that form the foundations of western and American civilization.

(2) The goals of the center are to:

(a) Educate university students in core texts and great debates of Western civilization.

(b) Educate university students in the principles, ideals, and institutions of the American political order.

(c) Educate university students in the foundations of responsible leadership and informed citizenship.

(d) Provide programming and training related to civic education and the values of open inquiry and civil discourse to support the K-20 system.

(e) Coordinate with the Florida Institute of Politics created pursuant to s. 1004.6499 and The Adam Smith Center for the Study of Economic Freedom created pursuant to s. 1004.64991 and assist in the curation and implementation of Portraits in Patriotism created pursuant to s. 1003.44.

Section 36. Paragraph (a) of subsection (3) and subsections (4), (5), and (8) 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.

h. Strategies and practices to support evidence-based content aligned to state standards and grading practices ~~The use of character-based classroom management.~~

i. Strategies appropriate for the early identification of a student in crisis or experiencing a mental health challenge and the referral of such student to a mental health professional for support.

j. Strategies to support the use of technology in education and distance learning.

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, under the supervision of qualified educators. The state board shall determine in rule the amount of field experience necessary to serve as the teacher of record, beginning with candidates entering a program in the 2023-2024 school year.

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.

(4) Continued approval of each program approved pursuant to this section shall be determined by the Commissioner of Education based upon a periodic review of the following areas:

~~(a) Candidate readiness based on passage rates on educator certification examinations under s. 1012.56, as applicable. Documentation from the program that each program completer has met the requirements of paragraphs (3)(a)-(c).~~

(b) Evidence of performance in each of the following areas:

~~1. Placement rate of program completers into instructional positions in Florida public schools and private schools, if available.~~

~~2. Rate of retention for employed program completers in instructional positions in Florida public schools.~~

~~1.3. 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.~~

~~4. Performance of students in prekindergarten through grade 12 who are assigned to in-field program completers aggregated by student subgroups, 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.~~

~~2.5. Results of program completers' annual evaluations in accordance with the timeline as set forth in s. 1012.34.~~

~~3.6. Workforce contributions, including placement of program completers in instructional positions in Florida public and private schools, with additional weight given to production of program completers in statewide critical teacher shortage areas as identified in s. 1012.07.~~

(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 satisfaction surveys of employers and program completers candidates. The satisfaction surveys must be designed to measure the sufficient preparation of the educator for the realities of 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.

(8) The State Board of Education ~~shall~~ may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement ~~the provisions of this section, which may include weighted criteria and may authorize continued program approval based on a review conducted by a nationally recognized accrediting entity.~~ The rules must establish criteria, based on program size, for determining whether a program review is necessary, whether program quality should be aggregated and measured at the provider or institution level, and whether program reviews may be validly conducted on a remote basis including performance targets for the measures used for continued program approval described in subsection (4).

Section 37. Section 1006.12, Florida Statutes, is amended to read:

1006.12 Safe-school officers at each public school.—For the protection and safety of school personnel, property, students, and visitors, each district school board and school district superintendent shall partner with law enforcement agencies or security agencies to establish or assign one or more safe-school officers at each school facility within the district, including charter schools. A district school board must collaborate with charter school governing boards to facilitate charter school access to all safe-school officer options available under this section. The school district may implement any combination of the options in subsections (1)-(4) to best meet the needs of the school district and charter schools.

(1) SCHOOL RESOURCE OFFICER.—A school district may establish school resource officer programs through a cooperative agreement with law enforcement agencies.

(a) School resource officers shall undergo criminal background checks, drug testing, and a psychological evaluation and be certified law enforcement officers, as defined in s. 943.10(1), who are employed by a law enforcement agency as defined in s. 943.10(4). The powers and duties of a law enforcement officer shall continue throughout the employee's tenure as a school resource officer.

(b) School resource officers shall abide by district school board policies and shall consult with and coordinate activities through the school principal, but shall be responsible to the law enforcement agency in all matters relating to employment, subject to agreements between a district school board and a law enforcement agency. Activities conducted by the school resource officer which are part of the regular instructional program of the school shall be under the direction of the school principal.

(c) Complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention. The training shall improve officers' knowledge and skills as first responders to incidents involving students with emotional

disturbance or mental illness, including de-escalation skills to ensure student and officer safety.

(2) **SCHOOL SAFETY OFFICER.**—A school district may commission one or more school safety officers for the protection and safety of school personnel, property, and students within the school district. The district school superintendent may recommend, and the district school board may appoint, one or more school safety officers.

(a) School safety officers shall undergo criminal background checks, drug testing, and a psychological evaluation and be law enforcement officers, as defined in s. 943.10(1), certified under the provisions of chapter 943 and employed by either a law enforcement agency or by the district school board. If the officer is employed by the district school board, the district school board is the employing agency for purposes of chapter 943, and must comply with the provisions of that chapter.

(b) A school safety officer has and shall exercise the power to make arrests for violations of law on district school board property and to arrest persons, whether on or off such property, who violate any law on such property under the same conditions that deputy sheriffs are authorized to make arrests. A school safety officer has the authority to carry weapons when performing his or her official duties.

(c) School safety officers must complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention. The training shall improve officers' knowledge and skills as first responders to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety.

(d) A district school board may enter into mutual aid agreements with one or more law enforcement agencies as provided in chapter 23. A school safety officer's salary may be paid jointly by the district school board and the law enforcement agency, as mutually agreed to.

(3) **SCHOOL GUARDIAN.**—At the school district's or the charter school governing board's discretion, as applicable, pursuant to s. 30.15, a school district or charter school governing board may participate in the Coach Aaron Feis Guardian Program to meet the requirement of establishing a safe-school officer. The following individuals may serve as a school guardian, in support of school-sanctioned activities for purposes of s. 790.115, upon satisfactory completion of the requirements under s. 30.15(1)(k) and certification by a sheriff:

(a) A school district employee or personnel, as defined under s. 1012.01, or a charter school employee, as provided under s. 1002.33(12)(a), who volunteers to serve as a school guardian in addition to his or her official job duties; or

(b) An employee of a school district or a charter school who is hired for the specific purpose of serving as a school guardian.

(4) SCHOOL SECURITY GUARD.—A school district or charter school governing board may contract with a security agency as defined in s. 493.6101(18) to employ as a school security guard an individual who holds a Class “D” and Class “G” license pursuant to chapter 493, provided the following training and contractual conditions are met:

(a) An individual who serves as a school security guard, for purposes of satisfying the requirements of this section, must:

1. Demonstrate completion of 144 hours of required training pursuant to s. 30.15(1)(k)2.

2. Pass a psychological evaluation administered by a psychologist licensed under chapter 490 and designated by the Department of Law Enforcement and submit the results of the evaluation to the sheriff’s office, school district, or charter school governing board, as applicable. The Department of Law Enforcement is authorized to provide the sheriff’s office, school district, or charter school governing board with mental health and substance abuse data for compliance with this paragraph.

3. Submit to and pass an initial drug test and subsequent random drug tests in accordance with the requirements of s. 112.0455 and the sheriff’s office, school district, or charter school governing board, as applicable.

4. Successfully complete ongoing training, weapon inspection, and fire-arm qualification on at least an annual basis and provide documentation to the sheriff’s office, school district, or charter school governing board, as applicable.

(b) The contract between a security agency and a school district or a charter school governing board regarding requirements applicable to school security guards serving in the capacity of a safe-school officer for purposes of satisfying the requirements of this section shall define the entity or entities responsible for training and the responsibilities for maintaining records relating to training, inspection, and firearm qualification.

(c) School security guards serving in the capacity of a safe-school officer pursuant to this subsection are in support of school-sanctioned activities for purposes of s. 790.115, and must aid in the prevention or abatement of active assailant incidents on school premises.

(5) NOTIFICATION.—The school district shall notify the county sheriff and the Office of Safe Schools immediately after, but no later than 72 hours after:

(a) A safe-school officer is dismissed for misconduct or is otherwise disciplined.

(b) A safe-school officer discharges his or her firearm in the exercise of the safe-school officer's duties, other than for training purposes.

(6) EXEMPTION.—Any information that would identify whether a particular individual has been appointed as a safe-school officer pursuant to this section held by a law enforcement agency, school district, or charter school is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

If a district school board, through its adopted policies, procedures, or actions, denies a charter school access to any safe-school officer options pursuant to this section, the school district must assign a school resource officer or school safety officer to the charter school. Under such circumstances, the charter school's share of the costs of the school resource officer or school safety officer may not exceed the safe school allocation funds provided to the charter school pursuant to s. 1011.62(12) ~~s. 1011.62(13)~~ and shall be retained by the school district.

Section 38. Subsection (1) of section 1006.22, Florida Statutes, is amended to read:

1006.22 Safety and health of students being transported.—Maximum regard for safety and adequate protection of health are primary requirements that must be observed by district school boards in routing buses, appointing drivers, and providing and operating equipment, in accordance with all requirements of law and rules of the State Board of Education in providing transportation pursuant to s. 1006.21:

(1)(a) District school boards shall use school buses, as defined in s. 1006.25, for all regular transportation. Regular transportation or regular use means transportation of students to and from school or school-related activities that are part of a scheduled series or sequence of events to the same location. "Students" means, for the purposes of this section, students enrolled in the public schools in prekindergarten disability programs and in kindergarten through grade 12. District school boards may regularly use motor vehicles other than school buses only under the following conditions:

1. When the transportation is for physically handicapped or isolated students and the district school board has elected to provide for the transportation of the student through written or oral contracts or agreements.

2. When the transportation is a part of a comprehensive contract for a specialized educational program between a district school board and a service provider who provides instruction, transportation, and other services.

3. When the transportation is provided through a public transit system.

4. When the transportation is for trips to and from school sites or agricultural education sites or for trips to and from agricultural education-related events or competitions, but is not for customary transportation between a student's residence and such sites.

5. When the transportation is for trips to and from school sites ~~to allow students to participate in a career education program that is not offered at the high school in which such students are enrolled~~ but is not for customary transportation between a student's residence and such sites.

(b) When the transportation of students is provided, as authorized in this subsection, in a vehicle other than a school bus that is owned, operated, rented, contracted, or leased by a school district or charter school, the following provisions shall apply:

1. The vehicle must be ~~a passenger car or multipurpose passenger vehicle or truck, as defined in 49 C.F.R. part 571,~~ designed to transport fewer than 10 students or be a multifunction school activity bus, as defined in 49 CFR s. 571.3, if it is designed to transport more than 10 persons. Students must be transported in designated seating positions and must use the occupant crash protection system provided by the manufacturer unless the student's physical condition prohibits such use.

2. An authorized vehicle may not be driven by a student on a public right-of-way. An authorized vehicle may be driven by a student on school or private property as part of the student's educational curriculum if no other student is in the vehicle.

3. The driver of an authorized vehicle transporting students must maintain a valid driver license and must comply with the requirements of the school district's locally adopted safe driver plan, which includes review of driving records for disqualifying violations.

4. The district school board or charter school must adopt a policy that addresses procedures and liability for trips under this paragraph, including a provision that school buses are to be used whenever practical and specifying consequences for violation of the policy.

Section 39. Subsection (3) is added to section 1006.27, Florida Statutes, to read:

1006.27 Pooling of school buses and related purchases by district school boards; transportation services contracts.—

(3) The Driving Choice Grant Program is created within the department to improve access to reliable and safe transportation for students participating in public educational school choices pursuant to s. 1002.20(6)(a) and to support innovative solutions that increase the efficiency of public school transportation.

(a) Grant proposals may include:

1. Transportation resource planning and sharing among school districts and local governments.

2. Developing or contracting with rideshare programs or developing carpool strategies.

3. Developing options to reduce costs and increase efficiencies while improving access to transportation options for families.

4. Developing options to address personnel challenges.

5. Expanding the use of transportation funds under ss. 1002.394, 1002.395, and 1011.68 to help cover the cost of transporting students to and from school.

(b) The department shall publish on its website, by December 31, 2023, an interim report and by December 31, 2024, a final report that includes:

1. The best practices used by grant recipients to increase transportation options for students, including any transportation barriers addressed by grant recipients.

2. The number of students served by grant recipients, including the number of students transported to a school that is different from the school to which the student is assigned.

Section 40. Subsections (4) through (6) of section 1006.73, Florida Statutes, are renumbered as subsections (5) through (7), respectively, subsection (1) and present subsection (4) are amended, and a new subsection (4) is added to that section, to read:

1006.73 Florida Postsecondary Academic Library Network.—

(1) PURPOSE.—The Board of Governors and the Department of Education will jointly oversee the host entity in accordance with subsection (6) ~~(5)~~ that will deliver the following services to public postsecondary education institutions in this state, which, for the purposes of this section, means all Florida College System and State University System institutions:

(a) Provide information regarding and access to distance learning courses and degree programs offered by public postsecondary education institutions within the state.

(b) Coordinate with the Florida College System and the State University System to identify and provide online academic support services and resources when the multi-institutional provision of such services and resources is more cost-effective or operationally effective.

(c) Administer a single library automation system and associated resources and services that all public postsecondary institutions shall use

to support learning, teaching, and research needs and develop automated library management tools that shall include, but are not limited to, the following services and functions:

1. A shared Internet-based catalog and discovery tool that allows a user to search and, if authorized, access the aggregate library holdings of the state's public postsecondary education institutions. The catalog and discovery tool shall allow a user to search the library holdings of one institution, selected institutions, or all institutions and, to the extent feasible, shall include an interlibrary loan function that ensures an authorized user can access the required library holding.

2. An Internet-based searchable collection of electronic resources which shall include, but not be limited to, full-text journals, articles, databases, and electronic books licensed pursuant to paragraph (d).

3. An integrated library management system and its associated services that all public postsecondary education institution academic libraries shall use for purposes of acquiring, cataloging, circulating, and tracking library material.

4. A statewide searchable database that includes an inventory of digital archives and collections held by public postsecondary education institutions.

(d) In collaboration with library staff from Florida College System institutions and state universities, coordinate the negotiation of statewide licensing of electronic library resources and preferred pricing agreements, issue purchase orders, and enter into contracts for the acquisition of library support services, electronic resources, and other goods and services necessary to carry out its duties under this section.

(e) Promote and provide recommendations concerning the use and distribution of low-cost, no-cost, or open-access textbooks and education resources and innovative pricing techniques that comply with all applicable laws, in regards to copyrighted material and statewide accessibility measures, as a method for reducing costs.

(f) Provide support for the adoption, adaptation, and creation of open educational resources by faculty members from Florida College System institutions and state universities.

~~(g)~~(f) Provide appropriate help desk support, training, and consultation services to institutions and students.

(4) FLORIDA STUDENT OPEN ACCESS RESOURCES.—There is established a statewide initiative to increase the amount of open access resources available to postsecondary students in the state through the development of the Student Open Access Resources Repository, a statewide, Internet-based, searchable database of open education resources curated by the faculty of Florida College System institutions and state universities, and the establishment of the Student Open Access Resource Grant Program.

(a) For purposes of this section, the term “open educational resources” means high-quality teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that permits the free use and repurposing of such resources by others. The term may include other resources that are legally available and free of cost to students. Open educational resources include, but are not limited to, full courses, course materials, modules, textbooks, faculty-created content, streaming videos, exams, software, and other tools, materials, or techniques used to support access to knowledge.

(b) The chancellors of the State University System and the Florida College System shall collaborate and take the lead in identifying and developing processes to coordinate and support the adaptation or development of open educational resources by teams of faculty, librarians, and instructional designers within a Florida College System institution or state university, or across multiple institutions and universities. Such processes shall include, but not be limited to, ensuring quality and accuracy of content, suitability for publication, and compliance with federal and state copyright laws and regulations. Pursuant to the processes developed by the chancellors, the Florida Postsecondary Academic Library Network shall:

1. Serve as the lead agency.
2. Facilitate interinstitutional collaborations.
3. Host approved digital assets and on-demand printing capabilities.
4. Ensure compliance with federal and state laws and regulations relating to accessibility, copyright, student data privacy and security, and quality assurance.
5. Provide training for resource and professional development.
6. Administer the grant program under paragraph (d).

(c) Resources available in the Student Open Access Resources Repository shall:

1. Comply with the processes developed by the chancellors of the State University System and Florida College System pursuant to paragraph (b).
2. Be based upon the statewide course numbering system as specified in s. 1007.01.
3. Accelerate textbook affordability pursuant to s. 1004.085.

(d) The Student Open Access Resource Grant Program is created to provide funding for public institutions of higher education, faculty, and staff to create and expand the use of open educational resources.

1. A Florida College System institution or state university may apply to the Florida Postsecondary Academic Library Network for a grant under the program to support the development and curation of open educational resources and for migrating existing content to the Student Open Access Resource Repository.

2. Subject to appropriation by the Legislature, the Florida Postsecondary Academic Library Network may award grants to Florida College System institutions and state universities that apply for grants pursuant to this section. The Florida Academic Library Network shall prioritize courses with high student enrollment, courses with high textbook or materials costs, and courses identified as general education core courses pursuant to s. 1007.25 when establishing award criteria.

3. Florida College System institutions and state universities receiving grant funds shall agree to openly license and share, under the broadest possible license, any open educational resources developed or adapted using the grant and post such resources to the Student Open Access Resources Repository.

4. By fiscal year 2023-2024, grant funds provided to the Florida Postsecondary Academic Library Network host entity shall be awarded to Florida College System institutions and state universities.

(e) Each Florida College System institution and state university shall post prominently in its course registration system and on its website, as early as is feasible, but at least 45 days before the first day of class for each term, courses that utilize open educational resources and have zero textbook costs as indicated by an icon next to each eligible course. A Zero Textbook Cost Indicator developed by the Florida Postsecondary Academic Library Network may be used for this purpose.

(5)(4) REPORTING.—

(a) Beginning December 31, 2021, and each year thereafter, the host entity shall submit a report to the Chancellors of the State University System and the Florida College System regarding the implementation and operation of all components described in this section, including, but not limited to, all of the following;

1. Usage information collected under paragraph (2)(c),
2. Information and associated costs relating to the services and functions of the program, ~~and~~
3. The implementation and operation of the automated library services,
4. The number and value of grants awarded under paragraph (4)(d) and the distribution of those funds.

5. The number and types of courses placed in the Student Open Access Resources Repository.

6. Information on the utilization of the Student Open Access Resources Repository and utilization of open educational resources in course sections, by Florida College System institution and state university.

(b) The Chancellors will provide an annual report on the performance of the host entity in delivering the services and any recommendations for changes needed to this section to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Board of Governors, and the State Board of Education. The Board of Governors and the Department of Education shall include any necessary funding increases in their annual legislative budget requests.

Section 41. Subsections (17) and (24) of section 1007.271, Florida Statutes, are amended to read:

1007.271 Dual enrollment programs.—

(17) Instructional materials assigned for use within dual enrollment courses shall be made available to dual enrollment students ~~from Florida public high schools~~ free of charge. A postsecondary institution may not require payment for instructional materials costs eligible for reimbursement under s. 1009.30 ~~This subsection does not prohibit a Florida College System institution from providing instructional materials at no cost to a home education student or student from a private school.~~ Instructional materials purchased by a district school board or Florida College System institution board of trustees on behalf of dual enrollment students shall be the property of the board against which the purchase is charged.

(24)(a) The dual enrollment program for a private school student consists of the enrollment of an eligible private school student in a postsecondary course creditable toward an associate degree, a career certificate, or a baccalaureate degree. In addition, a private school in which a student, including, but not limited to, students with disabilities, is enrolled must award credit toward high school completion for the postsecondary course under the dual enrollment program. To participate in the dual enrollment program, an eligible private school student must:

1. Provide proof of enrollment in a private school pursuant to subsection (2).
2. Be responsible for his or her own ~~instructional materials and~~ transportation unless provided for in the articulation agreement.
3. Sign a private school articulation agreement pursuant to paragraph (b).

(b) Each public postsecondary institution eligible to participate in the dual enrollment program pursuant to s. 1011.62(1)(i) must enter into a

private school articulation agreement with each eligible private school in its geographic service area seeking to offer dual enrollment courses to its students, including, but not limited to, students with disabilities. By August 1 of each year, the eligible postsecondary institution shall complete and submit the private school articulation agreement to the Department of Education. The private school articulation agreement must include, at a minimum:

1. A delineation of courses and programs available to the private school student. The postsecondary institution may add, revise, or delete courses and programs at any time.
2. The initial and continued eligibility requirements for private school student participation, not to exceed those required of other dual enrollment students.
3. The student's responsibilities for providing his or her own instructional materials and transportation.
4. A provision clarifying that the private school will award appropriate credit toward high school completion for the postsecondary course under the dual enrollment program.
5. A provision expressing that costs associated with tuition and fees, including registration, and laboratory fees, will not be passed along to the student.

Section 42. Section 1007.36, Florida Statutes, is created to read:

1007.36 Inclusive Transition and Employment Management Program.
As authorized by and consistent with funding appropriated in the General Appropriations Act, the Inclusive Transition and Employment Management Program is created within the Department of Education for the purpose of providing young adults with disabilities who are between the ages of 16 years and 28 years with transitional skills, education, and on-the-job experience to allow them to acquire and retain permanent employment.

Section 43. Subsection (1), paragraph (a) of subsection (3), and paragraphs (a) and (b) of subsection (4) of section 1008.33, Florida Statutes, are amended to read:

1008.33 Authority to enforce public school improvement.—

(1) The State Board of Education shall comply with the federal Elementary and Secondary Education Act (ESEA), 20 U.S.C. ss. 6301 et seq., its implementing regulations, and the ESEA ~~plan flexibility waiver~~ approved for Florida by the United States Secretary of Education. The state board may adopt rules to maintain compliance with the ESEA and the ESEA ~~plan flexibility waiver~~.

(3)(a) The academic performance of all students has a significant effect on the state school system. Pursuant to Art. IX of the State Constitution, which prescribes the duty of the State Board of Education to supervise Florida's public school system, the state board shall equitably enforce the accountability requirements of the state school system and may impose state requirements on school districts in order to improve the academic performance of all districts, schools, and students based upon the provisions of the Florida Early Learning-20 Education Code, chapters 1000-1013; the federal ESEA and its implementing regulations; and the ESEA plan flexibility waiver approved for Florida by the United States Secretary of Education.

(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 a grade of "D," 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). For a school that initially earns a grade of "F" or a second consecutive grade of "D," the school district must either continue implementing or immediately begin implementing intervention and support strategies prescribed in rule under paragraph (3)(c) and, ~~by September 1,~~ by September 1, provide the department, by September 1, 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, or any other option authorized under paragraph (b) for state board approval. A school district is not required to wait until a school earns a second consecutive grade of "D" to submit a turnaround plan for approval by the state board under this paragraph. 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.

(b) Unless an additional year of implementation is provided pursuant to paragraph (a), a school that completes a plan cycle under paragraph (a) and does not improve to a grade of ~~earns three consecutive grades below a "C" or higher~~ must implement one of the following:

1. Reassign students to another school and monitor the progress of each reassigned student;
2. Close the school and reopen the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness; or

3. Contract with an outside entity that has a demonstrated record of effectiveness to provide turnaround services identified in state board rule, which may include school leadership, educational modalities, teacher and leadership professional development, curriculum, operation and management services, school-based administrative staffing, budgeting, scheduling, other educational service provider functions, or any combination thereof operate the school. Selection of an outside entity may include one or a combination of the following:

a. An external operator, which may be a district-managed charter school or a high-performing charter school network in which all instructional personnel are not employees of the school district, but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter.

b. A contractual agreement that allows for a charter school network or any of its affiliated subsidiaries to provide individualized consultancy services tailored to address the identified needs of one or more schools under this section.

A school district and outside entity under this subparagraph must enter, at minimum, a 2-year, performance-based contract. The contract must include school performance and growth metrics the outside entity must meet on an annual basis. The state board may require the school district to modify or cancel the contract.

Section 44. Paragraph (c) of subsection (3) of section 1008.34, Florida Statutes, is amended to read:

1008.34 School grading system; school report cards; district grade.—

(3) DESIGNATION OF SCHOOL GRADES.—

(c)1. The calculation of a school grade shall be based on the percentage of points earned from the components listed in subparagraph (b)1. and, if applicable, subparagraph (b)2. The State Board of Education shall adopt in rule a school grading scale that sets the percentage of points needed to earn each of the school grades listed in subsection (2). There shall be at least five percentage points separating the percentage thresholds needed to earn each of the school grades. The state board shall annually periodically review the percentage of school grades of “A” and “B” for the school year to determine whether to adjust the school grading scale upward for the following school year’s school grades. The first adjustment would occur no earlier than the 2023-2024 school year. An adjustment must be made if the percentage of schools earning a grade of “A” or “B” in the current year represents 75 percent or more of all graded schools within a particular school type, which consists of elementary, middle, high, and combination. The adjustment must reset the minimum required percentage of points for each grade of “A”, “B”, “C”, or “D” at the next highest percentage ending in the numeral 5 or 0, whichever is closest to the current percentage. Annual reviews of the

percentage of schools earning a grade of “A” or “B” and adjustments to the required points must be suspended when the following grading scale for a specific school type is achieved:

- a. Ninety percent or more of the points for a grade of “A”.
- b. Eighty to eighty-nine percent of the points for a grade of “B”.
- c. Seventy to seventy-nine percent of the points for a grade of “C”.
- d. Sixty to sixty-nine percent of the points for a grade of “D.”

~~When the school grading scale to determine if the scale should be adjusted upward to meet raised expectations and encourage increased student performance. If the state board adjusts the grading scale upward, the state board must inform the public and the school districts of the reasons for and degree of the adjustment and its anticipated impact on school grades.~~

2. The calculation of school grades may not include any provision that would raise or lower the school’s grade beyond the percentage of points earned. Extra weight may not be added in the calculation of any components.

Section 45. Effective upon this act becoming a law, and annually until January 1, 2025, the Department of Education shall collect from each school district, by grade level, the range and median number of minutes per school year, including as a percentage of net instructional time, students in prekindergarten through grade 5 spend on district-required assessments and coordinated screening and progress monitoring and state-required assessments and coordinated screening and progress monitoring. Annually, beginning January 1, 2023, through January 1, 2025, the department shall submit a report to the Governor and the Legislature summarizing the data collected from school districts, including recommendations for minimizing duplicative district assessments and progress monitoring.

Section 46. Paragraph (a) of subsection (18) of section 1009.26, Florida Statutes, is amended to read:

1009.26 Fee waivers.—

~~(18)(a) Beginning with the 2021-2022 academic year,~~ For every course in a Program of Strategic Emphasis, as identified in subparagraph 3., in which a student is enrolled, a state university shall waive 100 percent of the tuition and fees for an equivalent course in such program for a student who:

- 1. Is a resident for tuition purposes under s. 1009.21.
- 2. Has earned at least 60 semester credit hours towards a baccalaureate degree within 2 academic years after initial enrollment at a Florida public postsecondary institution.

3. Enrolls in one of 10 ~~eight~~ Programs of Strategic Emphasis as adopted by the Board of Governors. The Board of Governors shall adopt eight Programs of Strategic Emphasis in science, technology, engineering, or math and, beginning with the 2022-2023 academic year, two Programs of Strategic Emphasis in the critical workforce gap analysis category for which a student may be eligible to receive the tuition and fee waiver authorized by this subsection. The programs identified by the board must reflect the priorities of the state and be offered at a majority of state universities.

Section 47. Subsection (2), paragraph (a) of subsection (3), subsection (5), paragraph (d) of subsection (6) and subsections (7), (8), and (9) of section 1009.30, Florida Statutes, are amended to read:

1009.30 Dual Enrollment Scholarship Program.—

(2) The Department of Education shall administer the Dual Enrollment Scholarship Program in accordance with rules adopted by the State Board of Education pursuant to subsection ~~(8)~~ (9).

~~(3)(a) Beginning in the 2021 fall term,~~ The program shall reimburse eligible postsecondary institutions for tuition and related instructional materials costs for dual enrollment courses taken during the fall or spring terms by eligible students, consisting of:

1. Private school students who take dual enrollment courses pursuant to s. 1007.271(24)(b); or

2. Home education program secondary students during the fall or spring terms.

~~(5) Annually, by March 15,~~ Each participating institution must report to the department any eligible secondary students from private schools or home education programs who were enrolled during the ~~previous fall or spring terms~~ within 30 days after the end of regular registration. ~~Annually, by July 15,~~ Each participating institution must report to the department any eligible public school, private school, or home education program students who were enrolled during the summer term within 30 days after the end of regular registration. For each dual enrollment course in which the student is enrolled, the report must include a unique student identifier, the postsecondary institution name, the postsecondary course number, and the postsecondary course name. The department shall reimburse each participating institution no later than 30 days after the institution has reported enrollment for that term.

~~(6)(d)~~ Institutions shall be reimbursed for instructional materials costs based on a rate specified in the General Appropriations Act.

~~(7) For dual enrollment courses taken during the fall and spring terms, the department must reimburse institutions by April 15 of the same year. For dual enrollment courses taken during the summer term, the department~~

~~must reimburse institutions by August 15 of the same year, before the beginning of the next academic year.~~

~~(7)~~(8) Reimbursement for dual enrollment courses is contingent upon an appropriation in the General Appropriations Act each year. If the statewide reimbursement amount is greater than the appropriation, the institutional reimbursement amounts specified in subsection (6) shall be prorated among the institutions that have reported eligible students to the department by the deadlines specified in subsection (5).

~~(8)~~(9) The State Board of Education shall adopt rules to implement this section.

Section 48. Paragraph (c) of subsection (5) of section 1009.89, Florida Statutes, is amended to read:

1009.89 The William L. Boyd, IV, Effective Access to Student Education grants.—

(5)

(c) By September 1 of each year, institutions receiving funding as provided in the General Appropriations Act must submit an Effective Access to Student Education Grant Program Accountability Report to the Department of Education, in a format prescribed by the department. The report must use the most recently available information on Florida resident students and include, at a minimum, the following performance metrics, by institution:

1. Access rate based upon percentage of Pell-eligible students.
2. Affordability rate based upon average student loan debt; federal, state, and institutional financial assistance; and average tuition and fees.
3. Graduation rate.
4. Retention rate.
5. Postgraduate employment or continuing education rate.

The department shall recommend minimum performance standards that institutions must meet to remain eligible to receive grants pursuant to this section. Each eligible institution shall post prominently on its website, by October 1 of each year, its performance on these metrics, as reported to the department.

Section 49. Subsections (5) through (9) of section 1009.895, Florida Statutes, are renumbered as subsections (4) through (8), respectively, and paragraph (c) of subsection (1), subsection (4), paragraph (a) of present subsection (5), and present subsection (8) are amended to read:

1009.895 Open Door Grant Program.—

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

(c) “Institution” means school district postsecondary technical career centers under s. 1001.44, Florida College System institutions under s. 1000.21(3), ~~and charter technical career centers under s. 1002.34, and school districts with eligible integrated education and training programs.~~

~~(4) To be eligible to receive an open door grant under this section, a student must complete the Free Application for Federal Student Aid for each academic year in which the grant is sought.~~

~~(5) Subject to the availability of funds:~~

(a) A student who enrolls in an eligible program offered by an institution and who does not receive state or federal financial aid may apply for and be awarded a grant to cover two-thirds of the cost of the program, if at the time of enrollment the student pays one-third of the cost of the program and signs an agreement to either complete the program or pay an additional one-third of the cost of the program in the event of noncompletion. The department shall reimburse the institution in an amount equal to one-third of the cost of the program upon a student’s completion of the program. An additional one-third shall be provided upon attainment of a workforce credential or certificate by the student. Grant funds may be used to cover the student’s one-third of the cost of the program for students in integrated education and training programs and students who do not have a high school diploma and meet the requirements established by the department. An institution may cover the student’s one-third of the cost of the program based on student need, as determined by the institution.

~~(7)(8)~~ The department shall compile the data provided under paragraph ~~(6)(d)~~ ~~(7)(d)~~ and annually report such data, in the aggregate and categorize such information by eligible institution, to the State Board of Education. The report shall also include information on the average wage, age, gender, race, ethnicity, veteran status, and other relevant information, of students who have completed workforce training programs categorized by credential name and relevant occupation.

Section 50. Section 1009.896, Florida Statutes, is created to read:

1009.896 Linking Industry to Nursing Education (LINE) Fund.—

(1) This section shall be known and may be cited as the “Linking Industry to Nursing Education (LINE) Fund Act.”

(2) Recognizing that the state has a persistent and growing nursing shortage, it is the intent of the Legislature to address this critical workforce need by incentivizing collaboration between nursing education programs and health care partners through the establishment of the LINE Fund. This fund is intended to meet local, regional, and state workforce demand by recruiting faculty and clinical preceptors, increasing the capacity of high-

quality nursing education programs, and increasing the number of nursing education program graduates who are prepared to enter the workforce.

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

(a) “Health care partner” means a health care provider as defined in s. 768.38(2).

(b) “Institution” means a school district career center under s. 1001.44, a charter technical career center under s. 1002.34, a Florida College System institution, a state university, or an independent nonprofit college or university located and chartered in this state and accredited by an agency or association that is recognized by the database created and maintained by the United States Department of Education to grant baccalaureate degrees, which has a nursing education program that meets or exceeds the following:

1. For a certified nursing assistant program, a completion rate of at least 70 percent for the prior year.

2. For a licensed practical nurse, associate of science in nursing, and bachelor of science in nursing program, a first-time passage rate on the National Council of State Boards of Nursing Licensing Examination of at least 70 percent for the prior year.

(c) “Student” means a person who is a resident for tuition purposes pursuant to s. 1009.21 and enrolled in a nursing education program at an institution.

(4) The LINE Fund shall be administered by the Board of Governors for state universities and the Department of Education for all other institutions.

(5) Subject to available funds, for every dollar contributed to an institution by a health care partner, the fund shall provide a dollar-to-dollar match to the participating institution.

(6)(a) Funds may be used for student scholarships, recruitment of additional faculty, equipment, and simulation centers to advance high-quality nursing education programs throughout the state.

(b) Funds may not be used for the construction of new buildings.

(7)(a) To participate, an institution must submit a timely and completed proposal to the Board of Governors or Department of Education, in a format prescribed by the Board of Governors or Department of Education, as applicable.

(b) The proposal must identify a health care partner located and licensed to operate in the state whose monetary contributions will be matched by the fund on a dollar-to-dollar basis.

(8) The Board of Governors or Department of Education, as applicable, must review and evaluate each completed and timely submitted proposal according to the following minimum criteria:

(a) Whether funds committed by the health care partner will contribute to an eligible purpose.

(b) How the institution plans to use the funds, including how such funds will be utilized to increase student enrollment and program completion.

(c) How the health care partner will onboard and retain graduates.

(d) How the funds will expand the institution's nursing education programs to meet local, regional, or state workforce demands. If applicable, this shall include advanced education nursing programs and how the funds will increase the number of faculty and clinical preceptors and planned efforts to utilize the clinical placement process established in s. 14.36.

(9)(a) Each institution with an approved proposal shall notify the Board of Governors or Department of Education, as applicable, upon receipt of the health care partner provided funds identified in the proposal. The Board of Governors or Department of Education, as applicable, shall release grant funds, on a dollar-for-dollar basis, up to the amount of funds received by the institution.

(b) Annually, by February 1, each institution awarded grant funds in the previous fiscal year shall submit a report to the Board of Governors or Department of Education, as applicable, that demonstrates the expansion as outlined in the proposal and the use of funds. At minimum, the report must include, by program level, the number of additional nursing education students enrolled; if scholarships were awarded using grant funds, the number of students who received scholarships and the average award amount; and the outcomes of students as reported by the Florida Talent Development Council pursuant to s. 1004.015(6).

(10) The Board of Governors shall adopt regulations and the State Board of Education shall adopt rules to administer the fund, establish dates for the submission and review of proposals, award funds, and other regulations and rules necessary to implement this section.

Section 51. Section 1009.897, Florida Statutes, is created to read:

1009.897 Prepping Institutions, Programs, Employers, and Learners through Incentives for Nursing Education (PIPELINE) Fund.—

(1) A Prepping Institutions, Programs, Employers, and Learners through Incentives for Nursing Education (PIPELINE) Fund is created to reward performance and excellence among public postsecondary nursing education programs.

(2) As used in this section, the term, “institution” means a school district career center under s. 1001.44 that offers a licensed practical nurse program, a charter technical career center under s. 1002.34 that offers a licensed practical nurse program, a Florida College System institution, or a state university.

(3) Subject to appropriation, each institution shall receive an allocation based on the performance of its respective nursing education program or programs according to the following metrics:

(a) The number of nursing education program completers, by program.

(b)1. The first-time National Council of State Boards of Nursing Licensing Examination passage rate of the institution’s nursing education program completers, by program.

2. The allocations shall reward excellence among nursing education programs with an average first-time National Council of State Boards of Nursing Licensing Examination passage rate above the national average.

(4) The Board of Governors shall adopt regulations and State Board of Education shall adopt rules to administer this section.

Section 52. Paragraph (a) of subsection (3) of section 1010.20, Florida Statutes, is amended to read:

1010.20 Cost accounting and reporting for school districts.—

(3) PROGRAM EXPENDITURE REQUIREMENTS.—

(a) Each district shall expend at least the percent of the funds generated by each of the programs listed in this section on the aggregate total school costs for such programs:

1. Kindergarten and grades 1, 2, and 3, 90 percent.

2. Grades 4, 5, 6, 7, and 8, 80 percent.

3. Grades 9, 10, 11, and 12, 80 percent.

4. Programs for exceptional students, on an aggregate program basis, 90 percent.

5. Grades 7 through 12 career education programs, on an aggregate program basis, 80 percent.

6. Students-at-risk programs, on an aggregate program basis, 80 percent.

7. Juvenile justice programs, on an aggregate program basis, 95 90 percent.

8. Any new program established and funded under s. 1011.62(1)(c), that is not included under subparagraphs 1.-7., on an aggregate basis as appropriate, 80 percent.

Section 53. Subsection (3) of section 1011.48, Florida Statutes, is amended to read:

1011.48 Establishment of educational research centers for child development.—

(3) Each center is authorized to charge fees for the care and services it provides, ~~subject to the fees authorized by s. 1009.24(14). Such fees must be approved by the Board of Governors and may be imposed on a sliding scale based on ability to pay or any other factors deemed relevant by the board.~~

Section 54. Subsections (11) through (14) of section 1011.62, Florida Statutes, are renumbered as (10) through (13), respectively, subsections (16) through (19) are renumbered as subsections (14) through (17), respectively, and paragraph (s) of subsection (1), paragraph (a) of subsection (4), paragraphs (b) and (d) of subsection (6), paragraphs (a) and (b) of subsection (7), subsection (8), subsection (10), and present subsections (12) and (15) 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:

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

(s) *Determination of the basic amount for current operation.*—The basic amount for current operation to be included in the Florida Education Finance Program for kindergarten through grade 12 for each district shall be the product of the following:

1. The full-time equivalent student membership in each program, multiplied by

2. The cost factor for each program, adjusted for the maximum as provided by paragraph (c), multiplied by

3. The district cost differential, multiplied by

~~4.~~ 3. The base student allocation.

(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 ~~(15)(b)~~ ~~(17)(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.

(6) CATEGORICAL FUNDS.—

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

1. Funds for student transportation.

~~2. Funds for evidence-based reading instruction if the required additional hour of instruction beyond the normal school day for each day of the entire school year has been provided for the students in each low-performing elementary school in the district pursuant to paragraph (8)(a).~~

~~3. Funds for instructional materials if all instructional material purchases necessary to provide updated materials that are aligned with applicable state standards and course descriptions and that meet statutory requirements of content and learning have been completed for that fiscal year, but no sooner than March 1. Funds available after March 1 may be used to purchase computers and device hardware for student instruction that comply with the requirements of s. 1001.20(4)(a)1.b.~~

~~3.4. Funds for the guaranteed allocation as provided in subparagraph (1)(e)2.~~

~~4.5. Funds for the supplemental academic instruction allocation as provided in paragraph (1)(f).~~

~~6. Funds for the Florida digital classrooms allocation as provided in subsection (10).~~

~~5.7. Funds for the federally connected student supplement as provided in subsection (10) (11).~~

~~6.8. Funds for class size reduction as provided in s. 1011.685.~~

~~(d) If a district school board transfers funds from its evidence-based reading instruction allocation, the board must also submit to the Department of Education an amendment describing the changes that the district is making to its reading plan approved pursuant to paragraph (8)(d).~~

(7) DETERMINATION OF SPARSITY SUPPLEMENT.—

(a) Annually, in an amount to be determined by the Legislature through the General Appropriations Act, there shall be added to the basic amount for current operation of the FEFP qualified districts a sparsity supplement which shall be computed as follows:

$$\text{Sparsity Factor} = \frac{1101.8918}{\quad} - 0.1101$$

2700 + district
sparsity
index

except that districts with a sparsity index of 1,000 or less shall be computed as having a sparsity index of 1,000, and districts having a sparsity index of 7,308 and above shall be computed as having a sparsity factor of zero. A qualified district's full-time equivalent student membership shall equal or be less than that prescribed annually by the Legislature in the appropriations act. The amount prescribed annually by the Legislature shall be no less than 17,000, but no more than 30,000 ~~24,000~~.

(b) The district sparsity index shall be computed by dividing the total number of full-time equivalent students in all programs in the district by the number of senior high school centers in the district, not in excess of three, which centers are approved as permanent centers by a survey made by the Department of Education. For districts with a full-time equivalent student membership of at least 20,000, but no more than 30,000 ~~24,000~~, the index shall be computed by dividing the total number of full-time equivalent students in all programs by the number of permanent senior high school centers in the district, not in excess of four.

(8) EVIDENCE-BASED READING INSTRUCTION ALLOCATION.—

(a) The evidence-based reading instruction allocation is created to provide comprehensive reading instruction to students in prekindergarten ~~kindergarten~~ through grade 12, ~~including certain students who have completed the Voluntary Prekindergarten Education Program and who are at risk of being identified as having a substantial deficiency in early literacy skills under s. 1008.25(8)(c).~~ Each school district that has one or more of the 300 lowest performing elementary schools based on a 3-year average of the state reading assessment data must use the school's portion of the allocation to provide an additional hour per day of intensive reading instruction for the students in each school. The additional hour may be provided within the school day. Students enrolled in these schools who earned a level 4 or level 5 score on the statewide, standardized English Language Arts assessment for the previous school year may participate in the additional hour of instruction. Exceptional student education centers may not be included in the 300 schools. The

(b) Intensive reading instruction for students who have reading deficiencies must delivered in this additional hour shall include: evidence-based reading instruction that has been proven to accelerate progress of students exhibiting a reading deficiency; differentiated instruction based on screening, diagnostic, progress monitoring, or student assessment data to meet students' specific reading needs; explicit and systematic reading strategies to develop phonemic awareness, phonics, fluency, vocabulary, and comprehension, with more extensive opportunities for guided practice, error

correction, and feedback; and the coordinated integration of civic literacy, science, and mathematics-text reading, text discussion, and writing in response to reading.

~~(c)~~^(b) Funds for comprehensive, evidence-based reading instruction shall be allocated annually to each school district in the amount provided in the General Appropriations Act. Each eligible school district shall receive the same minimum amount as specified in the General Appropriations Act, and any remaining funds shall be distributed to eligible school districts based on each school district's proportionate share of K-12 base funding.

~~(d)~~^(e) Funds allocated under this subsection must be used to provide a system of comprehensive reading instruction to students enrolled in the prekindergarten-12 K-12 programs and certain students who exhibit a substantial deficiency in early literacy and ~~completed the Voluntary Prekindergarten Education Program pursuant to s. 1008.25(5)(b)~~, which may include the following:

1. Additional time ~~An additional hour per day of evidence-based intensive reading instruction to students, which may be delivered during or outside of the regular school day in the 300 lowest-performing elementary schools by teachers and reading specialists who have demonstrated effectiveness in teaching reading as required in paragraph (a).~~

2. Kindergarten through grade ~~12~~⁵ evidence-based intensive reading interventions ~~provided by reading intervention teachers during the school day and in the required extra hour for students identified as having a substantial reading deficiency.~~

3. Highly qualified reading coaches, who must be endorsed in reading, to specifically support teachers in making instructional decisions based on student data, and improve teacher delivery of effective reading instruction, intervention, and reading in the content areas based on student need.

4. Professional development ~~for school district teachers in scientifically researched and evidence-based reading instruction, including strategies to teach reading in content areas and with an emphasis on technical and informational text, to help instructional personnel and certified prekindergarten teachers funded in the Florida Education Finance Program~~ school district teachers earn a certification, a credential, or an endorsement, or an advanced degree in scientifically researched and evidence-based reading instruction.

5. Summer reading camps, using only teachers or other district personnel who possess a micro-credential as specified in s. 1003.485 or are certified or endorsed in reading consistent with s. 1008.25(7)(b)3., for all students in kindergarten through grade ~~5~~² who demonstrate a reading deficiency as determined by district and state assessments, ~~students in grades 3 through 5 who score at Level 1 on the statewide, standardized English Language Arts assessment, and certain students who exhibit a~~

~~substantial deficiency in early literacy and completed the Voluntary Prekindergarten Education Program under s. 1008.25(5)(b).~~

6. Scientifically researched and evidence-based supplemental instructional materials as identified by the Just Read, Florida! Office pursuant to s. 1001.215(8).

~~7. Incentives for instructional personnel and certified prekindergarten teachers funded in the Florida Education Finance Program who possess a reading certification or endorsement or micro-credential as specified in s. 1003.485 and provide educational support to improve student literacy Evidence-based intensive reading interventions for students in kindergarten through grade 12 who have been identified as having a substantial reading deficiency or who are reading below grade level as determined by the statewide, standardized English Language Arts assessment or for certain students who exhibit a substantial deficiency in early literacy and completed the Voluntary Prekindergarten Education Program under s. 1008.25(5)(b).~~

8. Tutoring in reading.

~~(e)1.(d)1. Annually, by a date determined by the Department of Education but before May 1, each school district districts shall submit a comprehensive reading plan approved by the applicable district school board, charter school governing board, or lab school board of trustees, for the specific use of the evidence-based reading instruction allocation, based upon a root-cause analysis. The State Regional Literacy Director may assist in the development of the plan in the format prescribed by the department for review and approval by the Just Read, Florida! Office created pursuant to s. 1001.215. The plan format shall be developed with input from school district personnel, including teachers and principals, and shall provide for intensive reading interventions identified through a root-cause analysis of student performance data and reflection tool developed by the department to evaluate the effectiveness of interventions implemented in the prior year. The department shall provide a plan format. A district school board may use the format developed by the department or a format developed by the district school board.~~

2. Intensive reading interventions must be delivered by instructional personnel who possess the micro-credential as provided in s. 1003.485 or are certified or endorsed in reading and must incorporate evidence-based strategies identified by the Just Read, Florida! Office pursuant to s. 1001.215(8). Instructional personnel who possess a micro-credential as specified in s. 1003.485 and are delivering intensive reading interventions must be supervised by an individual certified or endorsed in reading. For the purposes of this subsection, the term “supervision” means the ability to communicate by way of telecommunication with or physical presence of the certified or endorsed personnel for consultation and direction of the actions of the personnel with the micro-credential.

~~3.2-~~ By July 1 of each year, the department shall release to each school district with an approved plan its allocation of appropriated funds. If a school district and the Just Read, Florida! Office cannot reach agreement on the contents of the plan, the school district may appeal to the State Board of Education for resolution. School districts shall be allowed reasonable flexibility in designing their plans and shall be encouraged to offer reading intervention through innovative methods, including career academies. The department shall withhold funds upon a determination that reading instruction allocation funds are not being used to implement the approved plan. The department shall evaluate the implementation of each district plan, including conducting site visits and collecting specific data on expenditures and reading improvement results. By February 1 of each year, the department shall report its findings to the Legislature and the State Board of Education, including any recommendations for improving implementation of evidence-based reading and intervention strategies in classrooms.

~~3-~~ Each school district that has a school designated as one of the 300 lowest-performing elementary schools as specified in paragraph (a) shall specifically delineate in the comprehensive reading plan, or in an addendum to the comprehensive reading plan, the implementation design and reading intervention strategies that will be used for the required additional hour of reading instruction. The term “reading intervention” includes evidence-based strategies frequently used to remediate reading deficiencies and also includes individual instruction, tutoring, mentoring, or the use of technology that targets specific reading skills and abilities.

For purposes of this subsection, the term “evidence-based” means demonstrating a statistically significant effect on improving student outcomes or other relevant outcomes as provided in 20 U.S.C. s. 8101(21)(A)(i).

~~(10) FLORIDA DIGITAL CLASSROOMS ALLOCATION.—~~

~~(a) The Florida digital classrooms allocation is created to support the efforts of school districts and schools, including charter schools, to integrate technology in classroom teaching and learning to ensure students have access to high-quality electronic and digital instructional materials and resources, and empower classroom teachers to help their students succeed. Each school district shall receive a minimum digital classrooms allocation in the amount provided in the General Appropriations Act. The remaining balance of the digital classrooms allocation shall be allocated based on each school district’s proportionate share of the state’s total unweighted full-time equivalent student enrollment.~~

~~(b) Funds allocated under this subsection must be used for costs associated with:~~

~~1. Acquiring and maintaining the items on the eligible services list authorized by the Universal Service Administrative Company for the~~

Schools and Libraries Program, more commonly referred to as the federal E-rate program.

~~2.— Acquiring computer and device hardware and associated operating system software that comply with the requirements of s. 1001.20(4)(a)1.b.~~

~~3.— Providing professional development, including in-state conference attendance or online coursework, to enhance the use of technology for digital instructional strategies.~~

~~(11)(12)~~ 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 ~~(15)~~ (17), 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 ~~(15)~~ (17) 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.

~~(15)~~ FUNDING COMPRESSION AND HOLD HARMLESS ALLOCATION.—The Legislature may provide an annual funding compression and hold harmless allocation in the General Appropriations Act. The allocation is created to provide additional funding to school districts if the school district's total funds per FTE in the prior year were less than the statewide average or if the school district's district cost differential in the current year is less than the prior year. The total allocation shall be distributed to eligible school districts as follows:

~~(a) Using the most recent prior year FEFP calculation for each eligible school district, subtract the total school district funds per FTE from the state average funds per FTE, not including any adjustments made pursuant to paragraph ~~(17)(b)~~. The resulting funds per FTE difference, or a portion thereof, as designated in the General Appropriations Act, shall then be multiplied by the school district's total unweighted FTE.~~

~~(b) Multiply the absolute value of the difference between the eligible school district's current year district cost differential and the prior year district cost differential by a hold harmless factor as designated in the General Appropriations Act. The result is the district cost differential hold~~

~~harmless index. Multiply the index by the eligible school district's weighted FTE and by the base student allocation as designated in the General Appropriations Act.~~

~~(c) For each district, select the greater of the amounts calculated in paragraphs (a) and (b) and upon summation, if the total amount is greater than the amount included in the General Appropriations Act, the allocation shall be prorated to the appropriation amount based on each participating school district's share.~~

This subsection expires July 1, 2022.

Section 55. Subsection (5) of section 1011.68, Florida Statutes, is amended to read:

1011.68 Funds for student transportation.—The annual allocation to each district for transportation to public school programs, including charter schools as provided in s. 1002.33(17)(b), of students in membership in kindergarten through grade 12 and in migrant and exceptional student programs below kindergarten shall be determined as follows:

(5) Funds allocated or apportioned for the payment of student transportation services may be used to pay for transportation of students to and from school on local general purpose transportation systems. Student transportation funds may also be used to pay for transportation of students to and from school in private passenger cars and boats when the transportation on a school bus is impractical or when the transportation is for isolated students, or students with disabilities, or to support parents or carpools, as defined by rule. Subject to the rules of the State Board of Education, each school district shall determine and report the number of assigned students using general purpose transportation private passenger cars and boats. The allocation per student must be equal to the allocation per student riding a school bus.

Section 56. Subsection (1) of section 1011.71, Florida Statutes, is 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(15) ~~s. 1011.62(17)~~ 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.

Section 57. Effective upon this act becoming a law, paragraph (c) of subsection (1) of section 1012.22, Florida Statutes, is amended to read:

1012.22 Public school personnel; powers and duties of the district school board.—The district school board shall:

(1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:

(c) *Compensation and salary schedules.*—

1. Definitions.—As used in this paragraph:

a. “Adjustment” means an addition to the base salary schedule that is not a bonus and becomes part of the employee’s permanent base salary and shall be considered compensation under s. 121.021(22).

b. “Grandfathered salary schedule” means the salary schedule or schedules adopted by a district school board before July 1, 2014, pursuant to subparagraph 4.

c. “Instructional personnel” means instructional personnel as defined in s. 1012.01(2)(a)-(d), excluding substitute teachers.

d. “Performance salary schedule” means the salary schedule or schedules adopted by a district school board pursuant to subparagraph 5.

e. “Salary schedule” means the schedule or schedules used to provide the base salary for district school board personnel.

f. “School administrator” means a school administrator as defined in s. 1012.01(3)(c).

g. “Supplement” means an annual addition to the base salary for the term of the negotiated supplement as long as the employee continues his or her employment for the purpose of the supplement. A supplement does not become part of the employee’s continuing base salary but shall be considered compensation under s. 121.021(22).

2. Cost-of-living adjustment.—A district school board may provide a cost-of-living salary adjustment if the adjustment:

a. Does not discriminate among comparable classes of employees based upon the salary schedule under which they are compensated.

b. Does not exceed 50 percent of the annual adjustment provided to instructional personnel rated as effective.

3. Advanced degrees.—A district school board may not use advanced degrees in setting a salary schedule for instructional personnel or school administrators hired on or after July 1, 2011, unless the advanced degree is held in the individual's area of certification and is only a salary supplement.

4. Grandfathered salary schedule.—

a. The district school board shall adopt a salary schedule or salary schedules to be used as the basis for paying all school employees hired before July 1, 2014. Instructional personnel on annual contract as of July 1, 2014, shall be placed on the performance salary schedule adopted under subparagraph 5. Instructional personnel on continuing contract or professional service contract may opt into the performance salary schedule if the employee relinquishes such contract and agrees to be employed on an annual contract under s. 1012.335. Such an employee shall be placed on the performance salary schedule and may not return to continuing contract or professional service contract status. Any employee who opts into the performance salary schedule may not return to the grandfathered salary schedule.

b. In determining the grandfathered salary schedule for instructional personnel, a district school board must base a portion of each employee's compensation upon performance demonstrated under s. 1012.34 and shall provide differentiated pay for both instructional personnel and school administrators based upon district-determined factors, including, but not limited to, additional responsibilities, school demographics, critical shortage areas, and level of job performance difficulties.

5. Performance salary schedule.—By July 1, 2014, the district school board shall adopt a performance salary schedule that provides annual salary adjustments for instructional personnel and school administrators based upon performance determined under s. 1012.34. Employees hired on or after July 1, 2014, or employees who choose to move from the grandfathered salary schedule to the performance salary schedule shall be compensated pursuant to the performance salary schedule once they have received the appropriate performance evaluation for this purpose.

a. Base salary.—The base salary shall be established as follows:

(I) The base salary for instructional personnel or school administrators who opt into the performance salary schedule shall be the salary paid in the prior year, including adjustments only.

(II) Instructional personnel or school administrators new to the district, returning to the district after a break in service without an authorized leave of absence, or appointed for the first time to a position in the district in the capacity of instructional personnel or school administrator shall be placed on the performance salary schedule. Beginning July 1, 2021, and until such time as the minimum base salary as defined in s. 1011.62(14) ~~s. 1011.62(16)~~ equals or exceeds \$47,500, the annual increase to the minimum base salary

shall not be less than 150 percent of the largest adjustment made to the salary of an employee on the grandfathered salary schedule. Thereafter, the annual increase to the minimum base salary shall not be less than 75 percent of the largest adjustment for an employee on the grandfathered salary schedule.

b. Salary adjustments.—Salary adjustments for highly effective or effective performance shall be established as follows:

(I) The annual salary adjustment under the performance salary schedule for an employee rated as highly effective must be at least 25 percent greater than the highest annual salary adjustment available to an employee of the same classification through any other salary schedule adopted by the district.

(II) The annual salary adjustment under the performance salary schedule for an employee rated as effective must be equal to at least 50 percent and no more than 75 percent of the annual adjustment provided for a highly effective employee of the same classification.

(III) A salary schedule shall not provide an annual salary adjustment for an employee who receives a rating other than highly effective or effective for the year.

c. Salary supplements.—In addition to the salary adjustments, each district school board shall provide for salary supplements for activities that must include, but are not limited to:

(I) Assignment to a Title I eligible school.

(II) Assignment to a school that earned a grade of “F” or three consecutive grades of “D” pursuant to s. 1008.34 such that the supplement remains in force for at least 1 year following improved performance in that school.

(III) Certification and teaching in critical teacher shortage areas. Statewide critical teacher shortage areas shall be identified by the State Board of Education under s. 1012.07. However, the district school board may identify other areas of critical shortage within the school district for purposes of this sub-subparagraph and may remove areas identified by the state board which do not apply within the school district.

(IV) Assignment of additional academic responsibilities.

If budget constraints in any given year limit a district school board’s ability to fully fund all adopted salary schedules, the performance salary schedule shall not be reduced on the basis of total cost or the value of individual awards in a manner that is proportionally greater than reductions to any other salary schedules adopted by the district. Any compensation for longevity of service awarded to instructional personnel who are on any

other salary schedule must be included in calculating the salary adjustments required by sub-subparagraph b.

Section 58. Effective January 1, 2023, section 1012.315, Florida Statutes, is amended to read:

1012.315 Screening standards.—A person is ineligible for educator certification or employment in any position that requires direct contact with students in a district school system, a charter school, or a private school that participates in a state scholarship program under chapter 1002 if the person is on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b), is registered as a sex offender as described in 42 U.S.C. s. 9858f(c)(1)(C), would be ineligible for an exemption under s. 435.07(4)(c), or has been convicted or found guilty of, has had adjudication withheld for, or has pled guilty or nolo contendere to:

- (1) Any felony offense prohibited under any of the following statutes:
 - (a) Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.
 - (b) Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.
 - (c) Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.
 - (d) Section 782.04, relating to murder.
 - (e) Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated manslaughter of a child, or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.
 - (f) Section 784.021, relating to aggravated assault.
 - (g) Section 784.045, relating to aggravated battery.
 - (h) Section 784.075, relating to battery on a detention or commitment facility staff member or a juvenile probation officer.
 - (i) Section 787.01, relating to kidnapping.
 - (j) Section 787.02, relating to false imprisonment.
 - (k) Section 787.025, relating to luring or enticing a child.
 - (l) Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.

(m) Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.

(n) Section 790.115(1), relating to exhibiting firearms or weapons at a school-sponsored event, on school property, or within 1,000 feet of a school.

(o) Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon at a school-sponsored event or on school property.

(p) Section 794.011, relating to sexual battery.

(q) Former s. 794.041, relating to sexual activity with or solicitation of a child by a person in familial or custodial authority.

(r) Section 794.05, relating to unlawful sexual activity with certain minors.

(s) Section 794.08, relating to female genital mutilation.

(t) Chapter 796, relating to prostitution.

(u) Chapter 800, relating to lewdness and indecent exposure.

(v) Section 800.101, relating to offenses against students by authority figures.

(w) Section 806.01, relating to arson.

(x) Section 810.14, relating to voyeurism.

(y) Section 810.145, relating to video voyeurism.

(z) Section 812.014(6), relating to coordinating the commission of theft in excess of \$3,000.

(aa) Section 812.0145, relating to theft from persons 65 years of age or older.

(bb) Section 812.019, relating to dealing in stolen property.

(cc) Section 812.13, relating to robbery.

(dd) Section 812.131, relating to robbery by sudden snatching.

(ee) Section 812.133, relating to carjacking.

(ff) Section 812.135, relating to home-invasion robbery.

(gg) Section 817.563, relating to fraudulent sale of controlled substances.

(hh) Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.

(ii) Section 825.103, relating to exploitation of an elderly person or disabled adult.

(jj) Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.

(kk) Section 826.04, relating to incest.

(ll) Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

(mm) Section 827.04, relating to contributing to the delinquency or dependency of a child.

(nn) Section 827.071, relating to sexual performance by a child.

(oo) Section 843.01, relating to resisting arrest with violence.

(pp) Chapter 847, relating to obscenity.

(qq) Section 874.05, relating to causing, encouraging, soliciting, or recruiting another to join a criminal street gang.

(rr) Chapter 893, relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity.

(ss) Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.

(tt) Section 944.47, relating to introduction, removal, or possession of contraband at a correctional facility.

(uu) Section 985.701, relating to sexual misconduct in juvenile justice programs.

(vv) Section 985.711, relating to introduction, removal, or possession of contraband at a juvenile detention facility or commitment program.

(2) Any misdemeanor offense prohibited under any of the following statutes:

(a) Section 784.03, relating to battery, if the victim of the offense was a minor.

(b) Section 787.025, relating to luring or enticing a child.

(3) Any criminal act committed in another state or under federal law which, if committed in this state, constitutes an offense prohibited under any statute listed in subsection (1) or subsection (2).

(4) Any delinquent act committed in this state or any delinquent or criminal act committed in another state or under federal law which, if committed in this state, qualifies an individual for inclusion on the Registered Juvenile Sex Offender List under s. 943.0435(1)(h)1.d.

Section 59. Effective January 1, 2023, subsections (2) and (3) of section 1012.32, Florida Statutes, are amended to read:

1012.32 Qualifications of personnel.—

(2)(a) Instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students in any district school system or university lab school must, upon employment or engagement to provide services, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable.

(b)1. Instructional and noninstructional personnel who are hired or contracted to fill positions in a charter school other than a school of hope as defined in s. 1002.333, and members of the governing board of such charter school, in compliance with s. 1002.33(12)(g), upon employment, engagement of services, or appointment, shall undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable, ~~by filing with the district school board for the school district in which the charter school is located a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school district who is trained to take fingerprints.~~

2. Instructional and noninstructional personnel who are hired or contracted to fill positions in a school of hope as defined in s. 1002.333, and members of the governing board of such school of hope, upon employment, engagement of services, or appointment, shall undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable ~~file with the school of hope a complete set of fingerprints taken by an authorized law enforcement agency, by an employee of the school of hope or school district who is trained to take fingerprints, or by any other entity recognized by the Department of Law Enforcement to take fingerprints.~~

(c) Instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students in an alternative school that operates under contract with a district school system must, upon employment or engagement to provide services, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable, ~~by filing with the district school board for the school district to which the alternative school is under contract a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school district who is trained to take fingerprints.~~

(d) Student teachers and persons participating in a field experience pursuant to s. 1004.04(5) or s. 1004.85 in any district school system, lab

school, or charter school must, upon engagement to provide services, undergo background screening as required under s. 1012.56.

~~Required fingerprints must be submitted to the Department of Law Enforcement for statewide criminal and juvenile records checks and to the Federal Bureau of Investigation for federal criminal records checks. A person subject to this subsection who is found ineligible for employment under s. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, may shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students. Probationary persons subject to this subsection terminated because of their criminal record have the right to appeal such decisions. The cost of the background screening may be borne by the employer district school board, the charter school, the employee, the contractor, or a person subject to this subsection. A district school board shall reimburse a charter school the cost of background screening if it does not notify the charter school of the eligibility of a governing board member or instructional or noninstructional personnel within the earlier of 14 days after receipt of the background screening results from the Florida Department of Law Enforcement or 30 days of submission of fingerprints by the governing board member or instructional or noninstructional personnel.~~

(3) A background screening required under this section shall be conducted in accordance with s. 435.12.

~~(3)(a) All fingerprints submitted to the Department of Law Enforcement as required by subsection (2) shall be retained by the Department of Law Enforcement in a manner provided by rule and entered in the statewide automated biometric identification system authorized by s. 943.05(2)(b). Such fingerprints shall thereafter be available for all purposes and uses authorized for arrest fingerprints entered in the statewide automated biometric identification system pursuant to s. 943.051.~~

~~(b) The Department of Law Enforcement shall search all arrest fingerprints received under s. 943.051 against the fingerprints retained in the statewide automated biometric identification system under paragraph (a). Any arrest record that is identified with the retained fingerprints of a person subject to the background screening under this section shall be reported to the employing or contracting school district or the school district with which the person is affiliated. Each school district is required to participate in this search process by payment of an annual fee to the Department of Law Enforcement and by informing the Department of Law Enforcement of any change in the affiliation, employment, or contractual status or place of affiliation, employment, or contracting of its instructional and noninstructional personnel whose fingerprints are retained under paragraph (a). The Department of Law Enforcement shall adopt a rule setting the amount of the annual fee to be imposed upon each school district for performing these searches and establishing the procedures for the retention of instructional and noninstructional personnel fingerprints and~~

~~the dissemination of search results. The fee may be borne by the district school board, the contractor, or the person fingerprinted.~~

~~(c) Personnel whose fingerprints are not retained by the Department of Law Enforcement under paragraphs (a) and (b) must be refingerprinted and rescreened in accordance with subsection (2) upon reemployment or reengagement to provide services in order to comply with the requirements of this subsection.~~

Section 60. The changes made to s. 1012.315, Florida Statutes, by this act apply to individuals who are screened after January 1, 2024.

Section 61. Effective upon this act becoming a law, paragraph (a) of subsection (1) of section 1012.34, Florida Statutes, is amended to read:

1012.34 Personnel evaluation procedures and criteria.—

(1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

(a) For the purpose of increasing student academic performance by improving the quality of instructional, administrative, and supervisory services in the public schools of the state, the district school superintendent shall establish procedures for evaluating the performance of duties and responsibilities of all instructional, administrative, and supervisory personnel employed by the school district. The procedures established by the district school superintendent set the standards of service to be offered to the public within the meaning of s. 447.209 and are not subject to collective bargaining. The district school superintendent shall provide instructional personnel the opportunity to review their class rosters for accuracy and to correct any mistakes. The district school superintendent shall report accurate class rosters for the purpose of calculating district and statewide student performance and annually report the evaluation results of instructional personnel and school administrators to the Department of Education in addition to the information required under subsection (5).

Section 62. Effective January 1, 2023, section 1012.465, Florida Statutes, is amended to read:

1012.465 Background screening requirements for certain noninstructional school district employees and contractors.—

(1) Except as provided in s. 1012.467 or s. 1012.468, noninstructional school district employees or contractual personnel who are permitted access on school grounds when students are present, who have direct contact with students or who have access to or control of school funds must meet the level 2 screening requirements of ~~as described in~~ s. 1012.32. Contractual personnel shall include any vendor, individual, or entity under contract with a school or the school board.

~~(2) Every 5 years following employment or entry into a contract in a capacity described in subsection (1), each person who is so employed or under~~

~~contract with the school district must meet level 2 screening requirements as described in s. 1012.32, at which time the school district shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for the level 2 screening. If, for any reason following employment or entry into a contract in a capacity described in subsection (1), the fingerprints of a person who is so employed or under contract with the school district are not retained by the Department of Law Enforcement under s. 1012.32(3)(a) and (b), the person must file a complete set of fingerprints with the district school superintendent of the employing or contracting school district. Upon submission of fingerprints for this purpose, the school district shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for the level 2 screening, and the fingerprints shall be retained by the Department of Law Enforcement under s. 1012.32(3)(a) and (b). The cost of the state and federal criminal history check required by level 2 screening may be borne by the district school board, the contractor, or the person fingerprinted. Under penalty of perjury, each person who is employed or under contract in a capacity described in subsection (1) must agree to inform his or her employer or the party with whom he or she is under contract within 48 hours if convicted of any disqualifying offense while he or she is employed or under contract in that capacity.~~

(3) If it is found that a person who is employed or under contract in a capacity described in subsection (1) does not meet the screening level 2 requirements, the person shall be immediately suspended from working in that capacity and shall remain suspended until final resolution of any appeals.

Section 63. Effective January 1, 2023, subsections (2) through (7) of section 1012.467, Florida Statutes, are amended to read:

1012.467 Noninstructional contractors who are permitted access to school grounds when students are present; background screening requirements.—

(2)(a) A fingerprint-based criminal history check shall be performed on each noninstructional contractor who is permitted access to school grounds when students are present, whose performance of the contract with the school or school board is not anticipated to result in direct contact with students, and for whom any unanticipated contact would be infrequent and incidental using the process described in s. 1012.32(3). Criminal history checks shall be performed at least once every 5 years. ~~For the initial criminal history check, each noninstructional contractor who is subject to the criminal history check shall file with the Department of Law Enforcement a complete set of fingerprints taken by an authorized law enforcement agency or an employee of a school district, a public school, or a private company who is trained to take fingerprints. The fingerprints shall be electronically submitted for state processing to the Department of Law Enforcement, which shall in turn submit the fingerprints to the Federal Bureau of Investigation for national processing. The results of each criminal~~

history check shall be reported to the school district in which the individual is seeking access and entered into the shared system described in subsection (7). The school district shall screen the results using the disqualifying offenses in paragraph (b) (g). The cost of the criminal history check may be borne by the district school board, the school, or the contractor. ~~A fee that is charged by a district school board for such checks may not exceed 30 percent of the total amount charged by the Department of Law Enforcement and the Federal Bureau of Investigation.~~

~~(b) As authorized by law, the Department of Law Enforcement shall retain the fingerprints submitted by the school districts pursuant to this subsection to the Department of Law Enforcement for a criminal history background screening in a manner provided by rule and enter the fingerprints in the statewide automated biometric identification system authorized by s. 943.05(2)(b). The fingerprints shall thereafter be available for all purposes and uses authorized for arrest fingerprints entered into the statewide automated biometric identification system under s. 943.051.~~

~~(c) As authorized by law, the Department of Law Enforcement shall search all arrest fingerprints received under s. 943.051 against the fingerprints retained in the statewide automated biometric identification system under paragraph (b).~~

~~(d) School districts may participate in the search process described in this subsection by paying an annual fee to the Department of Law Enforcement.~~

~~(e) A fingerprint retained pursuant to this subsection shall be purged from the automated biometric identification system 5 years following the date the fingerprint was initially submitted. The Department of Law Enforcement shall set the amount of the annual fee to be imposed upon each participating agency for performing these searches and establishing the procedures for retaining fingerprints and disseminating search results. The fee may be borne as provided by law. Fees may be waived or reduced by the executive director of the Department of Law Enforcement for good cause shown.~~

~~(f) A noninstructional contractor who is subject to a criminal history check under this section shall inform a school district that he or she has completed a criminal history check in another school district within the last 5 years. The school district shall verify the results of the contractor's criminal history check using the shared system described in subsection (7). The school district may not charge the contractor a fee for verifying the results of his or her criminal history check.~~

~~(b)(g) A noninstructional contractor for whom a criminal history check is required under this section may not have been convicted of any of the following offenses designated in the Florida Statutes, any similar offense in another jurisdiction, or any similar offense committed in this state which~~

has been redesignated from a former provision of the Florida Statutes to one of the following offenses:

1. Any offense listed in s. 943.0435(1)(h)1., relating to the registration of an individual as a sexual offender.
2. Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and the reporting of such sexual misconduct.
3. Section 394.4593, relating to sexual misconduct with certain mental health patients and the reporting of such sexual misconduct.
4. Section 775.30, relating to terrorism.
5. Section 782.04, relating to murder.
6. Section 787.01, relating to kidnapping.
7. Any offense under chapter 800, relating to lewdness and indecent exposure.
8. Section 826.04, relating to incest.
9. Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

(3) If it is found that a noninstructional contractor has been convicted of any of the offenses listed in paragraph ~~(2)(b)~~ (2)(g), the individual shall be immediately suspended from having access to school grounds and shall remain suspended unless and until the conviction is set aside in any postconviction proceeding.

(4) A noninstructional contractor who has been convicted of any of the offenses listed in paragraph ~~(2)(b)~~ (2)(g) may not be permitted on school grounds when students are present unless the contractor has received a full pardon or has had his or her civil rights restored. A noninstructional contractor who is present on school grounds in violation of this subsection commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(5) If a school district has reasonable cause to believe that grounds exist for the denial of a contractor's access to school grounds when students are present, it shall notify the contractor in writing, stating the specific record that indicates noncompliance with the standards set forth in this section. It is the responsibility of the affected contractor to contest his or her denial. The only basis for contesting the denial is proof of mistaken identity or that an offense from another jurisdiction is not disqualifying under paragraph ~~(2)(b)~~ (2)(g).

(6) Each contractor who is subject to the requirements of this section shall agree to inform his or her employer or the party to whom he or she is

under contract and the school district within 48 hours if he or she is arrested for any of the disqualifying offenses in paragraph (2)(b) ~~(2)(g)~~. A contractor who willfully fails to comply with this subsection commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. If the employer of a contractor or the party to whom the contractor is under contract knows the contractor has been arrested for any of the disqualifying offenses in paragraph (2)(b) ~~(2)(g)~~ and authorizes the contractor to be present on school grounds when students are present, such employer or such party commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(7)(a) The Department of Law Enforcement shall implement a system that allows for the results of a criminal history check provided to a school district to be shared with other school districts through a secure Internet website or other secure electronic means. School districts must accept reciprocity of level 2 screenings for Florida High School Athletic Association officials.

(b) An employee of a school district, a charter school, a lab school, a charter lab school, or the Florida School for the Deaf and the Blind who requests or shares criminal history information under this section is immune from civil or criminal liability for any good faith conduct that occurs during the performance of and within the scope of responsibilities related to the record check.

(c) This subsection is repealed July 31, 2026.

Section 64. Effective January 1, 2023, present paragraph (c) of subsection (10) of section 1012.56, Florida Statutes, is redesignated as paragraph (d), and paragraph (b) of that subsection is amended, to read:

1012.56 Educator certification requirements.—

(10) BACKGROUND SCREENING REQUIRED, INITIALLY AND PERIODICALLY.—

(b) To maintain the safety and well-being of children and the integrity of the system of public education, a person may not be certified receive a certificate under this chapter to have the responsibility for the safety and well-being of children until the person's screening under s. 1012.32 is completed and the results have been submitted to the Department of Education or to the person's employer ~~district school superintendent of the school district that employs the person~~. Every 5 years after obtaining initial certification, each person who is required to be certified under this chapter must be rescreened in accordance with s. 1012.32, at which time the employer ~~school district~~ shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for federal criminal records checks pursuant to s. 435.12.

(c) If, for any reason after obtaining initial certification, the fingerprints of a person who is required to be certified under this chapter are not retained by the Department of Law Enforcement under ~~s. 1012.32(3) s. 1012.32(3)(a) and (b)~~, the person must file a complete set of fingerprints with the employer district school superintendent of the employing school district. Upon submission of fingerprints for this purpose, the employer school district shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for federal criminal records checks, and the fingerprints shall be retained by the Department of Law Enforcement under ~~s. 1012.32(3) s. 1012.32(3)(a) and (b)~~. The cost of the state and federal criminal history checks required by paragraph (a) and this paragraph may be borne by the employer district school board or the employee. Under penalty of perjury, each person who is certified under this chapter must agree to inform his or her employer within 48 hours if convicted of any disqualifying offense while he or she is employed in a position for which such certification is required.

Section 65. The changes made to ss. 1012.32 and 1012.56, Florida Statutes, by this act must be implemented by January 1, 2024, or by a later date determined by the Agency for Health Care Administration.

Section 66. Subsection (4) of section 1012.584, Florida Statutes, is amended to read:

1012.584 Continuing education and inservice training for youth mental health awareness and assistance.—

(4) Each school district shall notify all school personnel who have received training pursuant to this section of mental health services that are available in the school district, and the individual to contact if a student needs services. The term “mental health services” includes, but is not limited to, community mental health services, health care providers, and services provided under ss. 1006.04 and 1011.62(13) ~~1011.62(14)~~.

Section 67. Section 1003.4204, Florida Statutes, is created to read:

1003.4204 Safer, Smarter Schools Program.—As authorized by and consistent with funding appropriated in the General Appropriations Act, the Safer, Smarter Schools Program is created to implement the revised Health Education standards established pursuant to s. 1003.42(2). The program shall provide students and educators with a comprehensive personal safety curriculum that helps students attain the protective principles to remain safe from abuse and exploitation.

Section 68. Subsection (4) of section 1013.40, Florida Statutes, is amended to read:

1013.40 Planning and construction of Florida College System institution facilities; property acquisition.—

(4) The campus of a Florida College System institution within a municipality designated as an area of critical state concern, as defined in s. 380.05, and having a comprehensive plan and land development regulations containing a building permit allocation system that limits annual growth, may construct dormitories for up to 340 ~~300~~ beds for Florida College System institution students, and an additional 25 beds for employees, educators, and first responders. Such dormitories are exempt from the building permit allocation system and may be constructed up to 60 ~~45~~ feet in height if the dormitories are otherwise consistent with the comprehensive plan, the Florida College System institution has a hurricane evacuation plan that requires all dormitory occupants to be evacuated 48 hours in advance of tropical force winds, and transportation is provided for dormitory occupants during an evacuation. State funds and tuition and fee revenues may not be used for construction, debt service payments, maintenance, or operation of such dormitories. Additional dormitory beds constructed after July 1, 2016, may not be financed through the issuance of bonds by the Florida College System institution; however, bonds may be issued by nonpublic entities as part of a public-private partnership between the college and a nonpublic entity.

Section 69. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2022.

Approved by the Governor June 2, 2022.

Filed in Office Secretary of State June 2, 2022.