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LEGISLATIVE REVIEW

Florida Commissioner of Education
Pam Stewart



FLORIDA DEPARTMENT OF
EDUCATION
fldoe.org

Table of Contents

INTRODUCTION.....	4
SB 4 Higher Education.....	5
HB 29 Military and Veterans Affairs.....	10
HB 75 Postsecondary Fee Waivers.....	13
HB 411 Public Records and Public Meetings/Firesafety Systems	14
HB 495 K-12 Public Education	16
HB 577 High School Graduation Requirements	21
HB 651 State Employment.....	22
HB 731 Home Education.....	23
HB 1091 Early Learning	26
HB 1201 Education for Prisoners.....	29
HB 1279 School District Accountability	31
HB 1337 Nursing	38
SB 1392 Prearrest Diversion Programs.....	39
HB 1437 Employment Services for Persons with Disabilities	40
SB 1940 Public Records and Public Meetings/School Safety	41
HB 5007 State-Administered Retirement Systems	44
SB 7024 Public Records/Victim of an Incident of Mass Violence	46
SB 7026 Public Safety.....	48
HB 7055 Education.....	60
HB 7087 Taxation	89



Table of Contents By Division

INTRODUCTION.....	4
-------------------	---

Office of Independent Education and Choice

HB 731 Home Education.....	23
HB 7055 Education.....	60

General Counsel

SB 1940 Public Records and Public Meetings/School Safety	41
SB 7024 Public Records/Victim of an Incident of Mass Violence	46
HB 7055 Education.....	60

Division of Finance and Operations

SB 4 Higher Education.....	5
HB 411 Public Records and Public Meetings/Firesafety Systems	14
HB 495 K-12 Public Education	16
HB 651 State Employment.....	22
HB 1279 School District Accountability	31
HB 5007 State-Administered Retirement Systems	44
SB 7026 Public Safety.....	48
HB 7055 Education.....	60
HB 7087 Taxation	89

Commission for Independent Education

HB 1337 Nursing	38
-----------------------	----

Division of K-12 Public Schools

HB 29 Military and Veterans Affairs.....	10
HB 495 K-12 Public Education	16
SB 7026 Public Safety.....	48
HB 7055 Education.....	60



Division of Florida Colleges

SB 4	Higher Education.....	5
HB 29	Military and Veterans Affairs.....	10
HB 75	Postsecondary Fee Waivers.....	13
HB 731	Home Education.....	23
HB 1201	Education for Prisoners.....	29
HB 1337	Nursing	38
SB 1392	Prearrest Diversion Programs.....	39

Division of Accountability, Research and Measurement

HB 495	K-12 Public Education	16
---------------	------------------------------------	-----------

Division of Vocational Rehabilitation

HB 1437	Employment Services for Persons with Disabilities	40
----------------	--	-----------

Division of Career and Adult Education

HB 29	Military and Veterans Affairs.....	10
HB 577	High School Graduation Requirements	21
HB 1201	Education for Prisoners.....	29
SB 1392	Prearrest Diversion Programs.....	39

Division of Blind Services

HB 1437	Employment Services for Persons with Disabilities	40
----------------	--	-----------

Office of Governmental Relations

SB 7026	Public Safety.....	48
HB 7055	Education.....	60



INTRODUCTION

This book is an overview of legislation impacting education that was passed by the Florida Legislature during the 2018 Regular Legislative Session.

Access to all bills, their final action, legislative staff analyses, floor amendments, bill history and Florida Statute citations are available through several websites which are provided below.

For additional information on legislation passed by the Florida Legislature, which impacts education, you may visit the Governmental Relations website at <http://www.fldoe.org/about-us/governmental-relations> or contact the Florida Department of Education's Office of Governmental Relations at 850-245-0507.

Florida House of Representatives:

<http://www.myfloridahouse.gov/>

Florida Senate:

<http://www.flsenate.gov/>

Online Sunshine:

<http://www.leg.state.fl.us/Welcome/index.cfm?CFID=197225232&CFTOKEN=39851043>

Florida Department of State, Laws of Florida:

<http://laws.flrules.org/node>

Governor of Florida:

<http://www.flgov.com/>



**SB 4 Higher Education
(CH. 2018-4, Laws of Florida)**

Bill Sponsor: Senator Galvano

Effective Date: Upon becoming law

DOE Contact: Madeline Pumariiega, Chancellor, Division of Florida Colleges, (850) 245-0407
Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

The bill creates section 1004.097, F.S., to codify the right to free-speech activities at public institutions of higher education, prohibit certain policies related to free-speech zones, authorize restrictions under specified conditions, and authorize a cause of action against a public institution of higher education. The bill also expands merit-based and need-based financial aid funding available to students.

Section 6.

Creates s. 1004.097, F.S., the “Campus Free Expression Act,” to:

- Codify the right to free-speech activities.
- Prohibit public institutions of higher education from
 - designating any area of campus as a free-speech zone, or
 - otherwise creating policies restricting expressive activities to a particular outdoor area of campus.
- Authorize restrictions under specified conditions, that are
 - reasonable and content-neutral,
 - on time, place, and manner of expression,
 - are narrowly tailored to a significant institutional interest,
 - clear and published, and
 - must provide for ample alternative means of expression.
- Authorize a cause of action against a public institution of higher education to obtain declaratory and injunctive relief, reasonable court costs, and attorney fees.

Section 14.

Amends s. 1008.30, F.S., Common placement testing for public postsecondary education, to:

- Require a state university offering college-preparatory instruction to provide developmental education instruction as defined in s. 1008.02(1), F.S. Currently, Florida Agricultural and Mechanical University (FAMU) is the only state university authorized to offer developmental education, so as a result of the bill FAMU may be required to revise its developmental education program to incorporate the developmental education strategies specified in law.

Section 15.

Amends s. 1009.22, F.S., Workforce education postsecondary student fees, to:

- Remove the prohibition in Florida law regarding the inclusion of technology fees in the Florida Bright Futures Scholarship Program awards for postsecondary workforce education students at school districts and Florida College System institutions.

Section 16.

Amends s. 1009.23, F.S., Florida College System institution student fees, to:

- Remove the prohibition in Florida law regarding the inclusion of technology fees in the Florida Bright Futures Scholarship Program awards at Florida College System institutions.

Section 17.

Amends s. 1009.24, F.S., State university student fees, to:

- Remove the prohibition in Florida law regarding the inclusion of the technology fees and tuition differential in the Florida Bright Futures Scholarship Program awards at state universities.
- Allow only university wide transportation access fees to be included in any state financial assistance award authorized under part III of this chapter, as authorized by law of the General Appropriations Act.

Section 18.

Amends s.1009.53, F.S., Florida Bright Futures Scholarship Program, to:

- Allow a student to use a Florida Academic Scholars award for summer term enrollment beginning in the 2018 summer term, as funded by the Legislature.
- Allow a student to use a Florida Medallion Scholars award for summer term enrollment beginning in the 2019 summer term, as funded by the Legislature.
- Allow a student to use other Florida Bright Futures Scholarship Program awards for summer term enrollment, if funded by the Legislature.

Section 19.

Expands s. 1009.534, F.S., Florida Academic Scholars award, to:

- Codify the Florida Bright Futures Scholarship Program Academic Scholars award amount to cover 100 percent of tuition and specified fees, plus \$300 each fall and spring academic semester for textbooks and educational related expenses, beginning in the 2017-18 academic year.

Section 20.

Amends s. 1009.535, F.S., Florida Medallion Scholars award, to:

- Increase the Florida Bright Futures Scholarship Program Medallion Scholars award to an amount equal to 75 percent of tuition and specified fees, beginning in the fall 2018 semester.

Section 21.

Amends s. 1009.701, F.S., First Generation Matching Grant Program, to:

- Expand need-based aid by revising the state-to-private match requirements for contributions to the First Generation Matching Grant Program from 1:1 match to a 2:1 match, beginning in the 2018-19 fiscal year.
- Codify the authority to enable Florida College System institutions to participate in the First Generation Matching Grant Program.

Section 22.

Amends s. 1009.893, F.S., Benacquisto Scholarship Program, to:

- Provide the opportunity for students from out-of-state to be eligible to participate in the program, if the students meet specific criteria.
- Establish student eligibility criteria for students who are not residents of the state and who initially enroll in a baccalaureate degree program in the 2018-19 academic year or later. Students must:
 - Physically reside in Florida on or near the campus of the postsecondary education institution in which the student is enrolled;
 - Earn a high school diploma comparable to a standard Florida high school diploma or its equivalent, or complete a home education program; and
 - Be accepted by and enrolled full-time in a baccalaureate degree program at an eligible regionally accredited Florida public or independent postsecondary educational institution during the fall academic term following high school graduation.
- Require an eligible student, who is not a resident of the state, who attends a Florida public postsecondary educational institution to receive a scholarship award equal to the institutional cost of attendance for a resident of the state, minus the student's National Merit Scholarship. The student is exempt from the payment of out-of-state fees.
- Provide for the award amount for an eligible out-of-state student who attends an independent postsecondary educational institution to be equal to the highest cost of attendance for a resident of the state, less the student's National Merit Scholarship.

Section 23.

Creates s. 1009.894, F.S., Florida Farmworker Student Scholarship Program, to:

- Establish the Florida Farmworker Student Scholarship Program to be administered by the DOE. Up to 50 scholarships will be awarded annually to farmworkers and the children of farmworkers who meet the scholarship eligibility criteria. To be eligible for an initial scholarship, a student must, at a minimum:

- Have Florida resident status;
- Earn a minimum cumulative weighted grade point average (GPA) of 3.5 for all high school courses creditable toward a diploma;
- Complete a minimum of 30 hours of community service; and
- Have at least a 90 percent attendance rate and not have any disciplinary action brought against him or her, as documented on the student's high school transcript.
- Authorize a Florida Farmworker Student Scholarship Program recipient to receive an award for a maximum of 100 percent of tuition and specified fees at a public postsecondary education institution to complete an associate or baccalaureate degree program or to complete up to 90 credit hours of a program that terminates in a career certificate. To renew the scholarship, a recipient must maintain at least a cumulative GPA of 2.5 or higher on college coursework.

Section 25.

Requires the Division of Law Revision and Information to substitute the term "Effective Access to Student Education Grant Program" for "Florida Resident Access Grant Program" and the term "Effective Access to Student Education grant" for "Florida resident access grant" wherever those terms appear in Florida Statutes.

Section 27.

- For the 2018-19 fiscal year, \$121,776,631 in recurring funds from the Educational Enhancement Trust Fund (EETF) and \$1,736,404 in recurring funds from the General Revenue Fund (GRF) is appropriated to the DOE for implementation of the act.
- Of the funds appropriated, the bill authorizes:
 - \$1,737,223 from the EETF to be used for 2019 summer term awards for Florida Bright Futures Academic Scholars,
 - \$28,416,515 from the EETF to be used for the 2019 summer term for Florida Bright Futures Medallion Scholars,
 - \$91,622,893 from the EETF to be used for Florida Bright Futures Scholarship Program awards,
 - \$1,236,404 from the GRF to be used for the Benacquisto Scholarship Program, and
 - \$500,000 from the GRF for the Florida Farmworker Student Scholarship Program.

General Implementation Timeline:

Signed into law	The Act becomes effective.
By July 1, 2018	Guidance memos sent to FCS institutions



Revise eligibility criteria, award amounts and other match information in the State Student Financial Assistance Database (SSFAD) system for scholarship programs impacted by the bill.

Create or update program eligibility requirements and begin rule development to amend State Board of Education Rules.



HB 29 Military and Veterans Affairs
(CH. 2018-7, Laws of Florida)

Bill Sponsor: Commerce Committee, Representative Ponder, Representative Renner

Effective Date: July 1, 2018

DOE Contact: Madeline Pumariega, Chancellor, Division of Florida Colleges, (850) 245-0407
Rod Duckworth, Chancellor, Division of Career and Adult Education (850) 245-9047
Hershel Lyons, Chancellor, Division of Public Schools, (850) 245-0509

Executive Summary:

The bill eases professional licensing fees and requirements for certain military members, veterans, and their spouses, including temporary certificates in education, and a pathway for veteran officers for certification as a school principal. Additionally, the bill expands and clarifies the process for obtaining veteran training grants and instituting a veteran entrepreneurship program through Veterans Florida in the Department of Veterans' Affairs.

Section 4.

Amends s. 295.22, F.S., Veterans Employment and Training Services Program, to

- Clarify that businesses receiving Veterans Florida training grants must cover the entire cost of training before receiving a 50 percent reimbursement,
- Lower the maximum time the training program may last from 48 to 12 months,
- Require the business receiving the grant to describe the instructional program and any related vendors to be used in training in their contract with Veterans Florida,
- Remove curriculum and overhead costs from eligibility for reimbursement,
- Remove specific limitations on who may be the training provider,
- Expand which entities may administer the program, from universities to any entity meeting the requirements, and
- Require the administering entity to have demonstrated experience working with veteran entrepreneurs, and be recognized for its ability to help Florida entrepreneurs launch successful businesses.

Section 5.

Amends s. 446.041, F.S., Apprenticeship program, duties of the department, to:

- Require the Department of Education to lead and coordinate outreach efforts to educate veterans about apprenticeship and career opportunities.

Section 6.

Amends s. 446.081, F.S., Limitation, to:

- Prohibit any rules adopted or contained in any approved apprenticeship agreement from invalidating any special provision for:
 - Veterans,
 - Minority persons, or
 - Women.

Section 49.

Creates s. 683.147, F.S., Medal of Honor Day, to:

- Establish March 25 of each year as “Medal of Honor Day.”
- Allow the governor to annually issue a proclamation designating March 25 as Medal of Honor Day and encouraging public officials, schools, private organizations and all residents of the state to commemorate Medal of Honor Day and honor recipients of the Congressional Medal of Honor.

Section 52.

Amends s. 1012.55, F.S., Positions for which certificates required, to:

- Require the Florida Department of Education (DOE) to issue a 3-year temporary certificate in educational leadership to an individual who meets the following requirements:
 - Earned a passing score on all subtests of the Florida Educational Leadership Examination (FELE);
 - Served for at least 3 years as a commissioned or noncommissioned military officer in the U.S. Armed Forces;
 - Retired or was honorably discharged from the U.S. Armed Forces; and
 - Employed full-time in a position requiring a Florida educator certificate at a Florida public school, state-supported school, or non-public school with an DOE-approved Level II program per s. 1012.562, F.S.
- Require an DOE-approved Level II program to admit an applicant who earned a temporary certificate in educational leadership by satisfying the aforementioned requirements.
- Require the DOE to issue a permanent certificate in school principal to the individual who completed the DOE-approved Level II program and earned a temporary certificate through the aforementioned pathway.
- Allow for an instructor of junior reserve officer training under s. 1012.55(4), F.S., to receive funds provided through the Florida Teachers Classroom Supply Assistance Program per s. 1012.71, F.S.

Section 53.

Amends s. 1012.56, F.S., Educator certification requirements, to:

- Allow the DOE to extend the validity period of a temporary certificate for two years due to the military service of an applicant's spouse.
- Insert language that indicates that State Board of Education rules must authorize the DOE to extend the validity period of a temporary certificate for one year based on the certificate holder's highly effective or effective rating based on student performance per s. 1012.34(8), F.S.

Section 54.

Amends s. 1012.59, F.S., Certification fees, to:

- Allow for the waiving of initial fees for educator certification and certification examinations as well as certification renewal fees for the following individuals:
 - A member of the U.S. Armed Forces or a reserve component who is serving or has served on active duty or the spouse of the service member.
 - The surviving spouse of a member of the U.S. Armed Forces or a reserve component who was serving active duty at the time of death.

An honorably discharged veteran of the U.S. Armed Forces or a veteran of a reserve component who served on active duty and the spouse or surviving spouse of the veteran.

Section 55.

- Provides an effective date of July 1, 2018.

General Implementation Timeline:

July 1, 2018	The act becomes effective.
December 31, 2018	The Division of Career and Adult Education and the Florida College System will coordinate to make district technical centers and the Florida College System institutions aware of changes to the Veterans Employment and Training Services Programs as it relates to being a training provider.
December 31, 2018	Provide any requested support to the Division of Career and Adult Education on the development of an awareness document on apprenticeship opportunities to be shared with veterans across the state through the Florida Veterans Administration.



**HB 75 Postsecondary Fee Waivers
(CH. 2018-8, Laws of Florida)**

Bill Sponsor: Representative Ponder

Effective Date: July 1, 2018

DOE Contact: Madeline Pumariega, Chancellor, Division of Florida Colleges, (850) 245-0407

Executive Summary:

The bill authorizes a Florida College System (FCS) institution to waive certain fees for a person who is an active duty member of the U.S. Armed Forces and using military tuition assistance (MTA) provided by the U.S. Department of Defense (DOD). FCS institutions that choose to implement the fee waiver will experience a loss of fee revenues from eligible students using military tuition assistance.

Section 1.

Amends s. 1009.26, F.S., Fee waivers, to:

- Authorize FCS institutions to waive any portion of the following fees for active duty U.S. Armed Forces members who use the DOD MTA program:
 - Student activity and service fee;
 - Financial aid fee;
 - Technology fee;
 - Capital improvement fee; and
 - Any other fee authorized in s. 1009.23, F.S.
- Require FCS institution to report to the State Board of Education (SBE) the number and value of all fee waivers granted under this subsection annually.

Section 2.

- Provides an effective date of July 1, 2018.

General Implementation Timeline:

June 15, 2018	Guidance memos sent to FCS institutions.
July 1, 2018	The act becomes effective.
October, 1 2019	FCS institutions report the number and value of all fee waivers granted.



**HB 411 Public Records and Public Meetings/Firesafety Systems
(CH. 2018-146, Laws of Florida)**

Bill Sponsor: Representative Clemons

Effective Date: Upon becoming a law

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

The bill creates public record and public meeting exemptions for firesafety system plans and information relating to firesafety systems held by a state agency as defined in s. 119.011(2), F.S.,¹ that are identical to exemptions currently in law for security system plans and information relating to security systems. The bill provides for repeal of the exemptions on October 2, 2023, unless reviewed and reenacted by the Florida Legislature. The bill provides a public necessity statement as required by the State Constitution.

Section 1.

Amends s. 119.071, F.S., General exemptions from inspection or copying of public records, to:

- Make confidential and exempt from public records requirements, firesafety system plans and information relating to firesafety systems for any state owned or leased property or any of its political subdivisions and any privately owned or leased property and information relating to such systems that is held by a state agency.
- Provide for repeal of the exemptions on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Florida Legislature.

Section 2.

Amends s. 281.301, F.S., Security and firesafety systems; records and meetings exempt from public access or disclosure, to:

- Make confidential and exempt from public records requirements, firesafety system plans and information relating to firesafety systems for any state owned or leased property or any of its political subdivisions and any privately owned or leased property and information relating to such systems that are held by a state agency.
- Make exempt from public meeting requirements any portion of a meeting relating to such information.
- Provide for repeal of the exemptions on October 2, 2023, unless reviewed and reenacted by the Florida Legislature.

¹Section 119.011(2), F.S., defines “agency” to mean any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of chapter 119, F.S., the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

Section 3

Amends s. 286.0113, F.S., General exemptions from public meetings, to:

- Make confidential and exempt from public meeting requirements any portion of a meeting that would reveal a firesafety system plan or any portion thereof that is exempt from public records requirements.
- Provide for repeal of the exemptions on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Florida Legislature.

Section 4.

Provides a public necessity statement as required by the State Constitution, specifying the Florida Legislature finds that as firesafety systems become more integrated with security systems, the disclosure of sensitive information relating to firesafety systems could result in identification of vulnerabilities in the systems and allow a security breach that could damage the systems and disrupt their safe and reliable operation. The section also states that the Florida Legislature finds that the public exemptions must be given retroactive application because they are remedial in nature.

Section 5.

Provides that the bill shall take effect upon becoming a law.

General Implementation Timeline:

Upon becoming law The bill becomes effective.

October 2, 2023 Exemptions are repealed unless reviewed and saved from repeal through reenactment by the Florida Legislature.



**HB 495 K-12 Public Education
(CH. 2018-150, Laws of Florida)**

Bill Sponsor: Education Committee, Representatives Diaz, Representative Bileca

Effective Date: July 1, 2018

DOE Contact: Hershel Lyons, Chancellor, Division of Public Schools, (850) 245-0509
Linda Champion, Deputy Commissioner, Finance and Operations, 850-245-0406
Jane Fletcher, Director of Accountability and Policy Research, (850) 245-0437

Executive Summary:

The bill revises time limits for certain public employees who qualify to participate in the Deferred Retirement Option Program (DROP); modifies educator certification requirements and district school board duties relating to school safety, and prohibits misconduct by authority figures against students; promotes opportunities for public middle and high school students to learn computer science taught by qualified teachers; and modifies end-of-course statewide assessment requirements for certain students.

Section 1.

Amends s. 121.091, F.S., as it pertains to the Deferred Retirement Option Program (DROP), to:

- Require, beginning July 1, 2018, instructional personnel who are authorized to extend DROP beyond the 60-month period to have a termination date that is the last day of the last calendar month of the school year within the DROP extension granted by the employer.
 - Authorizes a member's DROP participation to be extended through the last day of the last calendar month of the school year if, on July 1, 2018, the member's DROP participation has already been extended for the maximum 36 calendar months and the extension period concludes before the end of the school year.
 - Employers are to notify the Division of Retirement of the change in termination date and the additional DROP participation period for the affected instructional personnel.
- Require administrative personnel in grades K-12, as defined in s. 1012.01(3), F.S., who have a DROP termination date on or after July 1, 2018, to be authorized to extend DROP participation beyond the initial 60 calendar month period if the administrative personnel's termination date is before the end of the school year.
 - Provides for members to have their DROP participation extended until the last day of the last calendar month of the school year in which their original DROP termination date occurred if a date other than the last day of the last calendar month of the school year is designated.
 - Employers are to notify the DOR of the change in termination date and the additional period of DROP participation for the affected administrative personnel.

Section 2.

Provides that the Florida Legislature finds a proper and legitimate state purpose is served when employees and retirees of the state and its political subdivisions are extended the basic protections afforded by governmental retirement systems. These persons, and their dependents, survivors and beneficiaries, must be provided benefits that are fair, adequate and managed in an actuarially sound manner. Therefore, the legislature determines that the amendments to s. 121.091, F.S., fulfill an important state interest.

Section 3.

Amends s.1007.2616, F.S., Computer science and technology instruction, to:

- Define “computer science” as the study of computers and algorithmic processes, hardware and software, applications, their impact on society, and coding and programming.
- Require middle as well as high schools to offer computer science courses. The courses must be integrated into middle, high and combination schools in which any of grades 6-12 are taught.
- Require that computer science courses are identified in the course code directory (CCD) and published on the department’s website by July 1, 2018. Additional courses may be subsequently identified and added.
- Require Florida Virtual School (FLVS) to offer the computer science courses identified in the CCD. Districts who do not offer the computer science courses identified in the CCD must provide their students access through FLVS or through other avenues.
- Require the State Board of Education to adopt rules to administer this section.

Section 4.

Creates s. 800.101, F.S., Offenses against students by authority figures, to:

- Define the terms authority figure, school and student relative to the criminal charge.
- Prohibit an authority figure from soliciting or engaging in sexual conduct, a relationship of a romantic nature, or lewd conduct with a student.
- Make violation of this section a second degree felony.
- Clarify persons charged under s. 775.0862, F.S., and subject to reclassification and may not also be charged under this section.

Section 5.

Amends s. 810.097, F.S., Trespass upon grounds or facilities of a school; penalties; arrest, to:

- Include a school bus within the definition of school grounds.

Section 6.

Amends s. 1001.42, F.S., Powers and duties of district school board, to:

- Require that school district policies include the requirement for all instructional personnel and school administrators to complete training on the standards of ethical conduct as adopted by the district and the obligation to report alleged misconduct by instructional personnel and school administrators, including misconduct that involves engaging in or soliciting, sexual, romantic or

lewd conduct with a student, or conduct that would result in disqualification from educator certification as provided in s. 1012.315, F.S.

- Require district policies to include the requirement the district school superintendent must to report to law enforcement misconduct by instructional personnel or school administrators that would result in disqualification from educator certificate or employment as provided in s. 1012.315, F.S.
- Provide for forfeiture of one year's salary of any elected or appointed school board official who knowingly fails to adopt policies to require a district school superintendent to report to the law enforcement agency with jurisdiction, any misconduct by instructional personnel or school administrators that would result in disqualification from educator certificate or employment as provided in s. 1012.315, F.S.

Section 7.

Amends s. 1001.51, F.S., Duties and responsibilities of district school superintendent, to:

- Include in the reasons for forfeiture of a superintendent's salary, the superintendent knowingly failing to report misconduct to the law enforcement agencies with jurisdiction over the misconduct.

Section 8.

Amends s. 1012.27, F.S., Public school personnel; powers and duties of district school superintendent, to:

- Require notification to the parent of a student subject to or affected by educator misconduct within 30 days after the date the school district learns of the misconduct.
- Inform parents of substantiated misconduct by the educator, if any; whether the district reported the misconduct to the department in accordance with s. 1012.796, F.S.; sanction imposed against the educator, if any; and the support the school district will make available to the student in response to the misconduct.
- Require employment history checks be conducted on any person in a position of direct student contact.

Section 9.

Amends s. 1012.31, F.S., Personnel files, to:

- Require an employee's personnel file clearly indicate if the employee resigned or was terminated before the conclusion of any investigation related to the health, safety or welfare of a student.
- Require the school district to fulfill its duty to report legally sufficient complaints to the department within 30 days of knowledge of the incident, regardless of whether the employee resigns or is terminated.

Section 10.

Amends s. 1012.315, F.S., Disqualification from employment, to:

- Make ineligible for employment in any position of direct contact with students in a district school system, charter school or private school that accepts scholarship students under s. 1002.39, F.S., or s. 1002.395, F.S., any person who has been convicted of any of the criminal charges listed in this section.

- Include in the list of disqualifying offenses the criminal charge related to offenses against students by authority figures (s. 800.101, F.S.)

Section 11.

Amends s. 1012.56, F.S., Educator certification requirements, to:

- Clarify the department may deny an educator certificate for the same reasons the Education Practices Commission (EPC) is authorized to discipline a certified educator.
- Clarify the disciplinary actions the EPC may issue against an applicant for certification.

Section 12.

Amends s. 1012.795, F.S., Education Practices Commission; authority to discipline, to:

- Clarify the educator certificate of any instructional personnel or school administrators may be suspended by the commission.
- Expand the reasons the EPC may impose penalty by adding:
 - engaging in or soliciting sexual, romantic or lewd conduct with a student or minor within the definition of gross immorality or an act of moral turpitude.
 - having an educator certificate or any other professional license sanctioned by Florida or any other state, including revocation, suspension, denial, consent order, stipulation, relinquishment or other settlement.
 - having adjudication withheld on a misdemeanor, felony or other criminal charge, other than a minor traffic violation.
 - pleading nolo contendere to a misdemeanor, felony or other criminal charge, other than a minor traffic violation.
 - violating test security as provided in s. 1008.24, F.S.
- Revise the types of criminal pleas and dispositions required to be reported by each district school superintendent, the governing authority of each university lab school, each state-supported school, private school and the Florida High School Athletic Association to the department to include a person found guilty, who has had adjudication withheld, or who has pled guilty or nolo contendere to a misdemeanor, felony or other criminal charge, other than a minor traffic violation.
- Remove from the reporting requirement, those non-certified persons employed in accordance with s. 1012.39, F.S.

Section 13.

Amends s. 1012.796, F.S., Complaints against teachers and administrators; procedure; penalties to:

- Require each school district to file in writing a legally sufficient complaint with the department within 30 days of knowledge of the complaint, regardless of whether the employee (subject of the complaint) is still employed by the district.
- Require each school district to immediately notify the department if the subject of a legally sufficient complaint regarding the health, safety or welfare of a student resigns or is terminated before conclusion of the school district's investigation.

- Require the department to place a notification on the certification file of the educator who resigns or is terminated before conclusion of an investigation involving allegations related to the health, safety or welfare of students.
- Require an educator on EPC probation to immediately notify the investigative office upon employment and separation from employment.

Section 14.

Amends s. 1008.22, F.S., Student assessment program for public schools, to:

- Provide that students enrolled in Advanced Placement, International Baccalaureate or Advanced International Certificate of Education courses who earn the score necessary on the associated exam to earn college credit do not have to take the end-of-course assessment for the corresponding course.

Section 15.

Sections 1 and 2 of the act will take effect July 1, 2018. Section 3 will take effect upon the act becoming a law. Sections 4 and 5 will take effect October 1, 2018.

General Implementation Timeline:

Upon becoming a law	Section 3 takes effect.
July 1, 2018	Sections 1-2 and 6-14 take effect.
July 1, 2018	Computer science courses must be identified in the CCD and published on the department's website.
October 1, 2018	Sections 4 and 5 take effect.



**HB 577 High School Graduation Requirements
(CH. 2018-154, Laws of Florida)**

Bill Sponsor: Representative Silvers, Representative Duran

Effective Date: July 1, 2018

DOE Contact: Rod Duckworth, Chancellor, Division of Career and Adult Education (850) 245-9047

Executive Summary:

The bill authorizes students to use credit earned upon completion of an apprenticeship or a preapprenticeship program to satisfy specified high school graduation requirements. It also requires the State Board of Education (SBE) to identify and approve registered apprenticeship and preapprenticeship programs.

Section 1.

Amends s. 1003.4282, F.S., Requirements for a standard high school diploma, to:

- Allow students who earn credit upon completion of an apprenticeship or preapprenticeship program registered with the Department of Education under chapter 446 to use this credit to satisfy the high school graduation credit requirements in paragraph 3 (e) or paragraph 3 (g) of this statute.
- Require the SBE to approve and identify the apprenticeship and preapprenticeship programs from which earned credit may be used.

Section 2.

- Provides an effective date of July 1, 2018.

General Implementation Timeline:

July 1, 2018	The act becomes effective.
April 30, 2019	Designate pre-apprenticeship courses as satisfying the fine or performing arts requirement in the Course Code Directory.



HB 651 State Employment
(CH. 2018-57, Laws of Florida)

Bill Sponsor: Representative Yarborough

Effective Date: July 1, 2018

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, 850-245-0406

Executive Summary:

This bill repeals s. 110.181, F.S., to eliminate the Florida State Employees' Charitable Campaign, and creates 110.182, F.S., to prohibit an organization, an entity, or a person, from intentionally soliciting state employees for fundraising or business purposes, within specified areas during specified times, and providing exceptions.

Section 1.

Repeals s. 110.181, F.S., Florida State Employees' Charitable Campaign.

Section 2.

Creates s. 110.182, F.S., Solicitation of state employees is prohibited, to:

- Provide that no organization, entity, or person may intentionally solicit a state employee through any means for fundraising or business purposes within work areas during work hours. However, this section does not prohibit the following:
 - State-approved communications by entities with whom the state has contracted to provide employee benefits or services.
 - Non-coercive voluntary communications between state employees in workplace areas.
 - Activities at authorized public events occurring in non-work areas of state-owned or leased facilities.

Section 3.

Provides for the act to take effect July 1, 2018.

General Implementation Timeline:

July 1, 2018 The act becomes effective.



HB 731 Home Education
(CH. 2018-134, Laws of Florida)

Bill Sponsor: Education Committee and PreK-12 Innovation Subcommittee and Representative Sullivan

Effective Date: July 1, 2018

DOE Contact: Adam Miller, Office of Independent Education and Parental Choice, (850) 245-0502
Madeline Pumariega, Chancellor, Division of Florida Colleges, (850) 245-0407

Executive Summary:

The bill modifies requirements related to home education programs, school attendance, and the Florida Partnership for Minority and Underrepresented Student Achievement.

Section 1.

Amends s. 1002.41, F.S., Home education programs, to:

- Clarify that a home education program is not a school district program and home education students register with the district only for the purpose of complying with state compulsory attendance laws.
- Specify that a "parent" is defined as either both parents of a student, any guardian of a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in place of the parent pursuant to s. 1000.21, F.S.
- Require a home education intent to include the student's full legal name.
- Require the district to accept and immediately register home education programs upon receipt of notice.
- Prohibit districts from requiring additional information from home education parents unless the student chooses to participate in a school district program.
- Prohibit districts from assigning a grade level to home education students or including their social security number or any other personally identifiable information of the student in any school district or state database unless the student is participating in a school district program or service.
- Clarify the required written notice of termination of a home education program must be filed by the parent and include a copy of the student's annual evaluation.
- Clarify that the parent determines the contents of a home education portfolio and that it must be made available for inspection by the district, if requested.
- Allow districts to provide access to career and technical courses and programs for a home education student who enrolls in a public school solely for said courses and programs. Districts shall report and receive funding for these home education students enrolled in the career and technical courses and programs.
- Require districts to offer industry certifications, national assessments and statewide, standardized assessments to home education students.



- Require districts to notify home education students of the available certifications and assessments, including the date, time and locations for the administration of each certification and assessment and the deadline for notifying the school district of the student's intent to participate and student's preferred location.
- Prohibit districts from further regulating or requiring further documentation from parents of home education programs beyond what is listed in s. 1002.41, F.S.

Section 2.

Amends s. 1003.21, F.S., School attendance, to:

- Allow district school superintendents to require evidence of the age of a child only if they are being enrolled in the public school.
- Provide that districts are not permitted to require evidence of a child's age if they are meeting compulsory attendance in:
 - A parochial, religious or denominational school;
 - A private school supported in whole or in part by tuition charges or by endowments or gifts;
 - A home education program that meets the requirements of chapter 1002 F.S.; or
 - A private tutoring program that meets the requirements of chapter 1002 F.S.

Section 3.

Amends s. 1003.26, F.S., Enforcement of school attendance, to:

- Allow district superintendents to refer cases of nonenrollment to the child study team at the student's zoned school or to the case staffing committee. The child study team shall diligently facilitate intervention services and report the case back to the superintendent only when all reasonable efforts to resolve the nonenrollment behavior are exhausted. The superintendent shall take necessary steps to bring criminal prosecution against the parent if the parent still refuses to cooperate or enroll the child in school.

Section 4.

Amends s. 1003.27, F.S., Court procedure and penalties, to:

- The bill clarifies that districts must comply with the steps to pursue truant students outlined in s. 1003.26, F.S. prior to pursuing criminal prosecution against the student's parent.

Section 5.

Amends s. 1002.385, F.S., The Gardiner Scholarship, to:

- Correct statutory referencing pertaining to the Gardiner Scholarship Program.

Section 6.

Amends s. 1007.35, F.S., Florida Partnership for Minority and Underrepresented Student Achievement, to:

- Renames preliminary ACT to PreACT.



- Specify that ACT and PreACT assessment data may be used for the purpose of the Department of Education providing access to student and teacher information necessary to match against databases containing professional development data and databases containing assessment data.

General Implementation Timeline:

July 1, 2018

The Act becomes effective.



**HB 1091 Early Learning
(Ch. 2018-136, Laws of Florida)**

Bill Sponsor: PreK-12 Appropriations Subcommittee ; PreK-12 Quality Subcommittee

Effective Date: July 1, 2018

DOE Contact: Elizabeth Moya, Director of Legislative Affairs, Office of Early Learning, (850) 717-8662

Executive Summary:

The bill revises provisions relating to the Office of Early Learning, Early Learning Coalitions, & school readiness program.

Section 1.

Amends s. 1002.81, F.S., Definitions, to:

- Revise “at-risk” definition related to children of victims of domestic violence to include those children that are receiving services through a domestic violence center.

Section 2.

Amends s.1002.82, F.S., Office of Early Learning; powers and duties, to:

- Revise the powers and duties of the Office of Early Learning (OEL) to: entity observation-based child assessments which can be used three times a year, meet certain requirement and provide data in format for use in single statewide system.
- Include the following conditions in the School Readiness Standard Statewide Provider Contract:
 - Contracted Slots, if applicable
 - Quality Improvement strategies, if applicable
 - Program assessment requirements
 - Termination for cause based on failure to meet minimum quality measures.
- Adopt a program assessment for children birth to five that includes quality measures for minimum contracting purposes, and requirements for program participation.
- Develop differential payment based on quality measures.
- Develop functionality in the statewide information system to:
 - Allow parents to monitor the development of his or her child as the child moves between programs within the state.
 - Enable analysis at the state, regional and local level to measure child growth over time, program impact and quality improvement and investment decisions

- Change OEL's Annual report to include:
 - Number of providers that have completed program assessment
 - Number of providers who have not met minimum threshold for contracting
 - Number of providers that have an active improvement plan based on the results of the program assessment.

Section 3.

Technical changes to citations.

Section 4.

Amends s. 1002.85, F.S., Early learning coalition plans, to:

- Add requirements to the Early Learning Coalition Plan to include:
 - Local eligibility priorities
 - Use of contracted slots as applicable based on assessment
 - Quality improvement strategies that strengthen teaching practices and increase child outcomes
 - An assessment of local priorities within the county or multi-county region based on the needs of families and provider capacity using available community data.

Section 5.

Amends s. 1002.87, F.S., School readiness program; eligibility and enrollment, to:

- Allow for Early Learning Coalitions to prioritize eligibility categories three through nine based on the local priorities identified in their community needs assessment.

Section 6.

Amends s. 1002.88, F.S., School readiness program provider standards; eligibility to deliver the school readiness program, to:

- Require providers to participate in the program assessment.

Section 7.

Amends s. 1002.89, F.S., School readiness program; funding, to:

- Allow for grants and financial support to assist providers in meeting program assessment requirements.

Section 8.

Technical changes to citations.

**Section 9.**

Provides \$6 million nonrecurring funds from the Child Care and Development Block Grant Trust Fund funds to implement the program assessment requirements

General Implementation Timeline:

April 2018 - January 2019 – Rules promulgation

April 2018 – June 2018 – Procurement of assessment tools and program observation tool

June 2018 - January 2019 – Internal document revisions

June 2018 - March 2019 – Program assessment observations

July 1, 2019 – Date for provider compliance



**HB 1201 Education for Prisoners
(CH. 2018-104, Laws of Florida)**

Bill Sponsor: Representative Ahern and Representative Lee

Effective Date: July 1, 2018.

DOE Contact: Madeline Pumariega, Chancellor, Division of Florida Colleges, (850) 245-0407
Rod Duckworth, Chancellor, Division of Career and Adult Education, (850) 245-9047

Executive Summary:

The bill amends ss. 944.801 and 951.176, F.S., to authorize a county or the Department of Corrections (DOC) to contract with a district school board, the Florida Virtual School, or a charter school to provide educational services in the Correctional Educational Program to its inmates. The educational services may include any educational, career, or vocational training. The bill also amends s. 1011.80, F.S., allowing state funding for postsecondary workforce programs to be used for the education of inmates with less than 24 months of time remaining on his or her sentence.

Section 1.

Amends s. 944.801, F.S., Education for state prisoners, to:

- Authorize DOC to contract with a district school board, the Florida Virtual School, or a charter school to provide educational services in the Correctional Education Program.
- Define the education services that may be provided to include any educational, career, or vocational training authorized by the DOC.

Section 2.

Amends s. 951.176, F.S., Provision of education, to:

- Authorize counties to contract with a district school board, the Florida Virtual School, or a charter school to provide educational services for inmates at county detention facilities. Such services may include educational, career, or vocational training authorized by the county sheriff or chief correctional officer.

Section 3.

Amends s. 1011.80, F.S., Funds for operation of workforce education programs, to:

- Remove the outright prohibition on using postsecondary workforce program funds to educate prisoners.



- Permit postsecondary workforce program funds to be used for the education of state inmates who have two years or less remaining on their sentences.
- Retain the prohibition against using program funds to educate state inmates with more than two years remaining on their sentences and federal inmates.

Section 4.

- Provides an effective date of July 1, 2018.

General Implementation Timeline:

July 1, 2018	The Act becomes effective.
December 31, 2018	The Division of Career and Adult Education and the Florida College System will coordinate to make district technical centers and the Florida College System institutions aware of the change prohibiting state funds provided for the operation of postsecondary workforce programs from being expended for the education of state inmates with more than 24 months of time remaining on their sentence.

**HB 1279 School District Accountability
(CH. 2018-5, Laws of Florida)**

Bill Sponsors: Representative Sullivan, Education Committee, Pre-K–12 Appropriations

Effective Date: Except for section 21 and except for s. 1011.051(2)(b), F. S., as amended by this act, which shall take effect July 1, 2018, this act shall take effect July 1, 2019.

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

The bill relates to school district fiscal accountability and revises the duties of the Auditor General, Office of the Inspector General, school district superintendents, Ethics Commission and DOE. To increase fiscal transparency of educational spending, the bill requires school boards to provide financial efficiency data and trend information, and to provide a full explanation of, and approve, any budget amendment at the boards' next public meeting. The DOE is required to develop a web-based tool that identifies schools and districts with high academic achievement based on per pupil expenditures. The bill contains specific requirements to increase fiscal accountability, including provisions to require school districts to promptly correct audit findings and reduce expenditures in response to a decrease in revenue.

Section 1.

Amends s. 11.45, F.S., relating to duties of the Auditor General (AG), to:

- Require the AG to contact the district school board with the findings and recommendations contained in the AG's operational audit report.
- Require the district school board to provide the AG with evidence that corrective action has been initiated within 45 days of the AG's request for the correction action.
- Require the district school board to provide evidence that the corrective action will be completed within 180 days of the AG's request.
- Require the AG to notify the Legislative Auditing Committee of the district school board's failure to comply with the required corrective action timeframe.

Section 2.

Amends s. 112.313, F.S., Standards of conduct for public officers, employees of agencies, and local government attorneys, to:

- Add appointed superintendents of a school district to the list of persons elected to any county, municipal, special district, or school district office who are prohibited from lobbying for a period of two years after vacating office.

Section 3.

Amends s. 112.31455, F.S., Collection methods for unpaid automatic fines for failure to timely file disclosure of financial interests, to:

- Expand the list of governing bodies requiring disclosure of financial interests to include current public officers and current public employees of the district school boards.
- Require the Ethics Commission to determine whether an individual owing a fine for failure to timely file a disclosure of financial interest is a current public officer or public employee of a district school board.
- Require the district school board to begin withholding the lesser of 10 percent or the maximum allowed under federal law from any salary related payment in an effort to collect unpaid fines for failure to timely file the disclosure of financial interest. Permit the district school board to retain a certain amount of each withheld payment, as provided in s. 77.0305, F.S., to cover the administrative costs incurred by this section.

Section 4.

Amends s. 1001.20, F.S., Department under direction of state board, to:

- Expand the activities of the Office of Inspector General within the DOE, to include investigations of alleged or reported possible fraud or abuse against a district school board made by any Cabinet member, presiding Officer of either house of the Florida Legislature, chair of substantive or appropriations committee with jurisdiction or member of the district school board.

Section 5.

Amends s. 1001.39, F.S., District school board members; travel expenses, to:

- Require, prior to reimbursement of travel expenses, a confirmation and approval that the board members' travel expenses exceeding \$500 are for official school district business and comply with the rules of the State Board of Education.
- Require an itemized list detailing all anticipated travel expenses, including, but not limited to, all means of travel, lodging and subsistence for out-of-state travel requests.
- Require that the public have an opportunity to speak about the specific travel agenda item immediately preceding the out-of-state travel request.

Section 6.

Amends s. 1001.395, F.S., District school board members; compensation, to:

- Delete fiscal year 2010-11 from this section addressing the method for determining the salary of each district school board member.

Section 7.

Amends s. 1001.42, F.S., Powers and duties of district school board, to:

- Require that adopted policies for ethical conduct apply to the administrative personnel and school officers.
- Require the administrative personnel and school officers to complete training on ethics standards, and establish their duty and procedures to report alleged misconduct of other administrative personnel and school officers that affect the health, safety or welfare of a student.

- Disallow a district school board from entering into a confidentiality agreement about terminated or dismissed administrative personnel and school officers in lieu of termination based in whole or part on misconduct that affects the health, safety, or welfare of a student.
- Disallow a district school board from providing employment references or discussing the school officers' performance with prospective employers' in an educational setting without disclosing the officers' misconduct.
- Require contract or agreements with administrative personnel or school officers for the purpose or concealing misconduct that affects the health, safety or welfare of a student to be void and unenforceable.
- Disqualify administrative personnel from employment in any position that requires direct contact with students, if the administrative personnel are ineligible for employment according to s. 1012.315, F.S.
- Require an elected or appointed school board official to forfeit his or her salary for one year, if the board official knowingly signs and transmits any state official a report of alleged misconduct by administrative personnel that affects the health, safety, or welfare of a student and the school board knows the report to be false or incorrect.
- Disqualify the school board official from employment who knowingly fails to adopt policies requiring the administrative personnel to report alleged misconduct by other administrative personnel, or require an investigation of all reports of alleged misconduct by administrative personnel if the misconduct affects the health, safety or welfare of a student.
- Require that any proposed, tentative and official budget documents, including all supporting and background information, are provided to an individual school board member, upon request.
- Require the school district to employ an internal auditor when the school district receives in excess of \$500 million annually, in federal, state and local funds.
- Require the scope of the internal auditor to include every functional and program area of the school system without restriction.
- Require the internal auditor to perform a comprehensive risk assessment of all areas of the school system every five years and perform other audits and reviews as the district school board directs for determining:
 - The adequacy of internal controls designed to prevent and detect fraud, waste and abuse.
 - Compliance with applicable laws, rules, contracts, grant agreements, district school board-approved policies and best practices.
 - The efficiency of operations.
 - The reliability of financial records and reports.
 - The safeguarding of assets.
 - Financial solvency.
 - Projected revenues and expenditures.
 - The rate of change in the general fund balance.
- Require the internal auditor to prepare audit reports of his or her findings and report directly to the district school board or its designee.

- Apply the provisions of s. 11.47(3) and (4), F.S., to any person responsible for furnishing or producing any book, record, paper, document, data, or sufficient information necessary to conduct a proper audit or examination where the internal auditor is authorized by law to perform.
- Delete the term school administrators and insert administrative personnel in s. 1001.42,(17), F.S.

Section 8.

Amends s. 1010.20, F.S., Cost accounting and reporting for school districts, to:

- Clarify that each district shall report “to the department” expenditures on a school-by-school and aggregate district basis.
- Require the department to categorize all public schools and districts into groups based primarily on average full-time equivalent student enrollment as reported on the most recent student membership survey under s. 1011.62, F.S., and in state board rule to determine groups of peer schools and districts.
- Require the department to calculate annually for each public school, district and entire state the percentage of classroom expenditures to total operating expenditures and categorize the results pursuant to groups established by s. 1010.20(c), F.S.
- Require the department to calculate for all public schools, districts, and the state the average percentage of classroom expenditures to total operating expenditures for all public schools, districts and the state.
- Require the department to develop a web-based fiscal transparency tool that identifies public schools and districts that produce high academic achievement based on the ratio of classroom instruction expenditures to total expenditures.
- Require the fiscal transparency tool to combine the data calculated pursuant to s. 1012.34(7), F.S., to determine the financial efficiency of each public school and district.
- Require the fiscal transparency tool to display the results of the calculations in an easy to use format that permits users to compare performance among public schools and districts.

Section 9.

Amends s. 1010.30, F.S., Audits required, to:

- Replace the term “finding” with “deficiency or material weakness” as it relates to required audits of school districts, Florida Collage System institutions and other institutions and agencies under the supervision of the State Board of Education and state universities under the supervision of the Board of Governors.
- Require, in the audit overview, a description of the corrective action to be taken and a timeline for completion of such described action.

Section 10.

Amends s. 1011.01, F.S., Budget system established, to:

- Replace ss. 200.065 and 1011.64, F.S., with s. 200.065, F.S.

Section 11.

Amends s. 1011.03, F.S., Public hearings; budget to be submitted to Department of Education, to:

- Delete reference to s. 1011.64, F.S., which is repealed.

Section 12.

Amends s. 1011.035, F.S., School district budget transparency, to:

- Replace the term “budget” with “fiscal” in the section title, thus changing the title to: School district fiscal transparency.
- Require the school district to post online the following graphical representations for each public school within a district and for the school district:
 - Summary financial efficiency data.
 - Fiscal trend information for the previous three years for:
 - Ratio of full-time equivalent students to full-time equivalent instructional personnel.
 - Ratio of full-time equivalent students to full-time equivalent administrative personnel.
 - Total operating expenditures per full-time equivalent student.
 - Total instructional expenditures per full-time equivalent student.
 - General administrative expenditures as a percentage of total budget.
 - Rate of change in the General Fund’s ending fund balance not classified as restricted.
 - A link to the web-based fiscal transparency tool developed by the department pursuant to s. 1010.20, F.S., enabling taxpayers to evaluate financial efficiency of the school district with other similarly situated school districts.

Section 13.

Amends s. 1011.051, F.S., Guidelines for general funds, to:

- Require the superintendent to reduce the district’s administration expenses reported, pursuant to s. 101.215.(4)(a), F.S., in proportion to the reduction in the General Fund’s ending balance or the reduction in student enrollment, whichever is greater, if a financial condition exists for two consecutive years where the General Fund balance is below 3 percent of the projected General Fund revenues.
- Require, when a financial condition identified in s. 218.503(1), F.S., existed in the 2015-16 school year, or thereafter, that the department contract with an independent third party to conduct an investigation of all accounts and records to determine the cause of deficit, the efforts made to avoid the deficit and whether any conditions identified in s. 1011.10, F.S., have occurred.
- Require the investigation to include a detailed review and analysis of documents, records, including, but not limited to budget reports, journal entries, budget methodologies, staff emails, hard-copy records, monthly financial statements, quarterly revenue and expenditure reports, finance staff job descriptions, and minutes from meetings.
- Require that the results from the investigation must include recommendations for corrective action and controls to avoid a reoccurrence of future budget shortfall.

- Require contracted independent third party to provide a final report to the district school board, the department, the Legislative Auditing Committee and the district's financial emergency board.

Section 14.

Amends s. 1011.06, F.S., Expenditures, to:

- Require the school board to comply with s. 1011.09(4), F.S., when establishing a policy that allows expenditures to exceed the budgeted amount by function and object.
- Require the school board to amend the budget at the next scheduled public meeting and provide full explanation for any amendments at the public meeting.

Section 15.

Amends s. 1011.09, F.S., Expenditure of funds by district school board, to:

- Prohibit a district school board from making expenditures for travel outside of the district, cellular phones, cellular phone service, personal digital assistants, or any other mobile wireless communication device or service, including text messaging, whether through purchasing, leasing, contracting, or any other method, if any of the financial conditions in s. 1011.051, F.S., exist.

Section 16.

Amends s. 1011.10, F.S., Penalty, to:

- Add subsection 3, which requires withholding the salary of each district school board member and superintendent whose salary is calculated pursuant to ss. 1001.395 and 1001.47, F.S., until any financial conditions identified in s. 218.503(10), F.S. are corrected.
- Provide that the salaries of board members or superintendents appointed or elected within one year after the identification of the financial conditions in s. 218.503(10), F.S., are excluded from the being withheld if they did not participate in preparing or approving the final adopted school district budget.

Section 17.

Amends s. 1011.60, F.S., Minimum Requirements of the Florida Education Finance Program, to delete subsection 8, Minimum Classroom Expenditure Requirements.

Section 18.

Repeals s. 1011.64, F.S., School district minimum classroom expenditure requirements.

Section 19.

Amends s. 1012.23, F.S., School district personnel policies, to:

- Prohibit the district school superintendent from appointing or employing a relative, as defined by s. 112.3135, F.S., to work under the direct supervision of that district school board member or district school superintendent.
- Exclude, from the provisions of this section, employees appointed and employed before the election or appointment of a school board member or district school superintendent.



- Require the Commission on Ethics to accept and investigate any alleged violations of this section pursuant to the procedures contained in ss. 112.322-112.3241, F.S.

Section 20.

Amends s. 1002.395, F.S., Florida Tax Credit Scholarship Program, to:

- Replace s. 11.45(2)(k), F.S., with s. 11.45(2)(1), F.S.

Section 21.

Provides \$100,000 in nonrecurring funds from the General Revenue Fund to DOE to implement provisions of s. 1011.051(2)(b), F.S., as amended by this act, contingent upon CS/HB 7055 or similar legislation failing to become law for the 2018-19 fiscal year.

Section 22.

The act becomes effective July 1, 2019, except for section 21 of the act and s. 1011.051(2)(b), F.S., as amended by this act, which take effect July 1, 2018.

General Implementation Timeline:

- July 1, 2018** Contingent upon CS/HB 7055 or similar legislation failing to become law, \$100,000 is appropriated to the department to contract with an independent third party who will perform investigations of the school districts with financial conditions identified in s. 218.503(1), F.S., which existed in the 2015-16 school year or thereafter. See section 13 of the act.
- July 1, 2019** All other sections of the act become effective.



HB 1337 Nursing
(CH. 2018-106, Laws of Florida)

Bill Sponsor: Representative Pigman, Health Quality Subcommittee

Effective Date: October 1, 2018

DOE Contact: Madeline Pumariega, Chancellor, Division of Florida Colleges, (850) 245-0407
Samuel L. Ferguson, Executive Director, Commission for Independent Education, (850) 245-3200

Executive Summary:

The bill repeals s. 464.0115, F.S., removing the certification process for clinical nurse specialists (CNS), instead including CNS as a category of Advanced registered nurse practitioner (ARNP) in s. 464.012, F.S. A person currently certified as a CNS will have to practice pursuant to a written protocol with a physician, and meet all the same licensing requirements as an ARNP, including maintaining professional liability coverage. An ARNP must still hold a license as a registered nurse to be licensed as an ARNP. The bill amends numerous sections of Florida Statutes, to change the term “advanced registered nurse practitioner” to “advanced practice registered nurse” (APRN), as recommended for uniformity by The National Council of State Boards of Nursing.

Section 2.

Repeals s. 464.0115, F.S., to:

- Remove the separate certification for CNS.

Section 3.

Amends s. 464.012, F.S., Licensure of advanced practice registered nurses; fees; controlled substance prescribing, to:

- Authorize Department of Health (DOH) to license, rather than certify, APRNs,
- Categorize a CNS as an APRN,
- Require a CNS to establish a written protocol with a physician,
- Require a CNS to obtain professional liability coverage, and
- Require DOH and the Board of Nursing to establish a transition process and timeline for ARNPs and CNSs who are certified in good standing to convert to an APRN license.

General Implementation Timeline:

October 1, 2018 The Act becomes effective.

**SB 1392 Prearrest Diversion Programs
(CH. 2018-127, Laws of Florida)****Bill Sponsor:** Senator Brandes**Effective Date:** July 1, 2018**DOE Contact:** Rod Duckworth , Chancellor, Division of Career and Adult Education, (850) 245-9047
Madeline Pumariega, Chancellor, Division of Florida Colleges, (850) 245-0407

Executive Summary:

The bill permits local communities and public or private educational institutions to adopt a model prearrest diversion program for adults and provides guidelines for the establishment of such programs for certain offenders. While this legislation does not mandate a particular type of prearrest diversion program, it does describe a model program which may be adopted by the local community and public or private educational institutions.

Section 3.

Amends s. 901.41, F.S., Prearrest diversion programs, to:

- Require two prearrest diversion programs be established in each judicial circuit, one for adults and one for juveniles.
- Encourage local communities and public or private educational institutions to implement prearrest diversion programs that provide certain adults who fulfill specified intervention and community service obligations the opportunity to avoid an arrest record.
- Require the Department of Juvenile Justice (DJJ) to develop and provide guidelines for best practice models to the judicial circuits to use as a resource in developing and refining the circuit-wide programs.

Section 55.

Provides an effective date of July 1, 2018

General Implementation Timeline:

July 1, 2018	The act becomes effective.
December 31, 2018	The Division of Career and Adult Education and the Florida College System will coordinate to make district technical centers and the Florida College System institutions aware of the model prearrest diversion program.



HB 1437 Employment Services for Persons with Disabilities
(CH. 2018-72, Laws of Florida)

Bill Sponsor: Representative Abruzzo

Effective Date: July 1, 2018

DOE Contact: Allison Flanagan, Director, Division of Vocational Rehabilitation, (850) 245-3285
Robert Doyle, Director, Division of Blind Services, (850) 245-0331

Executive Summary:

This bill creates s. 413.015, and s. 413.209, F.S., to provide that participants in an adult or youth work experience activity administered by the Department of Education Divisions of Blind Services and Vocational Rehabilitation shall be considered state employees for workers' compensation purposes.

Section 1.

Creates s. 413.015, F.S., to:

- Provide that Florida Department of Education, Division of Blind Services participants in an adult or youth work experience activity shall be deemed employees of the state for purposes of workers' compensation coverage.

Section 2.

Creates s. 413.209, F.S., to:

- Provide that Florida Department of Education, Division of Vocational Rehabilitation participants in an adult or youth work experience activity shall be deemed employees of the state for purposes of workers' compensation coverage.

Section 3. Provides for the act to take effect July 1, 2018.

General Implementation Timeline:

July 1, 2018 The act becomes effective.

Dates to be determined: The Division of Blind Services in conjunction with the Division of Vocational Rehabilitation and others will work to establish implementation activities to include:

- Updating agency policies and procedures.
- Notifying community partners about the new law.
- Developing and conducting training for employment placement staff and Community Rehabilitation Partners to ensure Staff and CRPs are equipped with tools for informing businesses about new law.
- Developing a marketing campaign.



**SB 1940 Public Records and Public Meetings/School Safety
(CH. 2018-1, Laws of Florida)**

Bill Sponsor: Senator Galvano

Effective Date: March 9, 2018

DOE Contact: Matt Mears, General Counsel, Office of the General Counsel, (850) 245-0442

Executive Summary:

The bill creates public records exemptions for the identity of a reporting party and any information that is received through the mobile suspicious activity reporting tool and held by FDLE, law enforcement agencies, or school officials; and for information that would identify whether a particular individual has been appointed as a school safety officer and that is held by a law enforcement agency, school district, or charter school. It creates an exemption from public meetings requirements for portions of meetings of the Marjorie Stoneman Douglas High School Public Safety Commission at which exempt or confidential/exempt information is discussed. The bill provides public necessity statements as required by the State Constitution.

Section 1.

Amends s. 943.082, F.S., School Safety Awareness Program, to:

- Make confidential and exempt from public records requirements the identity of the reporting party received through the mobile suspicious activity tool that is held by the Florida Department of Law Enforcement, law enforcement agencies, or school officials.
- Make exempt from public records requirements any other information received through the mobile suspicious activity tool that is held by the Florida Department of Law Enforcement (FDLE), law enforcement agencies, or school officials.
- Provide for the repeal of this subsection on October 2, 2023, unless reviewed and saved from repeal by the Legislature.

Section 2.

Amends s. 943.687, F.S., Marjory Stoneman Douglas High School Public Safety Commission, to:

- Provide that any portion of a meeting of the Marjory Stoneman Douglas High School Public Safety Commission at which exempt or confidential/exempt information is discussed is exempt from open meeting requirements.
- Provide for the repeal of this subsection on October 2, 2023, unless reviewed and saved from repeal by the Legislature.

Section 3.

Amends s. 1006.12, F.S., School resource officers and school safety officers, to:

- Provide that any information that would identify whether a particular individual has been appointed as a safe-school officer and that is held by a law enforcement agency, school district, or charter school is exempt from public records requirements.
- Provide for the repeal of this subsection on October 2, 2023, unless reviewed and saved from repeal by the Legislature.

Section 4.

- Provides a public necessity statement, specifying that the Legislature finds that it is a public necessity that the identity of a person reporting unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of such activities, received through the mobile suspicious activity reporting tool and held by FDLE, a law enforcement agency, or school official, be made confidential and exempt from public records requirements if the reporting person provides their identity, because:
 - The exemption encourages individuals to act and not be fearful that their identity will be revealed.
 - Without such exemption, people might be less willing to report their knowledge of such activities out of fear.
 - Ensuring their identity is protected will encourage reporting, which could lead to intervention before an incident of mass violence occurs.
- Provides a public necessity statement, specifying that the Legislature finds that it is a public necessity that any other information received through the mobile suspicious activity reporting tool through the School Safety Awareness Program and held by FDLE, law enforcement agencies, or school officials be made exempt from public records requirements, because:
 - Exemption protects information of a sensitive personal nature that, if disclosed, could be embarrassing.
 - Without the exemption, individuals reporting such activities might be less willing to report their knowledge of these possible activities to the appropriate authorities out of fear and concern for their safety.
 - The exemption will encourage reporting, which could lead to intervention before an incident of mass violence occurs.
 - The exemption will protect the privacy of other individuals who are included in the report.
 - After a report is made, law enforcement may find the report to be unfounded.
- Provides a public necessity statement, specifying that the Legislature finds that it is a public necessity that any portion of a meeting of the Marjory Stoneman Douglas High School Public

Safety Commission at which exempt or confidential/exempt information is discussed is exempt from open meeting requirements, because:

- The purpose of the commission is to investigate failures in the Marjory Stoneman Douglas High School shooting and prior mass violence incidents in Florida and to develop recommendations for system improvements.
 - To fulfill its directive, the commission must be able to discuss exempt/confidential information that it receives.
 - The exemption will allow the commission to review and discuss such information that will be useful in forming recommendations for system improvements for prevention and response to mass violence incidents.
 - If such portions were not exempt, the public records exemptions would be negated.
- Provides a public necessity statement, specifying that the Legislature finds that it is a public necessity that any information that would identify whether a particular individual has been appointed as a safe-school officer and that is held by a law enforcement agency, school district, or charter school be made exempt from public records requirements, because:
 - School security and student safety are fundamental priorities in Florida.
 - In light of the tragic events at Marjory Stoneman Douglas High School, school districts must be allowed to provide a supplemental security presence.
 - To maximize the effectiveness of safe-school officers, they may perform their duties while carrying a concealed weapon.
 - Disclosure of their identity can affect their ability to adequately respond to an active assailant situation.

Section 5.

Provides that the bill shall take effect on the same date that SB 7026 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

General Implementation Timeline:

March 9, 2018	The act becomes effective.
October 2, 2023	The exemption is repealed unless reviewed and saved from repeal through reenactment.



HB 5007 State-Administered Retirement Systems
(CH. 2018-12, Laws of Florida)

Bill Sponsor: Appropriations Committee, Representative Trujillo

Effective Date: July 1, 2018

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

The bill revises employer contribution rates for the Florida Retirement System (FRS) based on an annual actuarial study of the system, as required by s. 121.031, F.S. The bill implements employer contribution rates determined by an independent actuary and reported in the 2017 Actuarial Valuation to fully fund the FRS. The bill conforms the law to the 2018-19 General Appropriations Act (GAA), as retirement contributions are included in the GAA. The bill further provides that a proper and legitimate state purpose is served when public retirement systems are funded and administered in an actuarially sound manner.

Section 1.

Amends subsections (4) and (5) of s. 121.71, F.S., to set the uniform employer contribution rates and the rates required to address the normal cost for the pension plan and the investment plan and unfunded actuarial liability for each class and subclass of the FRS. The proposed employer contributions for fiscal year 2018-19, compared to rates currently in effect for 2017-18, are shown in the table below.

Proposed and Current FRS Employer Contribution Rates

Membership Class	“Blended” Normal Costs		Unfunded Actuarial Liability		Combined Contribution Rates	
	7/1/2017	7/1/2018	7/1/2017	7/1/2018	7/1/2017	7/1/2018
Regular Class	2.90%	3.04%	3.30%	3.50%	6.20%	6.54%
Special Risk Class	11.86%	12.18%	9.69%	10.60%	21.55%	22.78%
Special Risk Administrative Support Class	3.83%	3.64%	29.08%	29.62%	32.91%	33.26%
Elected Officers’ Class						
Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	6.45%	6.65%	42.69%	48.38%	49.14%	55.03%
Justices, Judges	11.67%	12.00%	26.25%	27.05%	37.92%	39.05%
County Elected Officers	8.54%	8.50%	35.24%	38.48%	43.78%	46.98%

Senior Management Service Class	4.29%	4.45%	16.70%	17.89%	20.99%	22.34%
DROP	4.17%	4.41%	7.43%	7.96%	11.60%	12.37%

Section 2.

Provides that the Florida Legislature finds a proper and legitimate state purpose is served when employees, officers and retirees of the state and its political subdivisions are extended the basic protections afforded by governmental retirement systems. Further, the bill satisfies an important state interest by providing for benefits that are managed, administered and funded in an actuarially sound manner.

Section 3.

Provides for the act to take effect July 1, 2018.

General Implementation Timeline:

July 1, 2018 Pending final action by the Governor, the bill becomes effective.



SB 7024 Public Records/Victim of an Incident of Mass Violence
(CH. 2018-2, Laws of Florida)

Bill Sponsor: Rules

Effective Date: March 9, 2018

DOE Contact: Matt Mears, General Counsel, Office of the General Counsel, (850) 245-0442

Executive Summary:

The bill creates a public records exemption for addresses of victims of incidents of mass violence and designates such addresses as criminal intelligence information and criminal investigative information. The bill provides a public necessity statement as required by the State Constitution.

Section 1.

Amends s. 119.071, F.S., General exemptions from inspection or copying of public records, to:

- Make exempt from public records requirements the address of a victim of an incident of mass violence.
- Define for purposes of this paragraph “incident of mass violence” as an incident in which four or more people, not including the perpetrator, are severely injured or killed by an intentional and indiscriminate act of violence of another.
- Define for purposes of this paragraph “victim” as a person killed or injured during an incident of mass violence, not including the perpetrator.
- Provide for the repeal of the paragraph on October 2, 2023, unless reviewed and saved from repeal by the Legislature.

Section 2.

Amends s. 119.011, F.S., Definitions, to:

- Designate the address of a victim of an incident of mass violence as criminal intelligence information and criminal investigative information.

Section 3.

Provides a public necessity statement, specifying that the Legislature finds that it is a public necessity that such addresses be made exempt from inspection and copying, because:

- After an incident of mass violence has occurred, victims of such an incident are in a vulnerable state as they assist law enforcement with the investigation of the incident and try to recover from the events that occurred.
- In some instances, the victim may have been killed or injured, leaving their families to deal with the aftermath of the crime.

- The public availability of such victim's address may be used to locate the victim or the victim's family. Such availability has subjected victims or their families to media intrusions at their homes and other unwelcome intrusions into their privacy.

Therefore, it is necessary that the addresses be protected to ensure that persons affected by such incidents are not harassed, taken advantage of, or otherwise subjected to additional pain and suffering.

Section 4.

Provides that the bill shall take effect upon becoming a law.

General Implementation Timeline:

March 9, 2018	The act becomes effective.
October 2, 2023	The exemption is repealed unless reviewed and saved from repeal through reenactment.



SB 7026 Public Safety
(CH. 2018-3, Laws of Florida)

Bill Sponsor: Appropriations Committee and Rules Committee

Effective Date: March 9, 2018

DOE Contact: Hershel Lyons, Chancellor, Division of Public Schools, (850) 245-0509
Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

The bill (Chapter 2018-3, L.O.F.) comprehensively addresses the crisis of gun violence, including but not limited to, gun violence on school campuses. The law addresses this crisis by promoting school safety and enhanced coordination between education and law enforcement entities at the state and local level.

Section 4.

Amends s. 20.15, F.S., Department of Education, to:

- Create the Office of Safe Schools as a division within the Florida Department of Education (DOE).

Section 5.

Amends s. 30.15, F.S., Powers, duties, and obligations, to:

- Permit sheriffs to establish a Coach Aaron Feis Guardian Program to aid in the prevention or abatement of active assailant incidents on school premises by school employees who volunteer; there is no power of arrest.
- Exclude those who serve solely as classroom teachers, as defined in s. 1012.01(2)(a), F.S., from participating in the program. However, this exclusion does not apply to classroom teachers of JROTC, current service members, or current or former law enforcement officers.
- Establish requirements including concealed carry permit, firearms and other training, psychological evaluation, drug test, diversity training, ongoing training, and firearm qualification.

Section 6.

- Requires the Division of Law Revision and Information to make labeling consistent.

Section 7.

Amends s. 121.091, F.S., Benefits payable under the system, to:

- Add provisions for the reemployment of retired law enforcement officers as school resource officers by an employer that participates in the Florida Retirement System.

Section 9.

Amends s. 394.495, F.S., Child and adolescent mental health system of care; programs and services, to:

- Require contracted community action treatment teams to provide community-based behavioral health and support services in 22 counties/regions or more, subject to appropriations.

Section 19.

Creates s. 943.082, F.S., School Safety Awareness Program, to:

- Direct the Florida Department of Law Enforcement (FDLE), in collaboration with the Department of Legal Affairs, to procure a mobile suspicious activity reporting tool that allows students and the community to relay information anonymously concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials.
 - As recommended by students of Marjory Stoneman Douglas High School, the program shall be named “FortifyFL.”
 - At a minimum, FDLE must receive reports electronically through the mobile suspicious activity reporting tool that is available on both Android and Apple devices.
- Require the information reported using the tool be promptly forwarded to the appropriate law enforcement agency or school official.
- Require law enforcement dispatch centers, school districts, schools, and other entities identified by the department be made aware of the mobile suspicious activity reporting tool.
- Require FDLE, the Office of Attorney General, and DOE to develop and provide a comprehensive training and awareness program on the tool.

Section 20:

Creates s. 943.687, F.S., Marjory Stoneman Douglas High School Public Safety Commission, to:

- Establish the Marjory Stoneman Douglas High School Public Safety Commission within the Florida Department of Law Enforcement.
- Require the commission to convene no later than June 1, 2018.
- Require the commission to be composed of 16 members. Five members shall be appointed by the President of the Senate, five members shall be appointed by the Speaker of the House of Representatives, and five members shall be appointed by the Governor. These appointments must be made by April 30, 2018. Commissioner of the FDLE shall also serve as a member.
 - Secretary of Children and Families, Secretary of Juvenile Justice, Secretary of Health Care Administration, and the Commissioner of Education shall serve as *ex officio*, non-voting members of the commission.
- Require the General Counsel for FDLE to serve as the general counsel for the commission, and require FDLE staff, as assigned by the chair, to assist the commission in performing its duties.
- Require that the commission meet as necessary to conduct its work at the call of the chair at locations throughout the state. The commission can conduct its meetings through teleconferences or other similar means.

- Require the commission to investigate system failures in the Marjory Stoneman Douglas High School shooting and prior mass violence incidents in this state and to develop recommendations for system improvements.
- Require, at a minimum, the commission to:
 - Develop a timeline of the incident, response, and all relevant events preceding the incident, with particular attention to perpetrator contacts with local, state, and national government agencies and entities and any contract providers of such agencies and entities.
 - Investigate failures in incident responses by local law enforcement agencies and school resource officers.
 - Identify existing policies and procedures for active assailant incidents on school premises and evaluate compliance with such policies and procedures in the execution of incident responses.
 - Evaluate existing policies and procedures for active assailant incidents on school premises in comparison with national best practices.
 - Evaluate the extent to which any failures in policy, procedure, or execution contributed to an inability to prevent deaths and injuries.
 - Make specific recommendations for improving law enforcement and school resource officer incident response in the future.
 - Make specific recommendations for determining the ratio of school resource officers per school and school type.
 - Investigate failures in interactions with perpetrators preceding mass violence incidents.
 - Identify history of interactions between perpetrators and entities such as schools, law enforcement agencies, courts, and social service agencies, and identify any failure to communicate or coordinate regarding indicators of risk or possible threats.
 - Evaluate the extent to which any such failures contributed to an inability to prevent deaths and injuries.
 - Make specific recommendations for improving communication and coordination among entities with knowledge of indicators of risk of possible threats of mass violence in the future.
 - Identify available state and local tools and resources for enhancing communication and coordination regarding indicators of risk of possible threats, and make specific recommendations for using such tools and resources in the future.
- Allow the commission to investigate and to delegate to its investigators the authority to administer oaths and affirmations.
- Require the Commissioner of FDLE to use his or her subpoena power to compel the attendance of witnesses to testify before the commission.
- Require the Commissioner of FDLE to use his or her subpoena power to compel the production of documents, including confidential information, relevant to the performance of the commission's duties or to the exercise of its powers.

- Allow the Commissioner of FDLE to seek an order from the circuit court to compel a witness to appear before the commission and to produce evidence.
- Allow the commission to obtain assistance as needed from other state agencies and require any such agencies to assist in a timely manner.
- Require that the commission be provided access to any information or records, including exempt or confidential records or information, which pertain to the Marjory Stoneman Douglas High School shooting and prior mass violence incidents in Florida being reviewed by the commission and which are necessary for the commission to carry out its duties.
- Require the commission to submit an initial report on its findings and recommendations to the Governor, President of the Senate, and Speaker of the House of Representatives by January 1, 2019. The commission may issue reports annually thereafter.

The commission sunsets on July 1, 2023, and this section is repealed on that date.

Section 21.

Creates s. 1001.212, F.S., Office of Safe Schools, to:

- Establish the Office of Safe Schools, which is fully accountable to the Commissioner of Education.
- Establish requirements of the Office of Safe Schools:
 - Serve as a central repository for best practices, training standards, and compliance oversight for school safety and security, including prevention, intervention, and emergency preparedness.
 - Establish and update as necessary a school security risk assessment tool.
 - Provide ongoing professional development, technical assistance and guidance.
 - Develop and implement a School Safety Specialist Training Program.
 - Review and provide recommendations on the security risk assessments.
 - Coordinate with FDLE to provide a centralized integrated data repository and data analytics resources integrating data from social media, Department of Children and Families, FDLE, Department of Juvenile Justice, and local law enforcement by December 1, 2018.
 - Award grants to schools to improve the safety and security of school buildings based on the recommendations of the security risk assessment.
 - Disseminate, in consultation with FDLE, awareness and education materials on the School Safety Awareness Program to schools.

Section 23.

Amends s. 1006.04, F.S., Educational multiagency services for students with severe emotional disturbance, to:

- Specify additional requirements for the Multiagency Network for Students with Emotional/Behavioral Disabilities (SEDNET).

Section 24.

Amends s. 1006.07, F.S., District school board duties relating to student discipline and school safety, to:

- Require student disclosure of mental health referrals at registration.

- Allow an expelled student who is admitted to another district to be referred for mental health services.
- Require the student code of conduct to include policies for referring violent or disruptive students for mental health services.
- Require students expelled for firearms or certain threats to be referred for mental health services.
- Require student crime watch programs to allow anonymous reporting.
- Require emergency plans to be developed with public safety agencies and include active shooter and hostage situations, which must be conducted as often as other drills; plans should identify those required to contact first responders and require periodic testing of communications systems.
- Require superintendents to create policies for violence prevention and intervention, and designate a school safety specialist for the district who must be trained and perform specific duties.
- Require school boards to establish school-level threat assessment teams with specific expertise; teams must immediately report threats to the superintendent and the parent/guardian; teams may access criminal history of students posing a threat; relevant agencies may share confidential records as necessitated by a specific threat; teams shall report quantitative data to DOE.
- Require district schools board to allow the law enforcement agency or agencies that are designated as first responders to the district's campus and school's campuses every three years for a tour.
- Require district school boards to document changes related to school safety and emergency issues recommended by a law enforcement agency based on a campus tour.

Section 25.

Amends s. 1006.08, F.S., District school superintendent duties relating to student discipline and school safety, to:

- Require courts to notify the school superintendent of students referred to mental health services.

Section 26.

Amend s. 1006.12, F.S., Safe-school officers at each public school, to:

- Require safe-school officers at every school within the district. Districts have discretion to use school resource officers, school safety officers, and/or school guardians (outlined in section 5).
- Require background checks, drug screening, and psychological evaluations for school resource officers and school safety officers.
- Require mental health crisis intervention training for school resource officers.
- Allow participation in the school guardian program at the discretion of the district.

Section 27.

Amends s. 1006.13, F.S., Policy of zero tolerance for crime and victimization, to:

- Require threat assessment teams to consult with law enforcement when students pose a threat to school safety and when a student commits more than one misdemeanor.

Section 28.

Creates s. 1006.1493, F.S., Florida Safe Schools Assessment Tool, to:

- Require DOE through the Office of Safe Schools pursuant s. 1001.212, F.S., to contract with a security consulting firm that specializes in the development of risk assessment software solutions and has experience in conducting security assessments of public facilities to develop, update and implement a risk assessment tool, which shall be known as the Florida Safe Schools Assessment Tool (FSSAT).
- Require the FSSAT to be used by school officials at each school district and public school site in the state in conducting security assessments.
- Require the FSSAT to help school officials identify threats, vulnerabilities and appropriate safety controls for the schools that they supervise, pursuant to the security risk assessment requirements of s. 1006.07(6), F.S.
- Require the FSSAT to address, at a minimum, all of the following components:
 - School emergency and crisis preparedness planning;
 - Security, crime, and violence prevention policies and procedures;
 - Physical security measures,
 - Professional development training needs;
 - An examination of support service roles in school safety, security, and emergency planning;
 - School security and school police staffing, operational practices, and related services;
 - School and community collaboration on school safety; and
 - A return on investment analysis of the recommended physical security controls.
- Require DOE to require by contract that the security consulting firm:
 - Generate written automated reports on assessment findings for review by the department and school and district officials;
 - Provide training to the department and school officials in the use of the FSSAT and other areas of importance identified by the department; and
 - Advise in the development and implementation of templates, formats, guidance, and other resources necessary to facilitate the implementation of this section at state, district, school, and local levels.
- Require DOE to report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of implementation across school districts and schools.
 - The report must include a summary of the positive school safety measures in place at the time of the assessment and any recommendations for policy changes or funding needed to facilitate continued school safety planning, improvement, and response at the state, district, or school levels.
 - The report is due to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2018, and annually by that date thereafter.
- Require that data and information related to security risk assessments administered pursuant to this section and s. 1006.07(6), F.S., and the security information contained in the annual report

required pursuant to subsection (3) be kept confidential and exempt from public records requirements, in accordance with ss. 119.071(3)(a) and 281.301, F.S.

Section 29.

Revises s. 1011.62, F.S., Funds for operation of schools, to:

- Add “improve school safety” as an urgent need for which a school district may pass a resolution to redirect other categorical funds.
- Delete funds for safe schools from the list of categorical funds that a school district can, by resolution, redirect for other uses.
- Specify that any additional funds appropriated to the Safe Schools Allocation in fiscal year 2018-19 to the school resource officer program established pursuant to s. 1006.12, F.S., must be used for employing or contracting for school resource officers, regardless of the number of officers employed or contracted for in fiscal year 2017-18.
- Create a Mental Health Assistance Allocation to provide funding to school districts to help establish or expand school-based mental health care.
 - Funds for this allocation are to be allocated each year in the GAA or other law, with each school district receiving a minimum of \$100,000 and the remaining balance to be distributed to school districts proportionately based on their total unweighted full-time equivalent student enrollment.
 - Eligible charter schools are entitled to a proportionate share of the district’s Mental Health Assistance Allocation funding.
 - At least 90 percent of a district’s allocation must be spent to:
 - Provide mental health assessment, diagnosis, intervention, treatment and recovery services to students with one or more mental health or co-occurring substance abuse diagnosis and students at high risk of such diagnoses; and
 - To coordinate such services with a student’s primary care provider and the student’s other mental health providers.
 - Funds from this allocation may not supplant operating funds currently provided for this purpose, nor may they be used to increase salaries or provide bonuses.
 - School districts are encouraged to maximize third-party health insurance benefits and Medicaid claims for services.
 - Prior to receipt of this allocation, school districts must develop and submit to their respective school boards a detailed plan outlining a local program and planned expenditures. Charter schools may develop their own plans and submit them to their sponsors.
 - Plans must be focused on delivering evidence-based mental health care treatment to children and include:
 - Provision of mental health assessment, diagnosis, intervention, treatment and recovery services to students with one or more mental health or co-occurring substance abuse diagnosis and students at high risk of such diagnoses.

- Coordination of services with student's primary care provider and other mental health providers caring for student.
- Direct employment of service providers or a contract-based collaborative effort or partnership with one or more local community mental health program, agency or provider.
- Approved plans are due to the Commissioner of Education by August 1 of each fiscal year.
- School districts must submit to the DOE, beginning September 30, 2019, and annually by September 30 thereafter, a report on their program outcomes and expenditures for the previous fiscal year. The report must include:
 - Number of students who received screenings or assessments;
 - Number of students who were referred for services or assistance;
 - Number of students who received service or assistance;
 - Number of direct employment service providers employed by the school district; and
 - Number of contract-based collaborative efforts or partnerships with community mental health programs, agencies or providers.

Section 30.

Creates s. 1012.584, F.S., Continuing education and inservice training for youth mental health awareness and assistance, to:

- Require DOE, beginning with the 2018-19 school year, to establish a youth mental health and awareness and assistance training program for school personnel.
- Require DOE to select a national authority on youth mental health to facilitate the training using a trainer certification model to train all K-12 school personnel.
- Require school safety specialists or their designees to be certified as a trainer.
- Specify minimum training content.

Section 31.

Amends s. 1013.64, F.S., Funds for comprehensive educational plant needs, to:

- Provide additional guidance for the calculation of cost per student station and specifies items that are to be excluded from the student station cost calculation, as follows:
 - Securing entries;
 - Checkpoint construction;
 - Lighting specifically designed for entry point security;
 - Security cameras;
 - Automatic locks and locking devices;
 - Electronic security systems;
 - Fencing designed to prevent intruder entry into a building;
 - Bullet-proof glass; or
 - Other capital construction items approved by the school safety specialist to ensure building security for new educational, auxiliary, or ancillary facilities.

- Provides that cost for the abovementioned items must be below 2 percent per student station.

Section 36.

Appropriates \$69,237,286 in recurring funds from the General Revenue Fund for the 2018-19 fiscal year to fund the Mental Health Assistance Allocation, created pursuant to s. 1011.62(16), F.S., within the FEFP.

Section 37.

Appropriates \$500,000 in recurring funds and \$6,200,000 in nonrecurring funds from the General Revenue Fund for the 2018-19 fiscal year to the DOE to implement youth mental health awareness and assistance training pursuant to s. 1012.584, F.S.

Section 38.

Appropriates funds for implementation of the act in the 2018-2019 fiscal year as follows:

- Appropriates \$1,000,000 in nonrecurring funds from the General Revenue Fund to the DOE for the design and construction of a memorial honoring those who lost their lives on February 14, 2018, at Marjory Stoneman Douglas High School in Broward County.
- Requires that the department collaborate with students and faculty of the Marjory Stoneman Douglas High School, the families of the victims, the Broward County School District and other relevant entities of the Parkland community on the design and placement of the memorial.

Section 39.

Appropriates funds for implementation of the act in the 2018-2019 fiscal year as follows:

- Appropriates \$25,262,714 in nonrecurring funds from the General Revenue Fund to the DOE for the purpose of replacing Building 12, as listed in the Florida Inventory of School Houses, at Marjory Stoneman Douglas High School in Broward County.

Section 40.

Appropriates \$500,000 in recurring funds and \$67,000,000 in nonrecurring funds from the General Revenue Fund to the DOE to allocate to sheriffs' offices that establish a school marshal program pursuant to s. 30.15, F.S. The funds are to be used for costs related to screening and training, with a one-time stipend of \$500 provided to school marshals who participate in the school marshal program.

Section 41.

For the 2018-19 fiscal year, the following items are appropriated and are authorized to the DOE to fund the Office of Safe Schools, created pursuant to s. 1001.212, F.S.:

- Three full-time equivalent positions, with associated salary rate of \$150,000.
- \$344,393 in recurring funds is appropriated from the General Revenue Fund.

Section 42.

Appropriates \$97,500,000 in recurring funds from the General Revenue Fund to the DOE for the Safe Schools Allocation. The funds are in addition to funds appropriated in the FEFP in the fiscal year 2018-19 General Appropriations Act.

- Each school district and developmental research school shall receive \$187,340 of the funds, increasing each district's minimum amount of Safe Schools Allocation funding to \$250,000 in combination with the funds appropriated in the FEFP for 2018-19. The balance of the funds shall be distributed to school districts based on their proportionate share of total unweighted full-time equivalent student enrollment.
- School districts must use the funds exclusively for hiring or contracting for school resource officers pursuant to s. 1006.12, F.S.

Section 43.

Appropriates \$100,000 in recurring funds from the General Revenue Fund to the DOE to competitively procure the active shooter training component of the school safety specialist training program, required by s. 1001.212, F.S.

Section 44.

Appropriates \$98,962,286 in nonrecurring funds from the General Revenue Fund to the DOE to implement a grant program for schools to fund fixed capital outlay costs associated with improving the physical security of school buildings, as identified by a security risk assessment completed by August 1, 2018, by a school district or charter school.

- The DOE shall, by August 31, 2018, submit grant guidelines to all school districts and charter schools, which must include an application submission deadline of December 1, 2018, and specific evaluation criteria.
- The DOE shall award grants no later than January 15, 2019, based upon evaluation criteria established in the application guidelines.

Section 49.

For the 2018-19 fiscal year, \$18,321 in recurring funds and \$225,000 in nonrecurring funds are appropriated from the General Revenue Fund to the DOE to provide for the benefits awarded pursuant to s. 112.1915, F.S., to eligible recipients of the three Marjory Stoneman Douglas High School staff members who lost their lives on February 14, 2018.

Section 50

Appropriates funds for implementation of the act in the 2018-19 fiscal year as follows:

- \$3 million in recurring funds is appropriated from the General Revenue Fund to the DOE to competitively procure for the development or acquisition of the centralized data repository and analytics resources pursuant to s. 1001.212, F.S.

- Requires DOE to collaborate with the FDLE and school districts to identify the requirements and functionality of the data repository and analytics resources and shall make such resources available to the school districts no later than December 1, 2018.

Section 51

Appropriates funds for implementation of the act in the 2018-19 fiscal year as follows:

- \$1 million in nonrecurring funds is appropriated from the General Revenue Fund to DOE to competitively procure a contract with a third-party security consultant with experience in conducting security risk assessments of public schools. Contract funds shall be used to:
 - Review and analyze the department's current security risk assessment tool known as the Florida Safe Schools Assessment Tool (FSSAT), and
 - Review a sample of self-assessments conducted by school districts using the FSSAT to determine the effectiveness of the recommendations produced based upon the FSSAT.
- The review shall include any recommended updates and enhancements with associated costs for their implementation to aid districts in developing recommendations to address safety and security issues discovered by the FSSAT.
- DOE shall submit the completed review to the State Board of Education, the Executive Office of the Governor's Office of Policy and Budget, the chair of the Senate Committee on Appropriations, and the House of Representatives Appropriations Committee no later than January 1, 2019.

General Implementation Timeline:

March 9, 2018	The act became effective.
Beginning with the 2018-19 school year	DOE is required to establish a youth mental health and awareness and assistance training program for school personnel.
August 1, 2018	School-board approved district plans for spending Mental Health Assistance Allocation are due to the Commissioner of Education. Plans for subsequent years will be due no later than August 1 annually. School districts and charter schools must have completed security risk assessments to be eligible for grants for fixed capital outlay costs associated with improving physical security of school buildings.
August 31, 2018	The DOE must submit guidelines to school districts and charter schools for the grant program to assist with fixed capital outlay costs associated with improving physical security of school buildings.



December 1, 2018	Application submission deadline for the grant program to assist with fixed capital outlay costs associated with improving physical security of school buildings.
December 1, 2018	The Office of Safe Schools shall coordinate with FDLE to provide a centralized integrated data repository and data analytics resources integrating data from social media, Department of Children and Families, FDLE, Department of Juvenile Justice, and local law enforcement.
December 1, 2018	<p>DOE must report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of implementation across school districts and schools. The report must include a summary of the positive school safety measures in place at the time of the assessment and any recommendations for policy changes or funding needed to facilitate continued school safety planning, improvement, and response at the state, district or school levels.</p> <p>Thereafter, the report must be provided annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1.</p>
January 1, 2019	DOE shall submit a completed review of FSSAT to the State Board of Education, the Executive Office of the Governor's Office of Policy and Budget, the chair of the Senate Committee on Appropriations, and the House of Representatives Appropriations Committee.
January 15, 2019	The DOE shall award grants to assist with fixed capital outlay costs associated with improving physical security of school buildings.
September 30, 2019	School district reports on Mental Health Assistance Program outcomes and expenditures are due to the DOE. Reports for subsequent years will be due no later than September 30 annually.



HB 7055 Education
(CH. 2018-6, Laws of Florida)

Bill Sponsor: House Appropriations Committee and Education Committee and Representative Bileca and Representative Diaz, M.

Effective Date: July 1, 2018

DOE Contact: Adam Miller, Office of Independent Education and Parental Choice, (850) 245-0502
Hershel Lyons, Chancellor, Division of Public Schools, (850) 245-0509
Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406
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Executive Summary:

The bill expands state school choice scholarship programs and streamlines accountability for participating private schools; provides flexibilities to school districts; modifies charter school requirements; specifies assessment, instructional, and classroom requirements; modifies other education provisions; and provides appropriations.

Section 1.

Creates s. 212.099, F.S., Florida Sales Tax Credit Scholarship Program, to:

- Create the Florida Sales Tax Credit Scholarship Program.
- Provide that an eligible business shall be granted a credit against tax imposed under s. 212.031, F.S., and collected from the eligible business by a dealer. The credit shall be in an amount equal to 100% of an eligible contribution made to a scholarship funding organization.
- Provide that a dealer shall take a credit against the tax imposed in an amount equal to the credit taken by the eligible business.
- Require an eligible business to apply to the Department of Revenue for an allocation of tax credits under this section. The eligible business must specify in the application the state fiscal year the contribution will be made, the scholarship funding organization that will receive the contribution, the amount of the contribution, the address of the property from the which the rental or license fee is subject to taxation and the federal employer identification number of the dealer who collects the tax from the eligible business.
- Require the Department of Revenue to approve allocations of tax credits on a first-come, first-serve basis and shall provide the eligible business with an approval or denial letter. Within 10 days after

approving or denying the application, the Department of Revenue shall provide a copy of the approval or denial letter to the scholarship funding organization specified by the dealer.

- Require an approval or denial letter to include the name and federal employer identification number of the dealer and the amount of tax credit approved for use with that dealer.
- Require that, upon receipt of an eligible contribution, a scholarship funding organization shall provide the business that made the contribution with a separate certificate of contributions for each dealer from whom a credit can be taken.
- Require a certificate of contribution to include the contributor's name, if available, federal employer identification number, the amount contributed, the date of contribution, and the name and federal employer identification number of the dealer.
- Provide that each dealer that receives from an eligible business a copy of the Department of Revenue's approval letter and certificate of contribution shall reduce the tax collected from the eligible business under s. 212.031, F.S., by the total amount of contributions indicated in the certificate of contribution. The reduction may not exceed the amount of credit allocation approved by the Department of Revenue and may not exceed the amount of tax that would otherwise be collected from the business or dealer when a payment is made under the rental or license fee arrangement.
- Require payments by an eligible business to a dealer may not be reduced before October 1, 2018.
- Specify that if the total amount of credits an eligible business may take cannot be fully used within any period that a payment is due under the rental or license fee arrangement because of an insufficient amount of tax that the dealer would collect from the business during that period, the unused amount may be carried forward for a period not to exceed 10 years.
- Specify that a tax credit may not be claimed on an amended return or through a refund.
- Specify that a dealer that claims a tax credit must file returns and pay taxes by electronic means under s. 213.755, F.S.
- Specify that an eligible business may not convey, assign, or transfer an approved tax credit or a carryforward credit to another entity unless all the assets of the business are conveyed, assigned, or transferred in the same transaction and the successor business continues the same lease with the dealer.
- Provide that, within any state fiscal year, an eligible business may rescind all or part of a tax credit approved under this section. The amount rescinded shall become available for the state fiscal year to another eligible business as approved by the Department of Revenue. The amount rescinded shall become available on a first-come, first-serve basis based on the tax credit applications received after the date the rescindment is accepted.
- Specify that within 10 days after the rescindment of a tax credit is accepted by the Department of Revenue, they must notify the scholarship funding organization specified by the business. The

Department of Revenue shall include the scholarship funding organizations on all letters and correspondence.

- Require the scholarship funding organization to report to the Department of Revenue, on or before the 20th day of each month, the total amount of contributions received in the preceding month on a form provided by the Department of Revenue.
- Provide that eligible contributions may be used to fund the Gardiner Scholarship Program or Florida Tax Credit Scholarship program if funds appropriated in a state fiscal year for the Gardiner program are insufficient to fund eligible students.
 - Require scholarship funding organizations to first fund priority scholarship students.
 - Provide the remaining contributions may be used to fund scholarship students eligible for the Florida Tax Credit Scholarship Program.
 - Note: Language in the implementing bill prohibits the use of these funds for Gardiner Scholarships for the 2018-19 fiscal year.
- Require the scholarship funding organization to separately account for each scholarship funded.
- Provide that any funds remaining from a closed scholarship account funded pursuant to this section shall be used to fund other Gardiner Scholarships.
- Provide that scholarship funding organizations may use up to 3% of eligible contributions for administrative expenses.
- Specify the sum total of tax credits approved by the Department of Revenue in any state fiscal year is \$57.5 million.
- Specify the Department of Revenue to disregard any tax credits allowed under this section to ensure that any reduction in tax revenue received that is attributable to the tax credits results only in a reduction in distributions to the General Revenue Fund.
- Provide that the Department of Revenue may adopt rules to administer this scholarship program.

Section 2.

Amends s. 212.1831, F.S, Credit for contributions to eligible nonprofit scholarship-funding organizations to:

- Clarify that, for tax reporting purposes, contributors to the scholarship funding organizations shall include any eligible contribution made to an eligible scholarship funding organization in their calculations when filing taxes.

Section 3.

Creates s. 212.1832, F.S., Credit for contributions to the Hope Scholarship Program, to:

- Provide that the purchaser of a motor vehicle shall be granted a credit of 100% of an eligible contribution made to an eligible scholarship funding organization under s. 1002.40, F.S.

- Require that a dealer shall take a credit against any tax imposed by the state under this chapter on the purchase of a motor vehicle in an amount equal to the credit granted to the purchaser.
- Require the Department of Revenue to disregard any tax credits allowed under this section to ensure that any reduction in tax revenue received that is attributable to the tax credits results only in a reduction in distributions to the General Revenue Fund.

Section 8.

Amends s. 1001.10, F.S., Commissioner of Education; general powers and duties, to

- Replace cross reference to ss. 1002.39 and 1002.395, F.S., in subsection (4) with language clarifying that the DOE shall provide technical assistance to school districts, charter schools, the Florida School for the Deaf and Blind, and private schools that accept scholarship students “who participate in a state scholarship program under chapter 1002” in the development of policies, procedures, and training related to employment practices and standards of ethical conduct for instructional personnel and school administrators, as defined in s. 1012.01, F.S.
- Replace cross reference to ss. 1002.39 and 1002.395 in subsection (5) with language clarifying that the DOE shall provide authorized staff of school districts, charter schools, the Florida School for the Deaf and Blind, and private schools that accept scholarship students “who participate in a state scholarship program under chapter 1002” with access to electronic verification of information from the following employment screening tools:
 - The Professional Practices’ Database of Disciplinary Actions Against Educators; and
 - The Department of Education’s Teacher Certification Database.
 - Add subsection (8) to authorize the Commissioner of Education, in the event of an emergency situation, to coordinate through the most appropriate means of communication with local school districts, Florida College System institutions, and satellite offices of the Division of Blind Services and the Division of Vocational Rehabilitation to assess the need for resources and assistance to enable each school, institution, and satellite office to reopen as soon as possible after considering the health, safety and welfare of students and client.

Section 9.

Amends s. 1002.33, F.S., Charter schools, to:

- Allow approved charter school applicants to open a school 18 months after submitting an application to their local school district on or before February 1 each calendar year *or at a time determined by the applicant*.
- Clarify the evaluation criteria for high-performing charter school replication applications and for high-performing charter school system replications.

- Allow an approved applicant to defer their opening for up to 3 years to provide for adequate facility planning and provide that the initial term of a charter contract shall be for five years and excludes two planning years.
- Provides that a charter school with a grade of C or higher that closes as part of a consolidation shall be reported by the school district as a consolidation.
- Require clear and convincing evidence from a school district seeking to terminate or not renew a charter contract if it finds it has grounds to do so. If one of those grounds is due to a violation of law, it has to be a *material* violation of law.
- Remove the option of a direct hearing with a charter school sponsor, pursuant to s. 1002.33(8)(b), F.S., in the event that a charter school receives from the school district a 90-day notice of termination of its contract. The hearing, if requested, would be in front of an administrative law judge (ALJ) at the Department of Administrative Hearings (DOAH), with the ALJ having final order authority.
- Provide that, in a challenge of a proposed contract termination, an administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the administrative proceeding and any appeals.
- Require school districts to provide to the Department of Education by September 15 of each year the total amount of funding withheld in administrative fees. The information must be included in the Department's annual report on charter school authorizing activity.
- Provide an enrollment preference for students living in a development in which a business entity provides the school facility and related property having an appraised value of at least \$5 million to be used as a charter school. The previous threshold was \$10 million.
- Clarify that a dispute over contracted services between a charter school and a school district not settled by mediation may go to DOAH – not the Charter School Appeal Commission.

Section 10.

Amends s. 1002.331, F.S., High-performing charter schools, to:

- Provide that a charter school that receives two consecutive grades of “A” meets the academic performance criteria for the high-performing charter school designation. Alternatively, a charter school may meet the academic performance criteria under the original criteria of earning two grades of “A” and nothing less than a grade of “B” for the most recent three years.
- Clarify that, for purposes of initial eligibility of high-performing charter school status, a school must show that its two most recent annual financial audits are free of the financial emergency conditions set forth in s. 218.503(1), F.S. This applies to charter schools that earn two consecutive grades of A.

- Clarify what constitutes facility capacity when it comes to the expansion of a charter school that receives high-performing status. To wit, student enrollment may not exceed the capacity of the facility at the time of enrollment. Moreover, facility capacity for purposes of grade-level expansion shall include any improvements to an existing facility or any new facility in which a majority of the students of the high-performing charter school will enroll.

Section 11.

Amends s. 1002.333, F.S., Persistently low-performing schools, to:

- Allow for the carryforward of Schools of Hope Program funds not disbursed by the end of the fiscal year for up to 5 years after the effective date of the original implementation.

Section 12.

Amends s. 1002.37, F.S., The Florida Virtual School, to:

- Specify that if a school district offers an industry certification exam, it must be available to all Florida Virtual School students. Unless alternative testing can be agreed upon, the industry certification exam must be taken at the school to which the student would be assigned according to district school board attendance areas.
- Require the school district to provide the student access to the school's testing facilities and the date and time of the administration of each examination or assessment.

Section 13.

Amends s. 1002.385, F.S., The Gardiner Scholarship, to:

- Clarify that Gardiner Scholarship funds can be spent towards tuition or fees associated with full-time or part-time enrollment in a home education program, eligible private school, post-secondary institute, tutoring program or virtual program.
- Clarify the Gardiner Scholarship funds can be spent towards an eligible postsecondary educational institution or a program offered by the postsecondary institute.
- Provide that Gardiner Scholarship funds can be spent towards tuition and fees for part-time tutoring services provided by a person who has a bachelor's degree or a graduate degree in the subject area in which instruction is given.
- Provide that Gardiner Scholarship funds can be spent towards tuition and fees associated with enrollment in a nationally or internationally recognized research-based training program for a child with a neurological disorder or brain damage.
- Revise and consolidate a number of scholarship accountability provisions into s. 1002.421, F.S., which will apply to all scholarship programs authorized under chapter 1002.

- Establish that a school's failure to meet the requirements of this subsection or s.1002.421, provides authority for the Commissioner to determine the private school is ineligible to participate in the scholarship programs.

Section 14.

Amends s. 1002.39, F.S., The John M. McKay Scholarships for Students with Disabilities Program, to:

- Revise and consolidate a number of scholarship accountability provisions into s. 1002.421, F.S., which will apply to all scholarship programs authorized under chapter 1002.
- Establish that a school's failure to meet the requirements of this subsection or s.1002.421, provides authority for the commissioner to determine the private school is ineligible to participate in the scholarship programs.

Section 15.

Amends s. 1002.395, F.S., Florida Tax Credit Scholarship Program, to:

- Establish that for the purposes of s. 220.1875, F.S., a tax payer may apply for a credit to use for a prior taxable year before the date the taxpayer is required to file a returns for that year pursuant to s. 220.222, F.S.
- Revise the provision that if an approved tax credit is not fully used within the specified state fiscal year for credits due under s. 211.0251, s. 212.1831, or 2. 561.1211, F.S., or against taxes due the for the specified taxable year for the credits under s. 220.1875 or s. 624.51055, F.S., because of insufficient tax liability on the part of the taxpayer, the unused amount shall be carried for a period not to exceed 10 years, instead of 5.
- Allow, for the purposes of s. 220.1875, F.S., a credit carried forward to be used in a subsequent year after applying the other credits and unused carryovers in the order provided in s. 220.02 (8), F.S and remove the requirement that the tax payer must submit an application to the department for approval of the carryforward and the requirement that the department must obtain the division's approval prior to approving the carryforward.
- Require an eligible nonprofit scholarship-funding organization to report any agreed-upon procedure revisions to the Commissioner of Education by March 15 of the year in which the revisions were completed. The revised agreed-upon procedures shall take effect the subsequent school year. For the 2018-19 school year only, the joint review of the agreed-upon procedures must be completed and the revisions submitted to the commissioner no later than September 15, 2018. The revised procedures are applicable to the 2018-19 school year.
- Revise and consolidate a number of scholarship accountability provisions into s. 1002.421, F.S., which will apply to all scholarship programs authorized under chapter 1002.
- Allow for a new project grant agreement with a state university and directs the department to competitively procure the services.
- Allow for a project grant award amount for the independent research organization of \$250,000.

Section 16.

Creates s. 1002.40, F.S., The Hope Scholarship Program, to:

- Create the Hope Scholarship Program.
- Beginning with the 2018-2019 school year, contingent upon available funds, and on a first-come, first-served basis, a student enrolled in a Florida public school in kindergarten through grade 12 is eligible for a scholarship under this program if the student has been subjected to an incident of battery; harassment; hazing; bullying; kidnapping; physical attack; robbery; sexual offenses, harassment, assault, or battery; threat or intimidation; or fighting at school.
- Payment of a scholarship may not be made if a student is:
 - Enrolled in a public school, including, but not limited to, the Florida School for the Deaf and the Blind; the College Preparatory Boarding Academy; a developmental research school authorized under s. 1002.32 F.S.; or a charter school authorized under s. 1002.33 F.S., s. 1002.331 F.S., or s. 1002.332 F.S.;
 - Enrolled in a school operating for the purpose of providing educational services to youth in the Department of Juvenile Justice commitment programs;
 - Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation unless the participation is limited to no more than two courses per school year; or
 - Receiving any other educational scholarship pursuant to chapter 1002 F.S.
- Specify that a Hope Scholarship shall remain in force until the student returns to public school or graduates from high school, whichever occurs first.
- Require school districts to provide a copy of the incident report to the parent and investigate the incident to determine if the incident must be reported as required by s. 1006.09 (6), F.S. The principal or designee shall also provide a copy of the report to the parent of the alleged offender and superintendent within 24 hours. Upon conclusion of the investigation or within 15 days, whichever occurs first, the district shall notify the parent of the program.
 - The parent has the option of enrolling his or her student in another public school that has capacity or to request and receive a scholarship to attend an eligible private school.
 - If a parent chooses to enroll his or her student in a public school located outside the district in which the student resides, the parent shall be eligible for a scholarship to transport the student.
- Require that the district notify each student participating in the program in an eligible private school who chooses to participate in the statewide assessment or the Florida Alternate Assessment of the location and times to take the assessments.
- Require that all eligible private schools comply with all the requirements pursuant to this section and s. 1002.421, F.S.
- Require that eligible private schools annually administer or make provisions for students participating in the programs in grades 3 through 10 to take one of the nationally norm-reference tests identified by the Department of Education or the statewide assessment pursuant to s. 1008.22, F.S.
 - Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement.

- Require the eligible private school to report the student score to his or her parent
- Provide that a private school may administer the statewide assessments pursuant to s. 1008.22 F.S., if a private school chooses to offer the statewide assessments.
 - A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10.
 - A participating private school shall submit a request in writing to the department by March 1 of each year in order to administer the statewide assessments in the subsequent school year.
- Specify that if a private school fails to meet the requirements of this subsection or s. 1002.421, F.S., the Commissioner may determine that the private school is ineligible to participate in the program.
- Require the Department of Education to cross check the list of participating scholarship students with public school enrollment to avoid duplication.
- Require the Department of Education to maintain a list of nationally norm-references tests identified for purposes of satisfying the testing requirements.
 - The tests must meet industry standards of quality in accordance with state board rule.
- Require the scholarship funding organizations to submit quarterly reports containing the number of students participating in the program, the private schools in which the students are enrolled and other information deemed necessary by the Department of Education.
- Require the Department of Education to contract with an independent entity to provide an annual evaluation of the program by:
 - Reviewing the school bullying prevention education program, climate and code of student conduct of each public school at which 10 or more student transferred to another public school or private school using the Hope Scholarship to determine areas in the school or school district procedures involving reporting, investigating, and communicating a parent's and student's rights that are in need of improvement. At a minimum, the review must include:
 - An assessment of the investigation time and quality of the response of the school and the school district.
 - An assessment of the effectiveness of communication procedures with the students involved in an incident, the students' parents, and the school and school district personnel;
 - An analysis of school incident and discipline data; and
 - The challenges and obstacles relating to implementing recommendations from this review.
- Reviewing the school bullying prevention education program, climate and code of student conduct of each public school a student transferred to if the student was from a school identified in subparagraph 1. in order to identify best practices and make recommendations to a public school at which the incidents occurred.
- Reviewing the performance of participating students enrolled in a private school in which at least 51 percent of the total enrolled students in the prior school year participated in the program and in which there are at least 10 participating students who have scores for tests administered.

- Surveying the parents of participating students to determine academic, safety, and school climate satisfaction and to identify any challenges or obstacles in addressing the incident or relating to the use of the scholarship.
- Require a parent who applies for the Hope Scholarship to:
 - Select an eligible private school and apply for admission of his or her student.
 - Inform the student's school district when the parent withdraws his or her student to attend an eligible private school.
 - Ensure the student participating in the program remains in attendance throughout the school year unless excused by the school for illness or other good cause.
 - Comply with the private school's published policies.
 - Upon reasonable notice to the department and the school district, the parent may remove the student from the private school and place the student in a public school.
 - To ensure that the student participating in the program takes the norm-referenced assessment offered by the private school. The parent may also choose to have the student participate in the statewide assessments pursuant to s. 1008.22 F.S. If the parent requests that the student participating in the program take the statewide assessments pursuant to s. 1008.22 F.S. and the private school has not chosen to offer and administer the statewide assessments, the parent is responsible for transporting the student to the assessment site designated by the school district.
 - Upon receipt of a scholarship warrant, the parent to whom the warrant is made must restrictively endorse the warrant to the private school for deposit into the account of the private school. If payment is made by funds transfer the parent must approve each payment before the scholarship funds may be deposited. The parent may not designate any entity or individual associated with the participating private school as the parent's attorney in fact to endorse a scholarship warrant. A parent who fails to comply with this paragraph forfeits the scholarship.
- An eligible nonprofit scholarship funding organization may establish scholarship for eligible students by:
 - Receiving applications and determining student eligibility in accordance with the requirements of this section.
 - Notifying parents of their receipt of a scholarship on a first-come, first-served basis, based upon available funds.
 - Establishing a date by which the parent of a participating student must confirm continuing participation in the program.
 - Awarding scholarship funds to eligible students, giving priority to renewing students from the previous year.
 - Preparing and submitting quarterly reports to the department. An eligible nonprofit scholarship-funding organization must also submit in a timely manner any information requested by the department relating to the scholarship program.
 - Notifying the department of any violation of this section.

- Establish the maximum amount awarded to a student enrolled in an eligible private school which shall be determined as a percentage of the unweighted FTE funding amount for that state fiscal year and thereafter as follows:
 - Eighty-eight percent for a student enrolled in kindergarten through grade 5.
 - Ninety-two percent for a student enrolled in grade 6 through grade 8.
 - Ninety-six percent for a student enrolled in grade 9 through grade 12.
- Establish the maximum amount awarded to a student enrolled in a Florida public school located outside of the district in which the student resides shall be \$750.
- Require that when a student enters the program, the eligible scholarship funding organization must receive all documentation necessary for the student's participation, including a copy of the report of the incident, the private school's fee schedule, and the student's fee schedules. The initial payment shall be made after verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the private school.
- Provide that payment by the eligible scholarship funding organization may be by individual warrant made payable to the student's parent or by funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of payment that the department deems to be commercially viable or cost-effective. If payment is made by warrant, the warrant must be delivered by the eligible nonprofit scholarship-funding organization to the private school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school. If payments are made by funds transfer, the parent must approve each payment before the scholarship funds may be deposited. The parent may not designate any entity or individual associated with the participating private school as the parent's attorney in fact to endorse a scholarship warrant or approve a funds transfer.
- Require an eligible scholarship funding organizations to obtain verification from the private school of a student's continued attendance at the school for each period covered by a scholarship payment.
- Specify that payment of the scholarship shall be made by the eligible scholarship funding organization no less frequently than on a quarterly basis.
- Provide that an eligible scholarship funding organization may use up to 3% of eligible contributions received during the state fiscal year in which such contributions are collected for administrative expenses if the organization has operated as an eligible nonprofit scholarship-funding organization for at least the preceding 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under s. 1002.395(6)(m), F.S. Such administrative expenses must be reasonable and necessary for the organization's management and distribution of eligible contributions under this section. Funds authorized under this paragraph may not be used for lobbying or political activity or expenses related to lobbying or political activity. Up to one-third of the funds authorized for administrative expenses under this paragraph may be used for expenses related to the recruitment of contributions from taxpayers. An eligible nonprofit scholarship-funding organization may not charge an application fee.
- Specify that moneys received pursuant to this section do not constitute as taxable income to the qualified student or his or her parent.

- Require the Auditor General to conduct an annual operational audit of accounts and records of each organization that participates in the program. As part of this audit, the Auditor General shall verify, at a minimum, the total number of students served and transmit that information to the department. The Auditor General shall provide the commissioner with a copy of each annual operational audit performed pursuant to this subsection within 10 days after the audit is finalized.
- Require the Auditor General to notify the department of any organization that fails to comply with a request for information.
- Establish that a tax credit is available under s. 212.1832(1), F.S. for use by a person that makes an eligible contribution. Each eligible contribution is limited to a single payment of \$105 per motor vehicle purchased at the time of purchase of a motor vehicle or a single payment of \$105 per motor vehicle purchased at the time of registration of a motor vehicle that was not purchased from a dealer. Payments of contributions shall be made to a dealer at the time of purchase of a motor vehicle or to a designated agent or private tag agent at the time of registration of a motor vehicle that was not purchased from a dealer. An eligible contribution shall be accompanied by a contribution election form provided by the Department of Revenue. The form shall include, at a minimum, the following brief description of the Hope Scholarship Program: "The Hope Scholarship Program provides a public school student who was subjected to an incident of violence or bullying at school the opportunity to apply for a scholarship to attend a private school rather than remain in an unsafe environment." The form shall also include a section allowing the consumer to designate, from all participating scholarship funding organizations, which organization will receive his or her donation. For purposes of this subsection, the term "purchase" does not include the lease or rental of a motor vehicle.
- Require a dealer, designated agent, or a private tag agent to:
 - Provide the purchaser the contribution election form, as prescribed by the Department of Revenue, at the time of purchase of a motor vehicle or at the time of registration of a motor vehicle that was not purchased from a dealer.
 - Collect eligible contributions.
 - Using a form provided by the Department of Revenue, which shall include the dealer's or agent's federal employer identification number, remit to an organization no later than the date the return filed pursuant to s. 212.11, F.S. is due the total amount of contributions made to that organization and collected during the preceding reporting period. The dealer or agent shall also report this information to the Department of Revenue no later than the date the return filed pursuant to s. 212.11, F.S. is due.
 - Report to the Department of Revenue on each return filed pursuant to s. 212.11, F.S. the total amount of credits granted under s. 212.1832, F.S. for the preceding reporting period.
- Require an organization to report to the Department of Revenue, on or before the 20th day of each month, the total amount of contributions received in the preceding calendar month on a form provided by the Department of Revenue. Such report shall include:
 - The federal employer identification number of each designated agent, private tag agent, or dealer who remitted contributions to the organization during that reporting period.
 - The amount of contributions received from each designated agent, private tag agent, or dealer during that reporting period.

- Establish that a person who, with the intent to unlawfully deprive or defraud the program of its moneys or the use or benefit thereof, fails to remit a contribution collected under this section is guilty of theft, punishable as follows:
 - If the total amount stolen is less than \$300, the offense is a misdemeanor of the second degree, punishable as provided in ss. 775.082 or 775.083 F.S. Upon a second conviction, the offender is guilty of a misdemeanor of the first degree, punishable as provided in ss. 775.082 or 775.083 F.S. Upon a third or subsequent conviction, the offender is guilty of a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084 F.S.
 - If the total amount stolen is \$300 or more, but less than \$20,000, the offense is a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084 F.S.
 - If the total amount stolen is \$20,000 or more, but less than \$100,000, the offense is a felony of the second degree, punishable as provided in ss. 775.082, 775.083, or 775.084 F.S.
 - If the total amount stolen is \$100,000 or more, the offense is a felony of the first degree, punishable as provided in ss. 775.082, 775.083, or 775.084 F.S.
- Specify that a person convicted of an offense under paragraph (d) shall be ordered by the sentencing judge to make restitution to the organization in the amount that was stolen from the program.
- Specify that upon finding that a dealer failed to remit a contribution under subparagraph (b)3. for which the dealer claimed a credit pursuant to s. 212.1832(2), F.S., the Department of Revenue shall notify the affected organization of the dealer's name, address, federal employer identification number, and information related to difference between credits taken by the dealer pursuant to s. 212.1832(2), F.S., and amounts remitted to the eligible scholarship funding organization under subparagraph (b)3.
- Specify that any dealer, designated agent, private tag agent, or organization that fails to timely submit reports to the Department of Revenue as required in paragraphs (b) and (c) is subject to a penalty of \$1,000 for every month, or part thereof, the report is not provided, up to a maximum amount of \$10,000. Such penalty shall be collected by the Department of Revenue and shall be transferred into the General Revenue Fund. Such penalty must be settled or compromised if it is determined by the Department of Revenue that the noncompliance is due to reasonable cause and not due to willful negligence, willful neglect, or fraud.
- Establish that the state is not liable for the award or any use of awarded funds under this section.
- Specify that this section does not expand the regulatory authority of this state, its officers, or any school district to impose additional regulation on participating private schools beyond those reasonably necessary to enforce requirements expressly set forth in this section.
- Provide that the State Board of Education shall adopt rules to administer this section with the exception of subsection (13) of the law, for which the Department of Revenue shall adopt rules.

Section 17.

Creates s. 1002.411, F.S., Reading scholarship accounts, to:

- Create Reading Scholarship Accounts.
- Establish that Reading Scholarship Accounts are contingent upon available funds, and on a first-come, first-served basis, for each student in grades 3 through 5 who is enrolled in a Florida public

school and scored below a Level 3 on the grade 3 or grade 4 statewide, standardized English Language Arts 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.
- Require a parent to submit an application to an eligible scholarship funding organization by the deadline established by the scholarship funding organization.
- Require a parent to submit eligible expenses to the scholarship funding organization for reimbursement of qualifying expenditures, which may include:
 - Instructional materials.
 - Curriculum. As used in this sub-subparagraph, the term “curriculum” means a complete course of study for a particular content area or grade level, including any required supplemental materials and associated online instruction.
 - Tuition and fees for part-time tutoring services. The services shall be provided by a person who holds a valid teaching certificate pursuant to s. 1012.56, F.S.; a person who holds a baccalaureate or graduate degree in the subject area; a person who holds an adjunct teaching certificate pursuant to s. 1012.57, F.S.; or a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5), F.S.
 - Fees for specialized summer education programs designed to improve reading or literacy skills.
 - Fees for after-school education programs designed to improve reading or literacy skills.
- Specify that a provider of any services receiving payments pursuant to this subsection may not share, refund, or rebate any moneys from the Reading Scholarship with the parent or participating student in any manner. A parent, student, or provider of any services may not bill an insurance company, Medicaid, or any other agency for the same services that are paid for using Reading Scholarship funds.
- Specify that a parent is responsible for the payment of all eligible expenses in excess of the amount in the account in accordance with the terms agreed to between the parent and the providers and may not receive any refund or rebate of any expenditures made in accordance with paragraph (a).
- Specify that an eligible scholarship funding organization participating in the Florida Tax Credit Scholarship Program established by s. 1002.395, F.S. may establish Reading Scholarship accounts for eligible students in accordance with the requirements of scholarship funding organizations under this chapter.
- Provide that the department shall have the same duties imposed by this chapter upon the department regarding oversight of scholarship programs administered by a scholarship funding organization.
- Require the school district to notify the parent of his or her student’s eligibility by September 30 and the process to request and receive a reading scholarship, subject to available funds.
- Specify that, for the 2018-19 school year, the amount of the scholarship shall be \$500 per eligible student. Thereafter, the maximum amount granted for an eligible student shall be provided in the General Appropriations Act.

- Provide that 100% of the funds appropriated for the program shall be released to the department at the beginning of the first quarter of each fiscal year.
- Specify that upon notification from the organization that a student has been determined eligible, the department shall release the student's scholarship funds to the organization to be deposited into the student's account.
- Specify that 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.
- Provide that the eligible scholarship-funding 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 that 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 shall be procured by competitive solicitation unless they are purchased from a state term contract pursuant to s. 287.056, F.S.
- Require that payment of scholarship shall be made by the eligible nonprofit scholarship-funding organization no less frequently than on a quarterly basis.
- Provide that in addition to funds appropriated for scholarships and subject to a separate, specific legislative appropriation, an organization may receive an amount equivalent to not more than 3 percent of the amount of each scholarship from state funds for administrative expenses if the organization has operated as a nonprofit entity for at least the preceding 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under s. 1002.395, F.S. Such administrative expenses must be reasonable and necessary for the organization's management and distribution of eligible contributions under this section. Funds authorized under this paragraph may not be used for lobbying or political activity or expenses related to lobbying or political activity or expenses related to lobbying or political activity. An organization may not charge an application fee for a scholarship. Administrative expenses may not be deducted from funds appropriated for scholarships.
- Specify that moneys received pursuant to this section do not constitute taxable income to the qualified student or his or her parent.
- Require that a student's scholarship must be closed and any remaining funds shall revert to the state after:
 - Denial or revocation of scholarship eligibility by the Commissioner for fraud or abuse, including, but not limited to, the student or student's parent accepting any payment, refund, or rebate, in any manner, from a provider of any services received pursuant to subsection (3); or
 - Three consecutive fiscal years in which an account has been inactive.
- Specify that no liability shall arise on the part of the state based on the award or use of a Reading Scholarship Account.

Section 18.

Amends s. 1002.421, F.S., Accountability of private schools participating in state school choice scholarship programs, to:

- Rename s. 1002.421, F.S. to State School Choice Scholarship Program Accountability and Oversight.
- Clarify that private school eligibility and obligations in s. 1002.421, F.S. apply to private schools participating in any educational scholarship program under chapter 1002, F.S.
- Specify that schools participating in a scholarship program pursuant to chapter 1002, F.S. must be a Florida private school as defined in s. 1002.01(2), F.S., and registered pursuant to s.1002.42, F.S.
- Require private schools participating in scholarship programs to provide to the department or scholarship-funding organization all documentation required for a student's participation, including the private schools' and students' individual fee schedule, and attendance verification as required by the department or scholarship-funding organization, prior to scholarship payment.
- Require all employees and contracted personnel with direct student contact at participating private schools meet the screening standards of s. 435.04, F.S.
- Clarify that a parent is to approve a funds transfer before any funds are deposited for a student, if applicable.
- Clarify a school may not endorse a scholarship warrant or approve a funds transfer on behalf of a parent.
- Add the following responsibilities for private schools participating in scholarship programs:
 - Maintain a physical location in the state at which each student has regular and direct contact with teachers.
 - Publish on the school's website, or in a written format, information for parents regarding the school, including, but not limited to, programs, services, and the qualifications of classroom teachers.
 - At a minimum, provide the parent of each scholarship student with a written explanation of the student's progress on a quarterly basis.
 - Cooperate with a student whose parent chooses to participate in the statewide assessments pursuant to s. 1008.22, F.S.
- Require each owner or operator of the private school, prior to employment or engagement to provide services, to undergo a level 2 background screening as provided under chapter 435. The fingerprints for the background screening must be electronically submitted to the Department of Law Enforcement and may be taken by an authorized law enforcement agency or a private company who is trained to take fingerprints. The complete set of fingerprints of an owner or operator may not be taken by the owner or operator. The owner or operator shall provide a copy of the results of the state and national criminal history check to the Department of Education. The cost of the background screening may be borne by the owner or operator.
- Require every 5 years following employment or engagement to provide services, each owner or operator must meet level 2 screening standards as described in s. 435.04, F.S. at which time the owner or operator shall request the Department of Law Enforcement to forward the fingerprints to

the Federal Bureau of Investigation for level 2 screening. If the fingerprints of an owner or operator are not retained by the Department of Law Enforcement under subparagraph 2., the owner or operator must electronically file a complete set of fingerprints with the Department of Law Enforcement. Upon submission of fingerprints for this purpose, the owner or operator shall request that the Department of Law Enforcement forward the fingerprints to the Federal Bureau of Investigation for level 2 screening, and the fingerprints shall be retained by the Department of Law Enforcement under subparagraph 2.

- Require fingerprints submitted to the Department of Law Enforcement as required by this paragraph to be retained by the Department of Law Enforcement in a manner approved by rule and entered in the statewide automated biometric identification system authorized by s. 943.05(2)(b), F.S. The fingerprints must 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, F.S. The Department of Law Enforcement shall search all arrest fingerprints received under s. 943.051, F.S. against the fingerprints retained in the statewide automated biometric identification system under subparagraph 2. Any arrest record that is identified with an owner's or operator's fingerprints must be reported to the owner or operator, who must report to the Department of Education. Any costs associated with the search shall be borne by the owner or operator.
- Specify that an owner or operator who fails the level 2 background screening is not eligible to participate in a scholarship program under this chapter.
- To add, in addition to the offenses listed in s. 435.04, F.S., a person required to undergo background screening pursuant to this part of authorizing statutes may not have an arrest awaiting final disposition for, must not have been found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, and must not have been adjudicated delinquent for, and the records must not have been sealed or expunged for, any of the following offenses or any similar offenses of another jurisdiction:
 - Any authorizing statutes, if the offense was a felony.
 - This chapter, if the offense was a felony.
 - Section 409.920, F.S. relating to Medicaid provider fraud.
 - Section 409.9201, F.S. relating to Medicaid fraud.
 - Section 741.28, F.S. relating to domestic violence.
 - Section 817.034, F.S. relating to fraudulent acts through mail, wire, radio, electromagnetic, photoelectronic, or photooptical systems.
 - Section 817.234, F.S. relating to false and fraudulent insurance claims.
 - Section 817.505, F.S. relating to patient brokering.
 - Section 817.568, F.S. relating to criminal use of personal identification information.
 - Section 817.60, F.S. relating to obtaining a credit card through fraudulent means.
 - Section 817.61, F.S. relating to fraudulent use of credit cards, if the offense was a felony.
 - Section 831.01, F.S. relating to forgery.
 - Section 831.02, F.S. relating to uttering forged instruments.
 - Section 831.07, F.S. relating to forging bank bills, checks, drafts, or promissory notes.

- Section 831.09, F.S. relating to uttering forged bank bills, checks, drafts, or promissory notes.
- Section 831.30, F.S. relating to fraud in obtaining medicinal drugs.
- Section 831.31, F.S. relating to the sale, manufacture, delivery, or possession with the intent to sell, manufacture, or deliver any counterfeit controlled substance, if the offense was a felony.
- To require that a private school must notify the parent of each scholarship student at least 30 calendar days before a transfer of ownership of a private school.
- To establish that an owner or operator of a private school that has been deemed ineligible to participate in a scholarship program pursuant to this chapter may not transfer ownership or management authority of the school to a relative in order to participate in the scholarship program as the same school or a new school.
- Establish that the term “relative” means father, mother, son, daughter, grandfather, grandmother, brother, sister, uncle, aunt, 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.
- Require a report from an independent certified public accountant who performs the agreed-upon procedures developed pursuant to s. 1002.395(6)(o), F.S. if the private school received more than \$250,000 in funds from scholarships awarded under this chapter in a state fiscal year. The private school must submit the report by September 15 to the scholarship funding organization that awarded the majority of the school’s scholarship funds. A school that received more than \$250,000 in scholarship funds only through the McKay Scholarship must submit the annual report to the Department of Education.
- Specify that if a private school fails to meet the requirements of this subsection or has consecutive years of material exceptions listed in the agreed-upon procedures report, the Commissioner may determine that the private school is ineligible
- Transfer Department of Education obligations and accountability provisions of this section of law and apply these provisions to all scholarship programs pursuant to chapter 1002, F.S..
- Require the Department of Education to coordinate with the entities conducting the health inspection for a private school to obtain copies of the inspection reports.
- Require the Department of Education to conduct site visits to private schools entering a scholarship program for the first time. Beginning with the 2019-20 school year, a private school is not eligible to receive scholarship payments until a satisfactory site visit has been conducted and the school is in compliance with all other requirements.
- Require the Department of Education to coordinate with the State Fire Marshal to obtain access to fire inspection reports for private schools. The authority conducting the fire safety inspection shall certify to the State Fire Marshal that the annual inspection has been completed and that the school is in full compliance. The certification shall be made electronically or by such other means as directed by the State Fire Marshal.
- Provide, upon the request of a participating private school authorized to administer statewide assessments, at no cost to the school the statewide assessments administered under s. 1008.22,

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

- Provide that the Florida Department of Education may conduct site visits to any private school participating in a scholarship program that has received a complaint about a violation of state law or state board rule or has received a notice of noncompliance or a notice of proposed action within the previous 2 years.

Section 19.

Amends s. 1002.55, F.S., School-year prekindergarten program delivered by private prekindergarten providers, to:

- Provides an early learning coalition an option to refuse to contract with a private prekindergarten provider cited for a class I violation.

Section 20.

Amends s. 1002.75, F.S., Office of Early Learning; powers and duties, to:

- Provides an early learning coalition an option to refuse to contract for delivery of the VPK education Program or to revoke VPK provider eligibility of a private prekindergarten provider cited for a class I violation.

Section 21.

Amends s. 1002.88, F.S., School readiness program provider standards; eligibility to deliver the school readiness program, to:

- Provides an early learning coalition an option to refuse to contract with a provider for delivery of the School Readiness Program or to revoke the provider's eligibility to deliver the School Readiness Program if provider has been cited for a class I violation.

Section 22.

Amends s. 1003.44, F.S., Patriotic programs; rules, to:

- Require each school board to adopt rules that require the state motto, "In God We Trust," to be displayed in a conspicuous place in each school of the district and in each building used by the district school board.

Section 23.

Amends s. 1003.453, F.S., School wellness and physical education policies; nutrition guidelines, to:

- Require school districts that provide instruction in the use of cardiopulmonary resuscitation (CPR) to base the instruction on a nationally recognized program. Students must be allowed to practice the psychomotor skills associated with performing CPR as well as use of an automated external defibrillator (AED) when a school district has the equipment necessary to perform the instruction. This training is encouraged for all students beginning in grade 6 and every two years thereafter, but is not required.

Section 24.

Amends s. 1003.576, F.S., Individual education plans for exceptional students, to:

- Delete obsolete provisions relating to a requirement that the Florida Department of Education (DOE) have an operating electronic individual education plan (IEP) system in place for statewide use by removing “potential” and “July 1, 2007” as the date for the DOE to establish the electronic IEP system for statewide use.

Section 25.

Amends s. 1006.061, F.S., Child abuse, abandonment, and neglect policy, to:

- Specify that private schools that accept scholarship students who participate in a state scholarship program under chapter 1002, F.S. must comply with this section.

Section 26.

Amends s. 1006.15, F.S., Student standards for participation in interscholastic and intrascholastic extracurricular student activities; regulation, to:

- Require a home education student to register their intent to participate in interscholastic extracurricular activities as a representative of the school before participation. This is a change from the current requirement for a home education student to register their intent to participate prior to the beginning date of the season.

Section 27.

Amends s. 1007.271, F.S., Dual enrollment programs, to:

- Specify that the dual enrollment articulation agreement may not limit the number of courses that a student may enroll in at an independent postsecondary institution.
- Eliminate the requirement that home school students must be responsible for his or her own instructional materials.
- Specify that public postsecondary institutions must enter into a dual enrollment articulation agreement with home school students and then any course or program limitations in this agreement may not exceed the limitations for non-home school dual enrollment students.
 - Adds that a home school student is not required to meet the minimum grade point average (GPA) requirement if the student has met the common placement test requirement for participation in dual enrollment. These students must, however, meet the minimum GPA

requirements for dual enrollment courses for continued participation in dual enrollment programs.

- Specify that public postsecondary institutions must enter into a dual enrollment articulation agreement with eligible private schools in its geographic service area.
- Eliminates the requirement that the dual enrollment articulation agreement between the public postsecondary institution and the private school include a provision stating whether the private school will pay the standard tuition rate for dual enrollment courses taken by its students.

Section 28.

Amends s. 1008.22, F.S., Student assessment program for public schools, to:

- Require that reading passages and writing prompts for the FSA ELA assessments shall incorporate grade-level core curricula content from social studies.
- Require that, when the department publishes assessments as required triennially, that they be in a format that facilitates the sharing of assessment items.

Section 29.

Amends s. 1011.62, F.S., Funds for operation of schools, to:

- Rename the supplemental academic instruction categorical fund to “supplemental academic instruction (SAI) allocation” and revise the focus to require, beginning in the 2018-19 school year, each school that earns a “D” or “F” grade to use the allocation to implement intervention and support strategies for school improvement and salary supplements.
- Revise the basis for identifying the 300 lowest-performing elementary schools from the state reading assessment from the prior year to a three-year average of the state reading assessment data.
- Remove the requirement for the additional hour of instruction for schools on the list of 300 lowest-performing elementary schools to be provided by teachers or reading specialists who have demonstrated effectiveness in teaching reading or by a K-5 mentoring reading program that is supervised by a teacher who is effective at teaching reading.
- Authorize optional participation in the additional hour of instruction for students who scored a level 4 or 5 on the English Language Arts (ELA) assessment in the prior year.
- Remove the additional funds within the SAI allocation provided for districts that have elementary schools included in the 300 lowest-performing schools list.
- Remove the option for the Florida State University School to expend its Florida Education Finance Program (FEFP) or Lottery funds for the cost to the student of remediation in reading, writing or mathematics for any graduate who requires remediation at a postsecondary educational institution.
- Provide that a teacher may not be awarded a Career and Professional Education Act (CAPE) industry certification bonus if the teacher fails to maintain the security of any CAPE industry

certification examination or otherwise violates the security or administrative protocol of any assessment instrument that may result in a bonus being awarded to the teacher.

- Authorize the State Board of Education to adopt rules to establish the criteria under which a student's industry certification or grade may be rescinded.
- Remove the option to use the Safe Schools Allocation funds and SAI Allocation funds for other purposes.
- Expand flexibility provisions to use certain categorical funding sources to improve student safety, if declared in a resolution adopted by the school board.
- Add that districts must use teachers or other district personnel who are certified or endorsed in reading for summer reading camps funded through the Research-Based Reading Instruction allocation.
- Direct the Just Read, Florida! Office to identify supplemental instructional materials that are grounded in scientifically based reading research.
- Require a district reading plan to provide for intensive reading interventions that, beginning with the 2020-21 school year, are delivered by a teacher who is certified or endorsed in reading.

Section 30.

Amends s. 1011.6202, F.S., Principal Autonomy Pilot Program Initiative, to:

- Rename the section "Principal Autonomy Program."
- Allow any school district to apply to the State Board of Education by December 1 to participate in the program, contingent on funds and on a first-come, first-served basis.
- Allow a school to remain exempt beyond the three-year term of the program as long as the school receives a grade no less than a "B."
- Require the principal and a designated leadership team selected by the principal to complete a nationally recognized school turnaround program focused on specific elements. '
- Allow school boards to authorize participating principals to manage multiple schools within a zone to encourage further innovation through "district innovation academies."
- Delete provision requiring reporting and evaluation of the effectiveness of the program.
- Provide that funding is subject to an annual appropriation to the department to fund costs of program to include the required training and an amount not to exceed \$10,000 for each participating principal for three years.
- Require participating principals to be rated "highly effective," transferred to a school that earned an "F" or two consecutive grades of "D," or manage a persistently low-performing school per subsection (5) of the statute.

Section 31.

Amends s. 1011.69, F.S., Equity in School-Level Funding Act, to:

- Clarify that, when school districts distribute Title I funds to schools above the 75 percent poverty threshold, the 75 percent may include high schools above the 50 percent threshold as permitted by federal law.
- Increase the amount a school district can withhold from a school's Title I funds for administrative purposes from 8 percent to 10 percent.
- Provide that a district may also withhold a necessary and reasonable amount of Title I funds, not to exceed 1 percent, for eligible schools to provide educational services in accordance with the approved Title I plan.
- Exclude Title I funds used for district-level educational services provided by the school district from the 1 percent cap on the funds that a district may withhold for administration.

Section 32.

Amends s. 1011.71, F.S., District school tax, to:

- Prohibit a district school board from withholding administrative fees authorized in law from any charter school operating in the school district, if payments under a lease-purchase agreement entered into by the district school board in the aggregate, including agreements entered into before June 30, 2009, exceed three-fourths of the proceeds from the discretionary millage.

Section 33.

Amends s. 1012.2315, F.S. Assignment of teachers, to:

- Require a memorandum of understanding to be executed between a Collective Bargaining Unit (CBU) and a district detailing selection and placement processes for instructional personnel including principals with autonomy.
- Creates additional requirements for certification of CBUs including information detailing the number of employees represented, broken down by dues paying members and members who do not pay dues.
 - If a district determines that a CBU has less than 50% of the bargaining class as dues paying members, the CBU must petition the Public Employees Relations Commission (PERC) as if they had been rejected by the district.
 - The CBU must include with their petition, signed statements from at least 30% of the bargaining unit (the class of instructional personnel) stating that they want to be represented by this CBU. This process allows any other registered employee organization that can provide statements of support from at least 10% of the class, to intervene.
 - What follows is an election, financed by the parties and overseen by the Commission. The prevailing party is then certified by the Commission.

- If an organization fails to properly petition PERC (as required by this statute) within one month of submitting their application for renewal, their certification is revoked.

Section 34.

Amends s. 1012.28, F.S., Public school personnel; duties of school principals, to:

- Remove “pilot” from Principal Autonomy Pilot Program Initiative.
- Remove provision that the school district shall include the budget in the annual report provided to the State Board of Education. The requirement for a report was removed in s. 1011.6202, F.S.

Section 35.

Amends s. 1012.315, F.S., to:

- Specify that private schools that accept scholarship students who participate in a state scholarship program under chapter 1002, F.S., must comply with this section.

Section 36.

Amends s. 1012.32, F.S., to:

- Provide that 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 governing board members or instructional or noninstructional personnel within 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.

Section 37.

Amends s. 1012.562, F.S., Public accountability and state approval of school leader preparation programs, to:

- Allow charter schools or charter management organizations, in addition to postsecondary institutions and school districts, to submit to the department an application to establish a Level I school leader preparation program for approval.
- Allow charter schools or charter management organizations, in addition to school districts, to submit to the department an application to establish a Level II school leader preparation program for approval or renewal.

Section 38.

Amends s. 1012.586, F.S., Additions or changes to certificates; duplicate certificates, to:

- Add the requirement that the review of existing subject coverage or endorsement requirements (due by July 1, 2018 and every five years thereafter) also consider the award of an endorsement to an individual who holds a certificate issued by an internationally recognized organization that establishes standards for providing evidence-based interventions to struggling readers or who completes a postsecondary program that is accredited by such organization. Any such certificate or

program must require an individual who completes the certificate or program to demonstrate competence in reading intervention strategies through clinical experience.

Section 39.

Amends s. 1012.731, F.S., The Florida Best and Brightest Teacher Scholarship Program, to:

- Allow a school district employee who is no longer a classroom teacher to receive an award if the employee was a classroom teacher in the prior school year, was rated highly effective, and met the requirements as a classroom teacher.

Section 40.

Amends s. 1012.796, F.S., Complaints against teachers and administrators; procedure; penalties, to:

- Specify that private schools that accept scholarship students who participate in a state scholarship program under chapter 1002, F.S., must comply with this section.

Section 41.

Amends s. 1012.98, F.S., School Community Professional Development Act, to:

- Require that professional development resources include sample course-at-a-glance and unit overview templates that school districts may use when developing curriculum. The templates must provide an organized structure for addressing Florida Standards, grade-level expectations, evidence outcomes, and 21st century skills that build to students' mastery of the standards at each grade level as well as supporting teaching to greater intellectual depth and emphasizing transfer and application of concepts, contents, and skills.
- Require that each template, at a minimum:
 - provide course or year-long sequencing of concept-based unit overviews based on the Florida Standards,
 - describe the knowledge and vocabulary necessary for comprehension,
 - promote the instructional shifts required within the Florida Standards, and
 - illustrate the interdependence of grade-level expectations within and across content areas within a grade.

Section 42.

Amends s. 1013.28, F.S., Disposal of property, to:

- Require that tangible personal property that has been properly classified as surplus, marked for disposal, or otherwise unused by a district school board must be provided for a charter school's use on the same basis as it is made available to other public schools in the district.
 - A charter school receiving such property may not sell or dispose of the property without written permission of the school district.

Section 43.

Amends s. 1013.31, F.S., Educational plant survey; localized need assessment; PECO project funding, to:

- Allow school districts to use the following fund sources for capital outlay purposes without a survey recommendation:
 - Capital outlay improvement fund, consisting of funds that come from and are a part of the district's basic operating budget;
 - Funds from a taxpayer approved and voted on bond referendum;
 - Funds from private one-half cent sales surtax revenue;
 - Funds from private one cent local governmental surtax revenue;
 - Funds from impact fees; and
 - Funds from private gifts or donations.

Section 44.

Amends s. 1013.385, F.S., School district construction flexibility, to:

- Authorize a district school board to exempt themselves from any provisions in State Requirements for Educational Facilities (SREF code or manual) that limit the ability of a school to operate in a facility on the same basis as a charter school.
- Requires that the regional planning council determine if there is sufficient shelter capacity within the school district as documented in the Statewide Emergency Shelter Plan to grant the exception.²

Section 45.

Amends s. 1013.62, F.S., Charter schools capital outlay funding, to:

- Provide that charter school capital outlay funding for the 2018-19 fiscal year shall consist of state funds appropriated in the 2018-19 General Appropriations Act.
- Delete the requirement that charter school capital outlay must consist of the revenue from the discretionary millage district school boards are authorized to levy. Instead, the bill provides that such revenue must only be included in charter school capital outlay if, beginning in fiscal year 2019-20, the amount of state funds appropriated for charter school capital outlay is less than the value of the average charter school capital outlay funds per unweighted full-time equivalent student for the 2018-19 fiscal year, multiplied by the estimated number of charter school students for the applicable fiscal year, and adjusted by changes in the Consumer Price Index from the previous year.
- Clarify that the section does not prohibit school districts from distributing 1.5 mill discretionary millage funds to charter schools.
- Add that, when school districts submit the total annual debt service obligation to the Florida DOE by October 1 of each year, the amount shall not include debt that has been retired after March 1, 2017. The bill directs the Auditor General to verify compliance with this provision during annual school district operational audits.

² See s. 252.385(2)(b), F.S.

Section 46.

- Appropriates \$13,750,000 in recurring funds and \$100,000 in nonrecurring funds from the General Revenue Fund to the DOE to implement the act. Of the recurring funds:
 - The sum of \$9,700,000 shall be provided to fund reading scholarship accounts;
 - The sum of \$300,000 shall be provided for administrative fees associated with the reading scholarship accounts;
 - The sum of \$2,000,000 shall be provided to implement DOE obligations for the Hope Scholarship Program;
 - The sum of \$950,000 shall be provided to implement the revised state scholarship accountability provisions;
 - The sum of \$250,000 shall be provided to issue a competitive grant award to a state university to review the Florida Tax Credit scholarship Program; and
 - The sum of \$550,000 shall be provided for instructional materials for home education program students.
- Of the nonrecurring funds, and contingent upon HB 1279 or similar legislation in the 2018 regular session becoming law, \$100,000 shall be provided for the DOE to contract with an independent third party to conduct an investigation of the accounts and records of a school board in which any of the conditions identified in s. 218.503(1), F.S., existed in the 2015-16 fiscal year or thereafter.

Section 50. The law provides that students at Marjory Stoneman Douglas High School are exempt from taking the statewide standardized assessments under s. 1008.22, F.S., during the 2017-18 school year. They are also exempt from the use of these assessments for course grades as required by s. 1003.4282, F.S., for 2017-18. However, the school shall administer industry certification assessments, national assessments, and statewide assessments for any student who chooses to take them.

- Students in the 2017-18 graduating class are exempted from the minimum hours of instruction requirement in s. 1003.436, F.S. Additionally, students in the 2017-18 graduating class are not required to pass the Grade 10 ELA assessment or the Algebra 1 EOC assessment or earn concordant or comparative scores to earn a standard high school diploma.
- Further, students in the 2017-18 graduating class are exempt from the requirement to pass the assessments enumerated in s. 1003.4285, F.S., to earn the Scholar and Merit designations.
- Finally, the school grade of “A” that Marjory Stoneman Douglas High School earned for the 2016-17 school year shall be used for the 2017-18 school year to maintain eligibility for designation as a school of excellence and to receive a school recognition award.

General Implementation Timeline:**Section 9.**

September 2018:

- Amend Rule 6A-6.0786 to reflect necessary changes in standard charter application and standard charter contract.
- Technical Assistance Paper to charter schools and district.

Section 13.

September 2018:

- Amend Rule 6A-6.0961 to reflect accountability changes.

Section 14.

September 2018:

- Amend Rule 6A-6.0970 to reflect accountability changes.

Section 15.

July 2018:

- Project grant for state university.

Section 16.

August 2018:

- Create rule required for administration.
- Contract with entity for evaluation.
- Additions and updates to website, database and applications.

Section 17.

August 2018:

- Create rule required for administration.
- Additions and updates to website, database and applications.

Section 18.

September 2018:

- Revise Scholarship Compliance Form (incorporated in Rule 6A-6.0331).
- Amend Rule 6A-6.0331.
- Additions and updates to website, database and applications.

Section 20.

July 1, 2018:



- Begin VPK rule promulgation for 6M-8.301 Statewide Voluntary Prekindergarten Provider Contract, define Class I violation for counties governed by either DCF or local licensing authority, and determine period of ineligibility.

Section 21.

July 1, 2018:

- Begin rule promulgation for 6M-4.610 Statewide Provider Contract for the School Readiness Program and 6M-4.620 Health and Safety Checklists to determine period of ineligibility.

Section 27.

May 18, 2018

- Notify school districts, public colleges, and public universities of the changes to the dual enrollment program requirements.

August 1, 2018

- School districts submit dual enrollment articulation agreements to DOE for academic year 2018-19.

September 28, 2018

- DOE review of dual enrollment articulation agreements for academic year 2018-19 to ensure that the new agreements meet the statutory requirements.

Section 28.

2018-19

- Incorporate grade-level core curricula content from social studies into FSA ELA assessments.

Section 29:

- Require, by the 2020-2021 school year, that intensive reading interventions must be delivered by a teacher who is certified or endorsed in reading.

Section 50.

2017-18

- Students at Marjorie Stoneman Douglas High School exempted from the assessment requirements specified in sections 1008.22, 1003.4285, and 1003.436, F.S., for the 2017-18 school year.
- In the calculation of the 2017-18 school grades Marjory Stoneman Douglas High School will receive a grade of "A" and will be eligible for school recognition funding.

HB 7087 Taxation**(CH. 2018-118, Laws of Florida)**

Bill Sponsor: Appropriations Committee; Ways and Means Committee; Representative Renner;
Representative Avila

Effective Date: July 1, 2018, except as otherwise expressly provided in the act

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

The bill contains provisions for tax relief and changes to tax policy for families and businesses in Florida. The bill provides several tax exemptions related to hurricane response, preparedness and recovery. A three-day “back-to-school” sales tax holiday is created from August 3 to August 5, 2018, for students and families to purchase clothing, footwear, backpacks and school supplies. The legislation also includes property tax provisions, sales tax provisions, traffic fines reduction, fuel tax provisions and other provisions that provide broad-based tax relief across the state.

Sections of HB 7087 that have a specific impact on education in Florida are described below.

Section 7.

Amends s. 163.01, F.S., Florida Interlocal Cooperation Act of 1969, to:

- Clarify that any separate legal entity created under the Florida Interlocal Cooperation Act of 1969 is not required to pay any taxes or assessments, including ad valorem tax, on property acquired or used by the entity to perform essential governmental functions, regardless of whether the property is located within or outside of the jurisdiction of the members of the entity.
- Clarify that the entity, in performance of its authorized purposes, provides essential governmental functions for the public health, safety and welfare of the people of the state, and not just the members located within the entity. Further, the bill clarifies that the exemption is not affected by the entity entering into agreements with private entities for services related to utilities owned by the separate legal entity.

Section 9.

Amends s. 193.155, F.S., Homestead assessments, to:

- Allow an owner of a homestead property that was significantly damaged or destroyed as a result of a named tropical storm or hurricane to elect to have the property deemed abandoned as of the date of the storm, even if the owner received a homestead exemption on the property as of January 1 of the year immediately following the storm. This exemption is available only if the owner establishes a new homestead as of January 1 of the second year following the named storm or hurricane.

Sections 10 and 11.

Creates s. 193.4516, F.S., Assessment of citrus fruit packing and processing equipment rendered unused due to Hurricane Irma or citrus greening, to:

- Provide that, for purposes of ad valorem taxation, tangible personal property owned and operated by a citrus fruit packing or processing facility shall be deemed to have a market value no greater than its salvage value, provided the tangible personal property is no longer used in the operation of the facility due to the effects of Hurricane Irma or citrus greening.
- State in section 11 states that the creation of the reduction in tangible personal property value provided in s. 193.4516, F.S., applies to the 2018 property tax roll.

Sections 12 and 13.

Amends s. 193.461, F.S., Agricultural lands; classification and assessment; mandated eradication or quarantine program, to:

- Add that lands classified for assessment purposes as agricultural lands that are not being used due to the impact of a hurricane that made landfall in Florida during the 2017 calendar year, must continue to be classified as agricultural lands unless they have been converted to a nonagricultural use.
- Provide in section 13 that the amendment made by section 12 of the bill applies to the 2018 property tax roll.

Section 15.

Amends s. 196.173, F.S., Exemption for deployed servicemembers, to:

- Add an ending date of December 31, 2014, to Operation Enduring Freedom, which provides a homestead tax exemption to a servicemember who was deployed during the operation.
- Remove Operation New Dawn as an operation that provides a homestead tax exemption.
- Remove Operation Odyssey Dawn as an operation that provides a homestead tax exemption.

Section 16.

Amends s. 196.24, F.S., Exemption for disabled ex-servicemember or surviving spouse; evidence of disability, to:

- Provide that an ex-servicemember who was honorably discharged and is disabled to a degree of 10 percent or more by misfortune or while serving during a period of wartime service is entitled to the exemption from taxation on property up to the value of \$5,000. The unremarried surviving spouse of said person is also entitled to this exemption, provided her or she had been married to the disabled ex-servicemember for at least five years upon the date of the ex-servicemember's death. The bill removes the requirement for an unremarried surviving spouse of a disabled ex-servicemember to have been married to the disabled ex-servicemember for at least five years upon the ex-servicemember's death in order to receive the exemption.

Section 17.

Creates s. 197.318, F.S., Abatement of taxes for residential improvements damaged or destroyed by Hurricanes Hermine, Matthew, or Irma, to:

- Provide a relief credit for homestead parcels on which the defined residential improvements were damaged or destroyed by a hurricane that occurred in 2016 or 2017, namely hurricanes Hermine, Matthew, and Irma. If the residential improvement is rendered uninhabitable for at least 30 days due to a hurricane that occurred during the 2016 or 2017 calendar year, taxes initially levied in 2019 may be abated.
- Require a participating property owner to file an application with the property appraiser no later than March 1, 2019. The application shall provide the details of the residential parcel on which the improvement was destroyed.
- Direct the property appraiser to investigate the statements provided in each application and determine if the applicant is entitled to a tax abatement and provide a written determination by April 1, 2019. The tax collector must also notify the DOR no later than May 1, 2019, of the reduction in taxes for all qualified properties.
- Provide that the section applies retroactively to January 1, 2016, and expires January 1, 2021.

Section 34.

Amends s. 212.055, F.S., Discretionary sales surtaxes; legislative intent; authorization and use of proceeds, to:

- Expand the definition of infrastructure for the purposes of local government infrastructure surtax expenditures to include instructional technology and facilities that are necessary to carry out governmental purposes, including, but not limited to, fire stations, general governmental office buildings and animal shelters.

Section 35.

Amends s. 212.055, F.S., Discretionary sales surtaxes; legislative intent; authorization and use of proceeds, to:

- Require the Office of Program Policy Analysis and Government Accountability to procure a certified public accountant who will complete a performance audit of the program associated with a surtax adoption proposed by the county of school district.
- Require the performance audit to be completed at least 60 days before the referendum is held and the audit report shall be made publically available on the website of the county or school district.
- Require the performance audit to include examination of issues related to:
 - The economy, efficiency or effectiveness of the program;
 - The structure or design of the program;
 - Alternative methods of providing program services or products;
 - Goals, objectives and performance measures used by the program to monitor and report accomplishments;
 - The accuracy or adequacy of public documents prepared by the county or schools district that relate to the program; and

- Compliance of the program with appropriate policies, rules and laws.
- Provide that the subsection does not apply to a referendum held to adopt the same discretionary surtax that was in place during the December immediately before the date of the referendum.

Section 41.

Creates s. 218.131, F.S., Offset for tax loss associated with reductions in value of certain residences due to specified hurricanes, to:

- Direct the legislature to appropriate funds in the 2019-20 fiscal year to offset the reductions in ad valorem tax revenue experienced by fiscally constrained counties that occur as a direct result of the implementation of section 17 of this bill.
- Require each affected taxing jurisdiction to apply to the DOR by November 15, 2019, in order to participate in the distribution of the appropriation, which will occur in January 2020.

Section 42.

Creates s. 218.135, F.S., Offset for tax loss associated with reductions in value of certain citrus fruit packing and processing equipment, to:

- Direct the legislature to appropriate funds in the 2018-19 fiscal year to offset the reductions in ad valorem tax revenue experienced by fiscally constrained counties that occur as a direct result of the implementation of section 10 of this bill, relating to the reduction in value of property owned by citrus packing facilities that were affected by Hurricane Irma or citrus greening.
- Requires each affected taxing jurisdiction to apply to the DOR by November 15, 2018, in order to participate in the distribution of the appropriation, which will occur in January 2019.

Section 53.

Amends s. 1011.71, F.S., District school tax, to:

- Increase the amount a school district may expend for specified operating expenditures from its discretionary capital outlay millage revenue from \$100 per FTE to \$150 per FTE.

Section 54.

- Creates a sales tax holiday from August 3, 2018, through August 5, 2018, on the retail sale of:
 - Clothing, wallets, bags (excluding briefcases, suitcases, and other garment bags) with a sales price of \$60 or less.
 - School supplies having a sales price of \$15 or less per item, including pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, binders, lunch boxes, construction paper, markers, folders, poster board, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, computer disks, protractors, compasses and calculators.
- The tax exemption does not apply to sales made within a theme park or entertainment complex.
- The bill appropriates \$243,814 in the 2017-18 year to the Florida Department of Revenue (DOR) to implement this section. Any funds remaining as of June 30, 2018, shall revert and be reappropriated for the same purpose in the 2018-19 fiscal year.

Section 55.

- Creates a sales tax holiday from June 1, 2018, through June 7, 2018, on the retail sale of:
 - Portable self-powered light sources selling for \$20 or less;
 - Portable self-powered radios, two-way radios, or weather-band radios selling for \$50 or less;
 - Tarpaulins or other flexible waterproof sheeting selling for \$50 or less;
 - Ground anchor systems or tie-down kits selling for \$50 or less;
 - Gas or diesel fuel tanks selling for \$25 or less;
 - AAA batteries, AA batteries, C batteries, D batteries, 6-volt batteries, or 9-volt batteries, excluding automobile and boat batteries, selling for \$30 or less;
 - Nonelectric food storage coolers selling for \$30 or less;
 - Portable generators selling for \$750 or less, provided the generators are used to provide light or communications or preserve food in the event of a power outage; and
 - Reusable ice selling for \$10 or less.
- The tax exemption does not apply to sales made within a theme park or entertainment complex.
- The bill appropriates \$70,072 in nonrecurring funds to the DOR to implement this section.

Section 56.

- Provides that the purchase of any equipment used to generate emergency electric energy at a nursing home facility or an assisted living facility is exempt from any sales tax from July 1, 2017, through December 31, 2018. The exemption is limited to a maximum of \$15,000 and may be applied at the time of purchase or granted through a refund from the DOR on previously paid taxes.

Section 57.

- Provides that the purchase of any fencing materials from September 10, 2017, through May 31, 2018, is exempt from taxes if the materials will be or were used to repair damage to fences that occurred as a direct result of the impact of Hurricane Irma. The exemption is provided solely through a refund from the DOR on previously paid taxes.
- Requires that individuals requesting a refund must apply to the DOR by December 31, 2018.

Section 58.

- Provides that the purchase of any building materials from September 10, 2017, through May 31, 2018, is exempt from taxes if the materials will be or were used to repair damage to a nonresidential farm building that occurred as a direct result of the impact of Hurricane Irma. The exemption is provided solely through a refund from the DOR on previously paid taxes.
- Requires that individuals requesting a refund must apply to the DOR by December 31, 2018.

Section 59.

- Provides that the purchase of any fuel used in any motor vehicle driven or operated upon the public highways of the state for agricultural shipment is exempt from any state or county taxes (not including

the state excise or license tax of two cents per net gallon or the 0.125 cents per net gallon for defraying the expenses incident to inspecting, testing and analyzing motor fuel) if purchased from September 10, 2017, through June 30, 2018, if the materials will be or were used to repair damage to nonresidential farm building that occurred as a direct result of the impact of Hurricane Irma. The exemption is provided solely through a refund from the DOR on previously paid taxes.

- Requires that individuals requesting a refund must apply to the DOR by December 31, 2018.

Section 62.

- Directs the Division of Law Revision and Information to replace the phrase “the effective date of this act” throughout the bill with the date the act becomes law.

Section 63.

- Provides an effective date of July 1, 2018, unless otherwise expressly provided in the act.

General Implementation Timeline:

June 1—7, 2018	Disaster Preparedness Sales Tax Holiday
July 1, 2018	The act takes effect, except for sections otherwise noted.
August 3—5, 2018	Back-to-School Sales Tax Holiday