

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1
 2 An act relating to education; amending 11.45, F.S.;
 3 revising the duties of the Auditor General to conform
 4 to changes made by the act; amending s. 110.1228,
 5 F.S.; conforming a cross-reference; amending s.
 6 216.251, F.S.; providing the manner of setting
 7 salaries for positions within the Florida School for
 8 Competitive Academics; amending s. 402.22, F.S.;
 9 conforming a cross-reference; amending s. 447.203,
 10 F.S.; revising the definition of the terms "public
 11 employer" or "employer" to include the Florida School
 12 for Competitive Academics for purposes of part II of
 13 ch. 447, F.S.; making technical changes; amending s.
 14 1000.04, F.S.; revising the components of the delivery
 15 of public education within the Florida Early Learning-
 16 20 education system to include the Florida School for
 17 Competitive Academics; amending s. 1000.071, F.S.;
 18 providing applicability relating to the use of
 19 personal titles and pronouns in certain K-12
 20 educational institutions; amending s. 1001.20, F.S.;
 21 revising the powers of the Department of Education's
 22 Office of Inspector General to conform to changes made
 23 by the act; amending s. 1001.215, F.S.; revising
 24 duties of the Just Read, Florida! Office; amending s.
 25 1001.26, F.S.; requiring the department to provide

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

26 funds to certain radio stations; amending s. 1001.42,
 27 F.S.; providing an exemption to collective bargaining
 28 requirements under specified circumstances; amending
 29 s. 1001.43, F.S.; authorizing district school boards
 30 to adopt policies for an enrollment fee for specified
 31 summer courses; providing fee requirements; amending
 32 s. 1002.32, F.S.; revising funding requirements for
 33 developmental research schools; conforming provisions
 34 to changes made by the act; creating s. 1002.351,
 35 F.S.; providing for the establishment of the Florida
 36 School for Competitive Academics; providing for the
 37 purpose and mission of the school; requiring the
 38 school to be included in a certain online portal;
 39 requiring the portal to include information for
 40 parents on submitting educational records for
 41 admission purposes; providing for the appointment of
 42 the board of trustees; prescribing the powers and
 43 duties of the board of trustees; providing sovereign
 44 immunity to the board of trustees; specifying the
 45 board's duties regarding the maintenance of student
 46 and employee records; providing requirements regarding
 47 background screening of school personnel; specifying
 48 duties of the board regarding personnel; requiring the
 49 Auditor General to conduct audits of the school;
 50 authorizing the department's Office of Inspector

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

51 General to conduct investigations, as appropriate;
 52 exempting the school from specified requirements in
 53 the Florida Early Learning-20 Education Code;
 54 providing exceptions; specifying applicability of
 55 certain provisions of law; amending s. 1002.37, F.S.;
 56 revising funding requirements for the Florida Virtual
 57 School; conforming provisions to changes made by the
 58 act; amending s. 1002.394, F.S.; revising funding
 59 requirements for the Family Empowerment Scholarship
 60 Program; conforming provisions to changes made by the
 61 act; amending s. 1002.45, F.S.; revising the
 62 enrollment limitation on certain students; conforming
 63 provisions to changes made by this act; amending ss.
 64 1002.59, 1002.71, 1002.84, and 1002.89, F.S.;
 65 conforming provisions and cross-references to changes
 66 made by the act; amending s. 1002.995, F.S.; revising
 67 eligibility requirements for providing incentives to
 68 certain early learning personnel; amending s. 1003.03,
 69 F.S.; conforming a provision to changes made by the
 70 act; creating s. 1003.4201, F.S.; requiring school
 71 districts to implement a system of comprehensive
 72 reading instruction for specified students that
 73 includes a specified plan; providing plan
 74 requirements; providing school district and department
 75 requirements; defining the term "evidence-based";

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

76 | amending ss. 1003.485, 1003.621, and 1004.935, F.S.;

77 | conforming provisions and cross-references to changes

78 | made by the act; creating s. 1006.041, F.S.; requiring

79 | school districts to implement a school-based mental

80 | health assistance program for specified students that

81 | includes a specified plan; providing plan and school

82 | district requirements; amending s. 1006.07, F.S.;

83 | conforming provisions to changes made by the act;

84 | amending s. 1006.1493, F.S.; requiring school

85 | districts to annually report specified information

86 | relating to the Florida Safe Schools Assessment Tool

87 | to the Office of Safe Schools; amending s. 1006.28,

88 | F.S.; defining the term "library media center";

89 | requiring district school superintendents to annually

90 | certify specified information to the Commissioner of

91 | Education; exempting certain instructional materials

92 | from specified procedures; amending s. 1006.40, F.S.;

93 | revising requirements for the instructional materials

94 | allocation and the purchase of instructional

95 | materials; conforming provisions to changes made by

96 | the act; amending s. 1007.271, F.S.; requiring school

97 | districts to pay for the cost of specified

98 | instructional materials; amending ss. 1008.25 and

99 | 1008.345, F.S.; conforming provisions and cross-

100 | references to changes made by the act; amending s.

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

101 1008.365, F.S.; revising requirements for the Reading
 102 Achievement Initiative for Scholastic Excellence
 103 Program; conforming cross-references; amending s.
 104 1010.20, F.S.; conforming cross-references; creating
 105 s. 1011.58, F.S.; prescribing procedures for the
 106 Florida School for Competitive Academics submission of
 107 legislative budget requests; requiring the school to
 108 submit an implementation plan to the department;
 109 requiring the Commissioner of Education to include the
 110 school in the department's legislative budget request,
 111 subject to specified conditions; requiring the school
 112 to submit its fixed capital outlay request to the
 113 department; creating s. 1011.59, F.S.; prescribing
 114 procedures and requirements governing the request and
 115 the appropriation of funds for the operation of the
 116 Florida School for Competitive Academics; requiring
 117 the school's board of trustees to develop an annual
 118 operating budget; requiring the Chief Financial
 119 Officer to transfer or reallocate funds, subject to
 120 specified conditions; requiring the board to establish
 121 authorized positions within funds appropriated to the
 122 school; providing for the carryforward of any
 123 unexpended funds; amending s. 1011.61, F.S.;
 124 conforming cross-references; amending s. 1011.62,
 125 F.S.; revising provisions relating to the Florida

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

126 Education Finance Program; revising the calculation of
 127 the cost factor for secondary career education
 128 programs, the annual allocation to each school
 129 district, and the funding model for exceptional
 130 student education programs; creating the calculation
 131 of additional full-time equivalent membership for
 132 small school district exceptional student education
 133 and the small district factor; providing requirements
 134 for such calculation and factor; deleting the
 135 supplemental academic instruction allocation; renaming
 136 the "district cost differential" as the "comparable
 137 wage factor"; revising the calculation of such factor;
 138 creating the state-funded discretionary contribution;
 139 providing requirements for such contribution; creating
 140 the educational enrichment allocation and the
 141 exceptional student education guaranteed allocation;
 142 providing requirements for such allocations; deleting
 143 the categorical funds, determination of sparsity
 144 supplement, evidence-based reading instruction
 145 allocation, requirements for computation of prior year
 146 district required local effort, and turnaround school
 147 supplemental services allocation; revising the
 148 calculation of the supplemental allocation for
 149 juvenile justice education programs; revising
 150 requirements for the safe schools allocation and the

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

151 mental health assistance allocation; renaming the
152 teacher salary increase allocation as the classroom
153 teacher and other instructional personnel salary
154 increase; revising the requirements for such increase;
155 creating the state-funded discretionary supplement,
156 the categorical funds, and the educational enrollment
157 stabilization program; providing requirements for the
158 supplement, funds, and program; deleting the
159 calculations for the computation of prior year
160 district required local effort and the turnaround
161 school supplemental services allocation; conforming
162 provisions and cross-references to changes made by the
163 act; amending s. 1011.622, F.S.; conforming a cross-
164 reference; repealing s. 1011.67, F.S., relating to
165 funds for instructional materials; amending ss.
166 1011.69, 1011.84, 1012.22, 1012.44, 1012.584, and
167 1012.586, F.S.; conforming provisions and cross-
168 references to changes made by the act; amending s.
169 1012.71, F.S.; revising provisions for the calculation
170 of Florida Teachers Classroom Supply Assistance
171 Program funds; deleting provisions relating to the
172 distribution of program funds; requiring the
173 department to administer a competitive procurement
174 through which eligible classroom teachers may purchase
175 classroom materials and supplies; requiring school

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

176 districts to provide certain information to the
 177 department annually by a specified date; deleting a
 178 requirement that classroom teachers sign a specified
 179 statement; revising requirements for unused funds;
 180 creating s. 1012.715, F.S.; requiring the department
 181 to provide a one-time sign-on bonus to honorably
 182 discharged and retired military veterans and retired
 183 first responders who join the teaching profession;
 184 providing eligibility criteria; providing for an
 185 additional bonus under certain circumstances;
 186 providing department and school district
 187 responsibilities; authorizing the State Board of
 188 Education to adopt rules; providing a directive to the
 189 Division of Law Revision; providing for contingent
 190 effect of specified provisions; providing effective
 191 dates.

192

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

194

195 Section 1. Paragraphs (d) and (f) of subsection (2) of
 196 section 11.45, Florida Statutes, are amended to read:

197 11.45 Definitions; duties; authorities; reports; rules.—

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

199 (d) Annually conduct financial audits of the accounts and
 200 records of all district school boards in counties with

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

201 populations of fewer than 150,000, according to the most recent
 202 federal decennial statewide census, ~~and~~ the Florida School for
 203 the Deaf and the Blind, and the Florida School for Competitive
 204 Academics.

205 (f) At least every 3 years, conduct operational audits of
 206 the accounts and records of state agencies, state universities,
 207 state colleges, district school boards, the Florida Clerks of
 208 Court Operations Corporation, water management districts, ~~and~~
 209 the Florida School for the Deaf and the Blind, and the Florida
 210 School for Competitive Academics.

211
 212 The Auditor General shall perform his or her duties
 213 independently but under the general policies established by the
 214 Legislative Auditing Committee. This subsection does not limit
 215 the Auditor General's discretionary authority to conduct other
 216 audits or engagements of governmental entities as authorized in
 217 subsection (3).

218 Section 2. Paragraph (a) of subsection (1) of section
 219 110.1228, Florida Statutes, is amended to read:

220 110.1228 Participation by small counties, small
 221 municipalities, and district school boards located in small
 222 counties.—

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

224 (a) "District school board" means a district school board
 225 located in a small county or a district school board that

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

226 receives funding pursuant to s. 1011.62(1)(f) ~~s. 1011.62(7)~~.

227 Section 3. Paragraph (a) of subsection (2) of section
228 216.251, Florida Statutes, is amended to read:

229 216.251 Salary appropriations; limitations.—

230 (2)(a) The salary for each position not specifically
231 indicated in the appropriations acts shall be as provided in one
232 of the following subparagraphs:

233 1. Within the classification and pay plans provided for in
234 chapter 110.

235 2. Within the classification and pay plans established by
236 the Board of Trustees for the Florida School for the Deaf and
237 the Blind of the Department of Education and approved by the
238 State Board of Education for academic and academic
239 administrative personnel.

240 3. Within the classification and pay plan approved and
241 administered by the Board of Governors or the designee of the
242 board for those positions in the State University System.

243 4. Within the classification and pay plan approved by the
244 President of the Senate and the Speaker of the House of
245 Representatives, as the case may be, for employees of the
246 Legislature.

247 5. Within the approved classification and pay plan for the
248 judicial branch.

249 6. Within the classification and pay plans established by
250 the Board of Trustees for the Florida School for Competitive

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

251 Academics of the Department of Education and approved by the
 252 State Board of Education for academic and academic
 253 administrative personnel.

254 Section 4. Subsection (6) of section 402.22, Florida
 255 Statutes, is amended to read:

256 402.22 Education program for students who reside in
 257 residential care facilities operated by the Department of
 258 Children and Families or the Agency for Persons with
 259 Disabilities.—

260 (6) Notwithstanding the provisions of s. 1001.42(4)(m),
 261 the educational program at the Marianna Sunland Center in
 262 Jackson County shall be operated by the Department of Education,
 263 either directly or through grants or contractual agreements with
 264 other public educational agencies. The annual state allocation
 265 to any such agency shall be computed pursuant to s. 1011.62(1),
 266 (2), and (17) ~~(6)~~ and allocated in the amount that would have
 267 been provided the local school district in which the residential
 268 facility is located.

269 Section 5. Subsection (2) of section 447.203, Florida
 270 Statutes, is amended to read:

271 447.203 Definitions.—As used in this part:

272 (2) "Public employer" or "employer" means the state or any
 273 county, municipality, or special district or any subdivision or
 274 agency thereof which the commission determines has sufficient
 275 legal distinctiveness properly to carry out the functions of a

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

276 public employer. With respect to all public employees determined
 277 by the commission as properly belonging to a statewide
 278 bargaining unit composed of State Career Service System
 279 employees or Selected Professional Service employees, the
 280 Governor is ~~shall be~~ deemed to be the public employer; and the
 281 Board of Governors of the State University System, or the
 282 board's designee, is ~~shall be~~ deemed to be the public employer
 283 with respect to all public employees of each constituent state
 284 university. The board of trustees of a community college is
 285 ~~shall be~~ deemed to be the public employer with respect to all
 286 employees of the community college. The district school board is
 287 ~~shall be~~ deemed to be the public employer with respect to all
 288 employees of the school district. The Board of Trustees of the
 289 Florida School for the Deaf and the Blind is ~~shall be~~ deemed to
 290 be the public employer with respect to the academic and academic
 291 administrative personnel of the Florida School for the Deaf and
 292 the Blind. The Board of Trustees of the Florida School for
 293 Competitive Academics is deemed to be the public employer with
 294 respect to the academic and academic administrative personnel of
 295 the Florida School for Competitive Academics. The Governor is
 296 ~~shall be~~ deemed to be the public employer with respect to all
 297 employees in the Correctional Education Program of the
 298 Department of Corrections established pursuant to s. 944.801.

299 Section 6. Subsection (6) is added to section 1000.04,
 300 Florida Statutes, to read:

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

301 1000.04 Components for the delivery of public education
 302 within the Florida Early Learning-20 education system.—Florida's
 303 Early Learning-20 education system provides for the delivery of
 304 early learning and public education through publicly supported
 305 and controlled K-12 schools, Florida College System
 306 institutions, state universities and other postsecondary
 307 educational institutions, other educational institutions, and
 308 other educational services as provided or authorized by the
 309 Constitution and laws of the state.

310 (6) THE FLORIDA SCHOOL FOR COMPETITIVE ACADEMICS.—The
 311 Florida School for Competitive Academics is a component of the
 312 delivery of public education within Florida's Early Learning-20
 313 education system.

314 Section 7. Contingent upon HB 1069 or similar legislation
 315 in the 2023 Regular Session or an extension thereof becoming a
 316 law, subsection (6) is added to section 1000.071, Florida
 317 Statutes, as created by HB 1069, 2023 Regular Session, to read:

318 1000.071 Personal titles and pronouns.—

319 (6) The limitations of this section only apply to the
 320 actions of an employee or contractor acting within the scope of
 321 their employment duties with the public K-12 educational
 322 institution.

323 Section 8. Paragraph (e) of subsection (4) of section
 324 1001.20, Florida Statutes, is amended to read:

325 1001.20 Department under direction of state board.—

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

326 (4) The Department of Education shall establish the
 327 following offices within the Office of the Commissioner of
 328 Education which shall coordinate their activities with all other
 329 divisions and offices:

330 (e) Office of Inspector General.—Organized using existing
 331 resources and funds and responsible for promoting
 332 accountability, efficiency, and effectiveness and detecting
 333 fraud and abuse within school districts, the Florida School for
 334 the Deaf and the Blind, the Florida School for Competitive
 335 Academics, and Florida College System institutions in Florida.
 336 If the Commissioner of Education determines that a district
 337 school board, the Board of Trustees for the Florida School for
 338 the Deaf and the Blind, the Board of Trustees for the Florida
 339 School for Competitive Academics, or a Florida College System
 340 institution board of trustees is unwilling or unable to address
 341 substantiated allegations made by any person relating to waste,
 342 fraud, or financial mismanagement within the school district,
 343 the Florida School for the Deaf and the Blind, the Florida
 344 School for Competitive Academics, or the Florida College System
 345 institution, the office must ~~shall~~ conduct, coordinate, or
 346 request investigations into such substantiated allegations. The
 347 office shall investigate allegations or reports of possible
 348 fraud or abuse against a district school board made by any
 349 member of the Cabinet; the presiding officer of either house of
 350 the Legislature; a chair of a substantive or appropriations

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

351 committee with jurisdiction; or a member of the board for which
 352 an investigation is sought. The office shall have access to all
 353 information and personnel necessary to perform its duties and
 354 shall have all of its current powers, duties, and
 355 responsibilities authorized in s. 20.055.

356 Section 9. Subsections (8) through (12) of section
 357 1001.215, Florida Statutes, are renumbered as subsections (7)
 358 through (11), respectively, and subsections (1), (3), (4), and
 359 (6) and present subsection (7) of that section are amended to
 360 read:

361 1001.215 Just Read, Florida! Office.—There is created in
 362 the Department of Education the Just Read, Florida! Office. The
 363 office is fully accountable to the Commissioner of Education and
 364 shall:

365 (1) Provide training to reading coaches and school
 366 administrators on the evidence-based strategies identified
 367 pursuant to subsection (7) ~~(8)~~ for purposes of implementation,
 368 modeling, and classroom observations to support professional
 369 growth and inform performance evaluations of instructional
 370 personnel.

371 (3) Work with the Lastinger Center for Learning at the
 372 University of Florida to develop training for K-12 teachers,
 373 reading coaches, and school administrators on effective content-
 374 area-specific reading strategies; the coordinated integration of
 375 content-rich curriculum from other core subject areas into

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

376 reading instruction, with an emphasis on civic literacy; and
377 evidence-based reading strategies identified pursuant to
378 subsection (7) ~~(8)~~ to improve student reading performance. For
379 secondary teachers, emphasis shall be on technical text. These
380 strategies must be developed for all content areas in the K-12
381 curriculum.

382 (4) Develop and provide access to sequenced, content-rich
383 curriculum programming, instructional practices, and resources
384 that help elementary schools use state-adopted instructional
385 materials to increase students' background knowledge and
386 literacy skills, including student attainment of the Next
387 Generation Sunshine State Standards for social studies, science,
388 and the arts. The office shall, as part of the adoption cycle
389 for English Language Arts instructional materials, assist in
390 evaluating elementary grades instructional materials submitted
391 for adoption consideration in order to identify those materials
392 that are closely aligned to the content and evidence-based
393 strategies identified pursuant to subsection (7) ~~(8)~~ and
394 incorporate professional development to implement such
395 strategies.

396 (6) Provide technical assistance to school districts in
397 the development and implementation of district plans required
398 under s. 1003.4201 ~~for use of the evidence-based reading~~
399 ~~instruction allocation provided in s. 1011.62(8)~~ and annually
400 review and approve such plans.

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

401 ~~(7) Review, evaluate, and provide technical assistance to~~
 402 ~~school districts' implementation of the comprehensive reading~~
 403 ~~plan required in s. 1011.62(8).~~

404 Section 10. Notwithstanding the expiration date in section
 405 8 of chapter 2022-157, Laws of Florida, subsection (1) of
 406 section 1001.26, Florida Statutes, is amended to read:

407 1001.26 Public broadcasting program system.—

408 (1) There is created a public broadcasting program system
 409 for the state. The department shall provide funds, as
 410 specifically appropriated in the General Appropriations Act, to
 411 educational television and radio stations qualified by the
 412 Corporation for Public Broadcasting or public colleges and
 413 universities that are part of the public broadcasting program
 414 system. The program system must include:

415 (a) Support for existing Corporation for Public
 416 Broadcasting qualified program system educational television
 417 stations.

418 (b) Maintenance of quality broadcast capability for
 419 educational stations that are part of the program system.

420 (c) Interconnection of all educational stations that are
 421 part of the program system for simultaneous broadcast and of
 422 such stations with all universities and other institutions as
 423 necessary for sharing of resources and delivery of programming.

424 (d) Establishment and maintenance of a capability for
 425 statewide program distribution with facilities and staff,

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

426 provided such facilities and staff complement and strengthen
 427 existing educational television stations.

428 (e) Provision of both statewide programming funds and
 429 station programming support for educational television to meet
 430 statewide priorities. Priorities for station programming need
 431 not be the same as priorities for programming to be used
 432 statewide. Station programming may include, but shall not be
 433 limited to, citizens' participation programs, music and fine
 434 arts programs, coverage of public hearings and governmental
 435 meetings, equal air time for political candidates, and other
 436 public interest programming.

437 Section 11. Subsection (21) of section 1001.42, Florida
 438 Statutes, is amended to read:

439 1001.42 Powers and duties of district school board.—The
 440 district school board, acting as a board, shall exercise all
 441 powers and perform all duties listed below:

442 (21) EDUCATIONAL EMERGENCY. ~~Negotiate special provisions~~
 443 ~~of its contract with the appropriate bargaining units~~ To free
 444 schools with a school grade of "D" or "F" from contract
 445 restrictions that limit the school's ability to implement
 446 programs and strategies needed to improve student performance, a
 447 district school board may adopt salary incentives or other
 448 strategies that address. ~~The negotiations shall result in a~~
 449 ~~memorandum of understanding that addresses~~ the selection,
 450 placement, compensation, and expectations of instructional

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

451 personnel and ~~provide~~ provides principals with the autonomy
 452 described in s. 1012.28(8). For purposes of this subsection, an
 453 educational emergency exists in a school district if one or more
 454 schools in the district have a school grade of "D" or "F."

455 Notwithstanding chapter 447, relating to collective bargaining,
 456 a district school board may:

457 (a) Provide salary incentives that differentiate based on
 458 a teacher's certification, subject area taught, or grade level
 459 taught. Such incentives are not subject to collective bargaining
 460 requirements.

461 (b) Notwithstanding s. 1012.2315, relating to assignment
 462 of teachers, adopt strategies to assign high-quality teachers
 463 more equitably across schools in the district to low-performing
 464 schools as a management right. Such strategies are not subject
 465 to collective bargaining requirements.

466 Section 12. Paragraph (h) is added to subsection (2) of
 467 section 1001.43, Florida Statutes, to read:

468 1001.43 Supplemental powers and duties of district school
 469 board.—The district school board may exercise the following
 470 supplemental powers and duties as authorized by this code or
 471 State Board of Education rule.

472 (2) FISCAL MANAGEMENT.—The district school board may adopt
 473 policies providing for fiscal management of the school district
 474 with respect to school purchasing, facilities, nonstate revenue
 475 sources, budgeting, fundraising, and other activities relating

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

476 to the fiscal management of district resources, including, but
 477 not limited to, the policies governing:

478 (h) Assessment of a kindergarten through grade 12 student
 479 fee for voluntary, noncredit summer school enrollment in basic
 480 program courses. The amount of any student fee shall be based on
 481 the ability of the student to pay such fee as determined by
 482 district school board policy.

483 Section 13. Paragraphs (e) through (h) of subsection (9)
 484 of section 1002.32, Florida Statutes, are redesignated as
 485 paragraphs (d) through (g), respectively, and present paragraphs
 486 (a) and (d) of that subsection are amended to read:

487 1002.32 Developmental research (laboratory) schools.—

488 (9) FUNDING.—Funding for a lab school, including a charter
 489 lab school, shall be provided as follows:

490 (a) Each lab school shall receive state funds for
 491 operating purposes as provided in ~~be allocated its proportional~~
 492 ~~share of operating funds from~~ the Florida Education Finance
 493 Program as defined provided in s. 1011.61(5) ~~s. 1011.62~~ based on
 494 the county in which the lab school is located and as specified
 495 in the General Appropriations Act.

496 1. The nonvoted required local effort millage established
 497 pursuant to s. 1011.71(1) ad valorem millage that would
 498 otherwise be required for lab schools shall be allocated from
 499 state funds.

500 2. An equivalent amount of funds for the operating

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

501 discretionary millage authorized pursuant to s. 1011.71(1) shall
 502 be allocated to each lab school through a state-funded
 503 discretionary contribution established pursuant to s. 1011.62(6)
 504 ~~The required local effort funds calculated pursuant to s.~~
 505 ~~1011.62 shall be allocated from state funds to the schools as a~~
 506 ~~part of the allocation of operating funds pursuant to s.~~
 507 ~~1011.62. Each eligible lab school in operation as of September~~
 508 ~~1, 2013, with a permanent high school center shall also receive~~
 509 ~~a proportional share of the sparsity supplement as calculated~~
 510 ~~pursuant to s. 1011.62. In addition, each lab school shall~~
 511 ~~receive its proportional share of all categorical funds, with~~
 512 ~~the exception of s. 1011.68, and new categorical funds enacted~~
 513 ~~after July 1, 1994, for the purpose of elementary or secondary~~
 514 ~~academic program enhancement. The sum of funds available as~~
 515 ~~provided in this paragraph shall be included annually in the~~
 516 ~~Florida Education Finance Program and appropriate categorical~~
 517 ~~programs funded in the General Appropriations Act.~~
 518 ~~(d) Each lab school shall receive funds for operating~~
 519 ~~purposes in an amount determined as follows: multiply the~~
 520 ~~maximum allowable nonvoted discretionary millage for operations~~
 521 ~~pursuant to s. 1011.71(1) and (3) by the value of 96 percent of~~
 522 ~~the current year's taxable value for school purposes for the~~
 523 ~~district in which each lab school is located; divide the result~~
 524 ~~by the total full-time equivalent membership of the district;~~
 525 ~~and multiply the result by the full-time equivalent membership~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

526 ~~of the lab school. The amount thus obtained shall be~~
527 ~~discretionary operating funds and shall be appropriated from~~
528 ~~state funds in the General Appropriations Act to the Lab School~~
529 ~~Trust Fund.~~

530 Section 14. Section 1002.351, Florida Statutes, is created
531 to read:

532 1002.351 The Florida School for Competitive Academics.—

533 (1) ESTABLISHMENT.—There is established the Florida School
534 for Competitive Academics. The school shall be located in
535 Alachua County and is a state-supported public school for
536 Florida residents in grades 6-12. The primary purpose of the
537 school is to provide a rigorous academic curriculum, and the
538 secondary purpose is to prepare students for regional, state,
539 and national academic competitions in all areas of study,
540 including, but not limited to, science, technology, engineering,
541 and mathematics. The school may admit students in grades 6-12
542 beginning in the 2024-2025 school year.

543 (2) MISSION.—

544 (a) The mission of the Florida School for Competitive
545 Academics is to provide students who meet selective admissions
546 requirements an environment that will foster high academic
547 engagement and advanced understanding of subject areas, develop
548 productive work habits, build resiliency, connect students with
549 industry leaders, and promote civic leadership.

550 (b) To assist in the recruitment of students, the Florida

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

551 School for Competitive Academics must be included in the school
552 choice online portal established under s. 1001.10(10). The
553 portal must include information about the opportunity for
554 parents to submit their child's educational records to the
555 Florida School for Competitive Academics for consideration for
556 admission.

557 (3) BOARD OF TRUSTEES.—

558 (a)1. The Florida School for Competitive Academics shall
559 be governed by a board of trustees composed of seven members
560 appointed by the Governor to 4-year terms and confirmed by the
561 Senate. For purposes of staggering terms, four members,
562 including the chair as designated by the Governor, shall be
563 appointed to 4-year terms beginning July 1, 2023, and three
564 members shall be appointed to 2-year terms beginning July 1,
565 2023. After the initial 4-year term, the chair shall be elected
566 by the board.

567 2. No more than one employee of the school may serve on
568 the board of trustees as a member or as chair.

569 (b) Members of the board of trustees shall serve without
570 compensation, but may be reimbursed for per diem and travel
571 expenses pursuant to s. 112.061.

572 (c) The board of trustees is a public agency entitled to
573 sovereign immunity pursuant to s. 768.28, and board members are
574 public officers who bear fiduciary responsibility for the
575 Florida School for Competitive Academics.

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

576 (d) The board of trustees is a body corporate with all the
577 powers of a body corporate and with such authority as is needed
578 for the proper operation and improvement of the Florida School
579 for Competitive Academics. Title to any gift, donation, or
580 bequest received by the board of trustees must vest in the board
581 of trustees. Title to all other property and other assets of the
582 Florida School for Competitive Academics must vest in the State
583 Board of Education, but the board of trustees has complete
584 jurisdiction over the management of the school.

585 (e) The board of trustees has the full power and authority
586 to:

587 1. Adopt rules pursuant to ss. 120.536(1) and 120.54 to
588 implement provisions of law relating to operation of the Florida
589 School for Competitive Academics. Such rules must be submitted
590 to the State Board of Education for approval or disapproval.
591 After a rule is approved by the State Board of Education, the
592 rule must be filed immediately with the Department of State. The
593 board of trustees shall act at all times in conjunction with the
594 rules of the State Board of Education.

595 2. Appoint a principal, administrators, teachers, and
596 other employees.

597 3. Remove principals, administrators, teachers, and other
598 employees at the board's discretion.

599 4. Determine eligibility of students and procedures for
600 admission.

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

601 5. Provide for the proper keeping of accounts and records
 602 and for budgeting of funds.

603 6. Receive gifts, donations, and bequests of money or
 604 property, real or personal, tangible or intangible, from any
 605 person, firm, corporation, or other legal entity for the use and
 606 benefit of the school.

607 7. Recommend to the Legislature for the school to become a
 608 residential public school.

609 8. Do and perform every other matter or thing requisite to
 610 the proper management, maintenance, support, and control of the
 611 school at the highest efficiency economically possible.

612 (f) The board of trustees shall:

613 1. Prepare and submit legislative budget requests for
 614 operations and fixed capital outlay, in accordance with chapter
 615 216 and ss. 1011.56 and 1013.60, to the Department of Education
 616 for review and approval. The department must analyze the amount
 617 requested for fixed capital outlay to determine if the request
 618 is consistent with the school's campus master plan, educational
 619 plant survey, and facilities master plan.

620 2. Approve and administer an annual operating budget in
 621 accordance with ss. 1011.56 and 1011.57.

622 3. Require all purchases to be in accordance with chapter
 623 287 except for purchases made with funds received as gifts,
 624 donations, or bequests or funds raised by or belonging to
 625 student clubs or student organizations.

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

626 4. Administer and maintain personnel programs for all
627 employees of the board of trustees and the Florida School for
628 Competitive Academics, who shall be school employees, including
629 the personnel.

630 5. Ensure that the Florida School for Competitive
631 Academics complies with s. 1013.351 concerning the coordination
632 of planning between the Florida School for Competitive Academics
633 and local governing bodies.

634 6. Ensure that the Florida School for Competitive
635 Academics complies with s. 112.061 concerning per diem and
636 travel expenses.

637 7. Adopt a master plan that specifies the objectives of
638 the Florida School for Competitive Academics. The plan must be
639 for a period of 5 years and must be reviewed for needed
640 modifications every 2 years. The board of trustees shall submit
641 the initial plan and subsequent modifications to the President
642 of the Senate and the Speaker of the House of Representatives.

643 (4) STUDENT AND EMPLOYEE RECORDS.—The board of trustees
644 shall provide for the content and custody of student and
645 employee personnel records. Student records are subject to s.
646 1002.22. Employee records are subject to s. 1012.31.

647 (5) PERSONNEL.—

648 (a) The Florida School for Competitive Academics Board of
649 Trustees shall require all employees and applicants for
650 employment to undergo background screening as provided in s.

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

651 1012.32 as a condition of employment and continued employment.
652 Members of the board of trustees must also undergo background
653 screening in accordance with the relevant provisions of s.
654 1012.32. An individual may not be employed as an employee or
655 contract personnel of the school or serve as a member of the
656 board of trustees if the individual is on the disqualification
657 list maintained by the department pursuant to s. 1001.10(4)(b).

658 (b) In accordance with law and rules of the State Board of
659 Education, the board of trustees shall administer and maintain
660 personnel programs for all employees of the board of trustees
661 and the Florida School for Competitive Academics. The board of
662 trustees may adopt rules, policies, and procedures related to
663 the appointment, employment, and removal of personnel.

664 1. The board of trustees shall determine the compensation,
665 including salaries and fringe benefits, and other conditions of
666 employment for such personnel.

667 2. Classroom teachers employed by the school must be
668 certified pursuant to chapter 1012.

669 3. Each person employed by the board of trustees in an
670 academic, administrative, or instructional capacity with the
671 Florida School for Competitive Academics is entitled to a
672 contract as provided by rules of the board of trustees.

673 4. All employees, except temporary, seasonal, and student
674 employees, may be provided Florida Retirement System benefits
675 from the school through operational costs.

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

676 (6) FUNDING.—

677 (a) The Florida School for Competitive Academics shall
 678 receive state funds for operating purposes as provided in the
 679 General Appropriations Act.

680 (b) In addition to the funds provided in the General
 681 Appropriations Act, the Florida School for Competitive Academics
 682 may receive other funds from grants and donations.

683 (7) AUDITS.—The Auditor General shall conduct audits of
 684 the accounts and records of the Florida School for Competitive
 685 Academics as provided in s. 11.45. The Department of Education's
 686 Inspector General is authorized to conduct investigations at the
 687 school as provided in s. 1001.20 (4) (e).

688 (8) EXEMPTION FROM STATUTES.—

689 (a) The Florida School for Competitive Academics is exempt
 690 from all statutes in chapters 1000-1013. However, the Florida
 691 School for Competitive Academics shall be in compliance with the
 692 following statutes in chapters 1000-1013:

693 1. This section.

694 2. Those statutes pertaining to the student assessment
 695 program and school grading system.

696 3. Those statutes pertaining to the provision of services
 697 to students with disabilities.

698 4. Those statutes pertaining to civil rights, including,
 699 but not limited to, s. 1000.05, relating to discrimination.

700 5. Those statutes pertaining to student health, safety,

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

701 and welfare.

702 (b) Additionally, the Florida School for Competitive

703 Academics shall be in compliance with the following statutes:

704 1. Section 286.011, relating to public meetings and

705 records, public inspection, and criminal and civil penalties.

706 2. Chapter 119, relating to public records.

707 3. Section 1006.12, relating to safe-school officers.

708 4. Section 1006.07(7), relating to threat assessment

709 teams.

710 5. Section 1006.07(9), relating to school environmental

711 safety incident reporting.

712 6. Section 1006.07(10), relating to reporting of

713 involuntary examinations.

714 7. Section 1006.1493, relating to the Florida Safe Schools

715 Assessment Tool.

716 8. Section 1006.07(6)(d), relating to adopting active

717 assailant response plans.

718 9. Section 943.082(4)(b), relating to the mobile

719 suspicious activity reporting tool.

720 10. Section 1012.584, relating to youth mental health

721 awareness and assistance training.

722 11. Section 1003.4282, relating to requirements for a

723 standard high school diploma.

724 12. Section 1003.03(1), relating to class size maximums.

725 13.a. Section 1011.61, relating to instructional hours

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

726 requirements.

727 b. Notwithstanding sub-subparagraph a., the school may
 728 provide instruction that exceeds the minimum time requirements
 729 for the purposes of offering a summer program.

730 (c) For purposes of this subsection:

731 1. The duties assigned to a district school superintendent
 732 apply to the director of the Florida School for Competitive
 733 Academics.

734 2. The duties assigned to a district school board apply to
 735 the board of trustees.

736 Section 15. Paragraphs (e) and (f) of subsection (3) of
 737 section 1002.37, Florida Statutes, are amended to read:

738 1002.37 The Florida Virtual School.—

739 (3) Funding for the Florida Virtual School shall be
 740 provided as follows:

741 (e) The comparable wage factor ~~district cost differential~~
 742 as provided in s. 1011.62(2) shall be established as 1.000.

743 (f) The Florida Virtual School shall receive state funds
 744 for operating purposes as provided in the General Appropriations
 745 Act. The calculation to determine the amount of state funds
 746 includes: the sum of the basic amount for current operations
 747 established in s. 1011.62(1)(s), the discretionary millage
 748 compression supplement established in s. 1011.62(5) ~~base Florida~~
 749 ~~Education Finance Program funding~~, the state-funded
 750 discretionary contribution established in s. 1011.62(6), and a

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

751 per-full-time equivalent share of the ~~discretionary millage~~
 752 ~~compression supplement, the exceptional student education~~
 753 guaranteed allocation established in s. 1011.62(8), and the
 754 mental health assistance allocation established in s.
 755 1011.62(13) the instructional materials allocation, the
 756 ~~evidence-based reading instruction allocation, the mental health~~
 757 ~~assistance allocation, and the teacher salary increase~~
 758 ~~allocation. For the purpose of calculating the state-funded~~
 759 ~~discretionary contribution, multiply the maximum allowable~~
 760 ~~nonvoted discretionary millage for operations pursuant to s.~~
 761 ~~1011.71(1) and (3) by the value of 96 percent of the current~~
 762 ~~year's taxable value for school purposes for the state; divide~~
 763 ~~the result by the total full-time equivalent membership of the~~
 764 ~~state; and multiply the result by the full-time equivalent~~
 765 ~~membership of the school. Funds may not be provided for the~~
 766 ~~purpose of fulfilling the class size requirements in ss. 1003.03~~
 767 ~~and 1011.685.~~

768 Section 16. Subsection (12) of section 1002.394, Florida
 769 Statutes, as amended by chapter 2023-16, Laws of Florida, is
 770 amended to read:

771 1002.394 The Family Empowerment Scholarship Program.—

772 (12) SCHOLARSHIP FUNDING AND PAYMENT.—

773 (a)1. Scholarships for students determined eligible
 774 pursuant to paragraph (3) (a) may be funded once all scholarships
 775 have been funded in accordance with s. 1002.395 (6) (1) 2. The

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

776 | calculated scholarship amount for a participating student
777 | determined eligible pursuant to paragraph (3) (a) shall be based
778 | upon the grade level and school district in which the student
779 | was assigned as 100 percent of the funds per unweighted full-
780 | time equivalent in the Florida Education Finance Program for a
781 | student in the basic program established pursuant to s.
782 | 1011.62(1)(c)1., plus a per-full-time equivalent share of funds
783 | for the all categorical programs established in s. 1011.62(5),
784 | (7)(a), and (16), as funded in the General Appropriations Act,
785 | ~~except for the exceptional student education guaranteed~~
786 | ~~allocation established pursuant to s. 1011.62(1)(e).~~

787 | 2. A scholarship of \$750 or an amount equal to the school
788 | district expenditure per student riding a school bus, as
789 | determined by the department, whichever is greater, may be
790 | awarded to an eligible student who is enrolled in a Florida
791 | public school that is different from the school to which the
792 | student was assigned or in a lab school as defined in s. 1002.32
793 | if the school district does not provide the student with
794 | transportation to the school.

795 | 3. The organization must provide the department with the
796 | documentation necessary to verify the student's participation.
797 | Upon receiving the documentation, the department shall transfer,
798 | beginning August 1, from state funds only, the amount calculated
799 | pursuant to subparagraph 2. to the organization for quarterly
800 | disbursement to parents of participating students each school

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

801 year in which the scholarship is in force. For a student exiting
802 a Department of Juvenile Justice commitment program who chooses
803 to participate in the scholarship program, the amount of the
804 Family Empowerment Scholarship calculated pursuant to
805 subparagraph 2. must be transferred from the school district in
806 which the student last attended a public school before
807 commitment to the Department of Juvenile Justice. When a student
808 enters the scholarship program, the organization must receive
809 all documentation required for the student's participation,
810 including the private school's and the student's fee schedules,
811 at least 30 days before the first quarterly scholarship payment
812 is made for the student.

813 4. The initial payment shall be made after the
814 organization's verification of admission acceptance, and
815 subsequent payments shall be made upon verification of continued
816 enrollment and attendance at the private school. Payment must be
817 by funds transfer or any other means of payment that the
818 department deems to be commercially viable or cost-effective. An
819 organization shall ensure that the parent has approved a funds
820 transfer before any scholarship funds are deposited.

821 5. An organization may not transfer any funds to an
822 account of a student determined eligible pursuant to paragraph
823 (3) (a) which has a balance in excess of \$24,000.

824 (b)1. Scholarships for students determined eligible
825 pursuant to paragraph (3) (b) are established for up to 26,500

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

826 students annually beginning in the 2022-2023 school year.
 827 Beginning in the 2023-2024 school year, the maximum number of
 828 students participating in the scholarship program under this
 829 section shall annually increase by 3.0 percent of the state's
 830 total exceptional student education full-time equivalent student
 831 membership, not including gifted students. An eligible student
 832 who meets any of the following requirements shall be excluded
 833 from the maximum number of students if the student:

834 a. Received specialized instructional services under the
 835 Voluntary Prekindergarten Education Program pursuant to s.
 836 1002.66 during the previous school year and the student has a
 837 current IEP developed by the district school board in accordance
 838 with rules of the State Board of Education;

839 b. Is a dependent child of a law enforcement officer or a
 840 member of the United States Armed Forces, a foster child, or an
 841 adopted child; or

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

847 (I) A school district for funding during either the
 848 preceding October or February full-time equivalent student
 849 membership surveys in kindergarten through grade 12, which
 850 includes time spent in a Department of Juvenile Justice

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

851 commitment program if funded under the Florida Education Finance
852 Program;

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

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

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

862 2. For a student who has a Level I to Level III matrix of
863 services or a diagnosis by a physician or psychologist, the
864 calculated scholarship amount for a student participating in the
865 program must be based upon the grade level and school district
866 in which the student would have been enrolled as the total funds
867 per unweighted full-time equivalent in the Florida Education
868 Finance Program for a student in the basic exceptional student
869 education program pursuant to s. 1011.62(1)(c) and (d) ~~s.~~
870 ~~1011.62(1)(c)1. and (e)1.c.,~~ plus a per full-time equivalent
871 share of funds for the all categorical programs established in
872 s. 1011.62(5), (7)(a), (8), and (16), as funded in the General
873 Appropriations Act. For the categorical program established, ~~as~~
874 ~~funded in the General Appropriations Act, except that for the~~
875 ~~exceptional student education guaranteed allocation, as provided~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

876 | in s. 1011.62(8) ~~s. 1011.62(1)(c)1.c. and 2.~~, the funds must be
 877 | allocated based on the school district's average exceptional
 878 | student education guaranteed allocation funds per exceptional
 879 | student education full-time equivalent student.

880 | 3. For a student with a Level IV or Level V matrix of
 881 | services, the calculated scholarship amount must be based upon
 882 | the school district to which the student would have been
 883 | assigned as the total funds per full-time equivalent for the
 884 | Level IV or Level V exceptional student education program
 885 | pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time
 886 | equivalent share of funds for the all categorical programs
 887 | established in s. 1011.62(5), (7)(a), and (16), as funded in the
 888 | General Appropriations Act.

889 | 4. For a student who received a Gardiner Scholarship
 890 | pursuant to s. 1002.385 in the 2020-2021 school year, the amount
 891 | shall be the greater of the amount calculated pursuant to
 892 | subparagraph 2. or the amount the student received for the 2020-
 893 | 2021 school year.

894 | 5. For a student who received a John M. McKay Scholarship
 895 | pursuant to s. 1002.39 in the 2020-2021 school year, the amount
 896 | shall be the greater of the amount calculated pursuant to
 897 | subparagraph 2. or the amount the student received for the 2020-
 898 | 2021 school year.

899 | 6. The organization must provide the department with the
 900 | documentation necessary to verify the student's participation.

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

901 7. Upon receiving the documentation, the department shall
 902 release, from state funds only, the student's scholarship funds
 903 to the organization, to be deposited into the student's account
 904 in four equal amounts no later than September 1, November 1,
 905 February 1, and April 1 of each school year in which the
 906 scholarship is in force.

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

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

919 10. An organization may not transfer any funds to an
 920 account of a student determined to be eligible pursuant to
 921 paragraph (3)(b) which has a balance in excess of \$50,000.

922 11. Moneys received pursuant to this section do not
 923 constitute taxable income to the qualified student or the parent
 924 of the qualified student.

925 Section 17. Paragraph (e) of subsection (1) and paragraph

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

926 (b) of subsection (6) of section 1002.45, Florida Statutes, are
 927 amended to read:

928 1002.45 Virtual instruction programs.—

929 (1) PROGRAM.—

930 (e) Each school district shall:

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

935 2. Expend any difference in the amount of funds per
 936 unweighted full-time equivalent virtual student allocated to the
 937 school district pursuant to subsection (6) and the amount paid
 938 per unweighted full-time equivalent virtual student by the
 939 school district for a contract executed pursuant to subparagraph
 940 (c)1. or subparagraph (c)2. on acquiring computer and device
 941 hardware and associated operating system software that comply
 942 with the requirements of s. 1001.20(4)(a)1.b.

943 3. Provide to the department by September 1 of each year
 944 an itemized list of items acquired in subparagraph 2.

945 4. Limit the enrollment of full-time equivalent virtual
 946 students residing outside of the school district providing the
 947 virtual instruction pursuant to paragraph (c) to no more than
 948 those that can be funded from state Florida Education Finance
 949 Program funds ~~50 percent of the total enrolled full-time~~
 950 ~~equivalent virtual students residing inside the school district~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

951 ~~providing the virtual instruction. This subparagraph applies to~~
 952 ~~any virtual instruction contract or agreement that is entered~~
 953 ~~into for the first time after June 30, 2021. However, a school~~
 954 ~~district may not enroll more full-time equivalent virtual~~
 955 ~~students residing outside of the school district than the total~~
 956 ~~number of reported full-time equivalent students residing inside~~
 957 ~~the school district.~~

958 (6) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
 959 FUNDING.—

960 (b) Students enrolled in a virtual instruction program
 961 shall be funded in the Florida Education Finance Program as
 962 provided in the General Appropriations Act. The calculation to
 963 determine the amount of funds for each student through the
 964 Florida Education Finance Program shall include the sum of the
 965 basic amount for current operations established in base Florida
 966 ~~Education Finance Program pursuant to s. 1011.62(1)(s) and all~~
 967 ~~categorical programs except for the categorical programs~~
 968 ~~established in ss. 1011.62(7), (12), and (16), 1011.68, and~~
 969 ~~1011.685 pursuant to ss. 1011.62(1)(f), (7), and (13); 1011.68;~~
 970 ~~1011.685; and 1012.71.~~ Students residing outside of the school
 971 district reporting the full-time equivalent virtual student
 972 shall be funded from state funds only.

973 Section 18. Subsection (1) of section 1002.59, Florida
 974 Statutes, is amended to read:

975 1002.59 Emergent literacy and performance standards

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

976 training courses.—

977 (1) The department, in collaboration with the Just Read,
 978 Florida! Office, shall adopt minimum standards for courses in
 979 emergent literacy for prekindergarten instructors. Each course
 980 must comprise 5 clock hours and provide instruction in
 981 strategies and techniques to address the age-appropriate
 982 progress of prekindergarten students in developing emergent
 983 literacy skills, including oral communication, knowledge of
 984 print and letters, phonological and phonemic awareness, and
 985 vocabulary and comprehension development, consistent with the
 986 evidence-based content and strategies identified pursuant to s.
 987 1001.215(7) ~~s. 1001.215(8)~~. The course standards must be
 988 reviewed as part of any review of subject coverage or
 989 endorsement requirements in the elementary, reading, and
 990 exceptional student educational areas conducted pursuant to s.
 991 1012.586. Each course must also provide resources containing
 992 strategies that allow students with disabilities and other
 993 special needs to derive maximum benefit from the Voluntary
 994 Prekindergarten Education Program. Successful completion of an
 995 emergent literacy training course approved under this section
 996 satisfies requirements for approved training in early literacy
 997 and language development under ss. 402.305(2)(e)5., 402.313(6),
 998 and 402.3131(5).

999 Section 19. Paragraph (b) of subsection (3) of section
 1000 1002.71, Florida Statutes, is amended to read:

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1001 1002.71 Funding; financial and attendance reporting.—
 1002 (3)
 1003 (b) Each county's allocation per full-time equivalent
 1004 student in the Voluntary Prekindergarten Education Program shall
 1005 be calculated annually by multiplying the base student
 1006 allocation provided in the General Appropriations Act by the
 1007 county's comparable wage factor ~~district cost differential~~
 1008 provided in s. 1011.62(2). Each private prekindergarten provider
 1009 and public school shall be paid in accordance with the county's
 1010 allocation per full-time equivalent student.

1011 Section 20. Paragraph (a) of subsection (17) of section
 1012 1002.84, Florida Statutes, is amended to read:

1013 1002.84 Early learning coalitions; school readiness powers
 1014 and duties.—Each early learning coalition shall:

1015 (17) (a) Distribute the school readiness program funds as
 1016 allocated in the General Appropriations Act to the eligible
 1017 providers using the following methodology:

1018 1. For each county in the early learning coalition,
 1019 multiply the cost of care by care level as provided in s.
 1020 1002.90 by the county's comparable wage factor ~~district cost~~
 1021 ~~differential~~ provided in s. 1011.62(2).

1022 2. If a county enacted a local ordinance before January 1,
 1023 2022, that establishes the county's staff-to-children ratio for
 1024 licensed child care facilities below the ratio established in s.
 1025 402.305(4), multiply the provider reimbursement rates for that

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1026 county by the adjustment factor specified in the General
 1027 Appropriations Act.

1028 3. Apply the weight established pursuant to s. 1002.90 for
 1029 each provider type to calculate the minimum provider
 1030 reimbursement rates by care level.

1031 4. Multiply the weighted provider reimbursement rates by
 1032 22 percent to determine the amount of the school readiness
 1033 allocation an early learning coalition is eligible to retain
 1034 pursuant to s. 1002.89(4).

1035
 1036 Each early learning coalition with approved minimum provider
 1037 reimbursement rates for the infant to age 5 care levels that are
 1038 higher than the minimum provider reimbursement rates established
 1039 in this subsection may continue to implement its approved
 1040 minimum provider reimbursement rates until the rates established
 1041 in this subsection exceed its approved rates.

1042 Section 21. Paragraph (a) of subsection (1) of section
 1043 1002.89, Florida Statutes, is amended to read:

1044 1002.89 School readiness program; funding.—

1045 (1) DETERMINATION OF EARLY LEARNING COALITION SCHOOL
 1046 READINESS PROGRAM FUNDING.—Funding for the school readiness
 1047 program shall be used by the early learning coalitions in
 1048 accordance with this part and the General Appropriations Act.

1049 (a) School readiness program allocation.—If the annual
 1050 allocation for the school readiness program is not determined in

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1051 the General Appropriations Act or the substantive bill
 1052 implementing the General Appropriations Act, it shall be
 1053 determined as follows:

1054 1. For each county in the early learning coalition, the
 1055 total school readiness eligible population, as adopted by the
 1056 Early Learning Programs Estimating Conference pursuant to s.
 1057 216.136(8), shall be multiplied by the county's comparable wage
 1058 factor ~~district cost differential~~ provided in s. 1011.62(2).

1059 2. If a county passed a local ordinance before January 1,
 1060 2022, that establishes the county's staff-to-children ratio for
 1061 licensed child care facilities below the ratio established in s.
 1062 402.305(4), multiply the product calculated in subparagraph 1.
 1063 by the adjustment factor specified in the General Appropriations
 1064 Act.

1065 3. Each county's school readiness allocation shall be
 1066 based on the county's proportionate share of the total adjusted
 1067 eligible school readiness population.

1068 Section 22. Paragraph (c) of subsection (1) of section
 1069 1002.995, Florida Statutes, is amended to read:

1070 1002.995 Early learning professional development standards
 1071 and career pathways.—

1072 (1) The department shall:

1073 (c) Subject to the appropriation of funds by the
 1074 Legislature, provide incentives to school readiness personnel
 1075 who meet the requirements of s. 1002.88(1)(e) and

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1076 prekindergarten instructors who meet the requirements specified
 1077 in s. 1002.55, s. 1002.61, or s. 1002.63 and who possess a
 1078 reading certification or endorsement or a literacy micro-
 1079 credential as specified in s. 1003.485 and teach students in the
 1080 school readiness program or the voluntary prekindergarten
 1081 education program or work in a child care or early learning
 1082 setting.

1083 Section 23. Paragraph (a) of subsection (4) of section
 1084 1003.03, Florida Statutes, is amended to read:

1085 1003.03 Maximum class size.—

1086 (4) ACCOUNTABILITY.—

1087 (a) If the department determines that the number of
 1088 students assigned to any individual class exceeds the class size
 1089 maximum, as required in subsection (1), based upon the October
 1090 student membership survey, the department shall:

1091 1. Identify, for each grade group, the number of classes
 1092 in which the number of students exceeds the maximum and the
 1093 total number of students which exceeds the maximum for all
 1094 classes.

1095 2. Determine the number of FTE students which exceeds the
 1096 maximum for each grade group.

1097 3. Multiply the total number of FTE students which exceeds
 1098 the maximum for each grade group by the district's FTE dollar
 1099 amount of the class size categorical allocation for that year
 1100 and calculate the total for all three grade groups.

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1101 4. Multiply the total number of FTE students which exceeds
 1102 the maximum for all classes by an amount equal to 50 percent of
 1103 the base student allocation adjusted by the district cost
 1104 differential for each of the 2010-2011 through 2013-2014 fiscal
 1105 years and by an amount equal to the base student allocation
 1106 adjusted by the comparable wage factor ~~district cost~~
 1107 ~~differential~~ in the 2014-2015 fiscal year and thereafter.

1108 5. Reduce the district's class size categorical allocation
 1109 by an amount equal to the sum of the calculations in
 1110 subparagraphs 3. and 4.

1111 Section 24. Section 1003.4201, Florida Statutes, is
 1112 created to read:

1113 1003.4201 Comprehensive system of reading instruction.—
 1114 Each school district must implement a system of comprehensive
 1115 reading instruction for students enrolled in the prekindergarten
 1116 through grade 12 and certain students who exhibit a substantial
 1117 deficiency in early literacy.

1118 (1) Each school district must develop, and submit to the
 1119 district school board for approval, a detailed reading
 1120 instruction plan that outlines the components of the district's
 1121 comprehensive system of reading instruction. The plan must
 1122 include all district schools, including charter schools, unless
 1123 a charter school elects to submit a plan independently from the
 1124 school district. A charter school plan must comply with all of
 1125 the provisions of this section and must be approved by the

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1126 charter school's governing body and provided to the charter
1127 school's sponsor.

1128 (2)(a) Components of the reading instruction plan may
1129 include the following:

1130 1. Additional time per day of evidence-based intensive
1131 reading instruction for kindergarten through grade 12 students,
1132 which may be delivered during or outside of the regular school
1133 day.

1134 2. Highly qualified reading coaches, who must be endorsed
1135 in reading, to specifically support classroom teachers in making
1136 instructional decisions based on progress monitoring data
1137 collected pursuant to s. 1008.25(8) and improve classroom
1138 teacher delivery of effective reading instruction, reading
1139 intervention, and reading in the content areas based on student
1140 need.

1141 3. Professional development to help instructional
1142 personnel and certified prekindergarten teachers funded in the
1143 Florida Education Finance Program earn a certification, a
1144 credential, an endorsement, or an advanced degree in
1145 scientifically researched and evidence-based reading
1146 instruction.

1147 4. Summer reading camps, using only classroom teachers or
1148 other district personnel who possess a micro-credential as
1149 specified in s. 1003.485 or are certified or endorsed in reading
1150 consistent with s. 1008.25(7)(b)3., for all students in

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1151 kindergarten through grade 5 exhibiting a reading deficiency as
 1152 determined by district and state assessments.

1153 5. Incentives for instructional personnel and certified
 1154 prekindergarten teachers funded in the Florida Education Finance
 1155 Program who possess a reading certification or endorsement or
 1156 micro-credential as specified in s. 1003.485 and provide
 1157 educational support to improve student literacy.

1158 6. Tutoring in reading.

1159 (b) Each school district must include in its reading
 1160 instruction plan the planned school year expenditures for each
 1161 component of such plan.

1162 (3) Each school district shall submit its approved reading
 1163 instruction plan, including approved reading instruction plans
 1164 for each charter school in the district, to the Department of
 1165 Education by August 1 of each fiscal year.

1166 (4) The department shall evaluate the implementation of
 1167 each school district reading instruction plan, including
 1168 conducting site visits and collecting specific data on reading
 1169 improvement results.

1170 (5) By February 1 of each year, the department shall
 1171 report its findings to the Legislature and the State Board of
 1172 Education, including any recommendations for improving
 1173 implementation of evidence-based intensive reading and
 1174 intervention strategies in the classroom.

1175 (6) For purposes of this section, the term "evidence-

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1176 based" means demonstrating a statistically significant effect on
 1177 improving student outcomes or other relevant outcomes as
 1178 provided in 20 U.S.C. s. 8101(21) (A) (i).

1179 Section 25. Paragraphs (g) and (h) of subsection (4) of
 1180 section 1003.485, Florida Statutes, are amended to read:

1181 1003.485 The New Worlds Reading Initiative.—

1182 (4) ADMINISTRATOR RESPONSIBILITIES.—The administrator
 1183 shall:

1184 (g) Develop a micro-credential that requires teachers to
 1185 demonstrate competency to:

1186 1. Diagnose literacy difficulties and determine the
 1187 appropriate range of literacy interventions based upon the age
 1188 and literacy deficiency of the student;

1189 2. Use evidence-based instructional and intervention
 1190 practices, including strategies identified by the Just Read,
 1191 Florida! Office pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~; and

1192 3. Effectively use progress monitoring and intervention
 1193 materials.

1194 (h) Administer the early literacy micro-credential program
 1195 established under this section, which must include components on
 1196 content, student learning, pedagogy, and professional
 1197 development and must build on a strong foundation of
 1198 scientifically researched and evidence-based reading
 1199 instructional and intervention programs that incorporate
 1200 explicit, systematic, and sequential approaches to teaching

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1201 phonemic awareness, phonics, vocabulary, fluency, and text
 1202 comprehension and incorporate decodable or phonetic text
 1203 instructional strategies, as identified by the Just Read,
 1204 Florida! Office, pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~.

1205 1. At a minimum, the micro-credential curriculum must be
 1206 designed specifically for instructional personnel in
 1207 prekindergarten through grade 3 based upon the strategies and
 1208 techniques identified in s. 1002.59 and address foundational
 1209 literacy skills of students in grades 4 through 12.

1210 2. The micro-credential must be competency based and
 1211 designed for eligible instructional personnel to complete the
 1212 credentialing process in no more than 60 hours, in an online
 1213 format. The micro-credential may be delivered in an in-person
 1214 format. Eligible instructional personnel may receive the micro-
 1215 credential once competency is demonstrated even if it is prior
 1216 to the completion of 60 hours.

1217 3. The micro-credential must be available by December 31,
 1218 2022, at no cost, to instructional personnel as defined in s.
 1219 1012.01(2); prekindergarten instructors as specified in ss.
 1220 1002.55, 1002.61, and 1002.63; and child care personnel as
 1221 defined in ss. 402.302(3) and 1002.88(1)(e).

1222 Section 26. Paragraphs (g) and (j) of subsection (2) of
 1223 section 1003.621, Florida Statutes, are amended to read:

1224 1003.621 Academically high-performing school districts.—It
 1225 is the intent of the Legislature to recognize and reward school

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1226 | districts that demonstrate the ability to consistently maintain
 1227 | or improve their high-performing status. The purpose of this
 1228 | section is to provide high-performing school districts with
 1229 | flexibility in meeting the specific requirements in statute and
 1230 | rules of the State Board of Education.

1231 | (2) COMPLIANCE WITH STATUTES AND RULES.—Each academically
 1232 | high-performing school district shall comply with all of the
 1233 | provisions in chapters 1000-1013, and rules of the State Board
 1234 | of Education which implement these provisions, pertaining to the
 1235 | following:

1236 | (g) Those statutes pertaining to planning and budgeting,
 1237 | including chapter 1011, except s. 1003.4201 ~~s. 1011.62(8)(e)~~,
 1238 | relating to the requirement for a comprehensive system of
 1239 | reading instruction plan. ~~A district that is exempt from~~
 1240 | ~~submitting a comprehensive reading plan shall be deemed approved~~
 1241 | ~~to receive the evidence-based reading instruction allocation.~~
 1242 | Each academically high-performing school district may provide up
 1243 | to 2 days of virtual instruction as part of the required 180
 1244 | actual teaching days or the equivalent on an hourly basis each
 1245 | school year, as specified by rules of the State Board of
 1246 | Education. Virtual instruction that is conducted in accordance
 1247 | with the plan approved by the department, is teacher-developed,
 1248 | and is aligned with the standards for enrolled courses complies
 1249 | with s. 1011.60(2). The day or days must be indicated on the
 1250 | calendar approved by the school board. The district shall submit

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1251 a plan for each day of virtual instruction to the department for
 1252 approval, in a format prescribed by the department, with
 1253 assurances of alignment to statewide student standards as
 1254 described in s. 1003.41 before the start of each school year.

1255 (j) Those statutes relating to instructional materials,
 1256 except that s. 1006.37, relating to the requisition of state-
 1257 adopted materials from the depository under contract with the
 1258 publisher, and s. 1006.40(3)(b), relating to the purchase ~~use of~~
 1259 ~~50 percent of the~~ instructional materials allocation, shall be
 1260 eligible for exemption.

1261 Section 27. Subsection (7) of section 1004.935, Florida
 1262 Statutes, is amended to read:

1263 1004.935 Adults with Disabilities Workforce Education
 1264 Program.—

1265 (7) Funds for the scholarship shall be provided from the
 1266 appropriation from the school district's Workforce Development
 1267 Fund in the General Appropriations Act for students who reside
 1268 in the Hardee County School District, the DeSoto County School
 1269 District, the Manatee County School District, or the Sarasota
 1270 County School District. The scholarship amount granted for an
 1271 eligible student with a disability shall be equal to the cost
 1272 per unit of a full-time equivalent adult general education
 1273 student, multiplied by the adult general education funding
 1274 factor, and multiplied by the comparable wage factor ~~district~~
 1275 ~~cost differential~~ pursuant to the formula required by s.

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1276 | 1011.80 (7) (a) for the district in which the student resides.

1277 | Section 28. Section 1006.041, Florida Statutes, is created
 1278 | to read:

1279 | 1006.041 Mental health assistance program.—Each school
 1280 | district must implement a school-based mental health assistance
 1281 | program that includes training classroom teachers and other
 1282 | school staff in detecting and responding to mental health issues
 1283 | and connecting children, youth, and families who may experience
 1284 | behavioral health issues with appropriate services.

1285 | (1) Each school district must develop, and submit to the
 1286 | district school board for approval, a detailed plan outlining
 1287 | the components and planned expenditures of the district's mental
 1288 | health assistance program. The plan must include all district
 1289 | schools, including charter schools, unless a charter school
 1290 | elects to submit a plan independently from the school district.
 1291 | A charter school plan must comply with all of the provisions of
 1292 | this section and must be approved by the charter school's
 1293 | governing body and provided to the charter school's sponsor.

1294 | (2) A plan required under subsection (1) must be focused
 1295 | on a multitiered system of supports to deliver evidence-based
 1296 | mental health care assessment, diagnosis, intervention,
 1297 | treatment, and recovery services to students with one or more
 1298 | mental health or co-occurring substance abuse diagnoses and to
 1299 | students at high risk of such diagnoses. The provision of these
 1300 | services must be coordinated with a student's primary mental

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1301 health care provider and with other mental health providers
1302 involved in the student's care. At a minimum, the plan must
1303 include all of the following components:

1304 (a) Direct employment of school-based mental health
1305 services providers to expand and enhance school-based student
1306 services and to reduce the ratio of students to staff in order
1307 to better align with nationally recommended ratio models. The
1308 providers shall include, but are not limited to, certified
1309 school counselors, school psychologists, school social workers,
1310 and other licensed mental health professionals. The plan must
1311 also identify strategies to increase the amount of time that
1312 school-based student services personnel spend providing direct
1313 services to students, which may include the review and revision
1314 of district staffing resource allocations based on school or
1315 student mental health assistance needs.

1316 (b) Contracts or interagency agreements with one or more
1317 local community behavioral health providers or providers of
1318 Community Action Team services to provide a behavioral health
1319 staff presence and services at district schools. Services may
1320 include, but are not limited to, mental health screenings and
1321 assessments, individual counseling, family counseling, group
1322 counseling, psychiatric or psychological services, trauma-
1323 informed care, mobile crisis services, and behavior
1324 modification. These behavioral health services may be provided
1325 on or off the school campus and may be supplemented by

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1326 telehealth as defined in s. 456.47(1).

1327 (c) Policies and procedures, including contracts with
 1328 service providers, which will ensure that:

1329 1. Students referred to a school-based or community-based
 1330 mental health service provider for mental health screening for
 1331 the identification of mental health concerns and students at
 1332 risk for mental health disorders are assessed within 15 days
 1333 after referral. School-based mental health services must be
 1334 initiated within 15 days after identification and assessment,
 1335 and support by community-based mental health service providers
 1336 for students who are referred for community-based mental health
 1337 services must be initiated within 30 days after the school or
 1338 district makes a referral.

1339 2. Parents of a student receiving services under this
 1340 subsection are provided information about other behavioral
 1341 health services available through the student's school or local
 1342 community-based behavioral health services providers. A school
 1343 may meet this requirement by providing information about and
 1344 Internet addresses for web-based directories or guides for local
 1345 behavioral health services.

1346 3. Individuals living in a household with a student
 1347 receiving services under this subsection are provided
 1348 information about behavioral health services available through
 1349 other delivery systems or payors for which such individuals may
 1350 qualify, if such services appear to be needed or enhancements in

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1351 such individuals' behavioral health would contribute to the
1352 improved well-being of the student.

1353 (d) Strategies or programs to reduce the likelihood of at-
1354 risk students developing social, emotional, or behavioral health
1355 problems, depression, anxiety disorders, suicidal tendencies, or
1356 substance use disorders.

1357 (e) Strategies to improve the early identification of
1358 social, emotional, or behavioral problems or substance use
1359 disorders, to improve the provision of early intervention
1360 services, and to assist students in dealing with trauma and
1361 violence.

1362 (f) Procedures to assist a mental health services provider
1363 or a behavioral health provider as described in paragraph (a) or
1364 paragraph (b), respectively, or a school resource officer or
1365 school safety officer who has completed mental health crisis
1366 intervention training in attempting to verbally de-escalate a
1367 student's crisis situation before initiating an involuntary
1368 examination pursuant to s. 394.463. Such procedures must include
1369 strategies to de-escalate a crisis situation for a student with
1370 a developmental disability as defined in s. 393.063.

1371 (g) Policies of the school district which must require
1372 that in a student crisis situation, school or law enforcement
1373 personnel must make a reasonable attempt to contact a mental
1374 health professional who may initiate an involuntary examination
1375 pursuant to s. 394.463, unless the child poses an imminent

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1376 danger to themselves or others, before initiating an involuntary
 1377 examination pursuant to s. 394.463. Such contact may be in
 1378 person or through telehealth. The mental health professional may
 1379 be available to the school district either by a contract or
 1380 interagency agreement with the managing entity, one or more
 1381 local community-based behavioral health providers, or the local
 1382 mobile response team, or be a direct or contracted school
 1383 district employee.

1384 (3) Each school district shall submit its approved plan,
 1385 including approved plans of each charter school in the district,
 1386 to the Department of Education by August 1 of each fiscal year.

1387 (4) Annually by September 30, each school district shall
 1388 submit to the Department of Education a report on its program
 1389 outcomes and expenditures for the previous fiscal year that, at
 1390 a minimum, must include the total number of each of the
 1391 following:

1392 (a) Students who receive screenings or assessments.

1393 (b) Students who are referred to school-based or
 1394 community-based providers for services or assistance.

1395 (c) Students who receive school-based or community-based
 1396 interventions, services, or assistance.

1397 (d) School-based and community-based mental health
 1398 providers, including licensure type.

1399 (e) Contract-based or interagency agreement-based
 1400 collaborative efforts or partnerships with community-based

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1401 mental health programs, agencies, or providers.

1402 Section 29. Paragraph (b) of subsection (6) of section
1403 1006.07, Florida Statutes, is amended to read:

1404 1006.07 District school board duties relating to student
1405 discipline and school safety.—The district school board shall
1406 provide for the proper accounting for all students, for the
1407 attendance and control of students at school, and for proper
1408 attention to health, safety, and other matters relating to the
1409 welfare of students, including:

1410 (6) SAFETY AND SECURITY BEST PRACTICES.—Each district
1411 school superintendent shall establish policies and procedures
1412 for the prevention of violence on school grounds, including the
1413 assessment of and intervention with individuals whose behavior
1414 poses a threat to the safety of the school community.

1415 (b) Mental health coordinator.—Each district school board
1416 shall identify a mental health coordinator for the district. The
1417 mental health coordinator shall serve as the district's primary
1418 point of contact regarding the district's coordination,
1419 communication, and implementation of student mental health
1420 policies, procedures, responsibilities, and reporting,
1421 including:

1422 1. Coordinating with the Office of Safe Schools,
1423 established pursuant to s. 1001.212.

1424 2. Maintaining records and reports regarding student
1425 mental health as it relates to the mental health assistance

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1426 ~~program under s. 1006.041 and school safety and the mental~~
 1427 ~~health assistance allocation under s. 1011.62(14).~~

1428 3. Facilitating the implementation of school district
 1429 policies relating to the respective duties and responsibilities
 1430 of the school district, the superintendent, and district school
 1431 principals.

1432 4. Coordinating with the school safety specialist on the
 1433 staffing and training of threat assessment teams and
 1434 facilitating referrals to mental health services, as
 1435 appropriate, for students and their families.

1436 5. Coordinating with the school safety specialist on the
 1437 training and resources for students and school district staff
 1438 relating to youth mental health awareness and assistance.

1439 6. Reviewing annually the school district's policies and
 1440 procedures related to student mental health for compliance with
 1441 state law and alignment with current best practices and making
 1442 recommendations, as needed, for amending such policies and
 1443 procedures to the superintendent and the district school board.

1444 Section 30. Subsection (3) of section 1006.1493, Florida
 1445 Statutes, is amended to read:

1446 1006.1493 Florida Safe Schools Assessment Tool.—

1447 (3) The Office of Safe Schools shall make the FSSAT
 1448 available no later than May 1 of each year.

1449 (a) The office must provide annual training to each
 1450 district's school safety specialist and other appropriate school

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1451 district personnel on the assessment of physical site security
 1452 and completing the FSSAT.

1453 (b) Each school district must annually report to the
 1454 office by October 15 that all public schools within the school
 1455 district have completed the FSSAT.

1456 Section 31. Paragraph (a) of subsection (1) of section
 1457 1006.28, Florida Statutes, is amended, and paragraph (c) is
 1458 added to subsection (3) of that section, to read:

1459 1006.28 Duties of district school board, district school
 1460 superintendent; and school principal regarding K-12
 1461 instructional materials.—

1462 (1) DEFINITIONS.—

1463 (a) As used in this section, the term:

1464 1. "Adequate instructional materials" means a sufficient
 1465 number of student or site licenses or sets of materials that are
 1466 available in bound, unbound, kit, or package form and may
 1467 consist of hardbacked or softbacked textbooks, electronic
 1468 content, consumables, learning laboratories, manipulatives,
 1469 electronic media, and computer courseware or software that serve
 1470 as the basis for instruction for each student in the core
 1471 subject areas of mathematics, language arts, social studies,
 1472 science, reading, and literature.

1473 2. "Instructional materials" has the same meaning as in s.
 1474 1006.29(2).

1475 3. "Library media center" means any collection of books,

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1476 ebooks, periodicals, or videos maintained and accessible on the
 1477 site of a school, including in classrooms.

1478 (3) DISTRICT SCHOOL SUPERINTENDENT.—

1479 (c) Annually by August 1, each district school
 1480 superintendent shall certify to the Commissioner of Education
 1481 that the district school board has approved a comprehensive
 1482 staff development plan that supports fidelity of implementation
 1483 of instructional materials programs, including verification that
 1484 training was provided, that the materials are being implemented
 1485 as designed, and that core reading materials and reading
 1486 intervention materials used in kindergarten through grade 5 meet
 1487 the requirements of s. 1001.215(8). Such instructional
 1488 materials, as evaluated and identified pursuant to s.
 1489 1001.215(4), may be purchased by school districts without
 1490 undergoing the adoption procedures in s. 1006.40(4)(b).

1491 Section 32. Section 1006.40, Florida Statutes, is amended
 1492 to read:

1493 1006.40 Purchase ~~Use~~ of instructional materials
 1494 ~~allocation; instructional materials, library books, and~~
 1495 ~~reference books; repair of books.—~~

1496 (1) On or before July 1 each year, ~~the commissioner shall~~
 1497 ~~certify to~~ each district school superintendent shall certify to
 1498 the Commissioner of Education the estimated allocation of state
 1499 funds for instructional materials, ~~computed pursuant to the~~
 1500 ~~provisions of s. 1011.67~~ for the ensuing fiscal year.

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1501 (2) Each district school board must purchase current
 1502 instructional materials to provide each student in kindergarten
 1503 through grade 12 with a major tool of instruction in core
 1504 courses of the subject areas of mathematics, language arts,
 1505 science, social studies, reading, and literature. Such purchase
 1506 must be made within the first 3 years after the effective date
 1507 of the adoption cycle unless a district school board or a
 1508 consortium of school districts has implemented an instructional
 1509 materials program pursuant to s. 1006.283.

1510 (3)(a) Except for a school district or a consortium of
 1511 school districts that implements an instructional materials
 1512 program pursuant to s. 1006.283, each district school board
 1513 shall ~~use the annual allocation only for the purchase of~~
 1514 instructional materials that align with state standards and are
 1515 included on the state-adopted list, ~~except as otherwise~~
 1516 ~~authorized in paragraphs (b) and (c).~~

1517 (b) Up to 50 percent of the amount the school district has
 1518 budgeted for instructional materials ~~annual allocation~~ may be
 1519 used for:

- 1520 1. The purchase of library and reference books and
 1521 nonprint materials.
- 1522 2. The purchase of other materials having intellectual
 1523 content which assist in the instruction of a subject or course.
 1524 These materials may be available in bound, unbound, kit, or
 1525 package form and may consist of hardbacked or softbacked

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1526 textbooks, novels, electronic content, consumables, learning
 1527 laboratories, manipulatives, electronic media, computer
 1528 courseware or software, and other commonly accepted
 1529 instructional tools as prescribed by district school board rule.

1530 3. The repair and renovation of textbooks and library
 1531 books and replacements for items which were part of previously
 1532 purchased instructional materials.

1533 ~~(c) District school boards may use 100 percent of that~~
 1534 ~~portion of the annual allocation designated for the purchase of~~
 1535 ~~instructional materials for kindergarten, and 75 percent of that~~
 1536 ~~portion of the annual allocation designated for the purchase of~~
 1537 ~~instructional materials for first grade, to purchase materials~~
 1538 ~~not on the state-adopted list.~~

1539 (c)~~(d)~~ Any materials purchased pursuant to this section
 1540 must be:

1541 1. Free of pornography and material prohibited under s.
 1542 847.012.

1543 2. Suited to student needs and their ability to comprehend
 1544 the material presented.

1545 3. Appropriate for the grade level and age group for which
 1546 the materials are used or made available.

1547 (4) Each district school board is responsible for the
 1548 content of all materials used in a classroom or otherwise made
 1549 available to students. Each district school board shall adopt
 1550 rules, and each district school superintendent shall implement

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1551 procedures, that:

1552 (a) Maximize student use of the district-approved
1553 instructional materials.

1554 (b) Provide a process for public review of, public comment
1555 on, and the adoption of materials, including those used to
1556 provide instruction required by s. 1003.42, which satisfies the
1557 requirements of s. 1006.283(2)(b) 8., 9., and 11.

1558 ~~(5) District school boards may issue purchase orders~~
1559 ~~subsequent to February 1 in an aggregate amount which does not~~
1560 ~~exceed 20 percent of the current year's allocation, and~~
1561 ~~subsequent to April 1 in an aggregate amount which does not~~
1562 ~~exceed 90 percent of the current year's allocation, for the~~
1563 ~~purpose of expediting the delivery of instructional materials~~
1564 ~~which are to be paid for from the ensuing year's allocation.~~
1565 ~~This subsection does not apply to a district school board or a~~
1566 ~~consortium of school districts that implements an instructional~~
1567 ~~materials program pursuant to s. 1006.283.~~

1568 ~~(6) In any year in which the total instructional materials~~
1569 ~~allocation for a school district has not been expended or~~
1570 ~~obligated prior to June 30, the district school board shall~~
1571 ~~carry forward the unobligated amount and shall add it to the~~
1572 ~~next year's allocation.~~

1573 (5)~~(7)~~ A district school board or a consortium of school
1574 districts that implements an instructional materials program
1575 pursuant to s. 1006.283 may use the annual allocation to

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1576 purchase instructional materials not on the state-adopted list.
1577 However, instructional materials purchased pursuant to this
1578 section which are not included on the state-adopted list must
1579 meet the criteria of s. 1006.31(2), align with state standards
1580 adopted by the State Board of Education pursuant to s. 1003.41,
1581 and be consistent with course expectations based on the
1582 district's comprehensive plan for student progression and course
1583 descriptions adopted in state board rule.

1584 Section 33. Paragraph (n) of subsection (21) of section
1585 1007.271, Florida Statutes, is amended to read:

1586 1007.271 Dual enrollment programs.—

1587 (21) Each district school superintendent and each public
1588 postsecondary institution president shall develop a
1589 comprehensive dual enrollment articulation agreement for the
1590 respective school district and postsecondary institution. The
1591 superintendent and president shall establish an articulation
1592 committee for the purpose of developing the agreement. Each
1593 state university president may designate a university
1594 representative to participate in the development of a dual
1595 enrollment articulation agreement. A dual enrollment
1596 articulation agreement shall be completed and submitted annually
1597 by the postsecondary institution to the Department of Education
1598 on or before August 1. The agreement must include, but is not
1599 limited to:

1600 (n) A funding provision that delineates costs incurred by

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1601 each entity.

1602 1. School districts shall pay public postsecondary
 1603 institutions the standard tuition rate per credit hour from
 1604 funds provided in the Florida Education Finance Program when
 1605 dual enrollment course instruction takes place on the
 1606 postsecondary institution's campus and the course is taken
 1607 during the fall or spring term. When dual enrollment is provided
 1608 on the high school site by postsecondary institution faculty,
 1609 the school district shall reimburse the costs associated with
 1610 the postsecondary institution's proportion of salary and
 1611 benefits to provide the instruction. When dual enrollment course
 1612 instruction is provided on the high school site by school
 1613 district faculty, the school district is not responsible for
 1614 payment to the postsecondary institution. A postsecondary
 1615 institution may enter into an agreement with the school district
 1616 to authorize teachers to teach dual enrollment courses at the
 1617 high school site or the postsecondary institution. A school
 1618 district may not deny a student access to dual enrollment unless
 1619 the student is ineligible to participate in the program subject
 1620 to provisions specifically outlined in this section.

1621 2. School districts shall pay for the cost of
 1622 instructional materials for public high school students who are
 1623 earning credit toward high school graduation under the dual
 1624 enrollment program.

1625 ~~3.2.~~ Subject to annual appropriation in the General

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1626 Appropriations Act, a public postsecondary institution shall
 1627 receive an amount of funding equivalent to the standard tuition
 1628 rate per credit hour for each dual enrollment course taken by a
 1629 student during the summer term.

1630 Section 34. Paragraph (b) of subsection (5) of section
 1631 1008.25, Florida Statutes, is amended to read:

1632 1008.25 Public school student progression; student
 1633 support; coordinated screening and progress monitoring;
 1634 reporting requirements.—

1635 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

1636 (b) A Voluntary Prekindergarten Education Program student
 1637 who exhibits a substantial deficiency in early literacy skills
 1638 in accordance with the standards under s. 1002.67(1)(a) and
 1639 based upon the results of the administration of the final
 1640 coordinated screening and progress monitoring under subsection
 1641 (8) shall be referred to the local school district and may be
 1642 eligible to receive intensive reading interventions before
 1643 participating in kindergarten. ~~Such intensive reading~~
 1644 ~~interventions shall be paid for using funds from the district's~~
 1645 ~~evidence-based reading instruction allocation in accordance with~~
 1646 ~~s. 1011.62(8).~~

1647 Section 35. Paragraph (d) of subsection (5) of section
 1648 1008.345, Florida Statutes, is amended to read:

1649 1008.345 Implementation of state system of school
 1650 improvement and education accountability.—

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1651 (5) The commissioner shall annually report to the State
 1652 Board of Education and the Legislature and recommend changes in
 1653 state policy necessary to foster school improvement and
 1654 education accountability. The report shall include:

1655 (d) Based upon a review of each school district's reading
 1656 instruction plan submitted pursuant to s. 1003.4201 ~~s.~~
 1657 ~~1011.62(8)~~, intervention and support strategies used by school
 1658 districts that were effective in improving the reading
 1659 performance of students, as indicated by student performance
 1660 data, who are identified as having a substantial reading
 1661 deficiency pursuant to s. 1008.25(5)(a).

1662
 1663 School reports shall be distributed pursuant to this subsection
 1664 and s. 1001.42(18)(c) and according to rules adopted by the
 1665 State Board of Education.

1666 Section 36. Subsections (2), (3), and (5) of section
 1667 1008.365, Florida Statutes, are amended to read:

1668 1008.365 Reading Achievement Initiative for Scholastic
 1669 Excellence Act.—

1670 (2) The Reading Achievement Initiative for Scholastic
 1671 Excellence (RAISE) Program is established within the Department
 1672 of Education to provide instructional supports to school
 1673 districts, school administrators, and instructional personnel in
 1674 implementing:

1675 (a) Evidence-based reading instruction proven to

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1676 accelerate progress of students exhibiting a reading deficiency.

1677 (b) Differentiated instruction based on screening,
 1678 diagnostic, progress monitoring, or student assessment data to
 1679 meet students' specific reading needs.

1680 (c) Explicit and systematic reading strategies to develop
 1681 phonemic awareness, phonics, fluency, vocabulary, and
 1682 comprehension with more extensive opportunities for guided
 1683 practice, error correction, and feedback ~~and interventions in~~
 1684 ~~order to improve student reading achievement.~~

1685 (3) The department shall establish at least 20 literacy
 1686 support regions and regional support teams, at the direction of
 1687 a regional literacy support director appointed by the
 1688 Commissioner of Education, to assist schools with improving low
 1689 reading scores as provided in this section.

1690 (a) A regional literacy support director must successfully
 1691 demonstrate competence on the evidence-based strategies
 1692 identified pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~ and have
 1693 the experience and credentials necessary, as determined by the
 1694 department, to:

- 1695 1. Effectively monitor student reading growth and
 1696 achievement data;
- 1697 2. Oversee districtwide and schoolwide professional
 1698 development and planning to establish evidence-based practices
 1699 among school administrators and instructional personnel;
- 1700 3. Evaluate implementation of evidence-based practices;

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1701 | and

1702 | 4. Manage a regional support team.

1703 | (b) A regional support team shall report to its regional

1704 | literacy support director and must consist of individuals who:

1705 | 1. Successfully demonstrate competence on the evidence-

1706 | based strategies identified pursuant to s. 1001.215(7) ~~s.~~

1707 | ~~1001.215(8)~~;

1708 | 2. Have substantial experience in literacy coaching and

1709 | monitoring student progress data in reading; and

1710 | 3. Have received training necessary to assist with the

1711 | delivery of professional development and site-based supports,

1712 | including modeling evidence-based practices and providing

1713 | feedback to instructional personnel.

1714 | (5) The department shall provide progress monitoring data

1715 | to regional support teams regarding the implementation of

1716 | supports. Such supports must include:

1717 | (a) Professional development, aligned to evidence-based

1718 | strategies identified pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~,

1719 | for appropriate instructional personnel and school

1720 | administrators identified by the regional support team.

1721 | (b) Assistance with implementing:

1722 | 1. Data-informed instructional decisionmaking using

1723 | progress monitoring and other appropriate data.

1724 | 2. Selection and consistent, coordinated use of

1725 | scientifically researched and evidence-based ~~high-quality~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1726 ~~instructional materials and~~ supplemental materials as identified
 1727 by the Just Read, Florida! Office pursuant to s. 1001.215(8).

1728 3. Reading instruction in other core subject area
 1729 curricula, with an emphasis on civic literacy.

1730 4. A multitiered system of supports in order to provide
 1731 students effective interventions and identify students who may
 1732 require an evaluation for special educational services,
 1733 including identifying characteristics of conditions that affect
 1734 phonological processing, such as dyslexia.

1735 (c) Evaluating a school's improvement plan for alignment
 1736 with the school district's K-12 ~~comprehensive~~ reading
 1737 instruction plan under s. 1003.4201 ~~s. 1011.62(8)(d)~~ and the
 1738 school district's allocation of resources as required by s.
 1739 1008.25(3)(a). If the regional support team determines that the
 1740 school district's reading instruction plan does not address the
 1741 school's need to improve student outcomes, the regional literacy
 1742 support director, the district school superintendent, or his or
 1743 her designee, and the director of the Just Read, Florida! Office
 1744 shall convene a meeting to rectify the deficiencies of the
 1745 reading instruction plan.

1746 Section 37. Paragraph (a) of subsection (2) and paragraph
 1747 (b) of subsection (3) of section 1010.20, Florida Statutes, are
 1748 amended to read:

1749 1010.20 Cost accounting and reporting for school
 1750 districts.—

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1751 (2) COST REPORTING.—

1752 (a) Each district shall report on a district-aggregate
 1753 basis expenditures for inservice training pursuant to s.
 1754 1011.62(3) and for categorical programs as provided in s.
 1755 1011.62(17) ~~s. 1011.62(6)~~.

1756 (3) PROGRAM EXPENDITURE REQUIREMENTS.—

1757 (b) Funds for inservice training established in s.
 1758 1011.62(3) and for categorical programs established in s.
 1759 1011.62(17) ~~s. 1011.62(6)~~ shall be expended for the costs of the
 1760 identified programs as provided by law and in accordance with
 1761 the rules of the State Board of Education.

1762 Section 38. Section 1011.58, Florida Statutes, is created
 1763 to read:

1764 1011.58 Procedures for legislative budget requests for the
 1765 Florida School for Competitive Academics.—

1766 (1)(a) The legislative budget request of the Florida
 1767 School for Competitive Academics established in s. 1002.351 must
 1768 be prepared using the same format, procedures, and timelines
 1769 required for the submission of the legislative budget request of
 1770 the Department of Education.

1771 (b) The Florida School for Competitive Academics shall
 1772 submit its legislative budget request to the Department of
 1773 Education for review and approval. The school must create and
 1774 submit to the department an implementation plan before the
 1775 department may approve the budget request.

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1776 (c) Subsequent to the Department of Education's approval,
 1777 the Commissioner of Education shall include the Florida School
 1778 for Competitive Academics in the department's legislative budget
 1779 request to the State Board of Education, the Governor, and the
 1780 Legislature. The legislative budget request and the
 1781 appropriation for the Florida School for Competitive Academics
 1782 must be a separate identifiable sum in the public schools budget
 1783 entity of the Department of Education.

1784 (d) The annual appropriation for the school shall be
 1785 distributed monthly, without using the Florida Education Finance
 1786 Program, in payments as nearly equal as possible.
 1787 Appropriations for textbooks, instructional technology, and
 1788 school buses may be released and distributed as necessary to
 1789 serve the instructional program for the students. Transportation
 1790 of students shall be provided by the school consistent with the
 1791 requirements of subpart I.E. of chapter 1006 and s. 1012.45.

1792 (2) The school shall submit its fixed capital outlay
 1793 request to the Department of Education for review and approval
 1794 in accordance with s. 1002.36(4) (f)1. Subsequent to the
 1795 department's approval, the school's request must be included
 1796 within the department's public education capital outlay
 1797 legislative budget request.

1798 Section 39. Section 1011.59, Florida Statutes, is created
 1799 to read:

1800 1011.59 Florida School for Competitive Academics; board of

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1801 trustees; management flexibility.-

1802 (1) Notwithstanding ss. 216.031, 216.181, and 216.262 and

1803 pursuant to s. 216.351, but subject to any guidelines imposed in

1804 the General Appropriations Act, funds for the operation of the

1805 Florida School for Competitive Academics shall be requested and

1806 appropriated within budget entities, program components, program

1807 categories, lump sums, or special categories. Funds appropriated

1808 to the Florida School for Competitive Academics for each program

1809 category, lump sum, or special category may be transferred to

1810 traditional categories for expenditure by the board of trustees

1811 of the school. The board of trustees shall develop an annual

1812 operating budget that allocates funds by program component and

1813 traditional expenditure category.

1814 (2) Notwithstanding s. 216.181 and pursuant to s. 216.351,

1815 but subject to any requirements imposed in the General

1816 Appropriations Act, a lump-sum plan is not required to implement

1817 the special categories, program categories, or lump-sum

1818 appropriations. Upon release of the special categories, program

1819 categories, or lump-sum appropriations to the board of trustees,

1820 the Chief Financial Officer shall, upon the request of the board

1821 of trustees, transfer or reallocate funds to or among accounts

1822 established for disbursement purposes. The board of trustees

1823 shall maintain records to account for the original

1824 appropriation.

1825 (3) Notwithstanding ss. 216.031, 216.181, 216.251, and

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1826 216.262 and pursuant to s. 216.351, but subject to any
 1827 requirements imposed in the General Appropriations Act, the
 1828 board of trustees shall establish the authorized positions and
 1829 may amend such positions within the total funds authorized
 1830 annually in the General Appropriations Act.

1831 (4) Notwithstanding s. 216.301, all unexpended funds
 1832 appropriated for the Florida School for Competitive Academics
 1833 shall be carried forward and included as the balance forward for
 1834 that fund in the approved operating budget for the following
 1835 year.

1836 Section 40. Subsection (5) of section 1011.61, Florida
 1837 Statutes, is amended to read:

1838 1011.61 Definitions.—Notwithstanding the provisions of s.
 1839 1000.21, the following terms are defined as follows for the
 1840 purposes of the Florida Education Finance Program:

1841 (5) The "Florida Education Finance Program" includes all
 1842 programs and costs as provided in ss. 1003.03, 1011.62, 1011.68,
 1843 and 1011.685 ~~s. 1011.62.~~

1844 Section 41. Paragraph (e) of subsection (1) of section
 1845 1011.62, Florida Statutes, is redesignated as paragraph (d),
 1846 present paragraphs (c) through (f) and (s) of subsection (1) and
 1847 subsections (2), (3), (5) through (9), and (11) through (17) are
 1848 amended, and new paragraphs (e) and (f) are added to subsection
 1849 (1) and new subsections (6) through (8) and (16) through (18)
 1850 are added to that section, to read:

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1851 1011.62 Funds for operation of schools.—If the annual
 1852 allocation from the Florida Education Finance Program to each
 1853 district for operation of schools is not determined in the
 1854 annual appropriations act or the substantive bill implementing
 1855 the annual appropriations act, it shall be determined as
 1856 follows:

1857 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 1858 OPERATION.—The following procedure shall be followed in
 1859 determining the annual allocation to each district for
 1860 operation:

1861 (c) Determination of programs.—Cost factors based on
 1862 desired relative cost differences between the following programs
 1863 shall be established in the annual General Appropriations Act.
 1864 The cost factor for secondary career education programs must be
 1865 greater than the cost factor for ~~and~~ basic programs grade 9
 1866 through 12 ~~shall be equal~~. The Commissioner of Education shall
 1867 specify a matrix of services and intensity levels to be used by
 1868 districts in the determination of the two weighted cost factors
 1869 for exceptional students with the highest levels of need. For
 1870 these students, the funding support level shall fund the
 1871 exceptional students' education program, with the exception of
 1872 extended school year services for students with disabilities.

- 1873 1. Basic programs.—
 1874 a. Kindergarten and grades 1, 2, and 3.
 1875 b. Grades 4, 5, 6, 7, and 8.

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

- 1876 c. Grades 9, 10, 11, and 12.
- 1877 2. Programs for exceptional students.—
- 1878 a. Support Level IV.
- 1879 b. Support Level V.
- 1880 3. Secondary career education programs.
- 1881 4. English for Speakers of Other Languages.
- 1882 ~~(d) Annual allocation calculation.—~~
- 1883 ~~1. The Department of Education is authorized and directed~~
- 1884 ~~to review all district programs and enrollment projections and~~
- 1885 ~~calculate a maximum total weighted full-time equivalent student~~
- 1886 ~~enrollment for each district for the K-12 FEFP.~~
- 1887 ~~2. Maximum enrollments calculated by the department shall~~
- 1888 ~~be derived from enrollment estimates used by the Legislature to~~
- 1889 ~~calculate the FEFP. If two or more districts enter into an~~
- 1890 ~~agreement under the provisions of s. 1001.42(4) (d), after the~~
- 1891 ~~final enrollment estimate is agreed upon, the amount of FTE~~
- 1892 ~~specified in the agreement, not to exceed the estimate for the~~
- 1893 ~~specific program as identified in paragraph (c), may be~~
- 1894 ~~transferred from the participating districts to the district~~
- 1895 ~~providing the program.~~
- 1896 ~~3. As part of its calculation of each district's maximum~~
- 1897 ~~total weighted full-time equivalent student enrollment, the~~
- 1898 ~~department shall establish separate enrollment ceilings for each~~
- 1899 ~~of two program groups. Group 1 shall be composed of basic~~
- 1900 ~~programs for grades K-3, grades 4-8, and grades 9-12. Group 2~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1901 ~~shall be composed of students in exceptional student education~~
 1902 ~~programs support levels IV and V, English for Speakers of Other~~
 1903 ~~Languages programs, and all career programs in grades 9-12.~~

1904 ~~a. For any calculation of the FEFP, the enrollment ceiling~~
 1905 ~~for group 1 shall be calculated by multiplying the actual~~
 1906 ~~enrollment for each program in the program group by its~~
 1907 ~~appropriate program weight.~~

1908 ~~b. The weighted enrollment ceiling for group 2 programs~~
 1909 ~~shall be calculated by multiplying the enrollment for each~~
 1910 ~~program by the appropriate program weight as provided in the~~
 1911 ~~General Appropriations Act. The weighted enrollment ceiling for~~
 1912 ~~program group 2 shall be the sum of the weighted enrollment~~
 1913 ~~ceilings for each program in the program group, plus the~~
 1914 ~~increase in weighted full-time equivalent student membership~~
 1915 ~~from the prior year for clients of the Department of Children~~
 1916 ~~and Families and the Department of Juvenile Justice.~~

1917 ~~e. If, for any calculation of the FEFP, the weighted~~
 1918 ~~enrollment for program group 2, derived by multiplying actual~~
 1919 ~~enrollments by appropriate program weights, exceeds the~~
 1920 ~~enrollment ceiling for that group, the following procedure shall~~
 1921 ~~be followed to reduce the weighted enrollment for that group to~~
 1922 ~~equal the enrollment ceiling:~~

1923 ~~(I) The weighted enrollment ceiling for each program in~~
 1924 ~~the program group shall be subtracted from the weighted~~
 1925 ~~enrollment for that program derived from actual enrollments.~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1926 ~~(II) If the difference calculated under sub-sub-~~
 1927 ~~subparagraph (I) is greater than zero for any program, a~~
 1928 ~~reduction proportion shall be computed for the program by~~
 1929 ~~dividing the absolute value of the difference by the total~~
 1930 ~~amount by which the weighted enrollment for the program group~~
 1931 ~~exceeds the weighted enrollment ceiling for the program group.~~

1932 ~~(III) The reduction proportion calculated under sub-sub-~~
 1933 ~~subparagraph (II) shall be multiplied by the total amount of the~~
 1934 ~~program group's enrollment over the ceiling as calculated under~~
 1935 ~~sub-sub-subparagraph (I).~~

1936 ~~(IV) The prorated reduction amount calculated under sub-~~
 1937 ~~sub-subparagraph (III) shall be subtracted from the program's~~
 1938 ~~weighted enrollment to produce a revised program weighted~~
 1939 ~~enrollment.~~

1940 ~~(V) The prorated reduction amount calculated under sub-~~
 1941 ~~sub-subparagraph (III) shall be divided by the appropriate~~
 1942 ~~program weight, and the result shall be added to the revised~~
 1943 ~~program weighted enrollment computed in sub-sub-subparagraph~~
 1944 ~~(IV).~~

1945 (d)-(e) Funding model for exceptional student education
 1946 programs.—The funding model for exceptional student education
 1947 programs shall include all of the following:

1948 1.1.a. For programs for exceptional students in The
 1949 funding model uses basic, at-risk, support levels IV and V as
 1950 established in paragraph (c), the funding model shall include

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1951 ~~program for exceptional students and career Florida Education~~
 1952 ~~Finance Program cost factors, and a guaranteed allocation for~~
 1953 ~~exceptional student education programs.~~

1954 a. Exceptional education cost factors are determined by
 1955 using a matrix of services to document the services that each
 1956 support level IV and support level V exceptional student will
 1957 receive. The nature and intensity of the services indicated on
 1958 the matrix shall be consistent with the services described in
 1959 each exceptional student's individual educational plan. ~~The~~
 1960 ~~Department of Education shall review and revise the descriptions~~
 1961 ~~of the services and supports included in the matrix of services~~
 1962 ~~for exceptional students and shall implement those revisions~~
 1963 ~~before the beginning of the 2012-2013 school year.~~

1964 b. In order to generate funds using one of the two
 1965 weighted cost factors, a matrix of services must be completed at
 1966 the time of the student's initial placement into an exceptional
 1967 student education program and at least once every 3 years by
 1968 personnel who have received approved training. Nothing listed in
 1969 the matrix shall be construed as limiting the services a school
 1970 district must provide in order to ensure that exceptional
 1971 students are provided a free, appropriate public education.

1972 ~~e. Students identified as exceptional, in accordance with~~
 1973 ~~chapter 6A-6, Florida Administrative Code, who do not have a~~
 1974 ~~matrix of services as specified in sub-subparagraph b. shall~~
 1975 ~~generate funds on the basis of full-time-equivalent student~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

1976 ~~membership in the Florida Education Finance Program at the same~~
 1977 ~~funding level per student as provided for basic students.~~
 1978 ~~Additional funds for these exceptional students will be provided~~
 1979 ~~through the guaranteed allocation designated in subparagraph 2.~~

1980 2. For students identified as exceptional in accordance
 1981 with chapter 6A-6, Florida Administrative Code, who do not have
 1982 a matrix of services as specified in subparagraph 1. and for
 1983 students who are gifted in grades kindergarten ~~¶~~ through 8, the
 1984 funding model shall include the funds generated on the basis of
 1985 full-time equivalent student membership in the Florida Education
 1986 Finance Program at the same funding level per student as
 1987 provided for a basic student and additional funds provided by
 1988 the exceptional student education guaranteed allocation
 1989 established pursuant to subsection (8).

1990 (e) Calculation of additional full-time equivalent
 1991 membership for small school district exceptional student
 1992 education.—An additional value per full-time equivalent student
 1993 membership is provided to school districts with a full-time
 1994 equivalent student membership of fewer than 10,000 and fewer
 1995 than three full-time equivalent students in exceptional student
 1996 education support levels IV and V. The Department of Education
 1997 shall set the amount of the additional value based on documented
 1998 evidence of the difference between the cost of the school
 1999 district's exceptional student education support levels IV and V
 2000 services and the applicable Florida Education Finance Program

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2001 funds appropriated in the General Appropriations Act. The total
 2002 statewide value may not exceed a value per weighted full-time
 2003 equivalent student as specified in the General Appropriations
 2004 Act. The additional value for an eligible school district shall
 2005 not exceed three full-time equivalent students for each of the
 2006 exceptional student education support levels IV and V ~~there is~~
 2007 ~~created a guaranteed allocation to provide these students with a~~
 2008 ~~free appropriate public education, in accordance with s.~~
 2009 ~~1001.42 (4) (1) and rules of the State Board of Education, which~~
 2010 ~~shall be allocated initially to each school district in the~~
 2011 ~~amount provided in the General Appropriations Act. These funds~~
 2012 ~~shall be supplemental to the funds appropriated for the basic~~
 2013 ~~funding level, and the amount allocated for each school district~~
 2014 ~~shall be recalculated during the year, based on actual student~~
 2015 ~~membership from FTE surveys. Upon recalculation, if the~~
 2016 ~~generated allocation is greater than the amount provided in the~~
 2017 ~~General Appropriations Act, the total shall be prorated to the~~
 2018 ~~level of the appropriation based on each district's share of the~~
 2019 ~~total recalculated amount. These funds shall be used to provide~~
 2020 ~~special education and related services for exceptional students~~
 2021 ~~and students who are gifted in grades K through 8. A district's~~
 2022 ~~expenditure of funds from the guaranteed allocation for students~~
 2023 ~~in grades 9 through 12 who are gifted may not be greater than~~
 2024 ~~the amount expended during the 2006-2007 fiscal year for gifted~~
 2025 ~~students in grades 9 through 12.~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2026 (f) Small district factor.—An additional value per full-
2027 time equivalent student membership is provided to each school
2028 district with a full-time equivalent student membership of fewer
2029 than 20,000 full-time equivalent students which is in a fiscally
2030 constrained county as described in s. 218.67(1). The amount of
2031 the additional value shall be specified in the General
2032 Appropriations Act.

2033 ~~(f) Supplemental academic instruction allocation.—~~

2034 ~~1. There is created the supplemental academic instruction~~
2035 ~~allocation to provide supplemental academic instruction to~~
2036 ~~students in kindergarten through grade 12.~~

2037 ~~2. The supplemental academic instruction allocation shall~~
2038 ~~be provided annually in the Florida Education Finance Program as~~
2039 ~~specified in the General Appropriations Act. These funds are in~~
2040 ~~addition to the funds appropriated on the basis of FTE student~~
2041 ~~membership in the Florida Education Finance Program and shall be~~
2042 ~~included in the total potential funds of each district.~~

2043 ~~Beginning with the 2018-2019 fiscal year, each school district~~
2044 ~~that has a school earning a grade of "D" or "F" pursuant to s.~~
2045 ~~1008.34 must use that school's portion of the supplemental~~
2046 ~~academic instruction allocation to implement intervention and~~
2047 ~~support strategies for school improvement pursuant to s. 1008.33~~
2048 ~~and for salary incentives pursuant to s. 1012.2315(3) or salary~~
2049 ~~supplements pursuant to s. 1012.22(1)(c)5.c. that are provided~~
2050 ~~through a memorandum of understanding between the collective~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2051 ~~bargaining agent and the school board that addresses the~~
 2052 ~~selection, placement, and expectations of instructional~~
 2053 ~~personnel and school administrators. For all other schools, the~~
 2054 ~~school district's use of the supplemental academic instruction~~
 2055 ~~allocation may include, but is not limited to, the use of a~~
 2056 ~~modified curriculum; reading instruction; after-school~~
 2057 ~~instruction; tutoring; mentoring; a reduction in class size;~~
 2058 ~~extended school year; intensive skills development in summer~~
 2059 ~~school; dropout prevention programs as defined in ss. 1003.52~~
 2060 ~~and 1003.53(1) (a), (b), and (c); and other methods of improving~~
 2061 ~~student achievement. Supplemental academic instruction may be~~
 2062 ~~provided to a student in any manner and at any time during or~~
 2063 ~~beyond the regular 180-day term identified by the school as~~
 2064 ~~being the most effective and efficient way to best help that~~
 2065 ~~student progress from grade to grade and to graduate.~~

2066 ~~3. The supplemental academic instruction allocation shall~~
 2067 ~~consist of a base amount that has a workload adjustment based on~~
 2068 ~~changes in unweighted FTE. The supplemental academic instruction~~
 2069 ~~allocation shall be recalculated during the fiscal year. Upon~~
 2070 ~~recalculation of funding for the supplemental academic~~
 2071 ~~instruction allocation, if the total allocation is greater than~~
 2072 ~~the amount provided in the General Appropriations Act, the~~
 2073 ~~allocation shall be prorated to the level provided to support~~
 2074 ~~the appropriation, based on each district's share of the total.~~

2075 ~~4. Funding on the basis of FTE membership beyond the 180-~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2076 ~~day regular term shall be provided in the FEFP only for students~~
 2077 ~~enrolled in juvenile justice education programs or in education~~
 2078 ~~programs for juveniles placed in secure facilities or programs~~
 2079 ~~under s. 985.19. Funding for instruction beyond the regular 180-~~
 2080 ~~day school year for all other K-12 students shall be provided~~
 2081 ~~through the supplemental academic instruction allocation and~~
 2082 ~~other state, federal, and local fund sources with ample~~
 2083 ~~flexibility for schools to provide supplemental instruction to~~
 2084 ~~assist students in progressing from grade to grade and~~
 2085 ~~graduating.~~

2086 (s) Determination of the basic amount for current
 2087 operation.—The basic amount for current operation to be included
 2088 in the Florida Education Finance Program for kindergarten
 2089 through grade 12 for each district shall be the product of the
 2090 following:

2091 1. The full-time equivalent student membership in each
 2092 program, multiplied by

2093 2. The cost factor for each program, adjusted for the
 2094 maximum as provided by paragraph (c), multiplied by

2095 3. The comparable wage factor ~~district cost differential~~,
 2096 multiplied by

2097 4. The small district factor, and multiplied by

2098 ~~5.4.~~ The base student allocation.

2099 (2) DETERMINATION OF COMPARABLE WAGE FACTOR ~~DISTRICT COST~~
 2100 ~~DIFFERENTIALS.~~—

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2101 (a) The Commissioner of Education shall annually compute
 2102 for each district the current year's comparable wage factor
 2103 ~~district cost differential~~. The comparable wage factor ~~district~~
 2104 ~~cost differential~~ shall be calculated by adding each district's
 2105 price level index as published in the Florida Price Level Index
 2106 for the most recent 3 years and dividing the resulting sum by 3.
 2107 The result for each district shall be multiplied by 0.008 and to
 2108 the resulting product shall be added 0.200; the sum thus
 2109 obtained shall be the comparable wage factor ~~cost differential~~
 2110 for that district for that year.

2111 (b) The comparable wage factor for each school district is
 2112 used in the calculation of the basic amount for current
 2113 operation pursuant to subsection (1) if the comparable wage
 2114 factor is greater than 1.000.

2115 (c) The limitation authorized in paragraph (b) applies to
 2116 any categorical funding provided in the Florida Education
 2117 Finance Program that has a calculation methodology that includes
 2118 the comparable wage factor.

2119 (3) INSERVICE EDUCATIONAL PERSONNEL TRAINING EXPENDITURE.—
 2120 Of the amount computed in subsection (1) ~~subsections (1) and~~
 2121 ~~(2)~~, a percentage of the basic amount for current operation ~~base~~
 2122 ~~student allocation per full-time equivalent student~~ or other
 2123 funds shall be expended for educational training programs as
 2124 determined by the district school board as provided in s.
 2125 1012.98.

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2126 (5) DISCRETIONARY MILLAGE COMPRESSION SUPPLEMENT.—The
 2127 Legislature shall prescribe in the General Appropriations Act,
 2128 pursuant to s. 1011.71(1), the rate of nonvoted current
 2129 operating discretionary millage that shall be used to calculate
 2130 a discretionary millage compression supplement. If the
 2131 prescribed millage generates an amount of funds per unweighted
 2132 full-time equivalent student ~~FTE~~ for the district that is less
 2133 than the state average, the district shall receive an amount per
 2134 full-time equivalent student ~~FTE~~ that, when added to the funds
 2135 per full-time equivalent student ~~FTE~~ generated by the designated
 2136 levy, shall equal the state average.

2137 (6) STATE-FUNDED DISCRETIONARY CONTRIBUTION.—The state-
 2138 funded discretionary contribution is created to fund the
 2139 nonvoted discretionary millage for operations pursuant to s.
 2140 1011.71(1) and (3) for developmental research schools (lab
 2141 schools) established in s. 1002.32 and the Florida Virtual
 2142 School established in s. 1002.37.

2143 (a) To calculate the state-funded discretionary
 2144 contribution for lab schools, multiply the maximum allowable
 2145 nonvoted discretionary millage for operations pursuant to s.
 2146 1011.71(1) and (3) by the value of 96 percent of the current
 2147 year's taxable value for school purposes for the school district
 2148 in which the lab school is located; divide the result by the
 2149 total full-time equivalent membership of the school district;
 2150 and multiply the result by the full-time equivalent membership

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2151 of the lab school. The amount obtained shall be appropriated in
2152 the General Appropriations Act to the Lab School Trust Fund
2153 established pursuant to s. 1002.32(9).

2154 (b) To calculate the state-funded discretionary
2155 contribution for the Florida Virtual School, multiply the
2156 maximum allowable nonvoted discretionary millage for operations
2157 pursuant to s. 1011.71(1) and (3) by the value of 96 percent of
2158 the current year's taxable value for school purposes for the
2159 state; divide the result by the total full-time equivalent
2160 membership of the state; and multiply the result by the full-
2161 time equivalent membership of the Florida Virtual School.

2162 (7) EDUCATIONAL ENRICHMENT ALLOCATION.—

2163 (a) The educational enrichment allocation is created to
2164 assist school districts in providing educational enrichment
2165 activities and services that support and increase the academic
2166 achievement of students in grades kindergarten through 12.
2167 Educational enrichment activities and services may be provided
2168 in a manner and at any time during or beyond the regular 180-day
2169 term identified by the school district as being the most
2170 effective and efficient way to best help the student progress
2171 from grade to grade and graduate from high school. For fiscal
2172 year 2023-2024, the educational enrichment allocation shall
2173 consist of a base amount as specified in the General
2174 Appropriations Act. Beginning in fiscal year 2024-2025, the
2175 educational enrichment allocation shall consist of the base

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2176 amount that includes a workload adjustment based on changes in
2177 the unweighted full-time equivalent membership.

2178 (b) For district-managed turnaround schools as identified
2179 in s. 1008.33(4)(a), schools that earn three consecutive grades
2180 below a "C," as identified in s. 1008.33(4)(b)3., and schools
2181 that have improved to a "C" and are no longer in turnaround
2182 status, as identified in s. 1008.33(4)(c), a supplemental amount
2183 shall be added to their educational enrichment allocation for
2184 purposes of implementing the intervention and support strategies
2185 identified in the turnaround plan submitted pursuant to s.
2186 1008.33.

2187 1. The supplemental amount shall be based on the
2188 unweighted full-time equivalent student enrollment at the
2189 eligible schools and a per full-time equivalent funding amount
2190 of \$500 or as provided in the General Appropriations Act.

2191 2. Services funded by the allocation may include, but are
2192 not limited to, tutorial and afterschool programs, student
2193 counseling, nutrition education, parental counseling, and an
2194 extended school day and school year. In addition, services may
2195 include models that develop a culture that encourages students
2196 to complete high school and to attend college or career
2197 training, set high academic expectations, and inspire character
2198 development.

2199 3. A school district may enter into a formal agreement
2200 with a nonprofit organization that has tax-exempt status under

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2201 s. 501(c) (3) of the Internal Revenue Code to implement an
 2202 integrated student support service model that provides students
 2203 and families with access to wrap-around services, including, but
 2204 not limited to, health services, after-school programs, drug
 2205 prevention programs, college and career readiness programs, and
 2206 food and clothing banks.

2207 (c) The educational enrichment allocation, to include the
 2208 supplemental amount, shall be recalculated during the fiscal
 2209 year pursuant to paragraph (1) (a). If the recalculated amount is
 2210 greater than the amount provided in the General Appropriations
 2211 Act, the allocation shall be prorated to the level provided to
 2212 support the appropriation, based on each school district's
 2213 proportionate share of the total allocation.

2214 (d) Funding on the basis of full-time equivalent
 2215 membership beyond the 180-day regular term shall be provided in
 2216 the Florida Education Finance Program only for students enrolled
 2217 in juvenile justice education programs or in education programs
 2218 for juveniles placed in secure facilities or programs pursuant
 2219 to s. 985.19. Funding for instruction beyond the regular 180-day
 2220 school year for all other kindergarten through grade 12 students
 2221 shall be provided through the educational enrichment allocation
 2222 and other state, federal, and local funding sources with
 2223 flexibility for schools to provide educational enrichment
 2224 activities and services to assist students in grades
 2225 kindergarten through 12.

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2226 (8) EXCEPTIONAL STUDENT EDUCATION GUARANTEED ALLOCATION.—
 2227 The exceptional student education guaranteed allocation is
 2228 created to fund the additional costs of programs for exceptional
 2229 students specified in subparagraph (1)(d)2. and shall be
 2230 supplemental to the funds appropriated in the Florida Education
 2231 Finance Program for the basic student funding level.

2232 (a) The amount of each school district's exceptional
 2233 student education guaranteed allocation shall be the greater of
 2234 either the school district's prior year exceptional student
 2235 education guaranteed allocation funds per eligible full-time
 2236 equivalent student or the exceptional student education
 2237 guaranteed allocation factor as specified in the General
 2238 Appropriations Act multiplied by the school district's total
 2239 number of eligible full-time equivalent students.

2240 (b) The exceptional student education guaranteed
 2241 allocation shall be recalculated during the fiscal year based on
 2242 actual full-time equivalent student membership. If the
 2243 recalculated amount is greater than the amount provided in the
 2244 General Appropriations Act, the total shall be prorated to the
 2245 level of the appropriation based on each school district's share
 2246 of the total recalculated allocation amount.

2247 ~~(6) CATEGORICAL FUNDS.—~~

2248 ~~(a) In addition to the basic amount for current operations~~
 2249 ~~for the FEFP as determined in subsection (1), the Legislature~~
 2250 ~~may appropriate categorical funding for specified programs,~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2251 ~~activities, or purposes.~~

2252 ~~(b) If a district school board finds and declares in a~~
 2253 ~~resolution adopted at a regular meeting of the school board that~~
 2254 ~~the funds received for any of the following categorical~~
 2255 ~~appropriations are urgently needed to maintain school board~~
 2256 ~~specified academic classroom instruction or improve school~~
 2257 ~~safety, the school board may consider and approve an amendment~~
 2258 ~~to the school district operating budget transferring the~~
 2259 ~~identified amount of the categorical funds to the appropriate~~
 2260 ~~account for expenditure:~~

2261 ~~1. Funds for student transportation.~~

2262 ~~2. Funds for instructional materials if all instructional~~
 2263 ~~material purchases necessary to provide updated materials that~~
 2264 ~~are aligned with applicable state standards and course~~
 2265 ~~descriptions and that meet statutory requirements of content and~~
 2266 ~~learning have been completed for that fiscal year, but no sooner~~
 2267 ~~than March 1. Funds available after March 1 may be used to~~
 2268 ~~purchase computers and device hardware for student instruction~~
 2269 ~~that comply with the requirements of s. 1001.20 (4) (a) 1. b.~~

2270 ~~3. Funds for the guaranteed allocation as provided in~~
 2271 ~~subparagraph (1) (c) 2.~~

2272 ~~4. Funds for the supplemental academic instruction~~
 2273 ~~allocation as provided in paragraph (1) (f).~~

2274 ~~5. Funds for the federally connected student supplement as~~
 2275 ~~provided in subsection (10).~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2276 ~~6. Funds for class size reduction as provided in s.~~
 2277 ~~1011.685.~~

2278 ~~(c) Each district school board shall include in its annual~~
 2279 ~~financial report to the Department of Education the amount of~~
 2280 ~~funds the school board transferred from each of the categorical~~
 2281 ~~funds identified in this subsection and the specific academic~~
 2282 ~~classroom instruction or school safety need for which the~~
 2283 ~~transferred funds were expended. The Department of Education~~
 2284 ~~shall provide instructions and specify the format to be used in~~
 2285 ~~submitting this required information as a part of the district~~
 2286 ~~annual financial report. The Department of Education shall~~
 2287 ~~submit a report to the Legislature that identifies by district~~
 2288 ~~and by categorical fund the amount transferred and the specific~~
 2289 ~~academic classroom activity or school safety need for which the~~
 2290 ~~funds were expended.~~

2291 ~~(7) DETERMINATION OF SPARSITY SUPPLEMENT.—~~

2292 ~~(a) Annually, in an amount to be determined by the~~
 2293 ~~Legislature through the General Appropriations Act, there shall~~
 2294 ~~be added to the basic amount for current operation of the FEFP~~
 2295 ~~qualified districts a sparsity supplement which shall be~~
 2296 ~~computed as follows:~~

2297

2298 ~~Sparsity Factor = 1101.8918 — 0.1101~~

~~2700 + district~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

sparsity
index

2299
2300 ~~except that districts with a sparsity index of 1,000 or less~~
2301 ~~shall be computed as having a sparsity index of 1,000, and~~
2302 ~~districts having a sparsity index of 7,308 and above shall be~~
2303 ~~computed as having a sparsity factor of zero. A qualified~~
2304 ~~district's full-time equivalent student membership shall equal~~
2305 ~~or be less than that prescribed annually by the Legislature in~~
2306 ~~the appropriations act. The amount prescribed annually by the~~
2307 ~~Legislature shall be no less than 17,000, but no more than~~
2308 ~~30,000.~~

2309 ~~(b) The district sparsity index shall be computed by~~
2310 ~~dividing the total number of full-time equivalent students in~~
2311 ~~all programs in the district by the number of senior high school~~
2312 ~~centers in the district, not in excess of three, which centers~~
2313 ~~are approved as permanent centers by a survey made by the~~
2314 ~~Department of Education. For districts with a full-time~~
2315 ~~equivalent student membership of at least 20,000, but no more~~
2316 ~~than 30,000, the index shall be computed by dividing the total~~
2317 ~~number of full-time equivalent students in all programs by the~~
2318 ~~number of permanent senior high school centers in the district,~~
2319 ~~not in excess of four.~~

2320 ~~(c) If the sparsity supplement calculated in paragraphs~~
2321 ~~(a) and (b) for an eligible district is less than \$100 per full-~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2322 ~~time equivalent student, the district's supplement shall be~~
 2323 ~~increased to \$100 per FTE or to the minimum amount per FTE~~
 2324 ~~designated in the General Appropriations Act.~~

2325 ~~(d) Each district's allocation of sparsity supplement~~
 2326 ~~funds shall be adjusted in the following manner:~~

2327 ~~1. A maximum discretionary levy per FTE value for each~~
 2328 ~~district shall be calculated by dividing the value of each~~
 2329 ~~district's maximum discretionary levy by its FTE student count.~~

2330 ~~2. A state average discretionary levy value per FTE shall~~
 2331 ~~be calculated by dividing the total maximum discretionary levy~~
 2332 ~~value for all districts by the state total FTE student count.~~

2333 ~~3. A total potential funds per FTE for each district shall~~
 2334 ~~be calculated by dividing the total potential funds, not~~
 2335 ~~including Florida School Recognition Program funds and the~~
 2336 ~~minimum guarantee funds, for each district by its FTE student~~
 2337 ~~count.~~

2338 ~~4. A state average total potential funds per FTE shall be~~
 2339 ~~calculated by dividing the total potential funds, not including~~
 2340 ~~Florida School Recognition Program funds and the minimum~~
 2341 ~~guarantee funds, for all districts by the state total FTE~~
 2342 ~~student count.~~

2343 ~~5. For districts that have a levy value per FTE as~~
 2344 ~~calculated in subparagraph 1. higher than the state average~~
 2345 ~~calculated in subparagraph 2., a sparsity wealth adjustment~~
 2346 ~~shall be calculated as the product of the difference between the~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2347 ~~state average levy value per FTE calculated in subparagraph 2.~~
 2348 ~~and the district's levy value per FTE calculated in subparagraph~~
 2349 ~~1. and the district's FTE student count and -1. However, no~~
 2350 ~~district shall have a sparsity wealth adjustment that, when~~
 2351 ~~applied to the total potential funds calculated in subparagraph~~
 2352 ~~3., would cause the district's total potential funds per FTE to~~
 2353 ~~be less than the state average calculated in subparagraph 4.~~

2354 ~~6. Each district's sparsity supplement allocation shall be~~
 2355 ~~calculated by adding the amount calculated as specified in~~
 2356 ~~paragraphs (a) and (b) and the wealth adjustment amount~~
 2357 ~~calculated in this paragraph.~~

2358 ~~(8) EVIDENCE-BASED READING INSTRUCTION ALLOCATION.—~~

2359 ~~(a) The evidence-based reading instruction allocation is~~
 2360 ~~created to provide comprehensive reading instruction to students~~
 2361 ~~in prekindergarten through grade 12.~~

2362 ~~(b) Intensive reading instruction for students who have~~
 2363 ~~reading deficiencies must include evidence-based reading~~
 2364 ~~instruction proven to accelerate progress of students exhibiting~~
 2365 ~~a reading deficiency; differentiated instruction based on~~
 2366 ~~screening, diagnostic, progress monitoring, or student~~
 2367 ~~assessment data to meet students' specific reading needs;~~
 2368 ~~explicit and systematic reading strategies to develop phonemic~~
 2369 ~~awareness, phonics, fluency, vocabulary, and comprehension, with~~
 2370 ~~more extensive opportunities for guided practice, error~~
 2371 ~~correction, and feedback; and the coordinated integration of~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2372 ~~civic literacy, science, and mathematics-text reading, text~~
2373 ~~discussion, and writing in response to reading.~~

2374 ~~(c) Funds for comprehensive, evidence-based reading~~
2375 ~~instruction shall be allocated annually to each school district~~
2376 ~~in the amount provided in the General Appropriations Act. Each~~
2377 ~~eligible school district shall receive the same minimum amount~~
2378 ~~as specified in the General Appropriations Act, and any~~
2379 ~~remaining funds shall be distributed to eligible school~~
2380 ~~districts based on each school district's proportionate share of~~
2381 ~~K-12 base funding.~~

2382 ~~(d) Funds allocated under this subsection must be used to~~
2383 ~~provide a system of comprehensive reading instruction to~~
2384 ~~students enrolled in the prekindergarten-12 programs and certain~~
2385 ~~students who exhibit a substantial deficiency in early literacy,~~
2386 ~~which may include the following:~~

2387 ~~1. Additional time per day of evidence-based intensive~~
2388 ~~reading instruction to students, which may be delivered during~~
2389 ~~or outside of the regular school day.~~

2390 ~~2. Kindergarten through grade 12 evidence-based intensive~~
2391 ~~reading interventions.~~

2392 ~~3. Highly qualified reading coaches, who must be endorsed~~
2393 ~~in reading, to specifically support teachers in making~~
2394 ~~instructional decisions based on student data, and improve~~
2395 ~~teacher delivery of effective reading instruction, intervention,~~
2396 ~~and reading in the content areas based on student need.~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2397 4. ~~Professional development to help instructional~~
 2398 ~~personnel and certified prekindergarten teachers funded in the~~
 2399 ~~Florida Education Finance Program earn a certification, a~~
 2400 ~~credential, an endorsement, or an advanced degree in~~
 2401 ~~scientifically researched and evidence-based reading~~
 2402 ~~instruction.~~

2403 5. ~~Summer reading camps, using only teachers or other~~
 2404 ~~district personnel who possess a micro-credential as specified~~
 2405 ~~in s. 1003.485 or are certified or endorsed in reading~~
 2406 ~~consistent with s. 1008.25(7)(b)3., for all students in~~
 2407 ~~kindergarten through grade 5 who demonstrate a reading~~
 2408 ~~deficiency as determined by district and state assessments.~~

2409 6. ~~Scientifically researched and evidence-based~~
 2410 ~~supplemental instructional materials as identified by the Just~~
 2411 ~~Read, Florida! Office pursuant to s. 1001.215(8).~~

2412 7. ~~Incentives for instructional personnel and certified~~
 2413 ~~prekindergarten teachers funded in the Florida Education Finance~~
 2414 ~~Program who possess a reading certification or endorsement or~~
 2415 ~~micro-credential as specified in s. 1003.485 and provide~~
 2416 ~~educational support to improve student literacy.~~

2417 8. ~~Tutoring in reading.~~

2418 (c)1. ~~Annually, by a date determined by the Department of~~
 2419 ~~Education, each school district shall submit a comprehensive~~
 2420 ~~reading plan approved by the applicable district school board,~~
 2421 ~~charter school governing board, or lab school board of trustees,~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2422 ~~for the specific use of the evidence-based reading instruction~~
 2423 ~~allocation, based upon a root-cause analysis. The State Regional~~
 2424 ~~Literacy Director may assist in the development of the plan. The~~
 2425 ~~department shall provide a plan format. A district school board~~
 2426 ~~may use the format developed by the department or a format~~
 2427 ~~developed by the district school board.~~

2428 ~~2. Intensive reading interventions must be delivered by~~
 2429 ~~instructional personnel who possess the micro-credential as~~
 2430 ~~provided in s. 1003.485 or are certified or endorsed in reading~~
 2431 ~~and must incorporate evidence-based strategies identified by the~~
 2432 ~~Just Read, Florida! Office pursuant to s. 1001.215(8).~~

2433 ~~Instructional personnel who possess a micro-credential as~~
 2434 ~~specified in s. 1003.485 and are delivering intensive reading~~
 2435 ~~interventions must be supervised by an individual certified or~~
 2436 ~~endorsed in reading. For the purposes of this subsection, the~~
 2437 ~~term "supervision" means the ability to communicate by way of~~
 2438 ~~telecommunication with or physical presence of the certified or~~
 2439 ~~endorsed personnel for consultation and direction of the actions~~
 2440 ~~of the personnel with the micro-credential.~~

2441 ~~3. By July 1 of each year, the department shall release to~~
 2442 ~~each school district its allocation of appropriated funds. The~~
 2443 ~~department shall evaluate the implementation of each district~~
 2444 ~~plan, including conducting site visits and collecting specific~~
 2445 ~~data on expenditures and reading improvement results. By~~
 2446 ~~February 1 of each year, the department shall report its~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2447 ~~findings to the Legislature and the State Board of Education,~~
 2448 ~~including any recommendations for improving implementation of~~
 2449 ~~evidence-based reading and intervention strategies in~~
 2450 ~~classrooms.~~

2451
 2452 ~~For purposes of this subsection, the term "evidence-based" means~~
 2453 ~~demonstrating a statistically significant effect on improving~~
 2454 ~~student outcomes or other relevant outcomes as provided in 20~~
 2455 ~~U.S.C. s. 8101(21)(A)(i).~~

2456 (9) CALCULATION OF SUPPLEMENTAL ALLOCATION FOR JUVENILE
 2457 JUSTICE EDUCATION PROGRAMS.—

2458 (a) The total kindergarten through grade 12 K-12 weighted
 2459 full-time equivalent student membership in juvenile justice
 2460 education programs in each school district shall be multiplied
 2461 by the amount of the state average class-size-reduction factor
 2462 multiplied by the comparable wage factor for the school district
 2463 established in subsection (2) district's cost differential. An
 2464 amount equal to the sum of this calculation shall be allocated
 2465 in the Florida Education Finance Program ~~FEFP~~ to each school
 2466 district to supplement other sources of funding for students in
 2467 juvenile justice education programs.

2468 (b) Funds allocated under this subsection shall be used to
 2469 provide the juvenile justice education programs pursuant to s.
 2470 1003.52 and may be used to pay for the high school equivalency
 2471 examination fees for juvenile justice students who pass the high

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2472 school equivalency examination in full, or in part, while in a
 2473 juvenile justice education program, the industry credentialing
 2474 testing fees for such students, and the costs associated with
 2475 such juvenile justice students enrolled in career and technical
 2476 education courses that lead to industry-recognized
 2477 certifications.

2478 (11) QUALITY ASSURANCE GUARANTEE.—The Legislature may
 2479 annually in the General Appropriations Act determine a
 2480 percentage increase in funds per kindergarten through grade 12
 2481 ~~K-12~~ unweighted full-time equivalent student FTE as a minimum
 2482 guarantee to each school district. The guarantee shall be
 2483 calculated from prior year base funding per unweighted full-time
 2484 equivalent FTE student which shall include the adjusted full-
 2485 time equivalent FTE dollars as provided in subsection (15),
 2486 quality guarantee funds, and actual nonvoted discretionary local
 2487 effort from taxes. From the base funding per unweighted full-
 2488 time equivalent student FTE, the increase shall be calculated
 2489 for the current year. The current year funds from which the
 2490 guarantee shall be determined shall include the adjusted full-
 2491 time equivalent FTE dollars as provided in subsection (15) and
 2492 potential nonvoted discretionary local effort from taxes. A
 2493 comparison of current year funds per unweighted full-time
 2494 equivalent student FTE to prior year funds per unweighted full-
 2495 time equivalent student FTE shall be computed. For those school
 2496 districts which have less than the legislatively assigned

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2497 percentage increase, funds shall be provided to guarantee the
 2498 assigned percentage increase in funds per unweighted full-time
 2499 equivalent ~~FTE~~ student. Should appropriated funds be less than
 2500 the sum of this calculated amount for all districts, the
 2501 commissioner shall prorate each district's allocation. This
 2502 provision shall be implemented to the extent specifically
 2503 funded.

2504 (12) SAFE SCHOOLS ALLOCATION.—A safe schools allocation is
 2505 created to provide funding to assist school districts in their
 2506 compliance with ss. 1006.07-1006.12, with priority given to
 2507 safe-school officers pursuant to s. 1006.12. Each school
 2508 district shall receive a minimum safe schools allocation in an
 2509 amount provided in the General Appropriations Act. Of the
 2510 remaining balance of the safe schools allocation, one-third
 2511 shall be allocated to school districts based on the most recent
 2512 official Florida Crime Index provided by the Department of Law
 2513 Enforcement and two-thirds shall be allocated based on each
 2514 school district's proportionate share of the state's total
 2515 unweighted full-time equivalent student enrollment. ~~Each school~~
 2516 ~~district must report to the Department of Education by October~~
 2517 ~~15 that all public schools within the school district have~~
 2518 ~~completed the school security risk assessment using the Florida~~
 2519 ~~Safe Schools Assessment Tool developed pursuant to s. 1006.1493.~~
 2520 If a district school board is required by s. 1006.12 to assign a
 2521 school resource officer or school safety officer to a charter

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2522 school, the charter school's share of costs for such officer may
 2523 not exceed the amount of funds allocated to the charter school
 2524 under this subsection.

2525 (13) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental
 2526 health assistance allocation is created to provide funding to
 2527 assist school districts in their implementation of their
 2528 ~~establishing or expanding~~ school-based mental health assistance
 2529 program pursuant to s. 1006.041 ~~care; train educators and other~~
 2530 ~~school staff in detecting and responding to mental health~~
 2531 ~~issues; and connect children, youth, and families who may~~
 2532 ~~experience behavioral health issues with appropriate services.~~
 2533 These funds shall be allocated annually in the General
 2534 Appropriations Act or other law to each eligible school
 2535 district. Each school district shall receive a minimum of
 2536 \$100,000, with the remaining balance allocated based on each
 2537 school district's proportionate share of the state's total
 2538 unweighted full-time equivalent student enrollment. ~~Charter~~
 2539 ~~schools that submit a plan separate from the school district are~~
 2540 ~~entitled to a proportionate share of district funding. The~~
 2541 ~~allocated funds may not supplant funds that are provided for~~
 2542 ~~this purpose from other operating funds and may not be used to~~
 2543 ~~increase salaries or provide bonuses. School districts are~~
 2544 ~~encouraged to maximize third-party health insurance benefits and~~
 2545 ~~Medicaid claiming for services, where appropriate.~~

2546 ~~(a) Before the distribution of the allocation:~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2547 ~~1. The school district must develop and submit a detailed~~
 2548 ~~plan outlining the local program and planned expenditures to the~~
 2549 ~~district school board for approval. This plan must include all~~
 2550 ~~district schools, including charter schools, unless a charter~~
 2551 ~~school elects to submit a plan independently from the school~~
 2552 ~~district pursuant to subparagraph 2.~~

2553 ~~2. A charter school may develop and submit a detailed plan~~
 2554 ~~outlining the local program and planned expenditures to its~~
 2555 ~~governing body for approval. After the plan is approved by the~~
 2556 ~~governing body, it must be provided to the charter school's~~
 2557 ~~sponsor.~~

2558 ~~(b) The plans required under paragraph (a) must be focused~~
 2559 ~~on a multitiered system of supports to deliver evidence-based~~
 2560 ~~mental health care assessment, diagnosis, intervention,~~
 2561 ~~treatment, and recovery services to students with one or more~~
 2562 ~~mental health or co-occurring substance abuse diagnoses and to~~
 2563 ~~students at high risk of such diagnoses. The provision of these~~
 2564 ~~services must be coordinated with a student's primary mental~~
 2565 ~~health care provider and with other mental health providers~~
 2566 ~~involved in the student's care. At a minimum, the plans must~~
 2567 ~~include the following elements:~~

2568 ~~1. Direct employment of school-based mental health~~
 2569 ~~services providers to expand and enhance school-based student~~
 2570 ~~services and to reduce the ratio of students to staff in order~~
 2571 ~~to better align with nationally recommended ratio models. These~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2572 ~~providers include, but are not limited to, certified school~~
2573 ~~counselors, school psychologists, school social workers, and~~
2574 ~~other licensed mental health professionals. The plan also must~~
2575 ~~identify strategies to increase the amount of time that school-~~
2576 ~~based student services personnel spend providing direct services~~
2577 ~~to students, which may include the review and revision of~~
2578 ~~district staffing resource allocations based on school or~~
2579 ~~student mental health assistance needs.~~

2580 ~~2. Contracts or interagency agreements with one or more~~
2581 ~~local community behavioral health providers or providers of~~
2582 ~~Community Action Team services to provide a behavioral health~~
2583 ~~staff presence and services at district schools. Services may~~
2584 ~~include, but are not limited to, mental health screenings and~~
2585 ~~assessments, individual counseling, family counseling, group~~
2586 ~~counseling, psychiatric or psychological services, trauma-~~
2587 ~~informed care, mobile crisis services, and behavior~~
2588 ~~modification. These behavioral health services may be provided~~
2589 ~~on or off the school campus and may be supplemented by~~
2590 ~~telehealth.~~

2591 ~~3. Policies and procedures, including contracts with~~
2592 ~~service providers, which will ensure that:~~

2593 ~~a. Students referred to a school-based or community-based~~
2594 ~~mental health service provider for mental health screening for~~
2595 ~~the identification of mental health concerns and students at~~
2596 ~~risk for mental health disorders are assessed within 15 days of~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2597 ~~referral. School-based mental health services must be initiated~~
 2598 ~~within 15 days after identification and assessment, and support~~
 2599 ~~by community-based mental health service providers for students~~
 2600 ~~who are referred for community-based mental health services must~~
 2601 ~~be initiated within 30 days after the school or district makes a~~
 2602 ~~referral.~~

2603 ~~b. Parents of a student receiving services under this~~
 2604 ~~subsection are provided information about other behavioral~~
 2605 ~~health services available through the student's school or local~~
 2606 ~~community-based behavioral health services providers. A school~~
 2607 ~~may meet this requirement by providing information about and~~
 2608 ~~Internet addresses for web-based directories or guides for local~~
 2609 ~~behavioral health services.~~

2610 ~~e. Individuals living in a household with a student~~
 2611 ~~receiving services under this subsection are provided~~
 2612 ~~information about behavioral health services available through~~
 2613 ~~other delivery systems or payors for which such individuals may~~
 2614 ~~qualify, if such services appear to be needed or enhancements in~~
 2615 ~~those individuals' behavioral health would contribute to the~~
 2616 ~~improved well-being of the student.~~

2617 ~~4. Strategies or programs to reduce the likelihood of at-~~
 2618 ~~risk students developing social, emotional, or behavioral health~~
 2619 ~~problems, depression, anxiety disorders, suicidal tendencies, or~~
 2620 ~~substance use disorders.~~

2621 ~~5. Strategies to improve the early identification of~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2622 ~~social, emotional, or behavioral problems or substance use~~
2623 ~~disorders, to improve the provision of early intervention~~
2624 ~~services, and to assist students in dealing with trauma and~~
2625 ~~violence.~~

2626 ~~6. Procedures to assist a mental health services provider~~
2627 ~~or a behavioral health provider as described in subparagraph 1.~~
2628 ~~or subparagraph 2., respectively, or a school resource officer~~
2629 ~~or school safety officer who has completed mental health crisis~~
2630 ~~intervention training in attempting to verbally de-escalate a~~
2631 ~~student's crisis situation before initiating an involuntary~~
2632 ~~examination pursuant to s. 394.463. Such procedures must include~~
2633 ~~strategies to de-escalate a crisis situation for a student with~~
2634 ~~a developmental disability as that term is defined in s.~~
2635 ~~393.063.~~

2636 ~~7. Policies of the school district which must require that~~
2637 ~~in a student crisis situation, school or law enforcement~~
2638 ~~personnel must make a reasonable attempt to contact a mental~~
2639 ~~health professional who may initiate an involuntary examination~~
2640 ~~pursuant to s. 394.463, unless the child poses an imminent~~
2641 ~~danger to themselves or others, before initiating an involuntary~~
2642 ~~examination pursuant to s. 394.463. Such contact may be in~~
2643 ~~person or using telehealth as defined in s. 456.47. The mental~~
2644 ~~health professional may be available to the school district~~
2645 ~~either by contracts or interagency agreements with the managing~~
2646 ~~entity, one or more local community behavioral health providers,~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2647 ~~or the local mobile response team or be a direct or contracted~~
 2648 ~~school district employee.~~

2649 ~~(c) School districts shall submit approved plans,~~
 2650 ~~including approved plans of each charter school in the district,~~
 2651 ~~to the commissioner by August 1 of each fiscal year.~~

2652 ~~(d) Beginning September 30, 2019, and annually by~~
 2653 ~~September 30 thereafter, each school district shall submit to~~
 2654 ~~the Department of Education a report on its program outcomes and~~
 2655 ~~expenditures for the previous fiscal year that, at a minimum,~~
 2656 ~~must include the number of each of the following:~~

2657 ~~1. Students who receive screenings or assessments.~~

2658 ~~2. Students who are referred to either school-based or~~
 2659 ~~community-based providers for services or assistance.~~

2660 ~~3. Students who receive either school-based or community-~~
 2661 ~~based interventions, services, or assistance.~~

2662 ~~4. School-based and community-based mental health~~
 2663 ~~providers, including licensure type, paid for from funds~~
 2664 ~~provided through the allocation.~~

2665 ~~5. Contract-based collaborative efforts or partnerships~~
 2666 ~~with community mental health programs, agencies, or providers.~~

2667 (14) CLASSROOM TEACHER AND OTHER INSTRUCTIONAL PERSONNEL
 2668 SALARY INCREASE ALLOCATION.—The Legislature shall ~~may~~ annually
 2669 apportion an amount of funds provided ~~provide~~ in the Florida
 2670 Education Finance Program to assist school districts and charter
 2671 schools in their compliance with the requirement that the

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2672 minimum base salary for full-time classroom teachers, as defined
 2673 in s. 1012.01(2)(a), and certified prekindergarten teachers
 2674 funded in the Florida Education Finance Program is at least
 2675 \$47,500 or to provide salary increases to instructional
 2676 personnel, as defined in s. 1012.01(2)(a)-(d), in a manner that
 2677 best meets the needs of the school district or charter school.
 2678 ~~This subsection does not apply to substitute teachers a teacher~~
 2679 ~~salary increase allocation to assist school districts in their~~
 2680 ~~recruitment and retention of classroom teachers and other~~
 2681 ~~instructional personnel. The amount and distribution methodology~~
 2682 ~~for the funding of the allocation shall be specified in the~~
 2683 ~~General Appropriations Act.~~

2684 (a) The term "minimum base salary" means the lowest annual
 2685 base salary reported on the salary schedule for a full-time
 2686 classroom teacher. A full-time classroom teacher may not receive
 2687 a salary less than the minimum base salary as adjusted by this
 2688 subsection.

2689 ~~(a) Each school district shall receive an allocation based~~
 2690 ~~on the school district's proportionate share of the base FEFP~~
 2691 ~~allocation. Each school district shall provide each charter~~
 2692 ~~school within its district its proportionate share calculated~~
 2693 ~~pursuant to s. 1002.33(17)(b). If a district school board has~~
 2694 ~~not received its allocation due to its failure to submit an~~
 2695 ~~approved district salary distribution plan, the district school~~
 2696 ~~board must still provide each charter school that has submitted~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2697 | ~~a salary distribution plan within its district its proportionate~~
2698 | ~~share of the allocation.~~

2699 | ~~(b) Allocation funds are restricted in use as follows:~~

2700 | ~~1. Each school district and charter school shall use its~~
2701 | ~~share of the allocation to increase the minimum base salary for~~
2702 | ~~full-time classroom teachers, as defined in s. 1012.01(2)(a),~~
2703 | ~~plus certified prekindergarten teachers funded in the Florida~~
2704 | ~~Education Finance Program, to at least \$47,500, or to the~~
2705 | ~~maximum amount achievable based on the allocation and as~~
2706 | ~~specified in the General Appropriations Act. The term "minimum~~
2707 | ~~base salary" means the lowest annual base salary reported on the~~
2708 | ~~salary schedule for a full-time classroom teacher. No full-time~~
2709 | ~~classroom teacher shall receive a salary less than the minimum~~
2710 | ~~base salary as adjusted by this subparagraph. This subparagraph~~
2711 | ~~does not apply to substitute teachers.~~

2712 | ~~2. In addition, each school district shall use its share~~
2713 | ~~of the allocation to provide salary increases, as funding~~
2714 | ~~permits, for the following personnel:~~

2715 | ~~a. Full-time classroom teachers, as defined in s.~~
2716 | ~~1012.01(2)(a), plus certified prekindergarten teachers funded in~~
2717 | ~~the Florida Education Finance Program, who did not receive an~~
2718 | ~~increase or who received an increase of less than 2 percent~~
2719 | ~~under subparagraph 1. or as specified in the General~~
2720 | ~~Appropriations Act. This subparagraph does not apply to~~
2721 | ~~substitute teachers.~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2722 ~~b. Other full-time instructional personnel as defined in~~
 2723 ~~s. 1012.01(2)(b)-(d).~~

2724 ~~3. A school district or charter school may use funds~~
 2725 ~~available after the requirements of subparagraph 1. are met to~~
 2726 ~~provide salary increases pursuant to subparagraph 2.~~

2727 (b)4. A school district or charter school shall maintain
 2728 the minimum base salary achieved for classroom teachers provided
 2729 in the prior fiscal year ~~under subparagraph 1.~~ and may not
 2730 reduce the salary increases ~~provided under subparagraph 2.~~ in
 2731 any subsequent fiscal year, ~~unless specifically authorized in~~
 2732 ~~the General Appropriations Act.~~

2733 (c) Before distributing any additional allocation funds
 2734 received over the prior fiscal year ~~pursuant to paragraph (a),~~
 2735 each school district and each charter school shall develop a
 2736 salary distribution plan that clearly delineates the planned
 2737 distribution of funds ~~pursuant to paragraph (b)~~ in accordance
 2738 with modified salary schedules, as necessary, for the
 2739 implementation of this subsection.

2740 1. Each school district superintendent and each charter
 2741 school administrator must submit its proposed salary
 2742 distribution plan to the district school board or the charter
 2743 school governing body, as appropriate, for approval.

2744 2. Each school district shall submit the approved district
 2745 salary distribution plan and the approved salary distribution
 2746 plan for each charter school in the district to the department

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2747 by October 1 of each fiscal year.

2748 (d) Beginning August 1, 2024, and each year thereafter, in
 2749 a format specified by the department, ~~provide as follows:~~

2750 1. ~~By December 1,~~ each school district shall provide a
 2751 ~~preliminary~~ report to the department that includes a detailed
 2752 summary explaining the school district's prior year's
 2753 expenditures pursuant to this subsection. The report must
 2754 include planned expenditure of the entire allocation for the
 2755 ~~district received pursuant to paragraph (a),~~ the amount of the
 2756 increase to the minimum base salary for classroom teachers
 2757 ~~pursuant to paragraph (b),~~ and the school district's salary
 2758 schedule for the prior fiscal year and the fiscal year in which
 2759 the base salary is increased. Each charter school governing
 2760 board shall submit the information required under this
 2761 subparagraph to the district school board for inclusion in the
 2762 school district's ~~preliminary~~ report to the department.

2763 2. ~~By February 1, the department shall submit to the~~
 2764 ~~Governor, the President of the Senate, and the Speaker of the~~
 2765 ~~House of Representatives a statewide report on the planned~~
 2766 ~~expenditure of the teacher salary increase allocation, which~~
 2767 ~~includes the detailed summary provided by each school district~~
 2768 ~~and charter school.~~

2769 3. ~~By August 1, each school district shall provide a final~~
 2770 ~~report to the department with the information required in~~
 2771 ~~subparagraph 1. for the prior fiscal year. Each charter school~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2772 ~~governing board shall submit the information required under this~~
 2773 ~~subparagraph to the district school board for inclusion in the~~
 2774 ~~school district's final report to the department.~~

2775 (e) Although district school boards and charter school
 2776 governing boards are not precluded from bargaining over wages,
 2777 the classroom teacher and other instructional personnel ~~teacher~~
 2778 salary increase ~~allocation~~ must be used solely to comply with
 2779 the requirements of this subsection ~~section~~. A district school
 2780 board or charter school governing board that is unable to meet
 2781 the reporting requirements in ~~specified in paragraph (c) or~~
 2782 ~~paragraph (d)~~ due to a collective bargaining impasse must
 2783 provide written notification to the department or the district
 2784 school board, as applicable, detailing the reasons for the
 2785 impasse with a proposed timeline and details for a resolution.

2786 (15) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR
 2787 CURRENT OPERATION.—The total annual state allocation to each
 2788 district for current operation for the Florida Education Finance
 2789 Program ~~FEFP~~ shall be distributed periodically in the manner
 2790 prescribed in the General Appropriations Act.

2791 (a) If the funds appropriated for current operation of the
 2792 Florida Education Finance Program, including funds appropriated
 2793 pursuant to subsection (18), ~~FEFP~~ are not sufficient to pay the
 2794 state requirement in full, the department shall prorate the
 2795 available state funds to each district in the following manner:

2796 1. Determine the percentage of proration by dividing the

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2797 sum of the total amount for current operation, as provided in
 2798 this paragraph for all districts collectively, and the total
 2799 district required local effort into the sum of the state funds
 2800 available for current operation and the total district required
 2801 local effort.

2802 2. Multiply the percentage so determined by the sum of the
 2803 total amount for current operation as provided in this paragraph
 2804 and the required local effort for each individual district.

2805 3. From the product of such multiplication, subtract the
 2806 required local effort of each district; and the remainder shall
 2807 be the amount of state funds allocated to the district for
 2808 current operation. However, no calculation subsequent to the
 2809 appropriation shall result in negative state funds for any
 2810 district.

2811 (16) STATE-FUNDED DISCRETIONARY SUPPLEMENT.—

2812 (a) The state-funded discretionary supplement is created
 2813 to fund the nonvoted discretionary millage for operations
 2814 pursuant to s. 1011.71(1) and (3) for students awarded a Family
 2815 Empowerment Scholarship in accordance with s. 1002.394. To
 2816 calculate the state-funded discretionary supplement for
 2817 inclusion in the amount of the scholarship funding:

2818 1. For fiscal year 2023-2024, multiply the maximum
 2819 allowable nonvoted discretionary millage for operations pursuant
 2820 to s. 1011.71(1) and (3) by the value of 96 percent of the
 2821 current year's taxable value for school purposes for the school

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2822 district where the student is reported for purposes of the
2823 Florida Education Finance Program as appropriated in the General
2824 Appropriations Act; divide the result by the school district's
2825 total unweighted full-time equivalent membership as appropriated
2826 in the General Appropriations Act; and multiply the result by
2827 the total unweighted full-time equivalent membership associated
2828 with the number of Family Empowerment Scholarship students
2829 included in the school district's total unweighted full-time
2830 equivalent membership. A base amount as specified in the General
2831 Appropriations Act shall be added to this amount for purposes of
2832 calculating the total amount of the supplement.

2833 2. Beginning in fiscal year 2024-2025 and thereafter,
2834 multiply the maximum allowable nonvoted discretionary millage
2835 for operations pursuant to s. 1011.71(1) and (3) by the value of
2836 96 percent of the current year's taxable value for school
2837 purposes for the school district where the student is reported
2838 for purposes of the Florida Education Finance Program as
2839 appropriated in the General Appropriations Act; divide the
2840 result by the school district's total unweighted full-time
2841 equivalent membership as appropriated in the General
2842 Appropriations Act; and multiply the result by the total
2843 unweighted full-time equivalent membership associated with the
2844 number of Family Empowerment Scholarship students. The prior
2845 year's base amount shall be adjusted based on changes in the
2846 eligible number of unweighted full-time equivalent membership

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2847 associated with the number of Family Empowerment Scholarship
 2848 students.

2849 (b) The state-funded discretionary supplement shall be
 2850 recalculated during the fiscal year pursuant to paragraph
 2851 (1)(a). If the recalculated amount is greater than the amount
 2852 provided in the General Appropriations Act, the allocation shall
 2853 be prorated to the level provided to support the appropriation,
 2854 based on each school district's proportionate share of the total
 2855 allocation.

2856 (17) CATEGORICAL FUNDS.—

2857 (a) If a district school board determines that some or all
 2858 of the funds received for any of the categorical programs
 2859 established in this section are needed to maintain or enhance
 2860 school board-specified academic classroom instruction, maintain
 2861 or expand career and technical education instruction, or improve
 2862 school safety, the school district may consider and approve an
 2863 amendment to the school district's operating budget by
 2864 transferring the identified amount of the categorical funds to
 2865 the appropriate account for expenditure.

2866 (b) Each school district shall include in its annual
 2867 financial report to the Department of Education the amount of
 2868 funds the school board transferred from each of the categorical
 2869 funds identified in this subsection and the specific academic
 2870 classroom instruction, career and technical education
 2871 instruction, or school safety need for which the transferred

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2872 funds were expended. The department shall provide instructions
 2873 and specify the format to be used in submitting this required
 2874 information as part of the district annual financial report. The
 2875 department shall annually submit a report to the Legislature
 2876 that identifies by school district and by categorical fund the
 2877 amount transferred and the specific academic classroom or career
 2878 and technical education activity or school safety need for which
 2879 the funds were expended.

2880 (18) EDUCATIONAL ENROLLMENT STABILIZATION PROGRAM.—

2881 (a) The educational enrollment stabilization program is
 2882 created to provide supplemental state funds as needed to
 2883 maintain the stability of the operations of public schools in
 2884 each school district and to protect districts, including charter
 2885 schools, from financial instability as a result of changes in
 2886 full-time equivalent student enrollment throughout the school
 2887 year. This program shall be implemented to the extent funds are
 2888 available.

2889 (b) The Legislature may annually appropriate funds in the
 2890 General Appropriations Act to the Department of Education for
 2891 this program. The Department of Education shall use funds as
 2892 appropriated to ensure that based on each recalculation of the
 2893 Florida Education Finance Program pursuant to paragraph (1)(a),
 2894 a school district's funds per unweighted full-time equivalent
 2895 student are not less than the greater of either the school
 2896 district's funds per unweighted full-time equivalent student as

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2897 appropriated in the General Appropriations Act or the school
 2898 district's funds per unweighted full-time equivalent student as
 2899 recalculated based upon the receipt of the certified taxable
 2900 value for school purposes pursuant to s. 1011.62(4).

2901 ~~(16) COMPUTATION OF PRIOR YEAR DISTRICT REQUIRED LOCAL~~
 2902 ~~EFFORT. Calculations required in this section shall be based on~~
 2903 ~~95 percent of the taxable value for school purposes for fiscal~~
 2904 ~~years prior to the 2010-2011 fiscal year.~~

2905 ~~(17) TURNAROUND SCHOOL SUPPLEMENTAL SERVICES ALLOCATION.-~~
 2906 ~~The turnaround school supplemental services allocation is~~
 2907 ~~created to provide district-managed turnaround schools, as~~
 2908 ~~identified in s. 1008.33(4)(a), schools that earn three~~
 2909 ~~consecutive grades below a "C," as identified in s.~~
 2910 ~~1008.33(4)(b)3., and schools that have improved to a "C" and are~~
 2911 ~~no longer in turnaround status, as identified in s.~~
 2912 ~~1008.33(4)(c), with funds to offer services designed to improve~~
 2913 ~~the overall academic and community welfare of the schools'~~
 2914 ~~students and their families.~~

2915 ~~(a)1. Services funded by the allocation may include, but~~
 2916 ~~are not limited to, tutorial and after-school programs, student~~
 2917 ~~counseling, nutrition education, parental counseling, and an~~
 2918 ~~extended school day and school year. In addition, services may~~
 2919 ~~include models that develop a culture that encourages students~~
 2920 ~~to complete high school and to attend college or career~~
 2921 ~~training, set high academic expectations, and inspire character~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2922 development.

2923 ~~2. A school district may enter into a formal agreement~~
 2924 ~~with a nonprofit organization that has tax-exempt status under~~
 2925 ~~s. 501(c) (3) of the Internal Revenue Code to implement an~~
 2926 ~~integrated student support service model that provides students~~
 2927 ~~and families with access to wrap-around services, including, but~~
 2928 ~~not limited to, health services, after-school programs, drug~~
 2929 ~~prevention programs, college and career readiness programs, and~~
 2930 ~~food and clothing banks.~~

2931 ~~(b) Before distribution of the allocation, the school~~
 2932 ~~district shall develop and submit a plan for implementation to~~
 2933 ~~its school board for approval no later than August 1 of each~~
 2934 ~~fiscal year.~~

2935 ~~(c) At a minimum, the plan required under paragraph (b)~~
 2936 ~~must:~~

2937 ~~1. Establish comprehensive support services that develop~~
 2938 ~~family and community partnerships;~~

2939 ~~2. Establish clearly defined and measurable high academic~~
 2940 ~~and character standards;~~

2941 ~~3. Increase parental involvement and engagement in the~~
 2942 ~~child's education;~~

2943 ~~4. Describe how instructional personnel will be~~
 2944 ~~identified, recruited, retained, and rewarded;~~

2945 ~~5. Provide professional development that focuses on~~
 2946 ~~academic rigor, direct instruction, and creating high academic~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2947 ~~and character standards;~~
 2948 ~~6. Provide focused instruction to improve student academic~~
 2949 ~~proficiency, which may include additional instruction time~~
 2950 ~~beyond the normal school day or school year; and~~
 2951 ~~7. Include a strategy for continuing to provide services~~
 2952 ~~after the school is no longer in turnaround status by virtue of~~
 2953 ~~achieving a grade of "C" or higher.~~
 2954 ~~(d) Each school district shall submit its approved plans~~
 2955 ~~to the commissioner by September 1 of each fiscal year.~~
 2956 ~~(e) Subject to legislative appropriation, each school~~
 2957 ~~district's allocation must be based on the unweighted FTE~~
 2958 ~~student enrollment at the eligible schools and a per-FTE funding~~
 2959 ~~amount of \$500 or as provided in the General Appropriations Act.~~
 2960 ~~The supplement provided in the General Appropriations Act shall~~
 2961 ~~be based on the most recent school grades and shall serve as a~~
 2962 ~~proxy for the official calculation. Once school grades are~~
 2963 ~~available for the school year immediately preceding the fiscal~~
 2964 ~~year coinciding with the appropriation, the supplement shall be~~
 2965 ~~recalculated for the official participating schools as part of~~
 2966 ~~the subsequent FEFP calculation. The commissioner may prepare a~~
 2967 ~~preliminary calculation so that districts may proceed with~~
 2968 ~~timely planning and use of the funds. If the calculated funds~~
 2969 ~~for the statewide allocation exceed the funds appropriated, the~~
 2970 ~~allocation of funds to each school district must be prorated~~
 2971 ~~based on each school district's share of the total unweighted~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2972 ~~FTE student enrollment for the eligible schools.~~

2973 ~~(f) Subject to legislative appropriation, each school~~
 2974 ~~shall remain eligible for the allocation for a maximum of 4~~
 2975 ~~continuous fiscal years while implementing a turnaround option~~
 2976 ~~pursuant to s. 1008.33(4). In addition, a school that improves~~
 2977 ~~to a grade of "C" or higher shall remain eligible to receive the~~
 2978 ~~allocation for a maximum of 2 continuous fiscal years after~~
 2979 ~~exiting turnaround status.~~

2980 Section 42. Section 1011.622, Florida Statutes, is amended
 2981 to read:

2982 1011.622 Adjustments for students without a Florida
 2983 student identification number.—The Florida Education Finance
 2984 Program funding calculations, including the calculations
 2985 authorized in ss. 1011.62, ~~1011.67~~, 1011.68, and 1011.685, shall
 2986 include funding for a student only when all of the student's
 2987 records are reported to the Department of Education under a
 2988 Florida student identification number. The State Board of
 2989 Education may adopt rules pursuant to ss. 120.536(1) and 120.54
 2990 to implement this section.

2991 Section 43. Section 1011.67, Florida Statutes, is
 2992 repealed.

2993 Section 44. Subsection (4) of section 1011.69, Florida
 2994 Statutes, is amended to read:

2995 1011.69 Equity in School-Level Funding Act.—

2996 ~~(4) The following funds are excluded from the school-level~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

2997 ~~allocation under this section: Funds appropriated in the General~~
 2998 ~~Appropriations Act for supplemental academic instruction to be~~
 2999 ~~used for the purposes described in s. 1011.62(1)(f).~~

3000 Section 45. Paragraph (b) of subsection (3) of section
 3001 1011.84, Florida Statutes, is amended to read:

3002 1011.84 Procedure for determining state financial support
 3003 and annual apportionment of state funds to each Florida College
 3004 System institution district.—The procedure for determining state
 3005 financial support and the annual apportionment to each Florida
 3006 College System institution district authorized to operate a
 3007 Florida College System institution under the provisions of s.
 3008 1001.61 shall be as follows:

3009 (3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.—

3010 (b) The apportionment to each Florida College System
 3011 institution from the Florida College System Program Fund shall
 3012 be determined annually in the General Appropriations Act. In
 3013 determining each college's apportionment, the Legislature shall
 3014 consider the following components:

3015 1. Base budget, which includes the state appropriation to
 3016 the Florida College System Program Fund in the current year plus
 3017 the related student tuition and out-of-state fees assigned in
 3018 the current General Appropriations Act.

3019 2. The cost-to-continue allocation, which consists of
 3020 incremental changes to the base budget, including salaries,
 3021 price levels, and other related costs allocated through a

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

3022 funding model approved by the Legislature which may recognize
 3023 differing economic factors arising from the individual
 3024 educational approaches of the various Florida College System
 3025 institutions, including, but not limited to:

- 3026 a. Direct Instructional Funding, including class size,
 3027 faculty productivity factors, average faculty salary, ratio of
 3028 full-time to part-time faculty, costs of programs, and
 3029 enrollment factors.
- 3030 b. Academic Support, including small colleges factor,
 3031 multicampus factor, and enrollment factor.
- 3032 c. Student Services Support, including headcount of
 3033 students as well as FTE count and enrollment factors.
- 3034 d. Library Support, including volume and other
 3035 materials/audiovisual requirements.
- 3036 e. Special Projects.
- 3037 f. Operations and Maintenance of Plant, including square
 3038 footage and utilization factors.
- 3039 g. Comparable wage factor ~~District Cost Differential~~.

3040 3. Students enrolled in a recreation and leisure program
 3041 and students enrolled in a lifelong learning program who may not
 3042 be counted as full-time equivalent enrollments for purposes of
 3043 enrollment workload adjustments.

3044 4. Operating costs of new facilities adjustments, which
 3045 shall be provided, from funds available, for each new facility
 3046 that is owned by the college and is recommended in accordance

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

3047 with s. 1013.31.

3048 5. New and improved program enhancements, which shall be
 3049 determined by the Legislature.

3050
 3051 Student fees in the base budget plus student fee revenues
 3052 generated by increases in fee rates shall be deducted from the
 3053 sum of the components determined in subparagraphs 1.-5. The
 3054 amount remaining shall be the net annual state apportionment to
 3055 each college.

3056 Section 46. Paragraph (c) of subsection (1) of section
 3057 1012.22, Florida Statutes, is amended to read:

3058 1012.22 Public school personnel; powers and duties of the
 3059 district school board.—The district school board shall:

3060 (1) Designate positions to be filled, prescribe
 3061 qualifications for those positions, and provide for the
 3062 appointment, compensation, promotion, suspension, and dismissal
 3063 of employees as follows, subject to the requirements of this
 3064 chapter:

3065 (c) Compensation and salary schedules.—

3066 1. Definitions.—As used in this paragraph:

3067 a. "Adjustment" means an addition to the base salary
 3068 schedule that is not a bonus and becomes part of the employee's
 3069 permanent base salary and shall be considered compensation under
 3070 s. 121.021(22).

3071 b. "Grandfathered salary schedule" means the salary

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

3072 | schedule or schedules adopted by a district school board before
 3073 | July 1, 2014, pursuant to subparagraph 4.

3074 | c. "Instructional personnel" means instructional personnel
 3075 | as defined in s. 1012.01(2)(a)-(d), excluding substitute
 3076 | teachers.

3077 | d. "Performance salary schedule" means the salary schedule
 3078 | or schedules adopted by a district school board pursuant to
 3079 | subparagraph 5.

3080 | e. "Salary schedule" means the schedule or schedules used
 3081 | to provide the base salary for district school board personnel.

3082 | f. "School administrator" means a school administrator as
 3083 | defined in s. 1012.01(3)(c).

3084 | g. "Supplement" means an annual addition to the base
 3085 | salary for the term of the negotiated supplement as long as the
 3086 | employee continues his or her employment for the purpose of the
 3087 | supplement. A supplement does not become part of the employee's
 3088 | continuing base salary but shall be considered compensation
 3089 | under s. 121.021(22).

3090 | 2. Cost-of-living adjustment.—A district school board may
 3091 | provide a cost-of-living salary adjustment if the adjustment:

3092 | a. Does not discriminate among comparable classes of
 3093 | employees based upon the salary schedule under which they are
 3094 | compensated.

3095 | b. Does not exceed 50 percent of the annual adjustment
 3096 | provided to instructional personnel rated as effective.

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

3097 3. Advanced degrees.—A district school board may not use
 3098 advanced degrees in setting a salary schedule for instructional
 3099 personnel or school administrators hired on or after July 1,
 3100 2011, unless the advanced degree is held in the individual's
 3101 area of certification and is only a salary supplement.

3102 4. Grandfathered salary schedule.—

3103 a. The district school board shall adopt a salary schedule
 3104 or salary schedules to be used as the basis for paying all
 3105 school employees hired before July 1, 2014. Instructional
 3106 personnel on annual contract as of July 1, 2014, shall be placed
 3107 on the performance salary schedule adopted under subparagraph 5.
 3108 Instructional personnel on continuing contract or professional
 3109 service contract may opt into the performance salary schedule if
 3110 the employee relinquishes such contract and agrees to be
 3111 employed on an annual contract under s. 1012.335. Such an
 3112 employee shall be placed on the performance salary schedule and
 3113 may not return to continuing contract or professional service
 3114 contract status. Any employee who opts into the performance
 3115 salary schedule may not return to the grandfathered salary
 3116 schedule.

3117 b. In determining the grandfathered salary schedule for
 3118 instructional personnel, a district school board must base a
 3119 portion of each employee's compensation upon performance
 3120 demonstrated under s. 1012.34 and shall provide differentiated
 3121 pay for both instructional personnel and school administrators

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

3122 based upon district-determined factors, including, but not
3123 limited to, additional responsibilities, school demographics,
3124 critical shortage areas, and level of job performance
3125 difficulties.

3126 5. Performance salary schedule.—By July 1, 2014, the
3127 district school board shall adopt a performance salary schedule
3128 that provides annual salary adjustments for instructional
3129 personnel and school administrators based upon performance
3130 determined under s. 1012.34. Employees hired on or after July 1,
3131 2014, or employees who choose to move from the grandfathered
3132 salary schedule to the performance salary schedule shall be
3133 compensated pursuant to the performance salary schedule once
3134 they have received the appropriate performance evaluation for
3135 this purpose.

3136 a. Base salary.—The base salary shall be established as
3137 follows:

3138 (I) The base salary for instructional personnel or school
3139 administrators who opt into the performance salary schedule
3140 shall be the salary paid in the prior year, including
3141 adjustments only.

3142 (II) Instructional personnel or school administrators new
3143 to the district, returning to the district after a break in
3144 service without an authorized leave of absence, or appointed for
3145 the first time to a position in the district in the capacity of
3146 instructional personnel or school administrator shall be placed

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

3147 on the performance salary schedule. ~~Beginning July 1, 2021, and~~
3148 ~~until such time as the minimum base salary as defined in s.~~
3149 ~~1011.62(14) equals or exceeds \$47,500, the annual increase to~~
3150 ~~the minimum base salary shall not be less than 150 percent of~~
3151 ~~the largest adjustment made to the salary of an employee on the~~
3152 ~~grandfathered salary schedule. Thereafter, the annual increase~~
3153 ~~to the minimum base salary shall not be less than 75 percent of~~
3154 ~~the largest adjustment for an employee on the grandfathered~~
3155 ~~salary schedule.~~

3156 b. Salary adjustments.—Salary adjustments for highly
3157 effective or effective performance shall be established as
3158 follows:

3159 (I) The annual salary adjustment under the performance
3160 salary schedule for an employee rated as highly effective must
3161 be at least 25 percent greater than the highest annual salary
3162 adjustment available to an employee of the same classification
3163 through any other salary schedule adopted by the district.

3164 (II) The annual salary adjustment under the performance
3165 salary schedule for an employee rated as effective must be equal
3166 to at least 50 percent and no more than 75 percent of the annual
3167 adjustment provided for a highly effective employee of the same
3168 classification.

3169 (III) A salary schedule shall not provide an annual salary
3170 adjustment for an employee who receives a rating other than
3171 highly effective or effective for the year.

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

3172 c. Salary supplements.—In addition to the salary
 3173 adjustments, each district school board shall provide for salary
 3174 supplements for activities that must include, but are not
 3175 limited to:

3176 (I) Assignment to a Title I eligible school.

3177 (II) Assignment to a school that earned a grade of "F" or
 3178 three consecutive grades of "D" pursuant to s. 1008.34 such that
 3179 the supplement remains in force for at least 1 year following
 3180 improved performance in that school.

3181 (III) Certification and teaching in critical teacher
 3182 shortage areas. Statewide critical teacher shortage areas shall
 3183 be identified by the State Board of Education under s. 1012.07.
 3184 However, the district school board may identify other areas of
 3185 critical shortage within the school district for purposes of
 3186 this sub-sub-paragraph and may remove areas identified by the
 3187 state board which do not apply within the school district.

3188 (IV) Assignment of additional academic responsibilities.

3189
 3190 If budget constraints in any given year limit a district school
 3191 board's ability to fully fund all adopted salary schedules, the
 3192 performance salary schedule shall not be reduced on the basis of
 3193 total cost or the value of individual awards in a manner that is
 3194 proportionally greater than reductions to any other salary
 3195 schedules adopted by the district. Any compensation for
 3196 longevity of service awarded to instructional personnel who are

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

3197 on any other salary schedule must be included in calculating the
 3198 salary adjustments required by sub-subparagraph b.

3199 Section 47. Section 1012.44, Florida Statutes, is amended
 3200 to read:

3201 1012.44 Qualifications for certain persons providing
 3202 speech-language services.—The State Board of Education shall
 3203 adopt rules for speech-language services to school districts
 3204 that qualify for additional full-time equivalent membership
 3205 under s. 1011.62(1)(f) ~~the sparsity supplement as described in~~
 3206 ~~s. 1011.62(7)~~. These services may be provided by baccalaureate
 3207 degree level persons for a period of 3 years. The rules shall
 3208 authorize the delivery of speech-language services by
 3209 baccalaureate degree level persons under the direction of a
 3210 certified speech-language pathologist with a master's degree or
 3211 higher.

3212 Section 48. Subsections (1) and (4) of section 1012.584,
 3213 Florida Statutes, are amended to read:

3214 1012.584 Continuing education and inservice training for
 3215 youth mental health awareness and assistance.—

3216 (1) ~~Beginning with the 2018–2019 school year,~~ The
 3217 Department of Education shall establish an evidence-based youth
 3218 mental health awareness and assistance training program to help
 3219 school personnel identify and understand the signs of emotional
 3220 disturbance, mental illness, and substance use disorders and
 3221 provide such personnel with the skills to help a person who is

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

3222 developing or experiencing an emotional disturbance, mental
 3223 health, or substance use problem.

3224 (4) Each school district shall notify all school personnel
 3225 who have received training pursuant to this section of mental
 3226 health services that are available in the school district, and
 3227 the individual to contact if a student needs services. The term
 3228 "mental health services" includes, but is not limited to,
 3229 community mental health services, health care providers, and
 3230 services provided under ss. 1006.04 and 1006.041 ~~ss. 1006.04 and~~
 3231 ~~1011.62(13)~~.

3232 Section 49. Paragraph (b) of subsection (2) of section
 3233 1012.586, Florida Statutes, is amended to read:

3234 1012.586 Additions or changes to certificates; duplicate
 3235 certificates; reading endorsement pathways.—

3236 (2)

3237 (b) As part of adopting a pathway pursuant to paragraph
 3238 (a), the department shall review the competencies for the
 3239 reading endorsement and subject area examinations for educator
 3240 certificates identified pursuant to s. 1012.585(3)(f) for
 3241 alignment with evidence-based instructional and intervention
 3242 strategies rooted in the science of reading and identified
 3243 pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~ and recommend changes
 3244 to the State Board of Education. Recommended changes must
 3245 address identification of the characteristics of conditions such
 3246 as dyslexia, implementation of evidence-based classroom

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

3247 instruction and interventions, including evidence-based reading
 3248 instruction and interventions specifically for students with
 3249 characteristics of dyslexia, and effective progress monitoring.
 3250 By July 1, 2023, each school district reading endorsement add-on
 3251 program must be resubmitted for approval by the department
 3252 consistent with this paragraph.

3253 Section 50. Section 1012.71, Florida Statutes, is amended
 3254 to read:

3255 1012.71 The Florida Teachers Classroom Supply Assistance
 3256 Program.—

3257 (1) For purposes of the Florida Teachers Classroom Supply
 3258 Assistance Program, the term "classroom teacher" means a
 3259 certified teacher employed by a public school district or a
 3260 public charter school in that district on or before September 1
 3261 of each year whose full-time or job-share responsibility is the
 3262 classroom instruction of students in prekindergarten through
 3263 grade 12, including full-time media specialists and certified
 3264 school counselors serving students in prekindergarten through
 3265 grade 12, who are funded through the Florida Education Finance
 3266 Program. A "job-share" classroom teacher is one of two teachers
 3267 whose combined full-time equivalent employment for the same
 3268 teaching assignment equals one full-time classroom teacher.

3269 (2) The amount of funds per classroom teacher for the
 3270 Florida Teachers Classroom Supply Assistance Program shall be
 3271 specified ~~The Legislature,~~ in the General Appropriations Act,

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

3272 ~~shall determine funding for the Florida Teachers Classroom~~
 3273 ~~Supply Assistance Program. Classroom teachers shall use the~~
 3274 ~~funds appropriated are for classroom teachers to purchase, on~~
 3275 ~~behalf of the school district or charter school, classroom~~
 3276 ~~materials and supplies for the public school students assigned~~
 3277 ~~to them and may not be used to purchase equipment. The funds~~
 3278 ~~appropriated shall be used to supplement the materials and~~
 3279 ~~supplies otherwise available to classroom teachers. From the~~
 3280 ~~funds appropriated for the Florida Teachers Classroom Supply~~
 3281 ~~Assistance Program, the Commissioner of Education shall~~
 3282 ~~calculate an amount for each school district based upon each~~
 3283 ~~school district's proportionate share of the state's total~~
 3284 ~~unweighted FTE student enrollment and shall disburse the funds~~
 3285 ~~to the school districts by July 15.~~

3286 (3) ~~From the funds allocated to each school district and~~
 3287 ~~any funds received from local contributions for the Florida~~
 3288 ~~Teachers Classroom Supply Assistance Program, the district~~
 3289 ~~school board shall calculate an identical amount for each~~
 3290 ~~classroom teacher who is estimated to be employed by the school~~
 3291 ~~district or a charter school in the district on September 1 of~~
 3292 ~~each year, which is that teacher's proportionate share of the~~
 3293 ~~total amount allocated to the district from state funds and~~
 3294 ~~funds received from local contributions. A job-share classroom~~
 3295 ~~teacher may receive a prorated share of the amount provided to a~~
 3296 ~~full-time classroom teacher. For a classroom teachers teacher~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

3297 determined eligible on July 1, the district school board and
 3298 each charter school board shall ~~may~~ provide such classroom
 3299 teachers ~~the teacher~~ with their amount as specified in the
 3300 General Appropriations Act ~~his or her total proportionate share~~
 3301 by August 1. For classroom teachers based on the estimate of the
 3302 number of teachers who will be employed on September 1. For a
 3303 ~~classroom teacher~~ determined eligible after July 1, the district
 3304 school board and each charter school board shall provide such
 3305 classroom teachers with their amount as specified in the General
 3306 Appropriations Act ~~the teacher with his or her total~~
 3307 ~~proportionate share~~ by September 30. A job-share classroom
 3308 teacher may receive a prorated share of the amount provided to a
 3309 full-time classroom teacher ~~The proportionate share may be~~
 3310 ~~provided by any means determined appropriate by the district~~
 3311 ~~school board or charter school board, including, but not limited~~
 3312 ~~to, direct deposit, check, debit card, or purchasing card. If a~~
 3313 ~~debit card is used, an identifier must be placed on the front of~~
 3314 ~~the debit card which clearly indicates that the card has been~~
 3315 ~~issued for the Florida Teachers Classroom Supply Assistance~~
 3316 ~~Program. Expenditures under the program are not subject to state~~
 3317 ~~or local competitive bidding requirements. Funds received by a~~
 3318 ~~classroom teacher do not affect wages, hours, or terms and~~
 3319 ~~conditions of employment and, therefore, are not subject to~~
 3320 ~~collective bargaining. Any classroom teacher may decline receipt~~
 3321 ~~of or return the funds without explanation or cause.~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

3322 (4) The Department of Education shall administer a
 3323 competitive procurement through which eligible classroom
 3324 teachers may purchase classroom materials and supplies.
 3325 Annually, by September 1, each school district shall submit to
 3326 the department:
 3327 (a) The name of each eligible classroom teacher.
 3328 (b) The proportionate share of the amount as specified in
 3329 the General Appropriations Act for each eligible job-share
 3330 classroom teacher.
 3331 (c) The name and Master School Identification Number of
 3332 the school in which the eligible classroom teacher is assigned.
 3333 (d) Any other information necessary for the administration
 3334 of the program as determined by the department.
 3335 (5)-(4) Each classroom teacher must ~~sign a statement~~
 3336 ~~acknowledging receipt of the funds,~~ keep receipts for no less
 3337 than 4 years to show that funds expended meet the requirements
 3338 of this section, ~~and return any unused funds to the district~~
 3339 ~~school board at the end of the regular school year.~~ Any unused
 3340 funds ~~that are returned to the district school board~~ shall be
 3341 deposited into the school advisory council account of the school
 3342 at which the classroom teacher ~~returning the funds~~ was employed
 3343 when ~~that teacher received~~ the funds were made available to the
 3344 classroom teacher. If the school does not have a school advisory
 3345 council, the funds shall be expended for classroom materials and
 3346 supplies as determined by the school principal ~~or deposited into~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

3347 ~~the Florida Teachers Classroom Supply Assistance Program account~~
 3348 ~~of the school district in which a charter school is sponsored,~~
 3349 ~~as applicable.~~

3350 ~~(5) The statement must be signed and dated by each~~
 3351 ~~classroom teacher before receipt of the Florida Teachers~~
 3352 ~~Classroom Supply Assistance Program funds and shall include the~~
 3353 ~~wording: "I, ... (name of teacher) ..., am employed by the~~
 3354 ~~... County District School Board or by the ... Charter School as~~
 3355 ~~a full-time classroom teacher. I acknowledge that Florida~~
 3356 ~~Teachers Classroom Supply Assistance Program funds are~~
 3357 ~~appropriated by the Legislature for the sole purpose of~~
 3358 ~~purchasing classroom materials and supplies to be used in the~~
 3359 ~~instruction of students assigned to me. In accepting custody of~~
 3360 ~~these funds, I agree to keep the receipts for all expenditures~~
 3361 ~~for no less than 4 years. I understand that if I do not keep the~~
 3362 ~~receipts, it will be my personal responsibility to pay any~~
 3363 ~~federal taxes due on these funds. I also agree to return any~~
 3364 ~~unexpended funds to the district school board at the end of the~~
 3365 ~~regular school year for deposit into the school advisory council~~
 3366 ~~account of the school where I was employed at the time I~~
 3367 ~~received the funds or for deposit into the Florida Teachers~~
 3368 ~~Classroom Supply Assistance Program account of the school~~
 3369 ~~district in which the charter school is sponsored, as~~
 3370 ~~applicable."~~

3371 ~~(6) The Department of Education and district school boards~~

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

3372 ~~may, and are encouraged to, enter into public-private~~
3373 ~~partnerships in order to increase the total amount of Florida~~
3374 ~~Teachers Classroom Supply Assistance Programs funds available to~~
3375 ~~classroom teachers.~~

3376 Section 51. Section 1012.715, Florida Statutes, is created
3377 to read:

3378 1012.715 Heroes in the classroom sign-on bonus.—

3379 (1) PURPOSE.—Subject to legislative appropriation, the
3380 Department of Education shall provide a one-time sign-on bonus,
3381 as provided in the General Appropriations Act, to honorably
3382 discharged or retired military veterans and retired first
3383 responders, as defined in s. 112.1815(1), who commit to joining
3384 the teaching profession as a full-time classroom teacher. An
3385 honorably discharged or retired military veteran or retired
3386 first responder may receive an additional bonus for teaching a
3387 course in a high-demand teacher need area, as identified by the
3388 department pursuant to paragraph (3)(e).

3389 (2) ELIGIBILITY.—To be eligible to receive a sign-on
3390 bonus, an applicant must be an honorably discharged or retired
3391 military veteran or retired first responder and provide the
3392 following to the department:

3393 (a) Documentation of his or her honorable discharge or
3394 retirement.

3395 (b) Documentation that he or she was not subject to any
3396 disciplinary action during the last 5 years of his or her

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

3397 employment as a servicemember in the United States Armed Forces
 3398 or as a first responder. The term "disciplinary action" includes
 3399 suspensions, dismissals, and involuntary demotions that were
 3400 associated with disciplinary actions.

3401 (c) A copy of his or her professional certificate or
 3402 temporary certificate issued pursuant to s. 1012.56(7).

3403 (d) Documentation that he or she agrees to maintain
 3404 employment with the school district or charter school for a
 3405 minimum of 2 consecutive school years upon receipt of the sign-
 3406 on bonus. An individual who accepts a sign-on bonus pursuant to
 3407 this section but fails to maintain his or her employment
 3408 pursuant to this paragraph must reimburse the department the
 3409 amount of the sign-on bonus in a manner prescribed by the
 3410 department.

3411 (3) DEPARTMENT OF EDUCATION RESPONSIBILITIES.—The
 3412 department shall distribute bonuses pursuant to this section
 3413 and, at a minimum, must:

3414 (a) Establish a method for determining the estimated
 3415 number of eligible honorably discharged or retired military
 3416 veterans and retired first responders to be hired in the
 3417 applicable fiscal year.

3418 (b) Establish additional minimum criteria necessary for an
 3419 individual to be eligible for a sign-on bonus.

3420 (c) Establish an estimated cost to the department for
 3421 developing and administering the bonus program.

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

3422 (d) Establish a method for an individual to reimburse the
 3423 department if he or she receives the sign-on bonus but does not
 3424 maintain employment for the required consecutive 2-year period.

3425 (e) Identify courses that are in high-demand teacher need
 3426 areas in which honorably discharged or retired military veterans
 3427 or retired first responders may teach to be eligible for an
 3428 additional bonus.

3429 (4) SCHOOL DISTRICT RESPONSIBILITIES.—A school district
 3430 that employs an eligible honorably discharged or retired
 3431 military veteran or retired first responder must:

3432 (a) Provide any necessary information requested by the
 3433 department.

3434 (b) In a manner established by the department, notify the
 3435 eligible honorably discharged or retired military veteran or
 3436 retired first responder that employment may impact his or her
 3437 pension from a previous employer.

3438 (5) RULEMAKING.—The State Board of Education may adopt
 3439 rules to implement this section.

3440 Section 52. The Division of Law Revision is directed to
 3441 revise the title of subpart D of part I of chapter 1011, Florida
 3442 Statutes, consisting of ss. 1011.55-1011.59, Florida Statutes,
 3443 to read "Florida School for the Deaf and the Blind and Florida
 3444 School for Competitive Academics: Preparation, Adoption, and
 3445 Implementation of Budgets" to conform to the amendments made by
 3446 this act.

ENROLLED

HB 5101, Engrossed 1

2023 Legislature

3447 Section 53. The amendments made by this act to s. 1003.03,
3448 Florida Statutes, shall not take effect if HB 633 or similar
3449 legislation is adopted in the same legislative session or an
3450 extension thereof and becomes a law.

3451 Section 54. Except as otherwise expressly provided in this
3452 act, this act shall take effect July 1, 2023.