

By Representative Warner

1                                   A bill to be entitled  
2           An act relating to education; transferring  
3           certain functions from the State Board of  
4           Education to the Commissioner of Education;  
5           amending s. 11.42, F.S., relating to the  
6           Auditor General; conforming a cross-reference;  
7           amending s. 20.15, F.S.; revising duties of the  
8           State Board of Education; providing for the  
9           Commissioner of Education rather than the State  
10          Board of Education to head the Department of  
11          Education; providing for the appointment of a  
12          Deputy Commissioner for Educational Programs;  
13          providing for the appointment of a Deputy  
14          Commissioner for Planning, Budgeting, and  
15          Management; providing for the Commissioner of  
16          Education rather than the State Board of  
17          Education to appoint the councils and  
18          committees within the Department of Education;  
19          amending s. 228.03, F.S., relating to the scope  
20          of the state school system; amending s.  
21          228.041, F.S.; granting the Commissioner of  
22          Education rulemaking authority for certain  
23          programs; amending s. 228.062, F.S.; requiring  
24          the commissioner to adopt rules to implement  
25          the migrant education program; amending s.  
26          228.081, F.S.; requiring the State Board of  
27          Education and the department to provide certain  
28          assistance for educational programs of the  
29          Department of Juvenile Justice; amending s.  
30          228.086, F.S., relating to regional centers of  
31          excellence in mathematics, science, computers,

1 technology, and global awareness; deleting  
2 certain requirements; amending s. 228.088,  
3 F.S.; requiring the commissioner to adopt rules  
4 relating to utilization of security programs;  
5 amending s. 228.092, F.S., relating to  
6 retention of records of nonpublic school  
7 students; amending s. 228.195, F.S.; requiring  
8 the commissioner to prescribe rules for school  
9 food service programs; amending s. 228.301,  
10 F.S.; providing for security of tests  
11 administered by commissioner; amending s.  
12 228.502, F.S.; requiring the commissioner to  
13 adopt rules for administration of Education  
14 Success Incentive program; amending s. 229.011,  
15 F.S.; revising certain functions of the state  
16 with respect to public education; amending s.  
17 229.053, F.S.; revising the powers and duties  
18 of the State Board of Education; requiring the  
19 State Board of Education to establish a  
20 clearinghouse for information on economic  
21 development; amending s. 229.085, F.S.,  
22 relating to the custody of educational funds;  
23 amending s. 229.111, F.S.; providing for the  
24 Commissioner of Education to assume the duties  
25 of the State Board of Education with respect to  
26 the acceptance of gifts; amending s. 229.512,  
27 F.S.; revising the duties of the Commissioner  
28 of Education; creating s. 229.515, F.S.;  
29 authorizing the commissioner to adopt rules  
30 having the effect of law; amending s. 229.559,  
31 F.S., relating to the use of student's social

1 security numbers; deleting obsolete provisions;  
2 amending s. 229.565, F.S.; deleting a  
3 requirement that the State Board of Education  
4 approve standards of excellence; deleting  
5 requirements for an evaluation of the Florida  
6 Primary Education Program; amending s. 229.57,  
7 F.S.; revising requirements of the student  
8 assessment program; amending s. 229.59, F.S.;  
9 requiring the commissioner to adopt rules  
10 relating to submission of educational  
11 improvement projects; amending s. 229.591,  
12 F.S.; deleting the name "Blueprint 2000";  
13 amending s. 229.592, F.S., relating to school  
14 improvement and education accountability;  
15 deleting obsolete provisions; amending s.  
16 229.593, F.S., relating to the Florida  
17 Commission on Education Reform and  
18 Accountability; amending s. 229.594, F.S.;  
19 deleting obsolete provisions; providing the  
20 commissioner's role in reviewing components of  
21 school improvement and accountability; amending  
22 s. 229.602, F.S.; replacing the term "career  
23 education" with the term "vocational  
24 education"; amending ss. 229.75, 229.76, F.S.;  
25 revising duties of the State Board of Education  
26 to conform to changes made by the act; amending  
27 s. 229.771, F.S.; providing for removal from  
28 office by the State Board of Education;  
29 amending s. 229.805, F.S.; requiring provision  
30 of educational television in accordance with  
31 rules adopted by the commissioner; amending s.

1           229.8051, F.S.; requiring the commissioner to  
2           adopt rules for administration of the state  
3           public broadcasting system; amending s. 230.03,  
4           F.S.; providing commissioner's rulemaking  
5           authority regarding the district school system;  
6           amending s. 230.22, F.S.; providing  
7           commissioner's rulemaking authority regarding  
8           the operation of school districts; amending s.  
9           230.23, F.S.; requiring the commissioner to  
10          prescribe rules for various programs of school  
11          districts; amending s. 230.2305, F.S., relating  
12          to the prekindergarten early intervention  
13          program; conforming a cross reference; amending  
14          s. 230.2316, F.S.; providing for rules of the  
15          commissioner relating to second chance schools  
16          and add-on certification programs; amending s.  
17          230.23166, F.S.; requiring the commissioner to  
18          adopt rules to implement teenage parent  
19          program; amending s. 230.2318, F.S.; requiring  
20          the commissioner to adopt rules to implement  
21          the school resource officer program; amending  
22          s. 230.32, F.S.; providing commissioner's  
23          authority to adopt rules and to set minimum  
24          standards for school operational programs;  
25          amending s. 230.321, F.S.; providing  
26          commissioner's authority to prescribe duties of  
27          superintendents; amending s. 230.33, F.S.;  
28          providing commissioner's authority over  
29          superintendents; amending s. 230.64, F.S.;  
30          requiring the commissioner to prescribe minimum  
31          standards for area technical centers; amending

1 s. 230.71, F.S.; requiring the commissioner to  
2 adopt rules implementing intergenerational  
3 school volunteer programs; amending s. 232.01,  
4 F.S.; requiring rules of the commissioner  
5 relating to school attendance; amending s.  
6 232.23, F.S.; providing that procedures for  
7 maintenance and transfer of pupil records shall  
8 be as prescribed by rules of the commissioner;  
9 amending s. 232.2468, F.S.; authorizing the  
10 commissioner to adopt rules relating to  
11 graduation, habitual truancy, and dropout  
12 rates; amending s. 232.247, F.S.; requiring  
13 rules of the commissioner relating to special  
14 high school graduation requirements for  
15 exceptional students; amending s. 232.25, F.S.;  
16 requiring rules of the commissioner relating to  
17 pupils subject to the control of the school;  
18 amending s. 232.303, F.S.; authorizing the  
19 commissioner to adopt rules relating to  
20 interagency student services; amending s.  
21 232.435, F.S.; requiring the commissioner to  
22 approve courses relating to athletic trainers;  
23 amending s. 233.011, F.S.; authorizing the  
24 commissioner to develop rules to implement  
25 accountability provisions; amending s. 233.015,  
26 F.S.; requiring the commissioner to adopt rules  
27 for conducting purges of courses; amending s.  
28 233.056, F.S.; requiring rules of the  
29 commissioner relating to operation of  
30 instructional programs for visually impaired  
31 students and deaf or hard-of-hearing students;

1 amending s. 233.058, F.S.; requiring the  
2 commissioner to adopt rules for English  
3 language instruction for limited English  
4 proficient students; amending s. 233.061, F.S.;  
5 providing the commissioner authority to adopt  
6 rules prescribing required instruction;  
7 amending s. 233.067, F.S.; providing that  
8 administration of the comprehensive health  
9 education and substance abuse prevention  
10 program be pursuant to rules adopted by the  
11 commissioner; amending s. 233.115, F.S.;  
12 providing for adoption of instructional  
13 materials by the commissioner; amending s.  
14 233.17, F.S.; authorizing the commissioner to  
15 approve by rule certain terms of adoption;  
16 amending s. 233.37, F.S.; providing for rules  
17 of the commissioner regarding the disposal of  
18 instructional materials; amending s. 233.39,  
19 F.S.; requiring the commissioner to prescribe  
20 rules for the renovation and repair of  
21 textbooks; amending s. 234.01, F.S.; providing  
22 for transportation of students pursuant to  
23 rules adopted by the commissioner; amending s.  
24 234.02, F.S.; providing for rules of the  
25 commissioner for the safety and health of  
26 pupils being transported by the school  
27 district; amending s. 234.03, F.S.; providing  
28 for rules of the commissioner relating to tort  
29 liability; amending s. 234.051, F.S.; requiring  
30 the commissioner to prescribe safety  
31 specifications for school buses; amending s.

1           234.091, F.S.; requiring the commissioner to  
2           prescribe general qualifications for school bus  
3           drivers; amending s. 234.101, F.S.; requiring  
4           the commissioner to adopt requirements for  
5           school bus drivers; amending s. 234.301, F.S.;  
6           authorizing the commissioner to adopt rules for  
7           school bus pool purchases; amending s. 235.01,  
8           F.S.; requiring the commissioner to adopt rules  
9           for implementation of the Educational  
10          Facilities Act; amending s. 235.014, F.S.;  
11          requiring the commissioner to review and  
12          approve surveys and priority rankings for  
13          recommended educational facilities; amending s.  
14          235.04, F.S.; requiring the commissioner to  
15          adopt rules for the disposal of real property;  
16          amending s. 235.056, F.S.; providing for  
17          commissioner's requirements for educational  
18          facilities; amending s. 235.06, F.S.; directing  
19          the commissioner to adopt and administer rules  
20          prescribing safety and health standards for  
21          occupants of educational facilities; amending  
22          s. 235.15, F.S.; providing for rules of the  
23          commissioner governing educational plant  
24          surveys and providing for approval of projects;  
25          amending s. 235.19, F.S.; directing the  
26          commissioner to adopt rules for site planning  
27          and selection; amending s. 235.211, F.S.;  
28          providing for the commissioner to set standards  
29          for educational facilities; amending s. 235.26,  
30          F.S.; requiring the commissioner to adopt the  
31          uniform building code for public educational

1 facilities construction and granting the  
2 commissioner final review of questions,  
3 disputes, or interpretations of the uniform  
4 code; amending s. 235.31, F.S.; providing for  
5 rules of the commissioner relating to  
6 prequalification of bidders; amending s.  
7 235.32, F.S.; providing for rules of the  
8 commissioner relating to building  
9 specifications; amending s. 235.435, F.S.;  
10 providing for rules of the commissioner  
11 relating to educational plant needs; amending  
12 s. 236.02, F.S.; providing for rules of the  
13 commissioner relating to reports, minimum term  
14 of operation of schools, employment of  
15 personnel, salary schedules, and budgets;  
16 amending s. 236.0801, F.S.; providing for  
17 commissioner approval of education goal;  
18 amending s. 236.081, F.S.; requiring rules of  
19 the commissioner relating to funding of public  
20 schools; amending s. 236.0811, F.S.; requiring  
21 rules of the commissioner relating to a school  
22 board's master plan for inservice educational  
23 training; amending s. 236.083, F.S.; requiring  
24 rules of the commissioner for determination of  
25 annual allocation for student transportation;  
26 amending s. 236.0841, F.S.; providing for rules  
27 of the commissioner regarding employment of  
28 certain personnel; amending s. 236.1225, F.S.;  
29 providing for rules of the commissioner for  
30 governing the gifted education grants program;  
31 amending s. 236.13, F.S.; providing for rules



1 of the commissioner governing the expenditure  
2 of funds by school boards; amending s. 236.685,  
3 F.S.; providing for rules of the commissioner  
4 relating to teacher-to-student ratio or class  
5 size; amending s. 237.211, F.S.; requiring the  
6 commissioner to adopt rules prescribing minimum  
7 security standards for the direct deposit of  
8 funds; amending s. 237.40, F.S.; providing for  
9 rules of the commissioner relating to annual  
10 audit of direct-support organizations; amending  
11 s. 316.615, F.S.; providing for rules of the  
12 commissioner relating to physical examination  
13 requirements for school bus operators;  
14 providing that certain rules of the state board  
15 in effect June 30, 1997, shall remain in effect  
16 until amended or revoked; amending s. 228.121,  
17 F.S.; correcting a cross-reference; repealing  
18 s. 228.0617, F.S., relating to the school age  
19 childcare incentives program; repealing s.  
20 228.085, F.S., relating to the state  
21 comprehensive plan for mathematics, science,  
22 and computer education; providing an effective  
23 date.

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

Section 1. Paragraph (b) of subsection (3) of section  
11.42, Florida Statutes, 1996 Supplement, is amended to read:  
11.42 The Auditor General.--  
(3)

1 (b)1. No person shall be employed as a financial  
2 auditor who does not possess the qualifications to take the  
3 examination for a certificate as certified public accountant  
4 under the laws of this state, and no person shall be employed  
5 or retained as legal adviser, on either a full-time or a  
6 part-time basis, who is not a member of The Florida Bar.

7 2. Notwithstanding the provisions of subparagraph 1.,  
8 employees in the positions associated with the Florida  
9 Education Finance Program full-time enrollment verification  
10 function that is assigned to the Auditor General pursuant to  
11 s. 229.565(2)~~s. 229.565(3)~~ may continue to meet the job  
12 qualifications that existed prior to such transfer for a  
13 period of 3 years after such transfer. Thereafter, they shall  
14 meet the requirements of subparagraph 1. This subparagraph is  
15 repealed on July 1, 1998.

16 Section 2. Section 20.15, Florida Statutes, is amended  
17 to read:

18 20.15 Department of Education.--There is created a  
19 Department of Education.

20 (1) STATE BOARD OF EDUCATION.--In accordance with The  
21 ~~head of the Department of Education is the State Board of~~  
22 ~~Education composed of the Governor and Cabinet as specified in~~  
23 s. 2, Art. IX of the State Constitution, the State Board of  
24 Education is the chief policymaking body of public education  
25 in the state as specified in chapter 229. The Governor is  
26 chair of the board, and the Commissioner of Education is the  
27 secretary and executive officer and in the absence of the  
28 Governor shall serve as chair.

29 (2) COMMISSIONER OF EDUCATION.--The head of the  
30 Department of Education is the Commissioner of Education who  
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1 shall be elected by vote of the qualified electors of the  
2 state pursuant to s. 5, Art. IV of the State Constitution.

3 (a) The Commissioner of Education shall appoint a  
4 Deputy Commissioner for Educational Programs who has such  
5 powers, duties, responsibilities, and functions as are  
6 necessary to ensure the greatest possible coordination,  
7 efficiency, and effectiveness of kindergarten through  
8 12th-grade education and vocational and continuing education  
9 programs.

10 (b) The Commissioner of Education shall appoint a  
11 Deputy Commissioner for Planning, Budgeting, and Management  
12 who has such powers, duties, responsibilities, and functions  
13 as are necessary to ensure the greatest possible coordination  
14 of policies, programs, and procedures for the statewide system  
15 of education and the department.

16 (3)(2) DIVISIONS.--

17 (a) The following divisions of the Department of  
18 Education are established:

- 19 1. Division of Community Colleges.
- 20 2. Division of Public Schools.
- 21 3. Division of Universities.
- 22 4. Division of Applied Technology and Adult Education.
- 23 5. Division of Human Resource Development.

24 (b) The Commissioner of Education is authorized to  
25 establish within the Department of Education a Division of  
26 Administration.

27 (4)(3) DIRECTORS.--The Board of Regents is the  
28 director of the Division of Universities, and the State Board  
29 of Community Colleges is the director of the Division of  
30 Community Colleges, pursuant to chapter 240. The directors of  
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1 all other divisions shall be appointed by the commissioner  
2 subject to approval by the state board.

3 (5)~~(4)~~ POWERS AND DUTIES.--The State Board of  
4 Education and the Commissioner of Education:

5 (a) Shall assign to the Division of Public Schools  
6 such powers, duties, responsibilities, and functions as are  
7 necessary to ensure the greatest possible coordination,  
8 efficiency, and effectiveness of kindergarten through 12th  
9 grade education.

10 (b) Shall assign to the Division of Applied Technology  
11 and Adult Education such powers, duties, responsibilities, and  
12 functions as are necessary to ensure the greatest possible  
13 coordination, efficiency, and effectiveness of career and  
14 continuing education.

15 (c) Shall assign to the State Board of Community  
16 Colleges such powers, duties, responsibilities, and functions  
17 as are necessary to ensure the coordination, efficiency, and  
18 effectiveness of community colleges, except those duties  
19 specifically assigned to the Commissioner of Education in ss.  
20 229.512 and 229.551 and the duties concerning physical  
21 facilities in chapter 235.

22 (6)~~(5)~~ COUNCILS AND COMMITTEES.--Notwithstanding  
23 anything contained in law to the contrary, the Commissioner of  
24 Education shall appoint all members of all councils and  
25 committees of the Department of Education, except the Board of  
26 Regents, the State Board of Community Colleges, ~~the state~~  
27 ~~instructional materials committees,~~ and the community college  
28 district boards of trustees, the Postsecondary Education  
29 Planning Commission, the Education Practices Commission, the  
30 Education Standards Commission, the State Board of Independent  
31 Colleges and Universities, and the State Board of Independent

1 Postsecondary Vocational, Technical, Trade, and Business  
2 Schools ~~shall hereafter be appointed by the State Board of~~  
3 ~~Education from a list of two or more names nominated for each~~  
4 ~~position by the Commissioner of Education.~~

5 (7)(6) BOARDS.--Notwithstanding anything contained in  
6 law to the contrary, all members of the Board of Regents, the  
7 State Board of Community Colleges, and the community college  
8 district boards of trustees must ~~shall~~ be appointed according  
9 to chapter 240.

10 Section 3. Section 228.03, Florida Statutes, is  
11 amended to read:

12 228.03 Scope of state system.--The state system of  
13 public education includes such school systems, schools,  
14 institutions, agencies, services, and types of instruction as  
15 may be provided and authorized by law, or by regulations of  
16 the state board and of the Commissioner of Education within  
17 limits prescribed by law.

18 Section 4. Subsections (1), (5), (6), (13), (18), and  
19 (29) of section 228.041, Florida Statutes, 1996 Supplement,  
20 are amended and subsection (35) of that section is repealed  
21 and present subsections (36), (37), (38), (39), and (40) of  
22 that section are redesignated as subsections (35), (36), (37),  
23 (38), and (39), respectively, to read:

24 228.041 Definitions.--Specific definitions shall be as  
25 follows, and wherever such defined words or terms are used in  
26 the Florida School Code, they shall be used as follows:

27 (1) STATE SYSTEM OF PUBLIC EDUCATION.--The state  
28 system of public education shall consist of such publicly  
29 supported and controlled schools, institutions of higher  
30 education, other educational institutions, and other  
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1 educational services as may be provided or authorized by the  
2 Constitution and laws of this state.

3 (a) Public schools.--The public schools shall consist  
4 of kindergarten classes; elementary and secondary school  
5 grades and special classes; adult, part-time, vocational, and  
6 evening schools, courses, or classes authorized by law to be  
7 operated under the control of school boards; and developmental  
8 research schools to be operated under the control of the State  
9 University System.

10 (b) Community colleges.--Community colleges shall  
11 consist of all educational institutions which are operated by  
12 local community college district boards of trustees under  
13 specific authority and regulations of the State Board of  
14 Education and which offer courses and programs of general and  
15 academic education parallel to that of the first and second  
16 years of work in institutions in the State University System,  
17 of career education, and of adult continuing education.

18 (c) Institutions of higher education.--The  
19 institutions of higher education shall consist of all  
20 state-supported educational institutions offering work above  
21 the public school level, other than community colleges, that  
22 are authorized and established by law, together with all  
23 activities and services authorized by law to be administered  
24 by or through each of those institutions.

25 (d) Other educational institutions.--Other  
26 state-supported institutions primarily of an educational  
27 nature shall be considered parts of the state system of public  
28 education. The educational functions of other state-supported  
29 institutions which are not primarily of an educational nature  
30 but which have specific educational responsibilities shall be  
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1 considered responsibilities belonging to the state system of  
2 public education.

3 ~~(e) Other educational services.--Other educational~~  
4 ~~services shall include health services and such special~~  
5 ~~services and functions as may be authorized by law or by~~  
6 ~~regulations of the state board as prescribed by law and as are~~  
7 ~~considered necessary to improve, promote, and protect the~~  
8 ~~adequacy and efficiency of the state system of public~~  
9 ~~education.~~

10 (e)~~(f)~~ Florida School for the Deaf and the Blind.--The  
11 Florida School for the Deaf and the Blind is a part of the  
12 state system of education.

13 (5) SCHOOL.--A school is an organization of pupils for  
14 instructional purposes on an elementary, secondary, or other  
15 public school level, approved under regulations of the  
16 Commissioner of Education ~~state board~~.

17 (6) SCHOOL CENTER.--A school center is a place of  
18 location of any school or schools on the same or on adjacent  
19 sites or on a site under the control of the principal and  
20 within a reasonable distance of the main center as prescribed  
21 by regulations of the Commissioner ~~State Board~~ of Education.

22 (13) SCHOOL DAY.--A school day for any group of  
23 students is that portion of the day in which school is  
24 actually in session and shall comprise not less than 5 net  
25 hours, excluding intermissions, for all grades above the  
26 third; not less than 4 net hours for the first three grades;  
27 and not less than 3 net hours for kindergarten or  
28 prekindergarten students with disabilities, or the equivalent  
29 as calculated on a weekly basis. The net hours specified in  
30 this subsection shall consist only of instruction in an  
31 approved course of study and shall exclude all

1 noninstructional activities as defined by rules of the  
2 Commissioner ~~State Board~~ of Education. Three of the last days  
3 of the 90-day term, and of the 180-day term, may be designated  
4 by the district school board as final examination days for  
5 secondary school students. These final examination days shall  
6 consist of no less than 4 net hours, excluding intermissions.  
7 The minimum length of the school day herein specified may be  
8 decreased under rules which shall be adopted by the state  
9 board for double session schools or programs, experimental  
10 schools, or schools operating under emergency conditions.

11 (18) EXCEPTIONAL STUDENT.--The term "exceptional  
12 student" means any child or youth who has been determined  
13 eligible for a special program in accordance with rules of the  
14 Commissioner of Education ~~State Board of Education Rules~~. The  
15 term "exceptional students" includes students who are gifted  
16 and students with disabilities who are mentally handicapped,  
17 speech and language impaired, deaf or hard of hearing,  
18 visually impaired, dual sensory impaired, physically impaired,  
19 emotionally handicapped, specific learning disabled, hospital  
20 and homebound, autistic, developmentally delayed children,  
21 ages birth through 5 years, or children with established  
22 conditions, ages birth through 2 years.

23 (29) DROPOUT.--A dropout is a student over the age of  
24 compulsory school attendance, as defined in s. 232.01, who  
25 meets any one or more of the following criteria:

26 (a) The student has voluntarily removed himself or  
27 herself from the school system before graduation for reasons  
28 that include, but are not limited to, marriage ~~or entrance~~  
29 ~~into the military~~, or the student has withdrawn from school  
30 because he or she has failed the statewide student assessment  
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1 test and thereby does not receive any of the certificates of  
2 completion;

3 (b) The student has not met the relevant attendance  
4 requirements of the school district pursuant to State Board of  
5 Education rules, or the student was expected to attend a  
6 school but did not enter as expected for unknown reasons, or  
7 the student's whereabouts are unknown;

8 (c) The student has withdrawn from school, but has not  
9 transferred to another public or private school or enrolled in  
10 any vocational, adult, or alternative educational program;

11 (d) The student has withdrawn from school due to  
12 hardship, unless such withdrawal has been granted under the  
13 provisions of s. 322.0601, court action, expulsion, medical  
14 reasons, or pregnancy; or

15 (e) The student is not eligible to attend school  
16 because of reaching the maximum age for an exceptional student  
17 program in accordance with the district's policy.

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19 Students not exempt from attendance pursuant to s. 232.06 and  
20 under the age of compulsory school attendance who stop  
21 attending school shall be known as habitual truants as defined  
22 in subsection (28) and are not to be considered dropouts. The  
23 State Board of Education may adopt rules to implement the  
24 provisions of this subsection.

25 Section 5. Section 228.062, Florida Statutes, is  
26 amended to read:

27 228.062 Migrant education program.--The Commissioner  
28 of Education shall ~~recommend, and the State Board of Education~~  
29 ~~shall~~ prescribe such rules as are necessary to provide for  
30 the participation of the state in the federal migratory child  
31 compensatory education program, which may be funded from

1 federal or other lawful sources. The Department of Education  
2 is authorized to plan, fund, and administer educational  
3 programs for migrant children in the state, beginning for such  
4 children at age 3. Such programs shall be operated through  
5 grants to local school districts or through contracts with  
6 other public agencies or nonprofit corporations.

7 Section 6. Section 228.081, Florida Statutes, is  
8 amended to read:

9 228.081 Other public educational services.--The  
10 general control of other public educational services shall be  
11 vested in the state board except as provided herein. The  
12 state board shall, at the request of the Department of  
13 Children Health and Family Rehabilitative Services and the  
14 Department of Juvenile Justice, advise as to standards and  
15 requirements relating to education to be met in all state  
16 schools or institutions under their control which provide  
17 educational programs. The Department of Education shall  
18 provide supervisory services for the educational programs of  
19 all such schools or institutions. The direct control of any  
20 of these services provided as part of the district program of  
21 education shall rest with the school board. These services  
22 shall be supported out of state, district, federal, or other  
23 lawful funds, depending on the requirements of the services  
24 being supported.

25 Section 7. Section 228.086, Florida Statutes, is  
26 amended to read:

27 228.086 Regional centers of excellence in mathematics,  
28 science, computers, technology, and global awareness.--

29 ~~(1)~~ The Department of Education is authorized to award  
30 grants to public school districts, developmental research  
31 schools, state community colleges, state universities, private

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1 postsecondary institutions, or museums of science as defined  
2 in s. 265.608, or any combination thereof, to establish  
3 regional centers of excellence in mathematics, science,  
4 computers, technology, and global awareness.

5 ~~(2) The State Board of Education shall adopt rules to~~  
6 ~~implement the program for regional centers of excellence.~~  
7 ~~Such rules shall provide procedures for proposals to be~~  
8 ~~submitted by individual public school districts, developmental~~  
9 ~~research schools, state community colleges, state~~  
10 ~~universities, private postsecondary institutions, or museums~~  
11 ~~of science as defined in s. 265.608, according to prescribed~~  
12 ~~format criteria. The rules shall also specify criteria for~~  
13 ~~evaluation of the proposals so that the final selections will~~  
14 ~~result at least in one center being located in each of the~~  
15 ~~reporting and coordinating regions of the Department of~~  
16 ~~Education, which regions shall be known as "Panhandle,"~~  
17 ~~"Crown," "East Central," "West Central," and "South." For~~  
18 ~~purposes of this section, the South region shall be further~~  
19 ~~divided into "Upper" and "Lower" regions. Dade County and~~  
20 ~~Monroe County shall comprise the Lower South region. The Upper~~  
21 ~~South region shall be composed of the remaining counties in~~  
22 ~~the South region. At least one center shall be located in the~~  
23 ~~Upper South region and at least one center shall be located in~~  
24 ~~the Lower South region. The final selections shall be made by~~  
25 ~~the commissioner with the primary consideration to be the~~  
26 ~~greatest potential impact on student performance within the~~  
27 ~~region in terms of dollars required. Funding for each~~  
28 ~~regional center shall be in an amount established by the~~  
29 ~~Legislature after consideration of the budget request of the~~  
30 ~~center, which request shall include specific performance data~~  
31 ~~and quantifiable objectives for the following year. If a~~

1 center is deemed not to be meeting its stated objectives, as  
2 determined by the State Board of Education, the Legislature  
3 shall zero fund the center and the commissioner shall promptly  
4 call for new proposals within that region.

5 ~~(3)(a) Each center shall have a director appointed by~~  
6 ~~the appropriate administrator of the district school board,~~  
7 ~~developmental research school, state community college, state~~  
8 ~~university, private postsecondary institution, or museum of~~  
9 ~~science as defined in s. 265.608, where the center is located,~~  
10 ~~funded, and administered. Such governing entity shall be~~  
11 ~~generally responsible and accountable for all activities of~~  
12 ~~the center with the director being specifically responsible~~  
13 ~~and accountable.~~

14 ~~(b) Upon consideration of the recommendations of the~~  
15 ~~governing entity of the center, the commissioner shall appoint~~  
16 ~~an advisory council for each center consisting of no more than~~  
17 ~~11 members. Prior to appointing the advisory council, the~~  
18 ~~commissioner shall solicit input from each of the groups which~~  
19 ~~shall be represented on the council. Membership shall be~~  
20 ~~representative of public school districts, developmental~~  
21 ~~research schools, state community colleges, state~~  
22 ~~universities, private postsecondary institutions, or museums~~  
23 ~~of science as defined in s. 265.608, and private industry and~~  
24 ~~business. The advisory council shall make recommendations~~  
25 ~~regarding policy, activities, and fiscal operations and shall~~  
26 ~~facilitate coordination of entities within the region. The~~  
27 ~~director of the center and staff of the center shall also~~  
28 ~~serve as staff to the council.~~

29 ~~(4) The evaluation of proposals shall include~~  
30 ~~consideration of:~~

31

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1           ~~(a) Cooperative arrangements among public school~~  
2 ~~districts, developmental research schools, state community~~  
3 ~~colleges, state universities, private postsecondary~~  
4 ~~institutions, or museums of science as defined in s. 265.608,~~  
5 ~~and the other governmental agencies and the private sector,~~  
6 ~~including cooperative funding arrangements.~~

7           ~~(b) Strategies for improvement of student performance.~~

8           ~~(c) Development and dissemination of new principles,~~  
9 ~~techniques, knowledge, and instructional strategies.~~

10           ~~(d) Evaluation and development of instructional~~  
11 ~~materials.~~

12           ~~(e) Recruitment and training of minority and female~~  
13 ~~students for careers in mathematics, science, or~~  
14 ~~computer-related careers or global awareness.~~

15           ~~(f) Recruitment or retraining to include, but not be~~  
16 ~~limited to, retired military or private industry and business~~  
17 ~~personnel for teaching.~~

18           ~~(g) Identification and assistance in the acquisition~~  
19 ~~of revenues and other resources from the private sector,~~  
20 ~~federal or state government, or foundations for programs in~~  
21 ~~mathematics, science, or computer education or global~~  
22 ~~awareness.~~

23           ~~(h) Production and dissemination of videotaped~~  
24 ~~instructional materials for students and teachers.~~

25           ~~(i) Development, dissemination, and evaluation of~~  
26 ~~instructional materials, teacher training, and related~~  
27 ~~services for public school students whose native language is~~  
28 ~~other than English and whose proficiency in English is limited~~  
29 ~~where substantiated need exists as determined by the~~  
30 ~~Department of Education.~~

31

1           ~~(j) Development and operation of a computer education~~  
2 ~~laboratory and library of related materials.~~

3           ~~(5) As used in this section, the term "private~~  
4 ~~postsecondary institution" means an independent nonprofit~~  
5 ~~college or university which is located in and chartered by the~~  
6 ~~state; which is accredited by an agency holding membership in~~  
7 ~~the Commission on Recognition of Postsecondary Accreditation;~~  
8 ~~which grants baccalaureate, associate in arts, or associate in~~  
9 ~~science degrees and the credits of which are acceptable~~  
10 ~~without qualification for transfer to state universities; and~~  
11 ~~which is not a state university or state community college or~~  
12 ~~a pervasively sectarian institution.~~

13           ~~(6) This section shall be implemented in the 1983-1984~~  
14 ~~school year and thereafter only to the extent as specifically~~  
15 ~~funded and authorized by law.~~

16           Section 8. Section 228.088, Florida Statutes, is  
17 amended to read:

18           228.088 High schools and secondary schools utilization  
19 of security programs.--Each district high school and secondary  
20 school shall develop and implement programs for security  
21 purposes to be in effect during school operating hours. Such  
22 programs may consist of teachers, volunteers, neighborhood  
23 watch programs, school resource officers, security guards, or  
24 any combination thereof. The Commissioner ~~State Board~~ of  
25 Education shall adopt rules to implement the provisions of  
26 this section.

27           Section 9. Subsection (3) of section 228.092, Florida  
28 Statutes, is amended to read:

29           228.092 Retention of records of students attending  
30 nonpublic schools.--

31

1           (3) DEPARTMENT RESPONSIBILITIES.--All nonpublic  
2 schools that ~~which~~ become defunct shall notify the Deputy  
3 Commissioner for Educational Programs ~~Management Information~~  
4 ~~Service Section~~ in the Department of Education of the date of  
5 transfer of student records, the location of storage, the  
6 custodian of such records, and the number of records to be  
7 stored. The department shall act as a clearinghouse and  
8 maintain a registry of such transfers of student records.

9           Section 10. Subsections (2) and (3) of section  
10 228.195, Florida Statutes, are amended to read:

11           228.195 School food service programs.--

12           (2) STATE RESPONSIBILITY.--The Commissioner of  
13 Education shall ~~recommend, and the State Board of Education~~  
14 ~~shall~~ prescribe, rules and standards covering all phases of  
15 the administration and operation of the school food service  
16 programs.

17           (3) SCHOOL DISTRICT RESPONSIBILITY.--Each district  
18 school board shall consider the recommendations of the  
19 district superintendent and adopt policies to provide for an  
20 appropriate food and nutrition program for children consistent  
21 with regulations and standards prescribed by the commissioner  
22 ~~state board~~.

23           Section 11. Subsection (1) of section 228.301, Florida  
24 Statutes, is amended to read:

25           228.301 Test security.--

26           (1) It is unlawful for anyone knowingly and willfully  
27 to violate test security rules adopted by the State Board of  
28 Education or the Commissioner of Education for mandatory tests  
29 administered by or through the State Board of Education or the  
30 Commissioner of Education to students, educators, or  
31 applicants for certification or administered by school

1 districts pursuant to s. 229.57, or, with respect to any such  
2 test, knowingly and willfully to:

3 (a) Give examinees access to test questions prior to  
4 testing;

5 (b) Copy, reproduce, or use in any manner inconsistent  
6 with test security rules all or any portion of any secure test  
7 booklet;

8 (c) Coach examinees during testing or alter or  
9 interfere with examinees' responses in any way;

10 (d) Make answer keys available to examinees;

11 (e) Fail to follow security rules for distribution and  
12 return of secure test as directed, or fail to account for all  
13 secure test materials before, during, and after testing;

14 (f) Fail to follow test administration directions  
15 specified in the test administration manuals; or

16 (g) Participate in, direct, aid, counsel, assist in,  
17 or encourage any of the acts prohibited in this section.

18 Section 12. Subsection (13) of section 228.502,  
19 Florida Statutes, 1996 Supplement, is amended to read:

20 228.502 The Education Success Incentive Program.--

21 (13) The Department of Education shall administer the  
22 Education Success Incentive Program pursuant to rules adopted  
23 by the Commissioner ~~State Board~~ of Education.

24 Section 13. Section 229.011, Florida Statutes, is  
25 amended to read:

26 229.011 State functions.--Public education is  
27 basically a function and responsibility of the state. The  
28 responsibility for establishing ~~such minimum~~ standards and  
29 regulations ~~as shall tend~~ to assure efficient operation of all  
30 schools and ~~adequate~~ educational opportunities for all  
31 children is retained by the state.



1           Section 14. Section 229.053, Florida Statutes, 1996  
2 Supplement, is amended to read:

3           229.053 General powers of state board.--

4           (1) The State Board of Education is the chief  
5 policymaking and coordinating body of public education in  
6 Florida. It has the general powers to determine, adopt, or  
7 prescribe such policies, rules, regulations, or standards as  
8 are required by law or as it may find necessary for the  
9 improvement of the state system of public education. Except  
10 as otherwise provided herein, it may, as it shall find  
11 appropriate, delegate its general powers to the Commissioner  
12 of Education or the directors of the divisions of the  
13 department.

14           (2) The board has the following duties:

15           (a) To adopt comprehensive educational objectives for  
16 public education.

17           (b) To adopt comprehensive long-range plans and  
18 short-range programs for the development of the state system  
19 of public education.†

20           (c) To exercise general supervision over the divisions  
21 of the Department of Education as, ~~including the Division of~~  
22 ~~Universities, to the extent~~ necessary to ensure coordination  
23 of educational plans and programs and resolve controversies  
24 ~~and to coordinate the academic calendars of universities,~~  
25 ~~community colleges, and public schools~~ to minimize problems of  
26 articulation and student transfers, to assure that students  
27 moving from one level of education to the next have acquired  
28 competencies necessary for satisfactory performance at that  
29 level, and to ensure maximum utilization of facilities.†

30           (d) To adopt for public universities and community  
31 colleges, and from time to time modify, minimum and uniform

1 standards of college-level communication and computation  
2 skills generally associated with successful performance and  
3 progression through the baccalaureate level; ~~to approve tests~~  
4 ~~and other assessment procedures which measure student~~  
5 ~~achievement of those skills;~~ and to identify  
6 college-preparatory high school coursework and  
7 postsecondary-level coursework that prepares students with the  
8 academic skills necessary to succeed in postsecondary  
9 education. †

10 (e) To adopt and transmit to the Governor as chief  
11 budget officer of the state on official forms furnished for  
12 such purposes, on or before September 1 of each year,  
13 estimates of expenditure requirements for the State Board of  
14 Education, the Commissioner of Education, and all of the  
15 boards, institutions, agencies, and services under the general  
16 supervision of the State Board of Education for the ensuing  
17 fiscal year. †

18 (f) To hold meetings, transact business, keep records,  
19 adopt a seal, and perform such other duties as may be  
20 necessary for the enforcement of all laws and regulations  
21 relating to the state system of public education. †

22 ~~(g) To have possession of and manage all lands granted~~  
23 ~~to or held by the state for educational purposes;†~~

24 ~~(h) To administer the State School Fund;†~~

25 (g)(i) To approve plans for cooperating with the  
26 Federal Government and, pursuant thereto, by regulation to  
27 accept funds, create subordinate units, and provide the  
28 necessary administration required by any federal program;†

29 (h)(j) To approve plans for cooperating with other  
30 public agencies in the development of regulations and in the  
31

1 enforcement of laws for which the state board and such  
2 agencies are jointly responsible.†  
3 (i)~~(k)~~ To review ~~approve~~ plans for cooperating with  
4 appropriate nonpublic agencies for the improvement of  
5 conditions relating to the welfare of schools.†  
6 ~~(l) To authorize, approve, and require to be used such~~  
7 ~~forms as are needed to promote uniformity, accuracy, or~~  
8 ~~completeness in executing contracts, keeping records, or~~  
9 ~~making reports.†~~  
10 (j)~~(m)~~ To create such subordinate advisory bodies as  
11 are ~~may be~~ required by law or as it finds ~~may find~~ necessary  
12 for the improvement of education.†  
13 (k)~~(n)~~ To constitute the State Board for Career  
14 Education or other structures as ~~may be~~ required by federal  
15 law.†  
16 (l) To assist in the economic development of the state  
17 by developing a state-level planning process to identify  
18 future training needs for industry, especially high-technology  
19 industry.  
20 (m) To assist in the planning and economic development  
21 of the state by establishing a clearinghouse for information  
22 on educational programs of value to economic development.  
23 ~~(o) To contract with independent institutions~~  
24 ~~accredited by an agency holding membership in the Commission~~  
25 ~~on Recognition of Postsecondary Accreditation for the~~  
26 ~~provision of those educational programs and facilities which~~  
27 ~~will meet needs unfulfilled by the state system of public~~  
28 ~~postsecondary education.†~~  
29 ~~(p) To adopt, based on recommendations of the~~  
30 ~~Postsecondary Education Planning Commission, criteria for the~~  
31

1 ~~establishment of new community colleges and state~~  
2 ~~universities, and~~

3 (n)~~(g)~~ To recommend that a district school board take  
4 action consistent with the state board's decision relating to  
5 an appeal of a charter school application.

6 Section 15. Subsection (2) of section 229.085, Florida  
7 Statutes, is amended to read:

8 229.085 Custody of educational funds.--

9 (2) There is created in the Department of Education  
10 the Projects, Contracts, and Grants Trust Fund. If, in  
11 executing the terms of such grants or contracts for specific  
12 projects, the employment of personnel shall be required, such  
13 personnel shall not be subject to the requirements of s.  
14 216.262(1)(a). ~~Effective July 1, 1979,~~The personnel employed  
15 to plan and administer such projects shall be considered in  
16 time-limited employment not to exceed the duration of the  
17 grant or until completion of the project, whichever first  
18 occurs. Such employees shall not acquire retention rights  
19 under the Career Service System, the provisions of s.  
20 110.051(1) to the contrary notwithstanding. Any employee  
21 holding permanent career service status in a Department of  
22 Education position who is appointed to a position under the  
23 Projects, Contracts, and Grants Trust Fund shall retain such  
24 permanent status in the career service position.

25 Section 16. Subsection (1) of section 229.111, Florida  
26 Statutes, is amended to read:

27 229.111 State board authorized to accept gifts.--

28 (1) The Commissioner of Education ~~State Board of~~  
29 ~~Education shall have authority to accept or decline,~~ on behalf  
30 of the state system of public education or of any school fund  
31 established or recognized by law, any gift or bequest of

1 money, royalty, or other personal or real property given or  
2 bequeathed to the state system of public education, or to any  
3 school fund established or recognized by law. ~~† provided, that~~  
4 ~~no~~ Conditions may not shall be attached to any such gift or  
5 bequest of money, royalty, or other personal or real property  
6 given or bequeathed for the purposes designated herein which  
7 are contrary to the provisions of law or regulations of the  
8 state board relating to the use or expenditure of the fund.

9 Section 17. Section 229.512, Florida Statutes, is  
10 amended to read:

11 229.512 Commissioner of Education, general powers and  
12 duties.--The Commissioner of Education is the chief  
13 educational officer of the state, and has the following  
14 general powers and duties:

15 (1) To appoint staff necessary to carry out his or her  
16 powers and duties. ~~†, except that appointment of all division~~  
17 ~~directors shall be subject to approval by the State Board of~~  
18 ~~Education, except the Board of Regents, whose members shall be~~  
19 ~~appointed pursuant to s. 240.207, and the State Board of~~  
20 ~~Community Colleges, whose members shall be appointed pursuant~~  
21 ~~to s. 240.307†~~

22 (2) To suspend, for cause, with the approval of the  
23 State Board of Education, a public community college  
24 president. Such suspension shall be acted upon expeditiously  
25 by the local community college board of trustees. ~~†~~

26 (3) To advise and counsel with the State Board of  
27 Education on all matters pertaining to education; to recommend  
28 to the State Board of Education actions and policies as, in  
29 the commissioner's opinion, should be acted upon or adopted;  
30 and to execute or provide for the execution of all acts and  
31 policies as are approved. ~~†~~

1           (4) To call such special meetings of the State Board  
2 of Education as the commissioner deems necessary.†

3           (5) To keep such records as are necessary to set forth  
4 clearly all acts and proceedings of the state board.†

5           (6) To have a seal for his or her office with which,  
6 in connection with his or her own signature, the commissioner  
7 shall authenticate true copies of decisions, acts, or  
8 documents.†

9           (7) To assemble all data relative to the preparation  
10 of the long-range plan for the development of the state system  
11 of public education; to propose for adoption by the State  
12 Board of Education such a plan; and to propose revisions in  
13 the plan as may be necessary.†

14           (8) To recommend to the State Board of Education  
15 policies and steps designed to protect and preserve the  
16 principal of the State School Fund; ~~and~~ to provide an assured  
17 and stable income from the fund; ~~and~~ to execute such policies  
18 and actions as are approved; and to administer the State  
19 School Fund.

20           (9) To take action on the release of mineral rights  
21 based upon the recommendations of the Board of Trustees of the  
22 Internal Improvement Trust Fund. ~~investigate and submit~~  
23 ~~proposals for sale of all school lands held by the state for~~  
24 ~~educational purposes; to recommend policies for rental, use,~~  
25 ~~or improvement of such lands and for preserving them from~~  
26 ~~trespass or injury, and to execute such policies as are~~  
27 ~~approved.†~~

28           (10) To submit to the State Board of Education, at  
29 least 30 days prior to the date fixed herein, recommendations  
30 of expenditures for the State Board of Education, the  
31 Commissioner of Education, and all of the boards,

1 institutions, agencies, and services under the general  
2 supervision of the State Board of Education for the ensuing  
3 fiscal year.†

4 (11) To develop and implement a plan for ~~recommend~~  
5 ~~ways and means of~~ cooperating with the Federal Government in  
6 carrying out any or all phases of the educational program and  
7 to recommend policies for administering funds that are ~~which~~  
8 ~~may be~~ appropriated by Congress and apportioned to the state  
9 for any or all educational purposes.†

10 (12) To develop and implement ~~recommend~~ policies for  
11 cooperating with other public agencies in carrying out those  
12 phases of the program in which such cooperation is required by  
13 law or is deemed by the commissioner to be desirable and to  
14 cooperate with public and nonpublic agencies in planning and  
15 bringing about improvements in the educational program.†

16 (13) To prepare ~~for approval of the State Board of~~  
17 ~~Education such~~ forms and procedures as are ~~deemed~~ necessary to  
18 be used by ~~the Board of Regents, boards of trustees of~~  
19 ~~community colleges, district school boards, and all other~~  
20 educational agencies to assure uniformity, accuracy, and  
21 efficiency in the keeping of records, the execution of  
22 contracts, the preparation of budgets, or the submission of  
23 reports; to furnish at state expense, when deemed advisable by  
24 the commissioner, those forms that ~~which~~ can more economically  
25 and efficiently be provided.†

26 (14) To implement a program of school improvement and  
27 education accountability as provided by statute ~~and State~~  
28 ~~Board of Education rule~~ which is based upon the achievement of  
29 the state education goals, recognizing the State Board of  
30 Education as the body corporate responsible for the  
31 supervision of the system of public education, the school

1 board as responsible for school and student performance, and  
2 the individual school as the unit for education  
3 accountability; to arrange for the preparation, publication,  
4 and distribution of materials relating to the state system of  
5 public education which will supply information concerning  
6 needs, problems, plans, and possibilities; to prepare and  
7 publish annually reports giving statistics and other useful  
8 information pertaining to the state system of public  
9 education; and to have printed copies of school laws, forms,  
10 instruments, instructions, and regulations of the State Board  
11 of Education and to provide for the distribution of the same.†  
12 and

13 (15) To develop criteria for use by state  
14 instructional materials committees in evaluating materials  
15 submitted for adoption consideration. The criteria shall, as  
16 appropriate, be based on instructional expectations reflected  
17 in curriculum frameworks and student performance standards.  
18 The criteria for each subject or course shall be made  
19 available to publishers of instructional materials at least 24  
20 months prior to the date on which bids are due as provided by  
21 s. 233.14. It is the intent of the Legislature that  
22 publishers have ample time to develop instructional materials  
23 designed to meet requirements in this state.

24 Section 18. Section 229.515, Florida Statutes, is  
25 created to read:

26 229.515 Rules and standards have force of law.--The  
27 Commissioner of Education may prescribe such rules and minimum  
28 standards as are necessary to carry out his or her  
29 responsibilities under the school code, with the exception of  
30 provisions relating to state universities and community  
31 colleges and the Florida School for the Deaf and the Blind,



1 and all such rules and minimum standards, if not in conflict  
2 with the school code, have the full force and effect of law.  
3 The commissioner, in prescribing such rules, is considered an  
4 "agency" for purposes of chapter 120.

5 Section 19. Section 229.559, Florida Statutes, is  
6 amended to read:

7 229.559 Social security numbers used as student  
8 identification numbers.--~~Beginning in the 1990-1991 school~~  
9 ~~year,~~Each school district shall request that each student  
10 enrolled in a public school in this state provide his or her  
11 social security number. ~~Beginning in the 1991-1992 school~~  
12 ~~year,~~Each school district shall use social security numbers  
13 as student identification numbers in the management  
14 information system maintained by the school district. However,  
15 a student is ~~shall~~ not ~~be~~ required to provide his or her  
16 social security number as a condition for enrollment or  
17 graduation. A student satisfies this requirement by  
18 presenting to school enrollment officials his or her social  
19 security card or a copy of the ~~such~~ card. The school district  
20 shall include the social security number in the student's  
21 permanent records and shall indicate if the student  
22 identification number is not a social security number. The  
23 commissioner shall provide assistance to school districts to  
24 assure that the assignment of student identification numbers  
25 other than social security numbers is kept to a minimum and to  
26 avoid duplication of any student identification number. ~~By~~  
27 ~~March 1, 1991, the commissioner shall report to the State~~  
28 ~~Board of Education the increase in student social security~~  
29 ~~numbers on record and the actions implemented and planned to~~  
30 ~~enable districts to comply with the requirements of this~~  
31 ~~section by the 1991-1992 school year.~~

1           Section 20. Section 229.565, Florida Statutes, is  
2 amended to read:

3           229.565 Educational evaluation procedures.--

4           (1) STUDENT PERFORMANCE STANDARDS.--

5           (a) The State Board of Education shall approve student  
6 performance standards in the various program categories and  
7 chronological grade levels which the Commissioner of Education  
8 designates as necessary for maintaining a good educational  
9 system. The standards must apply, without limitation, to  
10 language arts, mathematics, science, social studies, the arts,  
11 health and physical education, and foreign language reading,  
12 writing, mathematics, science, history, government, geography,  
13 economics, and computer literacy. The commissioner shall  
14 obtain opinions and advice from citizens, educators, and  
15 members of the business community in developing the standards.  
16 For purposes of this section, the term "student performance  
17 standard" means a statement describing a skill or competency  
18 that students are expected to learn.

19           (b) The student performance standards must address the  
20 skills and competencies that a student must learn in order to  
21 graduate from high school. The commissioner shall also develop  
22 performance standards for students who learn a higher level of  
23 skills and competencies.

24           ~~(c) Section 3, chapter 83-327, Laws of Florida, shall~~  
25 ~~be implemented in the 1983-1984 school year and thereafter~~  
26 ~~only to the extent specifically funded and authorized by law.~~

27           ~~(2) STANDARDS OF EXCELLENCE.--The State Board of~~  
28 ~~Education shall approve performance standards of excellence~~  
29 ~~in, but not limited to, mathematics and science, which the~~  
30 ~~Commissioner of Education determines shall best indicate the~~  
31 ~~status of the state system of public education. This~~

1 ~~provision shall be implemented in the 1983-1984 school year~~  
2 ~~and thereafter only to the extent specifically funded and~~  
3 ~~authorized by law.~~

4       (2)~~(3)~~ EDUCATION EVALUATION.--The Commissioner of  
5 Education, or the Auditor General as provided in paragraph  
6 (a), shall periodically examine and evaluate procedures,  
7 records, and programs in each district to determine compliance  
8 with law and rules established by the state board or the  
9 Commissioner of Education and in each correctional institution  
10 operated by the Department of Corrections to determine  
11 compliance with law and rules established by the Department of  
12 Corrections for the Correctional Education Program pursuant to  
13 s. 944.801. Such evaluations must ~~shall~~ include, but need not  
14 be limited to:

15       (a) Reported full-time equivalent membership in each  
16 program category. This evaluation must ~~shall~~ be conducted by  
17 the Auditor General for the Florida Education Finance Program  
18 full-time enrollment verification function.

19       (b) The organization of all special programs to ensure  
20 compliance with law and the criteria established and approved  
21 by the state board pursuant to the provisions of this section  
22 and s. 230.23(4)(m).

23       (c) The procedures for identification and placement of  
24 students in educational alternative programs for students who  
25 are disruptive or unsuccessful in a normal school environment  
26 and for diagnosis and placement of students in special  
27 programs for exceptional students, to determine that the  
28 district is following the criteria for placement established  
29 by rules of the state board and of the Commissioner of  
30 Education and the procedures for placement established by that  
31 district school board.

1           ~~(d)~~ Procedures for screening, identification, and  
2 ~~assignment of instructional strategies of the Florida Primary~~  
3 ~~Education Program, or an approved alternative program as~~  
4 ~~provided in s. 230.2312, and any other provisions of the~~  
5 ~~program.~~

6           (d)~~(e)~~ An evaluation of the standards by which the  
7 school district evaluates basic and special programs for  
8 quality, efficiency, and effectiveness.

9           (e)~~(f)~~ Determination of the ratio of administrators to  
10 teachers in each school district.

11           (f)~~(g)~~ Compliance with the cost accounting and  
12 reporting requirements of s. 237.34 and the extent to which  
13 the percentage expenditure requirements therein are being met.

14           (g)~~(h)~~ Clearly defined data collection and  
15 documentation requirements, including specifications of which  
16 records and information need to be kept and how long the  
17 records need to be retained. The information and  
18 documentation needs for evaluation must ~~shall~~ be presented to  
19 the school districts and explained well in advance of the  
20 actual audit date.

21           (h)~~(i)~~ Determination of school district achievement in  
22 meeting the performance standards specified in s. 232.2454(1).

23           (3)~~(4)~~ ASSISTANCE AND ADJUSTMENTS.--If discrepancies  
24 or deficiencies are found, the Commissioner of Education must  
25 ~~shall~~ provide information and assistance to the superintendent  
26 and personnel of the district in correcting the cited  
27 deficiencies. Priority for such assistance must ~~shall~~ be given  
28 to providing the most deficient individual school programs  
29 with research-based problem identification strategies and  
30 alternatives to improve student performance. Such  
31 alternatives must ~~shall~~ be systematically drawn from research

1 related to school effectiveness, teacher effectiveness, or  
2 management effectiveness. If it is determined that the  
3 approved criteria and procedures for the placement of students  
4 and the conduct of programs have not been followed by the  
5 district, appropriate adjustments in the full-time equivalent  
6 student count for that district must ~~shall~~ be made, and any  
7 excess funds must ~~shall~~ be deducted from subsequent  
8 allocations of state funds to that district. As provided for  
9 by rule ~~rules of the State Board of Education~~, if errors in a  
10 specific program of a district recur in consecutive years due  
11 to lack of corrective action by the district, adjustments may  
12 be made based upon statistical estimates of error projected to  
13 the overall district program.

14 ~~(5) PREKINDERGARTEN EARLY INTERVENTION PROGRAM.--The~~  
15 ~~commissioner shall annually examine and evaluate the~~  
16 ~~procedures, records, and programs of each district which has~~  
17 ~~established a prekindergarten early intervention program to~~  
18 ~~determine the district's compliance with s. 230.2305 and with~~  
19 ~~the approved district plan for the prekindergarten early~~  
20 ~~intervention program.~~

21 Section 21. Subsections (3) and (4) of section 229.57,  
22 Florida Statutes, are amended to read:

23 229.57 Student assessment program.--

24 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner is  
25 directed to design and implement a statewide program of  
26 educational assessment that provides information for the  
27 improvement of the operation and management of the public  
28 schools. The program must be designed, as far as possible, so  
29 as not to conflict with ongoing district assessment programs  
30 and so as to use information obtained from district programs.

31

1 Pursuant to the statewide assessment program, the commissioner  
2 shall:

3 (a) Submit to the state board a list that specifies  
4 student skills and competencies to which the goals for  
5 education specified in the state plan apply, including, but  
6 not limited to, reading, writing, and mathematics. The skills  
7 and competencies must include problem-solving and higher-order  
8 skills as appropriate. The commissioner shall select such  
9 skills and competencies after receiving recommendations from  
10 educators, citizens, and members of the business community.  
11 ~~Such skills and competencies must include, without limitation,~~  
12 ~~those which comprise minimum standards of student performance.~~  
13 The commissioner shall submit to the state board revisions to  
14 the list of student skills and competencies in order to  
15 maintain continuous progress toward improvements in student  
16 proficiency.

17 (b) Develop and implement a uniform system of  
18 indicators to describe the performance of public school  
19 students and the characteristics of the public school  
20 districts and the public schools. These indicators must  
21 include, without limitation, information gathered by the  
22 comprehensive management information system created pursuant  
23 to s. 229.555 and student achievement information obtained  
24 pursuant to this section.

25 (c) Develop and implement a student achievement  
26 testing program as part of the statewide assessment program,  
27 to be administered each spring, of grades 4, 7, and 10 in  
28 reading, writing, and mathematics. The testing program must  
29 be designed as follows:

30 1. For grades 4 and 7, the testing program must use  
31 nationally normed achievement tests that are administered by

1 school districts in accordance with subsection (4). The State  
2 Board of Education shall adopt rules specifying the procedures  
3 to be used in reviewing available tests and rules designating  
4 a list of tests that are acceptable for this purpose. Each  
5 school district must administer one of the designated tests to  
6 fulfill the requirements of this section. The commissioner  
7 shall take steps to assure that the designated tests are  
8 administered in a uniform and acceptable manner and shall  
9 designate the dates of administration of these tests.

10         2. For grade 10, the testing program must use a  
11 nationally normed student achievement test selected through an  
12 appropriate bidding process. The commissioner shall designate  
13 the criteria to be considered in the bidding process,  
14 including, without limitation, the degree to which the  
15 nationally normed test is compatible with college-level  
16 communication and computation skills defined pursuant to s.  
17 229.551(3)(f), the degree of relationship with the skills  
18 measured by the college-level communication and computation  
19 skills examination prescribed by s. 240.107, the technical  
20 quality of the test, the adequacy of normative data, and the  
21 security of the test forms to be used in this state. The  
22 content of the tests must include testing of problem-solving  
23 and higher-order skills to the extent possible. Participation  
24 in the 10th grade testing program is mandatory for all  
25 students in public schools except as may be otherwise  
26 prescribed by the commissioner for students not pursuing  
27 regular high school diplomas.

28         3. The testing programs for grades 4, 7, and 10 must  
29 include a test of writing in which students are required to  
30 produce writings which are then scored by appropriate methods.

31

1           4. For the tests for grades 4 and 7, a score must be  
2 designated for each subject area tested, below which score a  
3 student's performance is deemed inadequate. The school  
4 districts shall provide appropriate remedial instruction to  
5 students who score below these levels.

6           5. All 11th grade students shall be required to take  
7 high school competency tests developed by the state board to  
8 test minimum student performance skills and competencies in  
9 reading, writing, and mathematics. Upon recommendation of the  
10 commissioner, the state board shall designate a passing score  
11 for each part of the high school competency test. In  
12 establishing passing scores, the state board shall consider  
13 any possible negative impact of the tests on minority  
14 students. A student must earn a passing score on each part  
15 taken to qualify for a regular high school diploma. The  
16 commissioner shall recommend rules to the state board for the  
17 provision of test adaptations and modifications of procedures  
18 as necessary for students in exceptional education programs  
19 and for students who have limited English proficiency. The  
20 school districts shall provide appropriate remedial  
21 instruction to students who do not pass part of the competency  
22 test.

23           6. A student seeking an adult high school diploma must  
24 meet the same testing requirements that a regular high school  
25 student must meet.

26  
27 The commissioner may design and implement student testing  
28 programs for other grade levels and subject areas, based on ~~a~~  
29 census or sampling procedures designated by the commissioner  
30 to monitor educational achievement in the state.  
31



1           (d) Obtain or develop a career planning assessment to  
2 be administered to students, at their option, in grades 7 and  
3 10 to assist them in preparing for further education or  
4 entering the workforce. The statewide student assessment  
5 program must include career planning assessment as a free  
6 service to schools.

7           (e) Conduct ongoing research to develop improved  
8 methods of assessing student performance, including, without  
9 limitation, the use of technology to administer tests, the use  
10 of electronic transfer of data, the development of  
11 work-product assessments, and the development of process  
12 assessments.

13           (f) Conduct ongoing research and analysis of student  
14 achievement data, including, without limitation, monitoring  
15 trends in student achievement, identifying school programs  
16 that are successful, and analyzing correlates of school  
17 achievement.

18           (g) Provide technical assistance to school districts  
19 in the implementation of state and district testing programs  
20 and the use of the data produced pursuant to such programs.

21           (4) DISTRICT TESTING PROGRAMS.--Each district shall  
22 periodically assess student performance and achievement within  
23 each school of the district. Such assessment programs must be  
24 based upon local goals and objectives that are compatible with  
25 the state plan for education and that supplement the skills  
26 and competencies adopted by the State Board of Education. In  
27 grades 4 and 8 ~~7~~, each district shall administer a nationally  
28 normed achievement test selected from a list approved by the  
29 state board; the data resulting from these tests must be  
30 provided to the Department of Education according to  
31 procedures specified by the commissioner. The commissioner

1 may request achievement data for other grade levels as  
2 necessary.

3 Section 22. Subsection (1) of section 229.59, Florida  
4 Statutes, is amended to read:

5 229.59 Educational improvement projects.--

6 (1) Pursuant to rules adopted by the Commissioner  
7 ~~State Board~~ of Education, each district school board, or each  
8 principal through the district school board, may submit to the  
9 commissioner for approval a proposal for implementing an  
10 educational improvement project. Such proposals shall be  
11 developed with the assistance of district and school advisory  
12 councils and may address any or all of the following areas:

13 (a) The improvement of school management;

14 (b) The improvement of the district and school  
15 advisory councils;

16 (c) School volunteers;

17 (d) The professional development of teachers;

18 (e) The restructuring of educational programs to meet  
19 the needs of diverse students; and

20 (f) Global awareness.

21  
22 Such projects may also address any other educational area  
23 which would be improved through the encouragement of closer  
24 working relationships among the school principal, the  
25 teachers, and the parents and other members of the community.  
26 Priority shall be given to proposals which provide for the  
27 inclusion of existing resources, such as district educational  
28 training funds, in the implementation of an educational  
29 improvement project.

30 Section 23. Subsection (1) of section 229.591, Florida  
31 Statutes, 1996 Supplement, is amended to read:

1           229.591 Comprehensive revision of Florida's system of  
2 school improvement and education accountability.--

3           (1) INTENT.--The Legislature recognizes that the  
4 children and youth of the state are its future and its most  
5 precious resource. To provide these developing citizens with  
6 the sound education needed to grow to a satisfying and  
7 productive adulthood, the Legislature intends that, by the  
8 year 2000, Florida establish a system of school improvement  
9 and education accountability based on the performance of  
10 students and educational programs. The intent of the  
11 Legislature is to provide clear guidelines, ~~or a "Blueprint~~  
12 ~~2000,"~~ for achieving this purpose and for returning the  
13 responsibility for education to those closest to the students,  
14 that is the schools, teachers, and parents. The Legislature  
15 recognizes, however, its ultimate responsibility and that of  
16 the Governor, the Commissioner of Education, and the State  
17 Board of Education and other state policymaking bodies in  
18 providing the strong leadership needed to forge a new concept  
19 of school improvement and in making adequate provisions for a  
20 uniform system of free public schools as required by s. 1,  
21 Art. IX of the State Constitution. It is further the intent of  
22 the Legislature to build upon the foundation established by  
23 the Educational Accountability Act of 1976 and to implement a  
24 program of education accountability and school improvement  
25 based upon the achievement of state goals, recognizing the  
26 State Board of Education as the body corporate responsible for  
27 the supervision of the system of public education, the  
28 district school board as responsible for school and student  
29 performance, and the individual school as the unit for  
30 education accountability.

31

1           Section 24. Subsection (1), paragraphs (c) and (d) of  
2 subsection (3), and subsections (5) and (6) of section  
3 229.592, Florida Statutes, 1996 Supplement, are amended to  
4 read:

5           229.592 Implementation of state system of school  
6 improvement and education accountability.--

7           (1) DEVELOPMENT.--It is the intent of the Legislature  
8 that every public school in the state shall have a school  
9 improvement plan, as required by s. 230.23(18), fully  
10 implemented and operational by the beginning of the 1993-1994  
11 school year. Vocational standards considered pursuant to s.  
12 239.229 shall be incorporated into the school improvement plan  
13 for each area technical center operated by a school board by  
14 the 1994-1995 school year, and area technical centers shall  
15 prepare school report cards incorporating such standards,  
16 pursuant to s. 230.23(18), for the 1995-1996 school year. In  
17 order to accomplish this, the Florida Commission on Education  
18 Reform and Accountability and the school districts and schools  
19 shall carry out the duties assigned to them by ss. 229.594 and  
20 230.23(18), respectively. ~~In addition, the following initial~~  
21 ~~steps in program development shall be undertaken beginning~~  
22 ~~June 1, 1991, and shall continue during the 1991-1992 school~~  
23 ~~fiscal year:~~

24           ~~(a) Each school shall conduct an initial needs~~  
25 ~~assessment including separately each school-within-a-school,~~  
26 ~~magnet school, self-contained educational alternative center,~~  
27 ~~or satellite center, and the results of the assessments shall~~  
28 ~~be accompanied by a needs response plan and submitted to the~~  
29 ~~Florida Commission on Education Reform and Accountability by~~  
30 ~~November 1, 1991. The commissioner must provide a format for~~  
31 ~~the needs assessments to the school board by June 1, 1991, and~~

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1 ~~the local school board shall coordinate each needs assessment.~~  
2 ~~The assessments shall be based on data from the 1990-1991~~  
3 ~~school year and shall address at least the following:~~  
4       ~~1. The status of the school in relation to the general~~  
5 ~~goals for education contained in s. 229.591;~~  
6       ~~2. The academic status of students attending the~~  
7 ~~school as reflected by test scores, dropout and same grade~~  
8 ~~retention rates, the availability of upper level courses in~~  
9 ~~mathematics and science, the percentage of the school's~~  
10 ~~enrollment and the number of completers by race and gender in~~  
11 ~~upper-level mathematics and science courses, and the number of~~  
12 ~~students entering postsecondary institutions;~~  
13       ~~3. Student school participation characteristics~~  
14 ~~including: attendance rates, the number of expulsions and~~  
15 ~~suspensions, and the number of instances of corporal~~  
16 ~~punishment;~~  
17       ~~4. The economic status of the student body and area~~  
18 ~~served by the school;~~  
19       ~~5. The demographic characteristics of the student body~~  
20 ~~and the faculty and staff of the school;~~  
21       ~~6. The financial status of the school as reflected by~~  
22 ~~per-student expenditures for instruction and administration,~~  
23 ~~and other appropriate measures; and~~  
24       ~~7. Such other needs assessment indicators as may be~~  
25 ~~determined by the individual school.~~  
26       ~~(b) Each area technical center operated by a school~~  
27 ~~board shall conduct a needs assessment as part of the school~~  
28 ~~improvement process. The results of the assessments shall be~~  
29 ~~accompanied by a needs response plan and be submitted to the~~  
30 ~~Florida Commission on Education Reform and Accountability by~~  
31 ~~November 1, 1992. The commissioner shall provide a format for~~

1 ~~the needs assessments to the school boards by August 1, 1992,~~  
2 ~~and the local school board shall coordinate each needs~~  
3 ~~assessment. The first such assessment shall be based on data~~  
4 ~~from the 1991-1992 school year and must address at least the~~  
5 ~~following:~~

6 ~~1. The vocational standards articulated in s. 239.229.~~

7 ~~2. The financial status of the center as indicated by~~  
8 ~~per-student expenditures for instruction and administration,~~  
9 ~~and other appropriate measures.~~

10 ~~3. Student completion and placement rates.~~

11 ~~4. A forecast of occupations indicating future~~  
12 ~~workplace needs required over the next 5 years within the~~  
13 ~~service area, based upon labor market supply and demand data~~  
14 ~~and local economic conditions.~~

15 ~~5. Other such needs assessment indicators as may be~~  
16 ~~determined by the center.~~

17 ~~(c) The needs response plan for each school and the~~  
18 ~~district shall generally describe proposed actions to reduce~~  
19 ~~any needs identified by the needs assessment.~~

20 ~~(d) The Commissioner of Education shall provide the~~  
21 ~~school boards with the technical assistance necessary to~~  
22 ~~conduct the school needs assessments.~~

23 ~~(e) The Florida Commission on Education Reform and~~  
24 ~~Accountability and the Department of Education shall review~~  
25 ~~and analyze the needs assessment information received from the~~  
26 ~~school boards and shall submit a summary report on the~~  
27 ~~information to the Legislature by January 1, 1992, and shall~~  
28 ~~provide, upon request, the needs assessment on any individual~~  
29 ~~school. By November 1, 1991, the commission shall identify a~~  
30 ~~core of performance standards addressing the state's most~~

31

1 ~~pressing educational problems for use in the analysis of the~~  
2 ~~needs assessment information.~~

3 (3) COMMISSIONER.--The commissioner shall be  
4 responsible for implementing and maintaining a system of  
5 intensive school improvement and stringent education  
6 accountability.

7 (c) The commissioner shall develop the format for this  
8 ~~feedback shall be developed by the commission and recommended~~  
9 ~~to the State Board of Education by January 1, 1992. The State~~  
10 ~~Board of Education shall adopt a format for the feedback~~  
11 ~~report.~~

12 (d) The commissioner ~~commission~~ shall review each  
13 school board's feedback report and submit its findings to the  
14 State Board of Education. If adequate progress is not being  
15 made toward implementing and maintaining a system of school  
16 improvement and education accountability, the State Board of  
17 Education shall direct the commissioner to prepare and  
18 implement a corrective action plan. The commissioner  
19 ~~commission~~ and State Board of Education shall monitor the  
20 development and implementation of the corrective action plan.

21 (5) STATE BOARD.--The State Board of Education shall  
22 adopt rules necessary to implement a state system of school  
23 improvement and education accountability. ~~By September 1,~~  
24 ~~1992, the state board shall adopt standards for indicating~~  
25 ~~progress toward the state education goals pursuant to s.~~  
26 ~~229.591(3). By September 1, 1993, the state board shall adopt~~  
27 ~~rules providing guidelines for annual school reports. Such~~  
28 ~~rules must shall~~ be based on recommendations of the Commission  
29 on Education Reform and Accountability and must shall include,  
30 but need not be limited to, a requirement that each school  
31 report identify the annual Education Enhancement Trust Fund

1 allocations to the district and the school and how those  
2 allocations were used for educational enhancement and  
3 supporting school improvement.

4 (6) EXCEPTIONS TO LAW.--To facilitate innovative  
5 practices and to allow local selection of educational methods,  
6 the commissioner may waive, upon the request of a school  
7 board, all statutes in the Florida School Code, except those  
8 which pertain to civil rights and student health, safety, and  
9 welfare. The commissioner may not waive s. 286.011, which  
10 relates to public meetings and records, public inspection, and  
11 penalties, or chapter 119, which relates to public records.  
12 ~~during the time period required for careful deliberation by~~  
13 ~~the Legislature and the Florida Commission on Education Reform~~  
14 ~~and Accountability, the following time-limited exceptions~~  
15 ~~shall be permitted:~~

16 (a) ~~In the annual general appropriations acts, the~~  
17 ~~Legislature may authorize exceptions to any laws pertaining to~~  
18 ~~fiscal policies, including ss. 236.013 and 236.081, provided~~  
19 ~~the intent is to give school districts increased flexibility~~  
20 ~~and local control of education funds. If the General~~  
21 ~~Appropriations Act does not contain a specific line-item~~  
22 ~~appropriation or a specific listing within a line-item~~  
23 ~~appropriation which provides funding for the programs~~  
24 ~~established pursuant to the following statutes, the statute~~  
25 ~~shall be held in abeyance for that fiscal year, and any~~  
26 ~~approved plan for implementing said statute shall be null and~~  
27 ~~void for said fiscal year: ss. 228.0855; 230.2215; 230.2305;~~  
28 ~~230.2318; 231.087; 231.613; 232.257; 233.0615; 233.0678;~~  
29 ~~234.021; 236.0873; 236.083; 236.092; 236.122; 236.1225;~~  
30 ~~236.1228; and 239.401.~~

31



1           ~~(b) The methods and requirements of the following~~  
2 ~~statutes shall be held in abeyance: ss. 228.088; and 229.57(4)~~  
3 ~~and (5).~~

4  
5 ~~In determining which statutes and rules stand in the way of~~  
6 ~~school improvement, the Florida Commission on Education Reform~~  
7 ~~and Accountability shall consider the effect that holding the~~  
8 ~~statutes listed in paragraphs (a) and (b) in abeyance has had~~  
9 ~~on the school improvement process. It is the intent of the~~  
10 ~~legislature that statutes listed in paragraphs (a) and (b) be~~  
11 ~~systematically repealed after being held in abeyance for 3~~  
12 ~~consecutive fiscal years.~~

13           ~~(c) The Legislature authorizes that the methods and~~  
14 ~~requirements of the statutes listed in paragraph (a) for which~~  
15 ~~a specific line-item appropriation or a specific listing~~  
16 ~~within a line-item appropriation is contained and funded in~~  
17 ~~the General Appropriations Act and the following statutes may~~  
18 ~~be waived for any school board so requesting, provided the~~  
19 ~~general statutory purpose of each section is met and the~~  
20 ~~school board has submitted a written request to the~~  
21 ~~commissioner for approval pursuant to this subsection: ss.~~  
22 ~~228.041(13) and (16); 229.602(5); 230.23(3), (4)(f) and (o);~~  
23 ~~(6), (7)(a), (b), and (c), (11)(c), and (17); 231.095; 232.01;~~  
24 ~~232.04; 232.045; 232.245; 232.2462; 232.2463; 233.011; 233.34;~~  
25 ~~236.013(3) relating to the 36-hour limit; and 239.121.~~  
26 ~~Graduation requirements in s. 232.246 must may be met by~~  
27 ~~demonstrating performance of intended outcomes for any course~~  
28 ~~in the Course Code Directory unless ~~if~~ a waiver is ~~from the~~~~  
29 ~~requirements of s. 232.2462 has been approved by the~~  
30 ~~commissioner based upon a need identified in a school~~  
31 ~~improvement plan. In developing procedures for awarding~~

1 credits based on performance outcomes, districts may request  
2 waivers from State Board of Education rules relating to  
3 curriculum frameworks and credits for courses and programs in  
4 the Course Code Directory. Credit awarded for a course or  
5 program beyond that allowed by the Course Code Directory  
6 counts ~~shall count~~ as credit for electives. Upon request by  
7 any school district, the commissioner shall evaluate and  
8 establish procedures for variations in academic credits  
9 awarded toward graduation by a high school offering six  
10 periods per day compared to those awarded by high schools  
11 operating on other schedules.

12 1. A school board may originate a request for waiver  
13 and submit the request to the commissioner if such a waiver is  
14 required to implement districtwide improvements.

15 2. A school board may submit a request to the  
16 commissioner for a waiver if such request is presented to the  
17 school board by a school advisory council established pursuant  
18 to s. 229.58 and if such a waiver is required to implement a  
19 school improvement plan required by s. 230.23(18). The school  
20 board shall report annually to the Florida Commission on  
21 Education Reform and Accountability, in conjunction with the  
22 feedback report required pursuant to subsection (3), the  
23 number of waivers requested by school advisory councils, the  
24 number of such waiver requests approved and submitted to the  
25 commissioner, and the number of such waiver requests not  
26 approved and not submitted to the commissioner. For each  
27 waiver request not approved, the school board shall report the  
28 statute or rule for which the waiver was requested, the  
29 rationale for the school advisory council request, and the  
30 reason the request was not approved.

31

1           3. When approved by the commissioner, a waiver  
2 requested under ~~pursuant to~~ this paragraph is effective ~~shall~~  
3 ~~be~~ for a 5-year period.

4           **(b)**~~(d)~~ Notwithstanding the provisions of chapter 120  
5 and for the purpose of implementing this subsection, the  
6 commissioner may waive State Board of Education rules if  
7 ~~adopted to implement statutes listed in paragraphs (a), (b),~~  
8 ~~and (c), provided that the intent of each rule is met and the~~  
9 school board has submitted a written request to the  
10 commissioner for approval pursuant to this subsection.

11           **(c)**~~(e)~~ The written request for waiver of statute or  
12 rule must ~~shall~~ indicate at least how the general statutory  
13 purpose will be met, how granting the waiver will assist  
14 schools in improving student outcomes related to the student  
15 performance standards adopted pursuant to subsection (5), and  
16 how student improvement will be evaluated and reported. In  
17 considering any waiver, the commissioner shall ensure  
18 protection of the health, safety, welfare, and civil rights of  
19 the students and protection of the public interest.

20           **(d)**~~(f)~~ Any request for a waiver which is not denied,  
21 or for which a request for additional information is not  
22 issued, within 21 days after receipt of the written request is  
23 ~~shall be deemed~~ approved. Any waiver for which a timely  
24 request for additional information has been issued is ~~shall be~~  
25 ~~deemed to be~~ approved if a denial is not issued within 21 days  
26 after the commissioner's receipt of the specifically requested  
27 additional information. Upon denying ~~On denial of~~ a request  
28 for a waiver, the commissioner must ~~shall~~ state with  
29 particularity the grounds or basis for the denial. The  
30 commissioner shall report the specific statutes and rules for  
31 which waivers are requested and the number and disposition of

1 such requests to the Florida Commission on Education Reform  
2 and Accountability for use in determining which statutes and  
3 rules stand in the way of school improvement.

4 Section 25. Subsections (3), (4), (5), and (6) of  
5 section 229.593, Florida Statutes, are amended to read:

6 229.593 Florida Commission on Education Reform and  
7 Accountability.--

8 (3) ~~The commission shall be appointed no later than 30~~  
9 ~~days after the effective date of this act.~~ Recognized  
10 statewide organizations representing each interest enumerated  
11 in this section shall submit no fewer than two nor more than  
12 three nominees to the appropriate public official for  
13 consideration. The public officials shall appoint members  
14 representative of the ethnic, racial, gender, and economic  
15 population of the state. ~~In the absence of nominees, the~~  
16 ~~designated appointing authority shall appoint persons who~~  
17 ~~otherwise meet the qualifications for appointment to the~~  
18 ~~commission.~~ The term of each appointed private citizen member  
19 shall be for 4 years; ~~however, initially, the Governor, the~~  
20 ~~President of the Senate, the Speaker of the House of~~  
21 ~~Representatives, and the Commissioner of Education shall each~~  
22 ~~appoint at least one member for a 4-year term, one member for~~  
23 ~~a 3-year term, and two members for 2-year terms.~~ A vacancy  
24 shall be filled for the remainder of the unexpired term by the  
25 person who had appointment jurisdiction of the vacated member.  
26 Members shall serve until their successors are duly appointed.  
27 ~~There shall be no limitation on successive appointments to the~~  
28 ~~commission.~~ Provisions of s. 11.611(8)(b) to the contrary  
29 notwithstanding, private citizen members shall be appointed as  
30 provided in this section and are ~~shall not be~~ subject to  
31 confirmation by the Senate. Members of the commission may be

1 removed for cause by the appointing authority. Any member  
2 who, without cause, fails to attend three consecutive meetings  
3 may be removed by the appointing authority.

4 ~~(4) As soon as practicable after all members are~~  
5 ~~appointed, the Commissioner of Education shall call an~~  
6 ~~organizational meeting of the commission. Subsequent meetings~~  
7 ~~shall be held as often as the commission deems necessary to~~  
8 ~~carry out its duties and responsibilities.~~

9 (4)~~(5)~~ The commission shall adopt internal  
10 organizational procedures or bylaws necessary for its  
11 efficient operation. The commission shall elect a vice chair  
12 annually, who shall chair the commission in the absence of the  
13 chair. The commission may appoint committees from its  
14 membership or may create such ad hoc advisory committees as it  
15 deems necessary. The commission shall clearly assign duties  
16 to each committee duties that are ~~which shall be~~ consistent  
17 with the statutory duties of the commission. At least one  
18 such committee must ~~shall~~ be created to address the  
19 development of performance standards consistent with the state  
20 education goals. Any committee is to ~~shall~~ serve the  
21 commission in a strictly advisory capacity and must ~~shall~~ have  
22 a commission member as chair.

23 (5)~~(6)~~ Members of the commission shall serve without  
24 compensation but are ~~shall be~~ entitled to reimbursement for  
25 per diem and travel expenses incurred in the performance of  
26 their duties as provided in s. 112.061. Legislators are ~~shall~~  
27 ~~be~~ entitled to receive travel and per diem expenses as  
28 provided by the Joint Legislative Management Committee for  
29 meetings of legislative committees. When appropriate,  
30 commission members who are parents are to ~~shall~~ receive a  
31

1 stipend for child care costs incurred while attending  
2 commission meetings.

3 Section 26. Subsection (1) of section 229.594, Florida  
4 Statutes, is amended to read:

5 229.594 Powers and duties of the commission.--

6 (1) The commission shall review and recommend  
7 procedures for a new system of school improvement and  
8 education accountability and recommend the repeal or  
9 modification of statutes, fiscal policies, and rules that  
10 stand in the way of school improvement. Specifically, the  
11 commission shall:

12 (a) Serve as an advisory body to oversee the  
13 development, establishment, implementation, and maintenance of  
14 a program of school improvement and education accountability  
15 based upon the achievement of state education goals. This  
16 responsibility shall include the following:

17 1. Holding public hearings, as ~~determined to be~~  
18 necessary, in various parts of the state. The purpose of  
19 these hearings is ~~shall be~~ to receive public comment on the  
20 status of education and suggestions regarding the  
21 establishment and implementation of a system of school  
22 improvement and education accountability. When feasible,  
23 alternative methods such as teleconferencing shall be employed  
24 to increase public involvement.

25 2. Observing the development and implementation of  
26 school improvement plans pursuant to s. 230.23(18).  
27 Particular attention shall be paid to ensuring the involvement  
28 of teachers, parents, and community in the development and  
29 implementation of individually prepared school improvement  
30 plans.

31

1           3. Involving the business community in the provision  
2 of needed training for school advisory councils, teachers,  
3 principals, district administrators, and school board members.

4           4. Annually recommending changes in statutes, rules,  
5 and policies needed to implement and maintain a system of  
6 school improvement and education accountability in the state.

7           (b) Review and, with assistance from the Department of  
8 Education, analyze results of school needs assessments  
9 submitted by district school boards ~~and, by January 1, 1992,~~  
10 ~~submit a report of its findings to the Legislature.~~ The  
11 report shall include recommendations for changes in the school  
12 improvement and accountability required by s. 230.23(18) which  
13 are considered necessary as a result of the school needs  
14 assessments. The report shall also include a recommendation  
15 regarding the minimum number of credits, subjects, and courses  
16 that should be required by the state for regular and  
17 alternative high school diplomas; the number of hours of  
18 instruction required to receive a credit; the length of a high  
19 school day; and the number of periods per day for high  
20 schools.

21           (c) Recommend to the Legislature, the ~~and~~ State Board  
22 of Education, and the Commissioner of Education, as  
23 appropriate, the components of a system of school improvement  
24 and accountability. Initial recommendations must be reviewed  
25 and revised as necessary annually and must include:

26           1. Performance standards for indicating state, school  
27 district, and school progress toward the state education goals  
28 and a definition of what shall be considered "adequate  
29 progress" toward meeting these performance standards.  
30 Effective June 1, 1993, such standards must incorporate the  
31 provisions of s. 239.229.

1           2. Methods for measuring state, school district, and  
2 school progress toward the goals. These assessment methods  
3 must include the most effective and efficient procedures  
4 available from the current system of assessment and  
5 alternative and new assessment practices.

6           3. Methods for public reporting on the progress toward  
7 the goals by the state, school districts, and individual  
8 schools. Emphasis shall be placed on reporting individual  
9 school improvement and progress, and comparisons between  
10 schools shall be minimized. Methods for reporting the status  
11 of children and families and community services available in  
12 each school district to help children and families in need  
13 shall also be developed.

14           4. Effective use of existing methods for recognizing  
15 schools and development of necessary additional methods to  
16 recognize schools that meet or make adequate progress toward  
17 the education goals. The commission shall also consider the  
18 development of incentives including financial incentives for  
19 schools that make exceptional progress toward the education  
20 goals.

21           5. Guidelines that may be adopted as rule ~~and used~~ by  
22 the State Board of Education, or the Commissioner of  
23 Education, and the school board in determining the action for  
24 any school that does not improve after 3 years of assistance  
25 and intervention, including commission responsibility in  
26 recommending action for said schools. The guidelines must  
27 ~~shall~~ be stringent and must ~~shall~~ ensure that the school is  
28 not permitted to continue serving students in a less than  
29 adequate manner.

30  
31



1 If in the opinion of the commission an adequate system of  
2 accountability is in place to protect the public interest, the  
3 commission may recommend to the Legislature the repeal or  
4 revision of laws, including fiscal policies, and to the State  
5 Board of Education and the Commissioner of Education the  
6 repeal or revision of rules, which in the opinion of the  
7 commission stand in the way of school improvement. The  
8 commission may defer any or all recommendations for repeal or  
9 revision of laws and rules until such time as it determines an  
10 adequate system of accountability is ~~to be~~ established and  
11 implemented.

12 Section 27. Subsection (8) of section 229.602, Florida  
13 Statutes, is amended to read:

14 229.602 Florida private sector and education  
15 partnerships.--

16 (8) Partnership vocational ~~career~~ education programs  
17 shall be those job-preparatory vocational ~~career~~ education  
18 programs offered through signed partnership agreements between  
19 area technical centers and business, industry, or  
20 apprenticeship committees. Partnership vocational ~~career~~  
21 education programs are limited to:

22 (a) Apprenticeship programs approved pursuant to  
23 chapter 446.

24 (b) Cooperative education programs where instruction  
25 is provided, including required academic courses and related  
26 vocational instruction, by alternation of study in school with  
27 a job in any occupational field, provided that the two  
28 experiences must be planned and supervised by the school and  
29 employers so that each contributes to the student's education  
30 and employability.

31

1           (c) Courses provided through the area technical center  
2 in which the sole instructor is a full-time salaried employee  
3 of a business or industry whose teaching services are provided  
4 free to the school district, thus allowing the school district  
5 to provide the course at a lower cost per pupil.

6           Section 28. Section 229.75, Florida Statutes, is  
7 amended to read:

8           229.75 Department under direction of state board.--The  
9 Department of Education shall act as an administrative and  
10 supervisory agency under the policy direction of the State  
11 Board of Education. ~~The state board and its staff shall~~  
12 ~~comprise the department.~~

13           Section 29. Section 229.76, Florida Statutes, is  
14 amended to read:

15           229.76 Functions of department.--The department is to  
16 ~~shall~~ be located in the offices of the Commissioner of  
17 Education, ~~shall operate under the direction and control of~~  
18 ~~the state board~~ and shall assist ~~it~~ in providing professional  
19 leadership and guidance, and in carrying out the policies,  
20 procedures, and duties authorized by law or by the board or  
21 found necessary by it to attain the purposes and objectives of  
22 the school code.

23           Section 30. Section 229.771, Florida Statutes, is  
24 amended to read:

25           229.771 Removal from office.--The State Board of  
26 Education ~~department~~ shall remove from office for cause any  
27 person appointed by the state board under the provisions of  
28 the school code or any subordinate school officer. ~~Cause for~~  
29 ~~such removal shall be~~ Incompetency, immorality, misconduct in  
30 office, gross insubordination, or willful neglect of duty  
31

1 constitutes cause for such removal. Notice and hearing must  
2 ~~shall~~ be provided pursuant to chapter 120.

3 Section 31. Paragraphs (b) and (c) of subsection (3),  
4 paragraph (a) of subsection (4), and subsection (5) of section  
5 229.805, Florida Statutes, are amended to read:

6 229.805 Educational television.--

7 (3) POWERS OF DEPARTMENT OF EDUCATION.--

8 (b) The department shall provide through educational  
9 television and other electronic media a means of extending  
10 educational services to all the state system of public  
11 education, except the State University System as defined in s.  
12 240.2011, which provision by the department shall be limited  
13 by paragraph (c) and by s. 229.8051(1). The department shall  
14 recommend to the Commissioner of Education ~~state board~~ rules  
15 and regulations necessary to provide such services.

16 (c) The department is authorized to provide equipment,  
17 funds, and other services to extend and update both the  
18 existing and the proposed educational television and radio  
19 systems of tax-supported and nonprofit, corporate-owned  
20 facilities. All stations funded must be qualified by the  
21 Corporation for Public Broadcasting. New stations eligible  
22 for funding shall provide a first service to an audience that  
23 is not currently receiving a broadcast signal or provide a  
24 significant new program service as defined by Commissioner  
25 ~~State Board~~ of Education rules. Funds appropriated to the  
26 department for educational television and funds appropriated  
27 to the department for educational radio may be used by the  
28 department for either educational television or educational  
29 radio, or for both.

30 (4) PROHIBITED USE, PENALTY.--

31

1           (a) None of the facilities, plant, or personnel of any  
2 educational television system that ~~which~~ is supported in whole  
3 or in part by state funds shall be used directly or indirectly  
4 for the promotion, advertisement, or advancement of any  
5 political candidate for any municipal, county, legislative,  
6 congressional, or state office. However, fair, open, and free  
7 discussion between political candidates for municipal, county,  
8 legislative, congressional, or state office may be permitted  
9 in order to help materially reduce the excessive cost of  
10 campaigns and to ensure that the citizens of this state shall  
11 be fully informed about such issues and candidates in such  
12 campaigns. The above provisions ~~shall~~ apply to the advocacy  
13 for, or opposition to, any specific program, existing or  
14 proposed, of governmental action which shall include, but  
15 shall not be limited to, constitutional amendments, tax  
16 referenda, and bond issues. The provisions of this paragraph  
17 shall be in accordance with reasonable rules and regulations  
18 prescribed by the Commissioner ~~State Board~~ of Education or the  
19 Board of Regents, whichever has authority in the premises.

20           (5) DUTY OF DEPARTMENT OF EDUCATION.--The Department  
21 of Education is ~~shall be~~ responsible for identifying the needs  
22 of the state system of public education as they relate to the  
23 development and production of materials used in instruction.  
24 When such identified needs are considered ~~deemed~~ to be best  
25 satisfied by the production of new materials, the department  
26 may ~~shall be empowered to~~ commission or contract for the  
27 production of such materials. The Commissioner ~~State Board~~ of  
28 Education shall adopt and prescribe rules and regulations for  
29 the proper enforcement and carrying out of these provisions.

30           Section 32. Subsections (1) and (3) of section  
31 229.8051, Florida Statutes, are amended to read:

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1           229.8051 Public broadcasting program system.--

2           (1) There is created a public broadcasting program  
3 system for the state. The Department of Education shall  
4 administer this program system ~~shall be administered by the~~  
5 ~~Department of Education~~ pursuant to policies adopted by the  
6 Commissioner State Board of Education. This program system  
7 must ~~and shall~~ complement and share resources with the  
8 instructional programming service of the Department of  
9 Education and educational UHF, VHF, ITFS, and FM stations in  
10 the state. The ~~This~~ program system must ~~shall~~ include:

11           (a) Support for existing Corporation for Public  
12 Broadcasting qualified program system educational radio and  
13 television stations and new stations meeting Corporation for  
14 Public Broadcasting qualifications and providing a first  
15 service to an audience that does not currently receive a  
16 broadcast signal or providing a significant new program  
17 service as defined by rule by the Commissioner State Board of  
18 Education ~~rules~~.

19           (b) Maintenance of quality broadcast capability for  
20 educational stations that ~~which~~ are part of the program  
21 system.

22           (c) Interconnection of all educational stations that  
23 ~~which~~ are part of the program system for simultaneous  
24 broadcast and of such stations with all universities and other  
25 institutions as necessary for sharing of resources and  
26 delivery of programming.

27           (d) Establishment and maintenance of a capability for  
28 statewide program distribution with facilities and staff,  
29 provided such facilities and staff complement and strengthen  
30 existing or future educational television and radio stations  
31 in accordance with paragraph (a) and s. 229.805(3)(c).

1           (e) Provision of both statewide programming funds and  
2 station programming support for educational television and  
3 educational radio to meet statewide priorities. Priorities for  
4 station programming need not be the same as priorities for  
5 programming to be used statewide. Station programming may  
6 include, but shall not be limited to, citizens' participation  
7 programs, music and fine arts programs, coverage of public  
8 hearings and governmental meetings, equal air time for  
9 political candidates, and other public interest programming.

10           (3) The Commissioner ~~State Board~~ of Education shall  
11 adopt rules for the proper enforcement and carrying out of  
12 these provisions.

13           Section 33. Subsection (1) of section 230.03, Florida  
14 Statutes, is amended to read:

15           230.03 Management, control, operation, administration,  
16 and supervision.--The district school system must ~~shall~~ be  
17 managed, controlled, operated, administered, and supervised as  
18 follows:

19           (1) DISTRICT SYSTEM.--The district school system shall  
20 be considered as a part of the state system of public  
21 education. All actions of district school officials shall be  
22 consistent and in harmony with state laws and with rules and  
23 minimum standards of the state board and the commissioner.  
24 District school officials, however, shall have the authority  
25 to provide additional educational opportunities, as desired,  
26 which are authorized, but not required, by law or by the  
27 district school board.

28           Section 34. Subsections (2) and (5) of section 230.22,  
29 Florida Statutes, are amended to read:

30  
31

1           230.22 General powers of school board.--The school  
2 board, after considering recommendations submitted by the  
3 superintendent, shall exercise the following general powers:

4           (2) ADOPT RULES AND REGULATIONS.--The school board  
5 shall adopt such rules and regulations to supplement those  
6 prescribed by the state board and the commissioner as in its  
7 opinion will contribute to the more orderly and efficient  
8 operation of the district school system.

9           (5) PERFORM DUTIES AND EXERCISE RESPONSIBILITY.--The  
10 school board may perform those duties and exercise those  
11 responsibilities which are assigned to it by law or by  
12 regulations of the state board or the commissioner and, in  
13 addition thereto, those which it may find to be necessary for  
14 the improvement of the district school system in carrying out  
15 the purposes and objectives of the school code. The  
16 Legislature recognizes the necessity for well informed school  
17 board members and the benefits to education that may be  
18 obtained through board member participation in professional  
19 development and training seminars and related activities at  
20 the district, state, and national levels.

21           Section 35. Paragraph (m) of subsection (4),  
22 paragraphs (b) and (d) of subsection (9), paragraphs (a) and  
23 (b) of subsection (11), and subsections (12), (14), and (16)  
24 of section 230.23, Florida Statutes, 1996 Supplement, are  
25 amended to read:

26           230.23 Powers and duties of school board.--The school  
27 board, acting as a board, shall exercise all powers and  
28 perform all duties listed below:

29           (4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF  
30 SCHOOLS.--Adopt and provide for the execution of plans for the

31

1 establishment, organization, and operation of the schools of  
2 the district, as follows:

3 (m) Exceptional students.--Provide for an appropriate  
4 program of special instruction, facilities, and services for  
5 exceptional students as prescribed by the state board as  
6 acceptable, including provisions that:

7 1. The school board provide the necessary professional  
8 services for diagnosis and evaluation of exceptional students.

9 2. The school board provide the special instruction,  
10 classes, and services, either within the district school  
11 system, in cooperation with other district school systems, or  
12 through contractual arrangements with approved nonpublic  
13 schools or community facilities which meet standards  
14 established by the commissioner ~~state board~~.

15 3. The school board annually provide information  
16 describing the Florida School for the Deaf and the Blind and  
17 all other programs and methods of instruction available to the  
18 parent or guardian of a sensory-impaired student.

19 4. The school board, once every 3 years, submit to the  
20 department its proposed procedures for the provision of  
21 special instruction and services for exceptional students.

22 5. No student be given special instruction or services  
23 as an exceptional student until after he or she has been  
24 properly evaluated, classified, and placed in the manner  
25 prescribed by rules of the commissioner ~~state board~~. The  
26 parent or guardian of an exceptional student evaluated and  
27 placed or denied placement in a program of special education  
28 shall be notified of each such evaluation and placement or  
29 denial. Such notice shall contain a statement informing the  
30 parent or guardian that he or she is entitled to a due process  
31 hearing on the identification, evaluation, and placement, or



1 lack thereof. Such hearings shall be exempt from the  
2 provisions of ss. 120.569, 120.57, and 286.011, and any  
3 records created as a result of such hearings shall be  
4 confidential and exempt from the provisions of s. 119.07(1),  
5 to the extent that the commissioner ~~state board~~ adopts rules  
6 establishing other procedures. The hearing must ~~shall~~ be  
7 conducted by an administrative law judge from the Division of  
8 Administrative Hearings of the Department of Management  
9 Services. The decision of the administrative law judge shall  
10 be final, except that any party aggrieved by the finding and  
11 decision rendered by the administrative law judge shall have  
12 the right to bring a civil action in the circuit court. In  
13 such an action, the court shall receive the records of the  
14 administrative hearing and shall hear additional evidence at  
15 the request of either party. In the alternative, any party  
16 aggrieved by the finding and decision rendered by the  
17 administrative law judge shall have the right to request an  
18 impartial review of the administrative law judge's order by  
19 the district court of appeal as provided by s. 120.68.

20 Notwithstanding any law to the contrary, during the pendency  
21 of any proceeding conducted pursuant to this section, unless  
22 the district school board and the parents or guardian  
23 otherwise agree, the child shall remain in his or her  
24 then-current educational assignment or, if applying for  
25 initial admission to a public school, shall be assigned, with  
26 the consent of the parents or guardian, in the public school  
27 program until all such proceedings have been completed.

28         6. In providing for the education of exceptional  
29 students, the superintendent, principals, and teachers shall  
30 utilize the regular school facilities and adapt them to the  
31 needs of exceptional students to the maximum extent

1 appropriate. Segregation of exceptional students shall occur  
2 only if the nature or severity of the exceptionality is such  
3 that education in regular classes with the use of  
4 supplementary aids and services cannot be achieved  
5 satisfactorily.

6           7. The principal of the school in which the student is  
7 taught shall keep a written record of the case history of each  
8 exceptional student showing the reason for the student's  
9 withdrawal from the regular class in the public school and his  
10 or her enrollment in or withdrawal from a special class for  
11 exceptional students. This record shall be available for  
12 inspection by school officials at any time.

13           8. The district school board shall establish the  
14 amount to be paid by the district school board for each  
15 individual exceptional student contract with a nonpublic  
16 school.

17           (9) SCHOOL PLANT.--Approve plans for locating,  
18 planning, constructing, sanitating, insuring, maintaining,  
19 protecting, and condemning school property as prescribed in  
20 chapter 235 and as follows:

21           (b) Sites, buildings, and equipment.--

22           1. Select and purchase school sites, playgrounds, and  
23 recreational areas located at centers at which schools are to  
24 be constructed, of adequate size to meet the needs of pupils  
25 to be accommodated;

26           2. Approve the proposed purchase of any site,  
27 playground, or recreational area for which district funds are  
28 to be used;

29           3. Expand existing sites;

30           4. Rent buildings when necessary;

31

1           5. Enter into leases or lease-purchase arrangements,  
2 in accordance with the requirements and conditions provided in  
3 s. 235.056(2), with private individuals or corporations for  
4 the rental of necessary grounds and educational facilities for  
5 school purposes or of educational facilities to be erected for  
6 school purposes. Current or other funds authorized by law may  
7 be used to make payments under a lease-purchase agreement.  
8 Notwithstanding any other statutes, if the rental is to be  
9 paid from funds received from ad valorem taxation and the  
10 agreement is for a period greater than 12 months, an approving  
11 referendum must be held. The provisions of such contracts,  
12 including building plans, shall be subject to approval by the  
13 Department of Education, and no such contract shall be entered  
14 into without such approval. As used in this section,  
15 "educational facilities" means the buildings and equipment  
16 which are built, installed, or established to serve  
17 educational purposes and which may lawfully be used. The  
18 Commissioner State Board of Education may adopt ~~is authorized~~  
19 ~~to promulgate~~ such rules as are ~~it deems~~ necessary to  
20 implement the provisions hereof;

21           6. Provide for the proper supervision of construction;

22           7. Make or contract for additions, alterations, and  
23 repairs on buildings and other school properties;

24           8. Ensure that all plans and specifications for  
25 buildings provide adequately for the safety and well-being of  
26 pupils, as well as for economy of construction by having such  
27 plans and specifications submitted to the Department of  
28 Education for approval; and

29           9. Provide furniture, books, apparatus, and other  
30 equipment necessary for the proper conduct of the work of the  
31 schools.

1           (d) Insurance of school property.--Carry insurance on  
2 every school building in all school plants including contents,  
3 boilers, and machinery, except buildings of three classrooms  
4 or less which are of frame construction and located in a tenth  
5 class public protection zone as defined by the Florida  
6 Inspection and Rating Bureau, and on all school buses and  
7 other property under the control of the school board or title  
8 to which is vested in the school board, except as exceptions  
9 may be authorized under regulations of the commissioner ~~state~~  
10 ~~board~~.

11           (11) RECORDS AND REPORTS.--Provide for the keeping of  
12 all necessary records and the making of all needed or required  
13 reports, as follows:

14           (a) Forms, blanks, and reports.--Require all employees  
15 to keep accurately all records and to make promptly in the  
16 proper form all reports required by law or by regulations of  
17 the state board or of the commissioner.

18           (b) Reports to the department.--Require that the  
19 superintendent prepare all reports to the Department of  
20 Education that may be required by law or regulations of the  
21 state board or of the commissioner; see that all such reports  
22 are promptly transmitted to the department; withhold the  
23 further payment of salary to the superintendent or employee  
24 when notified by the department that he or she has failed to  
25 file any report within the time or in the manner prescribed;  
26 and continue to withhold the salary until the school board is  
27 notified by the department that such report has been received  
28 and accepted; provided, that when any report has not been  
29 received by the date due and after due notice has been given  
30 to the school board of that fact, the department, if it deems  
31 necessary, may require the report to be prepared by a member

1 of its staff, and the school board shall pay all expenses  
2 connected therewith. Any member of the school board who is  
3 responsible for the violation of this provision is subject to  
4 suspension and removal.

5 (12) COOPERATION WITH OTHER DISTRICT SCHOOL  
6 BOARDS.--May establish and participate in educational  
7 consortia that ~~which~~ are designed to provide joint programs  
8 and services to cooperating school districts, consistent with  
9 the provisions of s. 4(b), Art. IX of the State Constitution.  
10 The Commissioner ~~State Board~~ of Education shall adopt rules  
11 providing for the establishment, funding, administration, and  
12 operation of such consortia.

13 (14) ENFORCEMENT OF LAW AND RULES AND  
14 REGULATIONS.--Require that all laws and rules and regulations  
15 of the state board, of the commissioner, or of the school  
16 board are properly enforced.

17 (16) SCHOOL LUNCH PROGRAM.--Assume such  
18 responsibilities and exercise such powers and perform such  
19 duties as may be assigned to it by law or as may be required  
20 by regulations of the commissioner ~~state board~~ or as in the  
21 opinion of the school board are necessary to assure school  
22 lunch services, consistent with needs of pupils; effective and  
23 efficient operation of the program; and the proper  
24 articulation of the school lunch program with other phases of  
25 education in the district.

26 Section 36. Subsection (8) of section 230.2305,  
27 Florida Statutes, 1996 Supplement, is amended to read:

28 230.2305 Prekindergarten early intervention program.--

29 (8) MONITORING AND TECHNICAL ASSISTANCE.--Pursuant to  
30 s. 229.565(4) ~~s. 229.565(5)~~, the Commissioner of Education  
31 shall monitor each district prekindergarten early intervention

1 program at least annually to determine compliance with the  
2 district plan and the provisions of this section. If a  
3 program is not brought into compliance within 3 months after  
4 the commissioner's evaluation citing specific deficiencies,  
5 the commissioner must withhold such funds as have been  
6 allocated to the school board for its prekindergarten early  
7 intervention program and which have not yet been released.  
8 The department shall develop manuals and guidelines for the  
9 development of district plans and shall provide ongoing  
10 technical assistance to ensure that each district program  
11 maintains high standards of quality and effectiveness.

12 Section 37. Paragraph (e) of subsection (3) and  
13 paragraph (b) of subsection (7) of section 230.2316, Florida  
14 Statutes, 1996 Supplement, are amended to read:

15 230.2316 Dropout prevention.--

16 (3) DEFINITIONS.--As used in this section, the term:

17 (e) "Second chance schools" means school district  
18 programs provided through cooperative agreements between the  
19 Department of Juvenile Justice, private providers, state or  
20 local law enforcement agencies, or other state agencies for  
21 students deemed habitual truants as defined in s. 228.041(28),  
22 or for students who have been disruptive or violent or who  
23 have committed serious offenses. As partnership programs,  
24 second chance schools are eligible for waivers from the  
25 Commissioner of Education to chapters 230-235 and 239 and  
26 ~~State Board of Education~~ rules of the commissioner that  
27 prevent the provision of appropriate educational services to  
28 violent, severely disruptive, and delinquent students in small  
29 nontraditional settings and in court-adjudicated settings.

30 (7) STAFF DEVELOPMENT.--

31

1           (b) The district school boards and the department may  
2 establish a summer inservice training program for teachers and  
3 administrators which may be provided by district school boards  
4 or individual schools and which shall include, but not be  
5 limited to, instruction focusing on treating students with  
6 respect and enhancing student self-esteem, developing positive  
7 in-school intervention methods for misbehaving students,  
8 establishing strategies to involve students in classroom and  
9 school management and in reducing student misconduct,  
10 conducting student and parent conferences, and creating  
11 "student-friendly" environments at schools. Instructional  
12 personnel may use successful participation in a summer  
13 inservice training program established pursuant to this  
14 paragraph for certification extension or for adding a new  
15 certification area if the district has an approved add-on  
16 certification program, pursuant to ~~State Board of Education~~  
17 rules of the commissioner.

18           Section 38. Subsection (6) of section 230.23166,  
19 Florida Statutes, is amended to read:

20           230.23166 Teenage parent programs.--

21           (6) The Commissioner ~~State Board~~ of Education shall  
22 adopt rules necessary to implement the provisions of this  
23 section.

24           Section 39. Paragraphs (b) and (d) of subsection (2)  
25 of section 230.2318, Florida Statutes, 1996 Supplement, are  
26 amended to read:

27           230.2318 School resource officer program.--

28           (2) LOCAL SCHOOL RESOURCE OFFICER PROGRAM PLANS;  
29 APPROVAL BY COMMISSIONER; CRITERIA AND RESTRICTIONS.--

30           (b) The commissioner shall review all proposed local  
31 school resource officer program plans and shall approve those

1 plans which meet the purposes, intent, and requirements of  
2 this section and the rules adopted by the commissioner ~~State~~  
3 ~~Board of Education~~ pursuant to this section.

4 (d) The commissioner may adopt ~~State Board of~~  
5 ~~Education shall have the authority to promulgate~~ rules to  
6 implement the statewide school resource officer program as  
7 established in this section.

8 Section 40. Subsections (4), (5), and (6) of section  
9 230.32, Florida Statutes, are amended to read:

10 230.32 General powers of superintendents.--The  
11 superintendent shall have the authority, and when necessary  
12 for the more efficient and adequate operation of the district  
13 school system, the superintendent shall exercise the following  
14 powers:

15 (4) RECOMMEND AND EXECUTE RULES AND  
16 REGULATIONS.--Prepare and organize by subjects and submit to  
17 the school board for adoption such rules and regulations to  
18 supplement those adopted by the state board or the  
19 commissioner as, in the superintendent's opinion, will  
20 contribute to the efficient operation of any aspect of  
21 education in the district. When rules and regulations have  
22 been adopted, the superintendent shall see that they are  
23 executed.

24 (5) RECOMMEND AND EXECUTE MINIMUM STANDARDS.--From  
25 time to time to prepare, organize by subjects, and submit to  
26 the school board for adoption such minimum standards relating  
27 to the operation of any phase of the district school system as  
28 are needed to supplement those adopted by the state board or  
29 the commissioner and as will contribute to the efficient  
30 operation of any aspect of education in the district; to see  
31



1 that minimum standards adopted by the school board and the  
2 commissioner are observed.

3 (6) PERFORM DUTIES AND EXERCISE  
4 RESPONSIBILITIES.--Perform such duties and exercise such  
5 responsibilities as are assigned to the superintendent by law  
6 and by regulations of the state board and of the commissioner.

7 Section 41. Subsection (1) of section 230.321, Florida  
8 Statutes, is amended to read:

9 230.321 Superintendents employed under Art. IX, State  
10 Constitution.--

11 (1) In every district authorized to employ a  
12 superintendent of schools under Art. IX of the State  
13 Constitution, the superintendent shall be the executive  
14 officer of the school board and shall not be subject to the  
15 provisions of law, either general or special, relating to  
16 tenure of employment or contracts of other school personnel.  
17 The superintendent's duties relating to the district school  
18 system shall be as provided by law and rules of the State  
19 Board of Education and of the Commissioner of Education.

20 Section 42. Paragraph (j) of subsection (6), paragraph  
21 (b) of subsection (13), and subsections (15) and (24) of  
22 section 230.33, Florida Statutes, 1996 Supplement, are amended  
23 to read:

24 230.33 Duties and responsibilities of  
25 superintendent.--The superintendent shall exercise all powers  
26 and perform all duties listed below and elsewhere in the law;  
27 provided, that in so doing he or she shall advise and counsel  
28 with the school board. The recommendations, nominations,  
29 proposals, and reports required by law and rule to be made to  
30 the school board by the superintendent shall be either  
31 recorded in the minutes or shall be made in writing, noted in

1 the minutes, and filed in the public records of the board. It  
2 shall be presumed that, in the absence of the record required  
3 in this paragraph, the recommendations, nominations, and  
4 proposals required of the superintendent were not contrary to  
5 the action taken by the school board in such matters.

6 (6) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF  
7 SCHOOLS, CLASSES, AND SERVICES.--Recommend the establishment,  
8 organization, and operation of such schools, classes, and  
9 services as are needed to provide adequate educational  
10 opportunities for all children in the district, including:

11 (j) School lunches.--Recommend plans for the  
12 establishment, maintenance, and operation of a school lunch  
13 program consistent with state laws and regulations of the  
14 commissioner ~~state board~~, and to administer and supervise such  
15 services.

16 (13) RECORDS AND REPORTS.--Recommend such records as  
17 should be kept in addition to those prescribed by rules of the  
18 state board or by the department; prepare forms for keeping  
19 such records as are approved by the school board; see that  
20 such records are properly kept; and make all reports that are  
21 needed or required, as follows:

22 (b) Reports to the department.--Prepare, for the  
23 approval of the school board, all reports that may be required  
24 by law or rules of the state board or of the commissioner to  
25 be made to the department and transmit promptly all such  
26 reports, when approved, to the department, as required by law.  
27 If any such reports are not transmitted at the time and in the  
28 manner prescribed by law or by state board rules, the salary  
29 of the superintendent must ~~shall~~ be withheld until the ~~such~~  
30 report has been properly submitted. Unless otherwise provided  
31 by regulations of the state board, the annual report on

1 attendance and personnel is ~~shall be~~ due on or before July 1,  
2 and the annual school budget and the report on finance are  
3 ~~shall be~~ due on the date prescribed by the commissioner ~~state~~  
4 ~~board~~.

5 (15) ENFORCEMENT OF LAWS AND RULES.--Require that all  
6 laws and rules of the state board, as well as supplementary  
7 rules of the school board, are properly observed and report to  
8 the school board any violation that ~~which~~ the superintendent  
9 does not succeed in having corrected.

10 (24) OTHER DUTIES AND RESPONSIBILITIES.--Perform such  
11 other duties as are ~~may be~~ assigned to the superintendent by  
12 law or by rules of the state board or of the commissioner.

13 Section 43. Subsection (2) of section 230.64, Florida  
14 Statutes, is amended to read:

15 230.64 Area technical center part of district school  
16 system; minimum standards.--

17 (2) COMMISSIONER ~~STATE BOARD~~ SHALL PRESCRIBE MINIMUM  
18 STANDARDS.--The commissioner ~~state board~~ shall prescribe  
19 minimum standards that ~~which~~ must be met before an area  
20 technical center is organized, acquired or operated, and that  
21 ~~which~~ will assure that the purposes of the center are  
22 attained.

23 Section 44. Subsection (9) of section 230.71, Florida  
24 Statutes, is amended to read:

25 230.71 Intergenerational school volunteer programs.--

26 (9) RULES.--The Commissioner ~~State Board~~ of Education  
27 shall adopt rules necessary to implement ~~the provisions of~~  
28 this section.

29 Section 45. Paragraph (e) of subsection (1) and  
30 subsection (2) of section 232.01, Florida Statutes, are  
31 amended to read:

1           232.01 Regular school attendance required between ages  
2 of 6 and 16; permitted at age of 5; exceptions.--

3           (1)

4           (e) Beginning with the 1991-1992 school year and  
5 consistent with rules adopted by the commissioner ~~state board~~,  
6 children with disabilities who have attained the age of 3  
7 years shall be eligible for admission to public special  
8 education programs and for related services under rules  
9 adopted by the school board. Exceptional children who are deaf  
10 or hard of hearing, visually impaired, dual sensory impaired,  
11 severely physically handicapped, trainable mentally  
12 handicapped, or profoundly handicapped, or who have  
13 established conditions, or exhibit developmental delays, below  
14 age 3 may be eligible for special programs; or, if enrolled in  
15 other prekindergarten or day care programs, they may be  
16 eligible for supplemental instruction. Rules for the  
17 identification of established conditions for children birth  
18 through 2 years of age and developmental delays for children  
19 birth through 5 years of age must be adopted by the  
20 Commissioner ~~State Board~~ of Education.

21           (2) The Commissioner ~~State Board~~ of Education may  
22 adopt rules under which pupils not meeting the entrance age  
23 may be transferred from another state if their parents or  
24 guardians have been legal residents of that state.

25           Section 46. Section 232.23, Florida Statutes, 1996  
26 Supplement, is amended to read:

27           232.23 Procedures for maintenance and transfer of  
28 pupil records.--

29           (1) Each principal shall maintain a permanent  
30 cumulative record for each pupil enrolled in a public school.  
31 Such record shall be maintained in the form, and contain all

1 data, prescribed by rule by the Commissioner ~~rules of the~~  
2 ~~State Board~~ of Education. The cumulative record is  
3 confidential and exempt from the provisions of s. 119.07(1)  
4 and is ~~shall be~~ open to inspection only as provided in s.  
5 228.093.

6 (2) The procedure for transferring and maintaining  
7 records of pupils who transfer from school to school shall be  
8 prescribed by regulations of the commissioner ~~state board~~.

9 (3) Procedures relating to the acceptance of transfer  
10 work and credit for pupils shall be prescribed by rule by the  
11 Commissioner ~~rules of the State Board~~ of Education.

12 Section 47. Subsection (1) of section 232.2468,  
13 Florida Statutes, 1996 Supplement, is amended to read:

14 232.2468 Graduation, habitual truancy, and dropout  
15 rates.--

16 (1) DEFINITION.--

17 (a) The term "graduation rate" means the percentage  
18 calculated by dividing the number of entering 9th graders into  
19 the number of students who receive, 4 years later, a high  
20 school diploma, a special diploma, or a certificate of  
21 completion, as provided for in s. 232.246, or who receive a  
22 special certificate of completion, as provided in s. 232.247,  
23 and students 19 years of age or younger who receive a general  
24 equivalency diploma, as provided in s. 229.814. The number of  
25 9th grade students used in the calculation of a graduation  
26 rate for this state shall be students enrolling in the grade  
27 for the first time.

28 (b) The term "habitual truancy rate" means the annual  
29 percentage of students in membership within the age of  
30 compulsory school attendance pursuant to s. 232.01 who are  
31 classified as habitual truants as defined in s. 228.041(28).

1           (c) The term "dropout rate" means the annual  
2 percentage calculated by dividing the number of students over  
3 the age of compulsory school attendance, pursuant to s.  
4 232.01, at the time of the fall membership count, into the  
5 number of students who withdraw from school during a given  
6 school year and who are classified as dropouts pursuant to s.  
7 228.041(29).

8  
9 The Commissioner ~~State Board~~ of Education may adopt rules to  
10 implement this subsection.

11           Section 48. Section 232.247, Florida Statutes, is  
12 amended to read:

13           232.247 Special high school graduation requirements  
14 for certain exceptional students.--A student who has been  
15 properly classified, in accordance with rules established by  
16 the commissioner ~~state board~~, as "educable mentally  
17 handicapped," "trainable mentally handicapped," "hearing  
18 impaired," "specific learning disabled," "physically or  
19 language impaired," or "emotionally handicapped" shall not be  
20 required to meet all requirements of s. 232.246 and shall,  
21 upon meeting all applicable requirements prescribed by the  
22 school board pursuant to s. 232.245, be awarded a special  
23 diploma in a form prescribed by the commissioner ~~state board~~;  
24 ~~provided, however, that~~ such special graduation requirements  
25 prescribed by the school board must ~~shall~~ include minimum  
26 graduation requirements as prescribed by the commissioner  
27 ~~state board~~. Any such student who meets all special  
28 requirements of the district school board for ~~his or her~~  
29 exceptionality, but is unable to meet the appropriate special  
30 state minimum requirements, shall be awarded a special  
31 certificate of completion in a form prescribed by the

1 ~~commissioner state board~~. A student who has been properly  
2 classified as "profoundly handicapped" and who meets the  
3 special requirements of the district school board for a  
4 special diploma in accordance with requirements for any  
5 exceptional student identified in this section shall be  
6 awarded a special diploma; however, such a student shall  
7 alternatively ~~alternately~~ be eligible for a special  
8 certificate of completion, in a form prescribed by the  
9 ~~commissioner state board~~, if all school requirements for  
10 students who are "profoundly handicapped" have been met.  
11 ~~Nothing provided in this section, However, this section does~~  
12 not shall be construed to limit or restrict the right of an  
13 exceptional student solely to a special diploma or special  
14 certificate of completion. Any such student shall, upon  
15 proper request, be afforded the opportunity to fully meet all  
16 requirements of s. 232.246 through the standard procedures  
17 established therein and thereby to qualify for a standard  
18 diploma upon graduation.

19 Section 49. Subsection (1) of section 232.25, Florida  
20 Statutes, 1996 Supplement, is amended to read:

21 232.25 Pupils subject to control of school.--

22 (1) Subject to law and rules and regulations of the  
23 ~~commissioner state board~~ and of the school board, each pupil  
24 enrolled in a school shall:

25 (a) During the time she or he is being transported to  
26 or from school at public expense;

27 (b) During the time she or he is attending school;

28 (c) During the time she or he is on the school  
29 premises participating with authorization in a  
30 school-sponsored activity; and

31

1 (d) During a reasonable time before and after a pupil  
2 is on the premises for attendance at school or for authorized  
3 participation in a school-sponsored activity, and only when on  
4 the premises,

5  
6 be under the control and direction of the principal or teacher  
7 in charge of the school, and under the immediate control and  
8 direction of the teacher or other member of the instructional  
9 staff or of the bus driver to whom such responsibility may be  
10 assigned by the principal. However, the commissioner ~~state~~  
11 ~~board~~ or the district school board may, by rules and  
12 regulations, subject each pupil to the control and direction  
13 of the principal or teacher in charge of the school during the  
14 time she or he is otherwise en route to or from school or is  
15 presumed by law to be attending school.

16 Section 50. Subsection (5) of section 232.303, Florida  
17 Statutes, is amended to read:

18 232.303 Interagency student services.--

19 (5) The Commissioner ~~State Board~~ of Education and the  
20 Department of Children and Family ~~Health and Rehabilitative~~  
21 Services may ~~are authorized to~~ adopt rules to carry out the  
22 intent of this section.

23 Section 51. Paragraph (a) of subsection (3) of section  
24 232.435, Florida Statutes, is amended to read:

25 232.435 Extracurricular athletic activities; athletic  
26 trainers.--

27 (3)(a) To the extent practicable, a school district  
28 program should include the following employment classification  
29 and advancement scheme:

30 1. Teacher apprentice trainer I.--To qualify as a  
31 teacher apprentice trainer I, a person must possess a



1 professional, temporary, part-time, adjunct, or substitute  
2 certificate pursuant to s. 231.17, be certified in first aid  
3 and cardiopulmonary resuscitation, and have earned a minimum  
4 of 6 semester hours or the equivalent number of inservice  
5 education points in the basic prevention and care of athletic  
6 injuries.

7           2. Teacher apprentice trainer II.--To qualify as a  
8 teacher apprentice trainer II, a person must meet the  
9 requirements of teacher apprentice trainer I and also have  
10 earned a minimum of 15 additional semester hours or the  
11 equivalent number of inservice education points in such  
12 courses as anatomy, physiology, use of modalities, nutrition,  
13 counseling, and other courses approved by the Commissioner  
14 ~~State Board~~ of Education.

15           3. Teacher athletic trainer.--To qualify as a teacher  
16 athletic trainer, a person must meet the requirements of  
17 teacher apprentice trainer II, be certified by the Department  
18 of Education or a nationally recognized athletic trainer  
19 association, and perform one or more of the following  
20 functions: preventing athletic injuries; recognizing,  
21 evaluating, managing, treating, and rehabilitating athletic  
22 injuries; administering an athletic training program; and  
23 educating and counseling athletes.

24           Section 52. Paragraph (a) of subsection (2) and  
25 subsections (5) and (6) of section 233.011, Florida Statutes,  
26 are amended to read:

27           233.011 Accountability in curriculum, educational  
28 instructional materials, and testing.--

29           (2)(a) Subject to State Board of Education review and  
30 approval, the Department of Education shall develop, ~~by April~~

31

1 ~~1, 1985,~~ guidelines for the identification or development,  
2 evaluation, oversight, and revision of:  
3       1. Curriculum frameworks as specified in subsection  
4 (3).  
5       2. Student performance standards as specified in ss.  
6 232.2454(1) and 229.565(1) ~~and (2)~~.  
7       3. Model standards and procedures for the adoption of  
8 state and district instructional materials and software  
9 consistent with curriculum frameworks and student performance  
10 standards as specified in this paragraph. Such models shall  
11 provide the diverse student populations of the state with the  
12 highest quality instructional materials and software in the  
13 most cost-effective manner possible. Such models shall  
14 include a component to ensure the production of instructional  
15 materials and software by the state, or a consortium of  
16 states, when economical or superior quality instructional  
17 materials or software are unavailable from commercial sources  
18 by special contract.  
19       4. Model standards and procedures for state and  
20 district adoption, analyses, and use of nationally normed  
21 student achievement tests or other nationally normed  
22 assessment instruments, as specified in subsection (4).  
23       5. Criteria and procedures to determine the individual  
24 school programs that ~~which~~ are most deficient in student  
25 performance. Such criteria and procedures must ~~shall~~ take into  
26 account testing results under the provisions of ss. 229.565  
27 and 232.2454, and subsection (4).  
28       6. Model training procedures for state-level and  
29 district-level personnel assigned responsibilities for  
30 evaluating and selecting instructional materials, software,  
31 and norm-referenced achievement measures.

1           7. Standards for effective evaluation and comparable  
2 evaluation and testing procedures among districts.

3           (5) The Commissioner ~~State Board~~ of Education may  
4 adopt ~~is authorized to develop~~ rules necessary to implement  
5 the provisions of the Florida Accountability in Curriculum,  
6 Educational Instructional Materials, and Testing Act (FACET)  
7 of 1984.

8           (6) The commissioner, no later than November 1 of each  
9 year, shall transmit to ~~the State Board of Education,~~ the  
10 President of the Senate, the Speaker of the House of  
11 Representatives, and the chairs of the Senate and House  
12 committees on public school education an appraisal of the  
13 programs and activities as set forth in the Florida  
14 Accountability in Curriculum, Educational Instructional  
15 Materials, and Testing Act (FACET) of 1984 as to the  
16 effectiveness, efficiency, and utilization of resources,  
17 including a statement of the overall program for the coming  
18 year, the recommended level of funding for the overall  
19 program, and any other recommendations deemed appropriate by  
20 the commissioner. These ~~Such~~ recommendations must ~~shall~~  
21 include, but need not be limited to, necessary modifications  
22 of statutes, rules of the commissioner ~~state board rules~~, and  
23 administrative procedures to implement the provisions of said  
24 sections.

25           Section 53. Section 233.015, Florida Statutes, is  
26 amended to read:

27           233.015 Purge of listed courses not taught for 5  
28 years; rules.--The Commissioner ~~State Board~~ of Education shall  
29 adopt rules that ~~which~~ provide for the conduct of regularly  
30 scheduled purges of courses that are listed in the statewide  
31 course numbering system or institutional catalog but ~~that~~ have

1 not been taught at the institution for the preceding 5 years.  
2 These ~~Such~~ rules must ~~shall~~ include waiver provisions that  
3 allow ~~for~~ course continuation if ~~in the event that~~ an  
4 institution has reasonable cause for having not offered a  
5 course within the 5-year limit and an expectation that the  
6 course will be offered again within the following 5 years.

7 Section 54. Subsection (2) of section 233.056, Florida  
8 Statutes, is amended to read:

9 233.056 Instructional programs for visually impaired  
10 students and deaf or hard-of-hearing students.--

11 (2) The unit shall be operated either directly by the  
12 Division of Public Schools or through a contractual agreement  
13 with a local education agency, under rules adopted by the  
14 Commissioner ~~State Board~~ of Education.

15 Section 55. Subsection (6) of section 233.058, Florida  
16 Statutes, is amended to read:

17 233.058 English language instruction for limited  
18 English proficient students.--

19 (6) The Commissioner ~~State Board~~ of Education shall  
20 adopt rules for the purpose of implementing this section.

21 Section 56. Subsection (1) of section 233.061, Florida  
22 Statutes, is amended to read:

23 233.061 Required instruction.--

24 (1) Members of the instructional staff of the public  
25 schools, subject to the rules and regulations of the  
26 commissioner ~~state board~~ and of the school board, shall teach  
27 efficiently and faithfully, using the books and materials  
28 required, following the prescribed courses of study, and  
29 employing approved methods of instruction the following:

30 (a) The content of the Declaration of Independence and  
31 how it forms the philosophical foundation of our government;

- 1           (b) The arguments in support of adopting our  
2 republican form of government, as they are embodied in the  
3 most important of the Federalist Papers;
- 4           (c) The essentials of the United States Constitution  
5 and how it provides the structure of our government;
- 6           (d) Flag education, including proper flag display and  
7 flag salute;
- 8           (e) The elements of civil government;
- 9           (f) The history of the Holocaust (1933-1945), the  
10 systematic, planned annihilation of European Jews and other  
11 groups by Nazi Germany, a watershed event in the history of  
12 humanity, to be taught in a manner that leads to an  
13 investigation of human behavior, an understanding of the  
14 ramifications of prejudice, racism, and stereotyping, and an  
15 examination of what it means to be a responsible and  
16 respectful person, for the purposes of encouraging tolerance  
17 of diversity in a pluralistic society and for nurturing and  
18 protecting democratic values and institutions;
- 19           (g) The history of African-Americans, including the  
20 history of African peoples before the political conflicts that  
21 led to the development of slavery, the passage to America, the  
22 enslavement experience, abolition, and the contributions of  
23 African-Americans to society;
- 24           (h) The elementary principles of agriculture;
- 25           (i) The true effects of all alcoholic and intoxicating  
26 liquors and beverages and narcotics upon the human body and  
27 mind;
- 28           (j) Kindness to animals;
- 29           (k) The history of the state;
- 30           (l) The conservation of natural resources; and
- 31

1           (m) Such additional materials, subjects, courses, or  
2 fields in such grades as are ~~may be~~ prescribed by law or by  
3 rules of the commissioner ~~state board~~ and the school board in  
4 fulfilling the requirements of law.

5           Section 57. Paragraph (a) of subsection (4) of section  
6 233.067, Florida Statutes, 1996 Supplement, is amended to  
7 read:

8           233.067 Comprehensive health education and substance  
9 abuse prevention.--

10           (4) ADMINISTRATION OF THE COMPREHENSIVE HEALTH  
11 EDUCATION AND SUBSTANCE ABUSE PREVENTION PROGRAM.--

12           (a) There is created a comprehensive health education  
13 and substance abuse prevention program for children and youths  
14 in kindergarten and grades 1 through 12. Responsibility for  
15 the administration of this section shall rest with the  
16 Department of Education, in cooperation with, and with the  
17 advice of, the Department of Children and Family ~~Health and~~  
18 ~~Rehabilitative~~ Services. The administration of the program  
19 shall be pursuant to rules and regulations adopted by the  
20 Commissioner ~~State Board~~ of Education, provided that such  
21 rules shall require the minimum amount of paperwork and  
22 reporting necessary to comply with this section. For purposes  
23 of administering this section, the commissioner shall  
24 establish a Prevention Resource Center within the department  
25 and shall assign appropriate staff to work directly with  
26 school district personnel. The center shall serve as a  
27 clearinghouse for evaluation and dissemination of information,  
28 materials, and model programs and shall provide program and  
29 technical assistance and other prevention services as  
30 determined by the commissioner.

31

1           Section 58. Subsection (6) of section 233.115, Florida  
2 Statutes, is amended to read:

3           233.115 Prohibited acts.--

4           (6) Nothing contained in this section shall be  
5 construed to prohibit or restrict a school official from  
6 receiving royalties or other compensation, other than  
7 compensation paid as commission to the school official for  
8 negotiating sales to district boards, from the publisher or  
9 manufacturer of instructional materials written, designed, or  
10 prepared by such school official, and adopted by the  
11 commissioner ~~state board~~ or purchased by any district board.

12 No school official shall be allowed to receive royalties on  
13 any materials not on the state-adopted list purchased for use  
14 by his or her district school board.

15           Section 59. Subsection (1) of section 233.17, Florida  
16 Statutes, is amended to read:

17           233.17 Term of adoption for instructional materials.--

18           (1) The term of adoption of any instructional  
19 materials must ~~shall~~ be ~~for~~ a 6-year period beginning on April  
20 1 following the adoption, unless the contract is extended as  
21 prescribed in s. 233.16(2). However, the Commissioner ~~State~~  
22 ~~Board~~ of Education may approve by rule terms of adoption of  
23 less than 6 years for materials in content areas which require  
24 more frequent revision.

25           Section 60. Section 233.37, Florida Statutes, is  
26 amended to read:

27           233.37 Disposal of instructional materials.--Under  
28 rules of the commissioner ~~state board~~, or rules of the  
29 district school board which have been approved by the  
30 commissioner, the district school board may dispose of the  
31 instructional materials of an old adoption when they have

1 become unserviceable, upon such terms and conditions as will  
2 yield their fair salvage value. The Department of Education  
3 shall enter into one or more contracts with recycling firms  
4 for periodic pickup in school districts of obsolete or  
5 unusable materials to be salvaged.

6 Section 61. Section 233.39, Florida Statutes, is  
7 amended to read:

8 233.39 Renovation and repair of textbooks.--The  
9 Commissioner ~~Board~~ of Education shall prescribe rules and  
10 regulations under which the Department of Education shall,  
11 whenever requested to do so by any superintendent, make  
12 necessary arrangements for the renovation and repair of books  
13 that ~~which~~ could thereby be put into serviceable condition.  
14 All proper expense in connection with such renovation and  
15 repair is declared to be a proper charge against the  
16 appropriation for the purchase of instructional materials by  
17 the school district. The commissioner ~~state board~~, in order  
18 to assist district school boards in obtaining the most  
19 economical services, shall formulate and prescribe such rules  
20 and regulations for the letting of contracts for the  
21 renovation and repair of books used in the public schools of  
22 the state as in its judgment are ~~may be~~ practicable and  
23 economically feasible. The Department of Education shall  
24 enter into such contracts upon the basis of competitive sealed  
25 bids from responsible firms who must, prior to contract award,  
26 have on hand in their plants the equipment necessary to  
27 perform the work of rebinding specified by the department.  
28 For the purpose of rebinding, textbooks must ~~shall~~ be  
29 classified by the department as to size, and such  
30 classification must ~~shall~~ be the basis for bids from rebinding  
31 firms. Bids from rebinding firms must ~~shall~~ be on the basis



1 of minimum quantities of 100 books in each classification. ~~No~~  
2 Such a contract ~~shall be entered~~ for the renovation and repair  
3 of books used in the public schools of this state may not be  
4 entered when the cost of renovation and repair exceeds the  
5 original acquisition cost of such books or the cost of  
6 replacing such books, whichever is the lesser. However, this  
7 section does not ~~nothing herein contained shall be construed~~  
8 ~~to~~ prohibit the inmates of the state prison from repairing and  
9 renovating any public school textbooks or library books. Any  
10 suit that is ~~of any nature~~ instituted under ~~the provisions of~~  
11 this section must ~~shall~~ be brought in the name of the state,  
12 and any amount recovered by reason of such a suit must ~~shall~~  
13 be deposited in the General Revenue Fund.

14 Section 62. Paragraph (a) of subsection (1) and  
15 subsection (2) of section 234.01, Florida Statutes, are  
16 amended to read:

17 234.01 Purpose; transportation; when provided.--

18 (1) School boards, after considering recommendations  
19 of the superintendent:

20 (a) Shall provide transportation for each student in  
21 prekindergarten handicapped and in kindergarten through grade  
22 12 membership in a public school when, and only when,  
23 transportation is necessary to provide adequate educational  
24 facilities and opportunities which otherwise would not be  
25 available and to transport students whose homes are more than  
26 a reasonable walking distance, as defined by rules of the  
27 commissioner ~~state board~~, from the nearest appropriate school.

28 (2) In each case in which transportation of students  
29 is impracticable in the opinion of the school board, the  
30 school board is authorized to take steps for making available  
31 educational facilities as are authorized by law or rule of the

1 ~~commissioner state board~~ and as, in the opinion of the school  
2 board, are practical.

3 Section 63. Section 234.02, Florida Statutes, 1996  
4 Supplement, is amended to read:

5 234.02 Safety and health of pupils.--Maximum regard  
6 for safety and adequate protection of health are ~~shall be~~  
7 primary requirements that must ~~which shall~~ be observed by  
8 school boards in routing buses, appointing drivers, and  
9 providing and operating equipment, in accordance with all  
10 requirements of law and regulations of the commissioner ~~state~~  
11 ~~board~~ in providing transportation pursuant to s. 234.01:

12 (1) School boards shall use school buses, as defined  
13 in s. 234.051, for all regular transportation. Regular  
14 transportation or regular use means ~~shall mean~~ transportation  
15 of students to and from school or school-related activities  
16 that ~~which~~ are part of a scheduled series or sequence of  
17 events to the same location. "Students" means, for the  
18 purposes of this section, students enrolled in the public  
19 schools in prekindergarten programs through grade 12. School  
20 boards may regularly use motor vehicles other than school  
21 buses only under the following conditions:

22 (a) When the transportation is for physically  
23 handicapped or isolated students and the district has elected  
24 to provide for the transportation of the student through  
25 written or oral contracts or agreements.

26 (b) When the transportation is a part of a  
27 comprehensive contract for a specialized educational program  
28 between a school board and a service provider who provides  
29 instruction, transportation, and other services.

30 (c) When the transportation is provided through a  
31 public transit system.

1           (d) When the transportation of students is necessary  
2 or practical in a motor vehicle owned or operated by a school  
3 board other than a school bus and such transportation is  
4 provided in designated seating positions in a passenger car  
5 not to exceed 8 students or in any other motor vehicle  
6 designed to transport 10 or fewer persons which meets all  
7 federal motor vehicle safety standards for passenger cars.

8  
9 When students are transported in motor vehicles, the occupant  
10 crash protection system provided by the vehicle manufacturer  
11 must ~~shall~~ be used unless the student's physical condition  
12 prohibits such use.

13           (2) Except as provided in subsection (1), school  
14 boards may authorize the transportation of students in  
15 privately owned motor vehicles on a case-by-case basis only in  
16 the following circumstances:

17           (a) When a student is ill or injured and must be taken  
18 home or to a medical treatment facility under nonemergency  
19 circumstances; and

20           1. The school has been unable to contact the student's  
21 parent or guardian or such parent, guardian, or responsible  
22 adult designated by the parent or guardian is not available to  
23 provide the transportation;

24           2. Proper adult supervision of the student is  
25 available at the location to which the student is being  
26 transported;

27           3. The transportation is approved by the school  
28 principal, or a school administrator designated by the  
29 principal to grant or deny such approval, or in the absence of  
30 the principal and designee, by the highest ranking school  
31

1 administrator or teacher available under the circumstances;  
2 and

3 4. If the school has been unable to contact the parent  
4 or guardian prior to the transportation, the school shall  
5 continue to seek to contact the parent or guardian until the  
6 school is able to notify the parent or guardian of the  
7 transportation and the pertinent circumstances.

8 (b) When the transportation is in connection with a  
9 school function or event regarding which the school district  
10 or school has undertaken to participate or to sponsor or  
11 provide the participation of students; and

12 1. The function or event is a single event that ~~which~~  
13 is not part of a scheduled series or sequence of events to the  
14 same location, such as, but not limited to, a field trip, a  
15 recreational outing, an interscholastic competition or  
16 cooperative event, an event connected with an extracurricular  
17 activity offered by the school, or an event connected to an  
18 educational program, such as, but not limited to, a job  
19 interview as part of a cooperative education program;

20 2. Transportation is not available, as a practical  
21 matter, using a school bus or school district passenger car;  
22 and

23 3. Each student's parent or guardian is notified, in  
24 writing, regarding the transportation arrangement and gives  
25 written consent before a student is transported in a privately  
26 owned motor vehicle.

27 (c) When a school board requires employees such as  
28 school social workers and attendance officers to use their own  
29 motor vehicles to perform duties of employment, and such  
30 duties include the occasional transportation of students.

31

1           (3) When approval is granted for the transportation of  
2 students in a privately owned vehicle, the provisions of s.  
3 234.03, regarding liability for tort claims are applicable,  
4 ~~shall apply~~. School district employees who provide approved  
5 transportation in privately owned vehicles are ~~shall be deemed~~  
6 ~~to be~~ acting within the scope of their employment. Parents,  
7 guardians, or other responsible adults who provide approved  
8 transportation in privately owned vehicles ~~shall~~ have the same  
9 exposure to, and protections from, risks of personal liability  
10 as do school district employees acting within the scope of  
11 their employment.

12           (4) Each school board may establish policies that  
13 ~~which~~ restrict the use of privately owned motor vehicles to  
14 circumstances that ~~which~~ are more limited than are described  
15 in this section or that ~~which~~ prohibit such use. Each school  
16 board may establish policies that ~~which~~ provide for more  
17 extensive requirements for approval, parental notification and  
18 consent procedures, insurance coverage, driver qualifications,  
19 or a combination of these.

20           (5) When transportation is authorized in privately  
21 owned vehicles, students may ~~only~~ be transported only in  
22 designated seating positions and must ~~shall be required to~~ use  
23 the occupant crash protection system provided by the vehicle  
24 manufacturer.

25           (6) School boards may contract with a common carrier  
26 to transport students to and from in-season and postseason  
27 athletic contests and to and from a school function or event  
28 in which the school district or a school has undertaken to  
29 participate or to provide or sponsor the participation of  
30 students.

31

1           (7) Transportation for adult students may be provided  
2 by any appropriate means as authorized by the school board  
3 when the transportation is accepted as a responsibility by the  
4 school board as provided in s. 234.01.

5           (8) Notwithstanding any other provision of this  
6 section, in an emergency situation that ~~which~~ constitutes an  
7 imminent threat to student health or safety, school personnel  
8 may take whatever action is necessary under the circumstances  
9 to protect student health and safety.

10           (9) Except as provided in s. 234.211, transportation  
11 is ~~shall not be~~ the responsibility of the school board in  
12 connection with any event or activity that ~~which~~ is not an  
13 event or activity offered by the school district or an event  
14 or an activity in which the school district or school has  
15 agreed to participate, cosponsor, or require the participation  
16 of students, and the school board has ~~shall have~~ no liability  
17 for transportation arranged and provided by parents or other  
18 parties to such events or activities.

19           (10) Each school board shall designate and adopt a  
20 specific plan for adequate examination, maintenance, and  
21 repair of transportation equipment. Examination of the  
22 mechanical condition of each school bus must ~~shall~~ be made by  
23 a capable mechanic at least once each month that the bus is in  
24 operation.

25           (11) The superintendent shall notify the school board  
26 of any school bus that ~~which~~ does not meet all requirements of  
27 law and regulations of the commissioner ~~state board~~, and the  
28 school board shall, if the ~~such~~ school bus is in an unsafe  
29 condition, withdraw it from use as a school bus until the bus  
30 meets the ~~said~~ requirements. The Department of Education may  
31 inspect or have inspected any school bus to determine whether

1 the bus meets requirements of law and regulations of the  
2 commissioner ~~state board~~. The department may, after due  
3 notice to a school board that any school bus does not meet  
4 certain requirements of law and regulations of the  
5 commissioner ~~state board~~, rule that the ~~such~~ bus must ~~shall~~ be  
6 withdrawn from use as a school bus, this ruling to be  
7 effective forthwith or upon a date to be specified therein,  
8 whereupon the school board shall withdraw same from use as a  
9 school bus until the bus meets requirements of law and  
10 regulations of the commissioner ~~state board~~ and until the  
11 department has officially revoked the pertinent ~~its said~~  
12 ruling. Notwithstanding any other provisions of this chapter,  
13 general purpose urban transit systems are declared qualified  
14 to transport children to and from school.

15 (12)(a) The routing and scheduling of school buses  
16 must be planned to eliminate the necessity for children to  
17 stand while a school bus is in motion. When circumstances of  
18 an emergency nature temporarily require transporting children  
19 on school buses in excess of the rated seating capacity, the  
20 ~~such~~ buses must proceed at a reduced rate of speed to maximize  
21 safety of the students, taking into account existing traffic  
22 conditions. Each school board is responsible for prompt  
23 relief of the emergency condition by providing additional  
24 equipment, bus rerouting, bus rescheduling, or other  
25 appropriate remedial action.

26 (b) Each school board, after considering  
27 recommendations from the superintendent, shall designate, by  
28 map or otherwise, or shall provide by school board rule for  
29 the designation of, nontransportation zones that are ~~shall be~~  
30 composed of all areas in the district from which it is  
31 unnecessary or impracticable to furnish transportation.

1 Nontransportation zones must ~~shall~~ be designated annually  
2 before ~~prior to~~ the opening of school and the designation of  
3 bus routes for the succeeding school year. Each school board,  
4 after considering recommendations from the superintendent,  
5 shall specifically designate, or shall provide by school board  
6 rule for the designation of, specific routes to be traveled  
7 regularly by school buses, and each route must ~~shall~~ meet the  
8 requirements prescribed by rules of the commissioner ~~state~~  
9 ~~board~~.

10 (c) Each district school board shall establish school  
11 bus stops, or provide by school board rule for the  
12 establishment of school bus stops, as necessary at the most  
13 reasonably safe locations available. Where unusual traffic  
14 hazards exist at school bus stops on roads maintained by the  
15 state outside of municipalities, the Department of  
16 Transportation, in concurrence and cooperation with and upon  
17 request of the district school board, shall place signs at  
18 such bus stops warning motorists of the location of the stops.

19 (13) The Commissioner ~~State Board~~ of Education may  
20 adopt rules to implement this section as are ~~it deems~~  
21 necessary or desirable in the interest of student health and  
22 safety.

23 Section 64. Subsection (1) of section 234.03, Florida  
24 Statutes, is amended to read:

25 234.03 Tort liability; liability insurance.--

26 (1) Each district school board shall be liable for  
27 tort claims arising out of any incident or occurrence  
28 involving a school bus or other motor vehicle owned,  
29 maintained, operated, or used by such school board to  
30 transport persons, to the same extent and in the same manner  
31 as the state or any of its agencies or subdivisions is liable



1 for tort claims under s. 768.28, except that the total  
2 liability to persons being transported for all claims or  
3 judgments of such persons arising out of the same incident or  
4 occurrence shall not exceed an amount equal to \$5,000  
5 multiplied by the rated seating capacity of the bus or other  
6 vehicle, as determined by rules of the Commissioner State  
7 ~~Board~~ of Education, or \$100,000, whichever is greater. The  
8 provisions of s. 768.28 ~~shall~~ apply to all claims or actions  
9 brought against school boards, as authorized in this  
10 subsection.

11 Section 65. Subsections (2), (3), and (4) of section  
12 234.051, Florida Statutes, are amended to read:

13 234.051 School buses.--School buses shall be defined  
14 and meet specifications as follows:

15 (2) SPECIFICATIONS.--Each school bus as defined in 49  
16 C.F.R. part 571, and subsection (1), which is rented, leased,  
17 purchased, or contracted for, must ~~shall~~ meet the applicable  
18 federal motor vehicle safety standards and other  
19 specifications as prescribed by regulations of the  
20 commissioner state board.

21 (3) STANDARDS FOR LEASED VEHICLES.--A motor vehicle  
22 owned and operated by a county or municipal transit authority  
23 which is leased by the school board of the local school  
24 district for transportation of public school students must  
25 ~~shall~~ meet such standards as ~~shall be established by the~~  
26 Commissioner State Board of Education establishes for the  
27 purpose of implementing this act. A school bus authorized by  
28 a school board to carry passengers other than school pupils  
29 must ~~shall~~ have the words "School Bus" and any other signs and  
30 insignia that ~~which~~ mark or designate it as a school bus  
31

1 covered, removed, or otherwise concealed while such ~~said~~  
2 passengers are being transported.

3 (4) OCCUPANT PROTECTION SYSTEMS.--Students may ~~shall~~  
4 be transported only in designated seating positions, except as  
5 provided in s. 234.02(12), and must ~~shall be required to~~ use  
6 the occupant crash protection system provided by the  
7 manufacturer, which system must ~~shall~~ comply with the  
8 requirements of 49 C.F.R. part 571, or with specifications of  
9 the Commissioner ~~State Board~~ of Education.

10 Section 66. Section 234.091, Florida Statutes, is  
11 amended to read:

12 234.091 General qualifications.--Each school bus  
13 driver must ~~shall~~ be of good moral character, of good vision  
14 and hearing, able-bodied, free from communicable disease,  
15 mentally alert, and sufficiently strong physically to handle  
16 the bus with ease, and he or she must ~~shall~~ possess such other  
17 qualifications as are prescribed by the commissioner ~~state~~  
18 ~~board~~, including those qualifications described in 49 C.F.R.  
19 391.41-.49 "physical qualifications and examinations" and 49  
20 C.F.R. 391.81-.123 "controlled substance testing," and he or  
21 she must ~~shall~~ hold a valid commercial driver's license with a  
22 passenger endorsement.

23 Section 67. Subsections (1) and (2) of section  
24 234.101, Florida Statutes, 1996 Supplement, are amended to  
25 read:

26 234.101 Specific requirements; driver training  
27 program; contract.--

28 234.101 Requirements for school bus drivers.--

29 (1) Each school bus driver must be of good moral  
30 character, of good vision and hearing, able-bodied, free from  
31 communicable disease, mentally alert, and sufficiently strong

1 physically to handle the bus with ease, and he or she must  
2 possess other qualifications prescribed by the Commissioner of  
3 Education ~~state board~~, including those qualifications  
4 described in 49 C.F.R. ss. 391.41-.49 "physical qualifications  
5 and examinations" and 49 C.F.R. ss. 391.81-.123 "controlled  
6 substance testing," and he or she must hold a valid commercial  
7 driver's license with a passenger endorsement.

8 (2) The Commissioner ~~State Board~~ of Education shall  
9 adopt requirements that ~~which~~ school bus drivers must meet  
10 before they are employed ~~prior to employment~~ by district  
11 school boards.

12 Section 68. Subsection (6) of section 234.301, Florida  
13 Statutes, is amended to read:

14 234.301 Pool purchase of school buses.--

15 (6) The Commissioner ~~State Board~~ of Education may  
16 adopt any rule necessary to implement this section, maintain  
17 the integrity of the school bus pool purchase program, and  
18 ensure the best and lowest price for purchasing school buses  
19 by the public school districts.

20 Section 69. Subsection (2) of section 235.01, Florida  
21 Statutes, is amended to read:

22 235.01 Purpose; rules.--

23 (2) The Commissioner ~~State Board~~ of Education shall  
24 adopt rules to implement ~~the provisions of~~ this chapter.

25 Section 70. Subsection (10) of section 235.014,  
26 Florida Statutes, is amended to read:

27 235.014 Functions of the department.--The functions of  
28 the department shall include, but not be limited to, the  
29 following; it shall:

30 (10)(a) When required by the State Constitution,  
31 review surveys proposed by the boards and recommend to the

1 Commissioner ~~State Board~~ of Education, for approval, surveys  
2 that meet the requirements of this chapter.

3 (b) Recommend priority of projects to be funded for  
4 approval by the commissioner ~~state board~~, when required by  
5 law.

6 Section 71. Subsection (1) of section 235.04, Florida  
7 Statutes, is amended to read:

8 235.04 Disposal of property.--

9 (1) REAL PROPERTY.--Subject to rules of the  
10 Commissioner ~~State Board~~ of Education, a board may dispose of  
11 any land or real property that ~~which~~ is, by resolution of the  
12 ~~such~~ board, determined to be unnecessary for educational  
13 purposes as recommended in an educational plant survey. A  
14 board shall take diligent measures to dispose of educational  
15 property only in the best interests of the public. However,  
16 appraisals may be obtained by the board prior to or  
17 simultaneously with the receipt of bids.

18 Section 72. Paragraph (a) of subsection (2) of section  
19 235.056, Florida Statutes, is amended to read:

20 235.056 Lease and lease-purchase of educational  
21 facilities and sites.--

22 (2)(a) A board may ~~is authorized to~~ rent or lease  
23 educational facilities and sites as defined in s. 235.011.  
24 Educational facilities and sites rented or leased for 1 year  
25 or less shall be funded through the operations budget or funds  
26 derived from millage proceeds pursuant to s. 236.25(2). A  
27 lease contract for 1 year or less, when extended or renewed  
28 beyond a year, becomes a multiple-year lease. Operational  
29 funds or funds derived from millage proceeds pursuant to s.  
30 236.25(2) may be authorized to be expended for multiple-year  
31 leases. All leased facilities and sites must ~~shall~~ be

1 inspected prior to occupancy by the board's Uniform Building  
2 Code inspector, who shall report to the department.

3 1. Beginning July 1, 1995, all newly leased spaces  
4 must ~~shall~~ be inspected and brought into compliance with the  
5 state minimum building code pursuant to chapter 553, and the  
6 life safety codes pursuant to chapter 633, prior to occupancy,  
7 using the board's operations budget or funds derived from  
8 millage proceeds pursuant to s. 236.25(2). As an alternative,  
9 the board may elect to comply with the State Uniform Building  
10 Code for Public Educational Facilities Construction instead of  
11 the state minimum building code or the life safety code, or  
12 both.

13 2. Plans for renovation or remodeling of leased space  
14 shall conform to state minimum building and life safety codes  
15 for educational occupancies, or other occupancies as  
16 appropriate, as required in chapters 553 and 633, prior to  
17 occupancy. As an alternative, the board may elect to comply  
18 with the State Uniform Building Code for Public Educational  
19 Facilities Construction instead of the state minimum building  
20 code or the life safety code, or both.

21 3. All leased facilities must ~~shall~~ be inspected  
22 annually for fire safety deficiencies in accordance with the  
23 applicable code and have corrections made in accordance with  
24 s. 235.06. Operational funds or funds derived from millage  
25 proceeds pursuant to s. 236.25(2) may be used to correct  
26 deficiencies in leased space.

27 4. When the board declares that a public emergency  
28 exists, it may take up to 30 days to bring the leased facility  
29 into compliance with the requirements of Commissioner State  
30 ~~Board~~ of Education rules.

31

1           Section 73. Section 235.06, Florida Statutes, is  
2 amended to read:

3           235.06 Safety and sanitation standards and inspection  
4 of property.--The Commissioner ~~State Board~~ of Education shall  
5 ~~is empowered and directed to~~ adopt and administer rules  
6 prescribing standards for the safety and health of occupants  
7 of educational and ancillary plants as a part of the State  
8 Uniform Building Code for Public Educational Facilities  
9 Construction as provided in s. 235.26, the provisions of  
10 chapter 633 to the contrary notwithstanding. These standards  
11 must ~~shall~~ be used by all public agencies when inspecting  
12 public educational and ancillary plants. In accordance with  
13 such standards, each board shall prescribe policies and  
14 procedures establishing a comprehensive program of safety and  
15 sanitation for the protection of occupants of public  
16 educational and ancillary plants. Such policies must ~~shall~~  
17 contain procedures for periodic inspections as prescribed  
18 herein and for withdrawal of any educational and ancillary  
19 plant, or portion thereof, from use until unsafe or unsanitary  
20 conditions are corrected or removed.

21           (1) PERIODIC INSPECTION OF PROPERTY BY THE BOARD.--

22           (a) Each board shall provide for periodic inspection  
23 of each educational and ancillary plant at least once during  
24 each fiscal year to determine compliance with standards of  
25 sanitation and casualty safety prescribed in the rules of the  
26 commissioner ~~state board~~.

27           (b) Firesafety inspections ~~shall be made annually~~ of  
28 each educational and ancillary plant must be made annually by  
29 persons certified by the Division of State Fire Marshal to be  
30 eligible to conduct firesafety inspections in public  
31 educational and ancillary plants.

1           (c) In each firesafety inspection report, the board  
2 shall include a plan of action and a schedule for the  
3 correction of each deficiency. If immediate life-threatening  
4 deficiencies are noted in any inspection, the board shall  
5 either take action to promptly correct the ~~such~~ deficiencies  
6 or withdraw the educational or ancillary plant from use until  
7 such time as the deficiencies are corrected.

8           (2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC  
9 AGENCIES.--A safety or sanitation inspection of any  
10 educational or ancillary plant may be made at any time by the  
11 Department of Education or any other state or local agency  
12 authorized or required to conduct such inspections by either  
13 general or special law. Each agency conducting inspections  
14 shall use the standards adopted by the Commissioner ~~State~~  
15 ~~Board~~ of Education in lieu of, and to the exclusion of, any  
16 other inspection standards prescribed either by statute or  
17 administrative rule, the provisions of chapter 633 to the  
18 contrary notwithstanding. The agency shall submit a copy of  
19 the inspection report to the board.

20           (3) CORRECTIVE ACTION.--Upon failure of the board to  
21 take corrective action within a reasonable time, the agency  
22 making the inspection may request the commissioner to:

23           (a) Order that appropriate action be taken to correct  
24 all deficiencies in accordance with a schedule determined  
25 jointly by the inspecting authority and the board; in  
26 developing the ~~development of such~~ schedule, consideration  
27 must ~~shall~~ be given to the seriousness of the deficiencies and  
28 the ability of the board to obtain the necessary funds; or

29           (b) After 30 calendar days' notice to the board, order  
30 all or a portion of the educational or ancillary plant  
31 withdrawn from use until the deficiencies are corrected.

1           Section 74. Subsection (1) and paragraph (b) of  
2 subsection (2) of section 235.15, Florida Statutes, are  
3 amended to read:

4           235.15 Educational plant survey; PECO project  
5 funding.--

6           (1) At least every 5 years, each board, including the  
7 Board of Regents, shall arrange for an educational plant  
8 survey, to aid in formulating plans for housing the  
9 educational program and student population, faculty,  
10 administrators, staff, and auxiliary and ancillary services of  
11 the district or campus, including consideration of the local  
12 comprehensive plan. Before educational plant survey of a  
13 school district or community college that delivers career or  
14 adult education programs, the Division of Applied Technology  
15 and Adult Education shall establish documentation of the need  
16 for additional career and adult education programs and the  
17 continuation of existing programs before facility construction  
18 or renovation related to career or adult education may be  
19 included in the education plant survey. Information used by  
20 the Division of Applied Technology and Adult Education to  
21 establish facility needs must include, but need not be limited  
22 to, labor market data, needs analysis, and information  
23 submitted by the school district or community college. Each  
24 survey must ~~shall~~ be conducted by the board or an agency  
25 employed by the board. Surveys must ~~shall~~ be reviewed and  
26 approved by the board, and a file copy must ~~shall~~ be submitted  
27 to the commissioner. The survey report must ~~shall~~ include at  
28 least an inventory of existing educational and ancillary  
29 plants; recommendations for existing educational and ancillary  
30 plants; recommendations for new educational or ancillary  
31 plants, including the general location of each in coordination



1 with the land use plan; campus master plan update and detail  
2 for community colleges; the utilization of school plants based  
3 on an extended school day or year-round operation; and such  
4 other information as is ~~may be~~ required by ~~the rules of the~~  
5 Commissioner ~~State Board~~ of Education by rule. This report may  
6 be amended, if conditions warrant, at the request of the ~~board~~  
7 ~~or~~ commissioner. Relocatables shall be included in the school  
8 district inventory of facilities and must be rated at 100  
9 percent of actual student capacity for purposes of the  
10 inventory. For future needs determination, relocatables may  
11 ~~shall~~ not be counted. However, an adjustment must ~~shall~~ be  
12 made for deficiencies in core space because of the use of  
13 portables. When required by the State Constitution, the  
14 department shall review the surveys and any amendments thereto  
15 for compliance with the requirements of this chapter and shall  
16 recommend those in compliance for approval by the Commissioner  
17 ~~State Board~~ of Education.

18 (2) Only the superintendent or the college president  
19 shall certify to the department a project's compliance with  
20 the requirements for expenditure of PECO funds prior to  
21 release of funds.

22 (b) Upon request for release of construction funds,  
23 certification must be made to the department that the need and  
24 location of the facility are in compliance with the  
25 commissioner-approved ~~board-approved~~ survey recommendations,  
26 that the project meets the definition of a PECO project and  
27 the limiting criteria for expenditures of PECO funding, and  
28 that the construction documents meet the requirements of the  
29 State Uniform Building Code for Educational Facilities  
30 Construction or other applicable codes as authorized in this  
31 chapter.

1           Section 75. Subsections (2) and (3) of section 235.19,  
2 Florida Statutes, are amended to read:

3           235.19 Site planning and selection.--

4           (2) Each new site selected must be adequate in size to  
5 meet the educational needs of the students to be served. The  
6 Commissioner ~~State Board~~ of Education shall prescribe by rule  
7 recommended sizes for new sites according to categories of  
8 students to be housed and other appropriate factors determined  
9 by the commissioner ~~state board~~. Less-than-recommended site  
10 sizes are ~~shall be~~ allowed if the board, by a two-thirds  
11 majority, recommends such a site and finds that it can provide  
12 an appropriate and equitable educational program on the ~~such~~  
13 site.

14           (3) Sites recommended for purchase, or purchased, in  
15 accordance with chapter 230 or chapter 240 must meet standards  
16 prescribed therein and such supplementary standards as ~~may be~~  
17 ~~prescribed by the~~ commissioner prescribes ~~state board~~ to  
18 promote the educational interests of the students. Each site  
19 must be well drained and suitable for outdoor educational  
20 purposes as appropriate for the educational program. As  
21 provided in s. 333.03, the site must ~~shall~~ not be located  
22 within any path of flight approach of any airport. Insofar as  
23 is practicable, the site must ~~shall~~ not adjoin a right-of-way  
24 of any railroad or through highway and must ~~shall~~ not be  
25 adjacent to any factory or other property from which noise,  
26 odors, or other disturbances, or at which conditions, would be  
27 likely to interfere with the educational program.

28           Section 76. Subsection (4) of section 235.211, Florida  
29 Statutes, is amended to read:

30           235.211 Educational facilities contracting and  
31 construction techniques.--

1           (4) Except as otherwise provided in this section and  
2 s. 481.229, the services of a registered architect must ~~shall~~  
3 be used for the development of plans for the erection,  
4 enlargement, or alteration of any educational facility. The  
5 services of a registered architect are ~~shall~~ not ~~be~~ required  
6 for a minor renovation project for which the ~~projects with a~~  
7 construction cost is ~~of~~ less than \$50,000 or for the placement  
8 or hookup of relocatable educational facilities that conform  
9 with standards adopted under ~~pursuant to~~ s. 235.26(2) and (3).  
10 However, boards must provide compliance with building code  
11 requirements and ensure that these structures are adequately  
12 anchored for wind resistance as required by law. Boards are  
13 encouraged to consider the reuse of existing construction  
14 documents or design criteria packages where such reuse is  
15 feasible and practical. Notwithstanding s. 287.055, a board  
16 may purchase the architectural services for the design of  
17 educational or ancillary facilities under an existing contract  
18 agreement for professional services held by a school board in  
19 the State of Florida, provided that the purchase is to the  
20 economic advantage of the purchasing board, the services  
21 conform to the standards prescribed by rules of the  
22 Commissioner ~~State Board~~ of Education, and such reuse is not  
23 without notice to, and permission from, the architect of  
24 record whose plans or design criteria are being reused. The  
25 department shall review these plans ~~shall be reviewed by the~~  
26 ~~department~~ for compliance with the state requirements for  
27 educational facilities. Rules adopted under ~~pursuant to~~ this  
28 section must ~~shall~~ establish uniform prequalification,  
29 selection, bidding, and negotiation procedures applicable to  
30 construction management contracts and the design-build  
31 process. This section does not supersede any small,

1 woman-owned or minority-owned business enterprise preference  
2 program adopted by a board. Except as otherwise provided in  
3 this section, the negotiation procedures applicable to  
4 construction management contracts and the design-build process  
5 must conform to the requirements of s. 287.055. A board may  
6 not modify any rules regarding construction management  
7 contracts or the design-build process.

8 Section 77. Section 235.26, Florida Statutes, is  
9 amended to read:

10 235.26 State Uniform Building Code for Public  
11 Educational Facilities Construction.--The Commissioner ~~State~~  
12 ~~Board~~ of Education shall adopt a uniform statewide building  
13 code for the planning and construction of public educational  
14 and ancillary plants by district school boards and community  
15 college district boards of trustees. The code must ~~shall~~ be  
16 entitled the State Uniform Building Code for Public  
17 Educational Facilities Construction. Included in this code  
18 must ~~shall~~ be flood plain management criteria in compliance  
19 with the rules and regulations in 44 C.F.R., parts 59 and 60,  
20 and subsequent revisions thereto which are adopted by the  
21 Federal Emergency Management Agency. Wherever the words  
22 "Uniform Building Code" appear, they ~~shall~~ mean the "State  
23 Uniform Building Code for Public Educational Facilities  
24 Construction." It is ~~shall~~ not a purpose ~~be the intent~~ of the  
25 Uniform Building Code to inhibit the use of new materials or  
26 innovative techniques; nor may ~~shall~~ it specify or prohibit  
27 materials by brand names. The code must ~~shall~~ be flexible  
28 enough to cover all phases of construction so as to ~~which will~~  
29 afford reasonable protection for the public safety, health,  
30 and general welfare. The department may secure the service of  
31

1 other state agencies or such other assistance as it finds may  
2 ~~find~~ desirable in revising ~~the revision of~~ the code.

3 (1) UNIFORM BUILDING CODE.--

4 (a) Except as otherwise provided in paragraph (b), all  
5 public educational and ancillary plants constructed by a  
6 district school board or a community college district board of  
7 trustees must ~~shall~~ conform to the State Uniform Building Code  
8 for Public Educational Facilities Construction, and such  
9 plants are exempt from all other state, county, district,  
10 municipal, or local building codes, interpretations, building  
11 permits, and assessments of fees for building permits,  
12 ordinances, road closures, and impact fees or service  
13 availability fees. Any inspection by local or state government  
14 must ~~shall~~ be based on the Uniform Building Code as prescribed  
15 by rule. Each board shall provide for periodic inspection of  
16 the proposed educational plant during each phase of  
17 construction to determine compliance with the Uniform Building  
18 Code.

19 (b) A district school board or community college  
20 district board of trustees may conform with local building  
21 codes and the administration of such codes when constructing  
22 ancillary plants that ~~which~~ are not attached to educational  
23 facilities, if those ~~provided that such~~ plants conform to ~~with~~  
24 the space size requirements established in the Uniform  
25 Building Code.

26 (2) CONFORMITY TO UNIFORM BUILDING CODE STANDARDS  
27 REQUIRED FOR APPROVAL.--A district school board or community  
28 college district board of trustees may ~~shall~~ not approve any  
29 plans for the construction, renovation, remodeling, or  
30 demolition of any educational or ancillary plants unless these  
31 plans conform to the requirements of the Uniform Building

1 Code. Each district school board and community college  
2 district board of trustees may adopt policies for delegating  
3 to the superintendent or community college president authority  
4 for submitting documents to the department and for awarding  
5 contracts subsequent to and consistent with board approval of  
6 the scope, timeframes, funding source, and budget of a  
7 survey-recommended project. It is ~~shall~~ also ~~be~~ the  
8 responsibility of the department to develop, as a part of the  
9 Uniform Building Code, standards relating to:

10 (a) Prefabricated or factory-built facilities that  
11 ~~which~~ are designed to be portable, relocatable, demountable,  
12 or reconstructible; are used primarily as classrooms; and do  
13 not fall under the provisions of ss. 320.822-320.862. Such  
14 standards must ~~shall~~ permit boards to contract with the  
15 Department of Community Affairs for factory inspections by  
16 certified Uniform Building Code inspectors to certify  
17 conformance with law and with rules of the Commissioner ~~State~~  
18 ~~Board~~ of Education ~~rule~~.

19 (b) The sanitation of educational and ancillary plants  
20 and the health of occupants of educational and ancillary  
21 plants.

22 (c) The safety of occupants of educational and  
23 ancillary plants as provided in s. 235.06.

24 (d) The physically handicapped.

25 (e) Accessibility for children, notwithstanding the  
26 provisions of s. 553.512.

27 (f) The performance of life-cycle cost analyses on  
28 alternative architectural and engineering designs to evaluate  
29 their energy efficiencies.

30 1. The life-cycle cost analysis must consist of ~~shall~~  
31 ~~be~~ the sum of:

1           a. The reasonably expected fuel costs over the life of  
2 the building that are required to maintain illumination, water  
3 heating, temperature, humidity, ventilation, and all other  
4 energy-consuming equipment in a facility; and

5           b. The reasonable costs of probable maintenance,  
6 including labor and materials, and operation of the building.

7           2. For computation of the life-cycle costs, the  
8 department shall develop standards that must ~~shall~~ include,  
9 but need not be limited to:

10           a. The orientation and integration of the facility  
11 with respect to its physical site.

12           b. The amount and type of glass employed in the  
13 facility and the directions of exposure.

14           c. The effect of insulation incorporated into the  
15 facility design and the effect on solar utilization of the  
16 properties of external surfaces.

17           d. The variable occupancy and operating conditions of  
18 the facility and subportions of the facility.

19           e. An energy consumption analysis of the major  
20 equipment of the facility's heating, ventilating, and cooling  
21 system; lighting system; and hot water system and all other  
22 major energy-consuming equipment and systems as appropriate.

23           3. Such standards must ~~shall~~ be based on the best  
24 currently available methods of analysis, including such  
25 methods as those of the National Institute of Standards and  
26 Technology, the Department of Housing and Urban Development,  
27 and other federal agencies and professional societies and  
28 materials developed by the Department of Management Services  
29 and the department. Provisions must ~~shall~~ be made for an  
30 annual updating of standards as required.

31

1           (3) ENFORCEMENT BY BOARD.--It is the responsibility of  
2 each district school board and community college district  
3 board of trustees to ensure that all plans and educational and  
4 ancillary plants meet the standards of the Uniform Building  
5 Code and to provide for the enforcement of this code in the  
6 areas of its jurisdiction. Each board shall provide for the  
7 proper supervision and inspection of the work. Each board may  
8 ~~is authorized to~~ employ a chief building official or inspector  
9 and such other inspectors, who have been certified by the  
10 department or certified pursuant to chapter 468, and such  
11 personnel as are ~~may be~~ necessary to administer and enforce  
12 the provisions of this code. Boards may also utilize local  
13 building department inspectors who are certified by the  
14 department to enforce this code. Plans or facilities that fail  
15 to meet the standards of the Uniform Building Code may ~~shall~~  
16 not be approved.

17           (4) ENFORCEMENT BY DEPARTMENT.--As a further means of  
18 ensuring that all educational and ancillary facilities  
19 hereafter constructed or materially altered or added to  
20 conform to the Uniform Building Code standards, each district  
21 school board and community college district board of trustees  
22 that ~~which~~ undertakes the construction, renovation,  
23 remodeling, purchasing, or lease-purchase of any educational  
24 plant or ancillary facility, the cost of which exceeds  
25 \$200,000, may submit plans to the department for ~~and receive~~  
26 ~~the approval of the department.~~

27           (5) APPROVAL.--

28           (a) Before a contract has been let for the  
29 construction, the department, the board, or the board's  
30 authorized review agent must approve the phase III  
31 construction documents. A board may reuse prototype plans on



1 another site, provided the facilities list and phase III  
2 construction documents have been updated for the new site and  
3 for compliance with the Uniform Building Code and any laws  
4 relating to firesafety, health and sanitation, casualty  
5 safety, and requirements for the physically handicapped which  
6 are in effect at the time a construction contract is to be  
7 awarded.

8 (b) In reviewing plans for approval, the department,  
9 the board, or its review agent as authorized in s. 235.017,  
10 shall take into consideration:

- 11 1. The need for the new facility.
- 12 2. The educational and ancillary plant planning.
- 13 3. The architectural and engineering planning.
- 14 4. The location on the site.
- 15 5. Plans for future expansion.
- 16 6. The type of construction.
- 17 7. Sanitary provisions.
- 18 8. Conformity to Uniform Building Code standards.
- 19 9. The structural design and strength of materials  
20 proposed to be used.
- 21 10. The mechanical design of any heating,  
22 air-conditioning, plumbing, or ventilating system. Typical  
23 heating, ventilating, and air-conditioning systems preapproved  
24 by the department for specific applications may be used in the  
25 design of educational facilities.
- 26 11. The electrical design of educational plants.
- 27 12. The energy efficiency and conservation of the  
28 design.
- 29 13. Life-cycle cost considerations.
- 30 14. The design to accommodate physically handicapped  
31 persons.

1           15. The ratio of net to gross square footage.

2           16. The proposed construction cost per gross square  
3 foot.

4           (c) The board may ~~shall~~ not occupy a facility until  
5 the project has been inspected to verify compliance with  
6 statutes, rules, and codes affecting the health and safety of  
7 the occupants. Verification of compliance with rules,  
8 statutes, and codes for nonoccupancy projects such as roofing,  
9 paving, site improvements, or replacement of equipment may be  
10 certified by the architect or engineer of record and  
11 verification of compliance for other projects may be made by  
12 an inspector certified by the department or certified pursuant  
13 to chapter 468 who is not the architect or engineer of record.  
14 The board shall maintain a record of the project's completion  
15 and permanent archive of phase III construction documents,  
16 including any addenda and change orders to the project. The  
17 boards shall provide project data to the department, as  
18 requested, for purposes and reports needed by the Legislature.

19           (6) REVIEW PROCEDURE ~~STATE BOARD OF APPEALS~~.--The  
20 Commissioner State Board of Education shall have ~~be~~ the final  
21 review board of ~~appeals for~~ all questions, disputes, or  
22 interpretations involving the Uniform Building Code, and any  
23 objections to decisions made by the inspectors or the  
24 department must ~~shall~~ be submitted in writing.

25           (7) BIENNIAL REVIEW AND UPDATE; DISSEMINATION.--The  
26 department shall biennially review, update, and revise the  
27 Uniform Building Code. The department shall publish and make  
28 available to each district school board and community college  
29 district board of trustees at no cost copies of the code and  
30 each amendment and revision thereto. The department shall make

31

1 additional copies available to all interested persons at a  
2 price sufficient to recover costs.

3 (8) LEGAL EFFECT OF CODE.--The State Uniform Building  
4 Code for Public Educational Facilities Construction ~~has shall~~  
5 ~~have~~ the force and effect of law and supersedes ~~shall~~  
6 ~~supersede~~ any other code adopted by a district school board or  
7 community college district board of trustees or any other  
8 building code or ordinance for the construction of educational  
9 and ancillary plants whether at the local, county, or state  
10 level and whether adopted by rule or legislative enactment.  
11 All special acts or general laws of local application are  
12 hereby repealed to the extent that they conflict with this  
13 section.

14 (9) EDUCATION FACILITIES AS EMERGENCY SHELTERS.--  
15 (a) The Department of Education shall, in consultation  
16 with boards and county and state emergency management offices,  
17 amend the State Uniform Building Code for Public Educational  
18 Facilities Construction to incorporate public shelter design  
19 criteria into the Uniform Building Code. The new criteria must  
20 be designed to ensure that appropriate core facility areas in  
21 new educational facilities can serve as public shelters for  
22 emergency management purposes. The Commissioner ~~State Board~~  
23 of Education shall publish proposed amendments to the State  
24 Uniform Building Code for Public Educational Facilities  
25 Construction setting forth the public-shelter criteria by July  
26 1, 1995. A facility, or an appropriate core facility area  
27 within a facility, for which a design contract is entered into  
28 subsequent to the effective date of the inclusion of the  
29 public shelter criteria in the code must be built in  
30 compliance with the amended code unless the facility or a part  
31 thereof is exempted from using the new shelter criteria due to

1 its location, size, or other characteristics by the applicable  
2 board with the concurrence of the applicable local emergency  
3 management agency or the Department of Community Affairs. Any  
4 educational facility located or proposed to be located in an  
5 identified category 1, 2, or 3 evacuation zone is ~~shall not be~~  
6 subject to the requirements of this subsection. If more than  
7 one educational facility is being constructed within any  
8 3-mile radius, no more than one facility, which must ~~shall~~ be  
9 selected on the basis of cost-effectiveness and greatest  
10 provision of shelter space, is ~~shall be~~ required to  
11 incorporate the public shelter criteria into its construction.

12 (b) By January 31, 1996, and by January 31 every  
13 even-numbered year thereafter, the Department of Community  
14 Affairs shall prepare and submit a statewide emergency shelter  
15 plan to the Governor and the Cabinet for approval. The ~~Such~~  
16 plan must ~~shall~~ identify the general location and square  
17 footage of existing shelters, by county, and the general  
18 location and square footage of needed shelters, by county, in  
19 the next 5 years. Such plan must ~~shall~~ identify the types of  
20 public facilities which should be constructed to comply with  
21 emergency shelter criteria and must recommend an appropriate,  
22 adequate, and dedicated source of funding for the additional  
23 cost of constructing emergency shelters within these public  
24 facilities. After the approval of the plan, a no board may not  
25 ~~shall~~ be required to build more emergency shelter space than  
26 identified as needed in the plan, and decisions pertaining to  
27 exemptions pursuant to paragraph (a) must ~~shall~~ be guided by  
28 the plan and by ~~the provisions of~~ this subsection.

29 (10) LOCAL LEGISLATION PROHIBITED.--After June 30,  
30 1985, pursuant to s. 11(a)(21), Art. III of the State  
31 Constitution, there shall not be enacted any special act or

1 general law of local application which proposes to amend,  
2 alter, or contravene any provisions of the State Building Code  
3 adopted under the authority of this section.

4 Section 78. Subsections (2) and (3) of section 235.31,  
5 Florida Statutes, are amended to read:

6 235.31 Advertising and awarding contracts;  
7 prequalification of contractor.--

8 (2) Boards may elect to come under the rules  
9 prescribed by the Commissioner ~~State Board~~ of Education for  
10 the prequalification of bidders of educational facilities  
11 construction.

12 (3) A public agency that is authorized to purchase  
13 services for maintenance, repair, and site improvement of  
14 facilities on behalf of various agencies of a county must give  
15 the school board in that county the option of purchasing those  
16 services for educational facilities and ancillary plants under  
17 those contracts at the unit prices stated in those contracts.  
18 However, the person providing those services under such a  
19 contract may, without jeopardizing the contract, refuse to  
20 provide the services to the school board. The school board may  
21 purchase those services under such a contract only if the  
22 purchase is to the economic advantage of the school district  
23 and the services conform to the standards and specifications  
24 prescribed by rules of the Commissioner ~~State Board~~ of  
25 Education and, if applicable, to the requirements of s.  
26 287.055. This subsection does not apply to contracts in  
27 existence on July 1, 1994.

28 Section 79. Section 235.32, Florida Statutes, is  
29 amended to read:

30 235.32 Substance of contract; contractors to give  
31 bond; penalties.--Each board shall develop contracts

1 consistent with this chapter and statutes governing public  
2 facilities. Such a contract must ~~shall~~ contain the drawings  
3 and specifications of the work to be done and the material to  
4 be furnished, the time limit in which the construction is to  
5 be completed, the time and method by which payments are to be  
6 made upon the contract, and the penalty to be paid by the  
7 contractor for any failure to comply with the terms of the  
8 contract. The board may require the contractor to pay a  
9 penalty for any failure to comply with the terms of the  
10 contract and may provide an incentive for early completion.  
11 Upon accepting a satisfactory bid, the board shall enter into  
12 a contract with the party or parties whose bid has been  
13 accepted. The contractor shall furnish the board with a  
14 performance and payment bond as set forth in s. 255.05.  
15 Notwithstanding any other provision of this section, if 25  
16 percent or more of the costs of any construction project is  
17 paid out of a trust fund established pursuant to 31 U.S.C. s.  
18 1243(a)(1), laborers and mechanics employed by contractors or  
19 subcontractors on such construction will be paid wages not  
20 less than those prevailing on similar construction projects in  
21 the locality, as determined by the Secretary of Labor in  
22 accordance with the Davis-Bacon Act, as amended. A person,  
23 firm, or corporation that constructs ~~Any and all persons,~~  
24 ~~firms, or corporations who shall construct~~ any part of any  
25 educational plant, or addition thereto, on the basis of any  
26 unapproved plans or in violation of any plans approved in  
27 accordance with the provisions of this chapter and rules of  
28 the Commissioner ~~State Board~~ of Education relating to building  
29 standards or specifications is ~~shall be~~ subject to forfeiture  
30 of bond and unpaid compensation in an amount sufficient to  
31 reimburse the board for any costs that ~~which~~ will need to be

1 incurred in making any changes necessary to assure that all  
2 requirements are met and is ~~shall~~ also ~~be~~ guilty of a  
3 misdemeanor of the second degree, punishable as provided in s.  
4 775.082 or s. 775.083, for each separate violation.

5 Section 80. Paragraph (a) of subsection (1), paragraph  
6 (a) of subsection (2), paragraph (b) of subsection (3), and  
7 paragraph (e) of subsection (6) of section 235.435, Florida  
8 Statutes, are amended to read:

9 235.435 Funds for comprehensive educational plant  
10 needs.--Allocations from the Public Education Capital Outlay  
11 and Debt Service Trust Fund to the various boards for capital  
12 outlay projects shall be determined as follows:

13 (1)(a) Funds for remodeling, renovation, maintenance,  
14 repairs, and site improvement for existing satisfactory  
15 facilities shall be given priority consideration by the  
16 Legislature for appropriations allocated to the boards,  
17 including the Board of Regents, from the total amount of the  
18 Public Education Capital Outlay and Debt Service Trust Fund  
19 appropriated. These funds must ~~shall~~ be calculated pursuant  
20 to the following basic formula: the building value times the  
21 building age over the sum of the years' digits assuming a  
22 50-year building life. For relocatable facilities, a 20-year  
23 life must ~~shall~~ be used. "Building value" is calculated by  
24 multiplying each building's total assignable square feet times  
25 the appropriate net-to-gross conversion rate found in ~~state~~  
26 board rules of the commissioner, then multiplying ~~and~~ that  
27 product by times the current average new construction cost.  
28 "Building age" is calculated by multiplying the prior year's  
29 building age times 1 minus the prior year's sum received from  
30 this subsection divided by the prior year's building value.  
31 To the net result must ~~shall~~ be added the number 1. Each

1 board shall receive the percentage generated by the preceding  
2 formula of the total amount appropriated for the purposes of  
3 this section.

4 (2)(a) The department shall establish, as a part of  
5 the Public Education Capital Outlay and Debt Service Trust  
6 Fund, a separate account, in an amount determined by the  
7 Legislature, to be known as the "Special Facility Construction  
8 Account." The Special Facility Construction Account must ~~shall~~  
9 be used to provide necessary construction funds to school  
10 districts that ~~which~~ have urgent construction needs but ~~which~~  
11 lack sufficient resources at present, and cannot reasonably  
12 anticipate sufficient resources within the period of the next  
13 3 years, for these purposes from currently authorized sources  
14 of capital outlay revenue. A school district requesting  
15 funding from the Special Facility Construction Account shall  
16 submit one specific construction project, not to exceed one  
17 complete educational plant, to the Special Facility  
18 Construction Committee. A ~~No~~ district may not ~~shall~~ receive  
19 funding for more than one approved project in any 5-year  
20 period. The first year of the 5-year period is ~~shall be~~ the  
21 first year a district receives an appropriation. The request  
22 must meet the following criteria to be considered by the  
23 committee:

24 1. The construction project must be recommended in the  
25 most recent survey or surveys by the district under the rules  
26 of the Commissioner ~~State Board~~ of Education.

27 2. The construction project must appear on the  
28 district's approved project priority list under the rules of  
29 the Commissioner ~~State Board~~ of Education.

30  
31



1           3. The district must have selected and had approved a  
2 site for the construction project in compliance with s. 235.19  
3 and the rules of the Commissioner ~~State Board~~ of Education.

4           4. The district shall have a school board adopted  
5 facility list developed not to exceed the normal net square  
6 feet occupancy requirements under the rules of the  
7 Commissioner ~~State Board~~ of Education.

8           5. There must ~~shall~~ be an agreement signed by the  
9 district school board stating that it will advertise for bids  
10 within 30 days after ~~of~~ receipt of its encumbrance  
11 authorization from the department.

12           6. The district shall, at the time of the request and  
13 for a continuing period of 3 years, levy the maximum millage  
14 against their nonexempt assessed property value as allowed in  
15 s. 236.25(2). Effective July 1, 1991, any district with a new  
16 or active project, funded under the provisions of this  
17 subsection, may not ~~shall be required to~~ budget ~~no~~ more than  
18 the value of 1.5 mills per year to the project to satisfy the  
19 annual participation requirement in the Special Facility  
20 Construction Account.

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

27           8. The department shall certify the inability of the  
28 district to fund the survey-recommended project over a  
29 continuous 3-year period using projected capital outlay  
30 revenue derived from s. 9(d), Art. XII of the State  
31

1 Constitution, as amended, paragraph (3)(a) of this section,  
2 and s. 236.25(2).

3 9. The district shall have on file with the department  
4 an adopted resolution acknowledging its 3-year commitment of  
5 all unencumbered and future revenue acquired from s. 9(d),  
6 Art. XII of the State Constitution, as amended, paragraph  
7 (3)(a) of this section, and s. 236.25(2).

8 10. Final phase III plans must be certified by the  
9 board as complete and in compliance with the building and life  
10 safety codes prior to August 1.

11 (3)

12 (b) Funds accruing to a district school board from the  
13 provisions of this section must ~~shall~~ be expended on needed  
14 projects as shown by survey or surveys under the rules of the  
15 Commissioner ~~State Board~~ of Education.

16 (6)

17 (e) Funds accruing to a district school board from the  
18 provisions of this subsection shall be expended on needed  
19 projects as shown by survey or surveys under the rules of the  
20 commissioner ~~state board~~.

21 Section 81. Subsections (1), (2), (4), and (5) and  
22 paragraphs (a) and (f) of subsection (3) of section 236.02,  
23 Florida Statutes, are amended to read:

24 236.02 Minimum requirements of the Florida Education  
25 Finance Program.--Each district which participates in the  
26 state appropriations for the Florida Education Finance Program  
27 shall provide evidence of its effort to maintain an adequate  
28 school program throughout the district and shall meet at least  
29 the following requirements:

30 (1) ACCOUNTS AND REPORTS.--Maintain adequate and  
31 accurate records, including a system of internal accounts for

1 individual schools, and file with the Department of Education,  
2 in correct and proper form on or before the date due as fixed  
3 by law or regulation, each annual or periodic report that  
4 ~~which~~ is required by regulations of the commissioner ~~state~~  
5 ~~board~~.

6 (2) MINIMUM TERM.--Operate all schools for a term of  
7 at least 180 actual teaching days as prescribed in s.  
8 228.041(13) or the equivalent on an hourly basis as specified  
9 by rules of the Commissioner ~~State Board~~ of Education each  
10 school year. The commissioner ~~state board~~ may prescribe  
11 procedures for altering, and, upon written application, may  
12 alter, this requirement during a national, state, or local  
13 emergency as it may apply to an individual school or schools  
14 in any district or districts if, in the opinion of the board,  
15 it is not feasible to make up lost days, and the apportionment  
16 may, at the discretion of the Commissioner ~~State Board~~ of  
17 Education and if ~~in the event~~ the board determines that the  
18 reduction of school days is caused by the existence of a bona  
19 fide emergency, be reduced for such district or districts in  
20 proportion to the decrease in the length of term in any such  
21 school or schools. ~~Under no circumstances shall~~ A strike, as  
22 defined in s. 447.203(6), by employees of the school district  
23 may not be considered an emergency.

24 (3) EMPLOYMENT POLICIES.--Adopt rules relating to the  
25 appointment, promotion, transfer, suspension, and dismissal of  
26 personnel.

27 (a) Such rules must ~~shall~~ conform to applicable law  
28 and ~~state board~~ rules of the commissioner and must ~~shall~~  
29 include the duties and responsibilities of the superintendent  
30 and school board pertaining to these and other personnel  
31 matters.

1           (f) Such rules must ~~shall~~ require 12 calendar months  
2 of service for such principals as prescribed by regulations of  
3 the commissioner ~~state board~~ and must ~~shall~~ require 10 months  
4 to include not less than 196 days of service, excluding  
5 Sundays and other holidays, for all members of the  
6 instructional staff, with any such service on a 12-month basis  
7 to include reasonable allowance for vacation or further study  
8 as prescribed by the school board in accordance with  
9 regulations of the commissioner ~~state board~~.

10           (4) SALARY SCHEDULES.--Expend funds for salaries in  
11 accordance with a salary schedule or schedules adopted by the  
12 school board in accordance with the provisions of law and  
13 regulations of the commissioner ~~state board~~.

14           (5) BUDGETS.--Observe fully at all times all  
15 requirements of law and regulations of the commissioner ~~state~~  
16 ~~board~~ relating to the preparation, adoption, and execution of  
17 budgets for the district school system.

18           Section 82. Section 236.0801, Florida Statutes, is  
19 amended to read:

20           236.0801 Requirements for reporting kindergarten  
21 students.--Beginning with the 1995-1996 school year, a school  
22 district may not report for funding any kindergarten students  
23 under the Florida Education Finance Program unless the key  
24 data elements for the first state education goal, as approved  
25 by the Commissioner ~~State Board~~ of Education, were collected  
26 by the district.

27           Section 83. Paragraphs (a) and (c) of subsection (1)  
28 of section 236.081, Florida Statutes, 1996 Supplement, are  
29 amended to read:

30           236.081 Funds for operation of schools.--If the annual  
31 allocation from the Florida Education Finance Program to each

1 district for operation of schools is not determined in the  
2 annual appropriations act or the substantive bill implementing  
3 the annual appropriations act, it shall be determined as  
4 follows:

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

9 (a) Determination of full-time equivalent  
10 membership.--During each of several school weeks, including  
11 scheduled intersessions of a year-round school program during  
12 the fiscal year, a program membership survey of each school  
13 shall be made by each district by aggregating the full-time  
14 equivalent student membership of each program by school and by  
15 district. The department shall establish the number and  
16 interval of membership calculations, except that for basic and  
17 special programs such calculations shall not exceed nine for  
18 any fiscal year. The district's full-time equivalent  
19 membership shall be computed and currently maintained in  
20 accordance with regulations of the commissioner ~~state board~~.

21 (c) Determination of programs.--Cost factors based on  
22 desired relative cost differences between the following  
23 programs shall be established in the annual General  
24 Appropriations Act. However, the application of cost factors  
25 in part-time programs for exceptional students is limited to a  
26 maximum of twelve twenty-fifths of a student membership in a  
27 given program during a week. Beginning with the 1990-1991  
28 fiscal year, the application of cost factors in part-time  
29 programs for exceptional students is limited to a maximum of  
30 432 hours of a student full-time equivalent membership in a  
31 given program during a school year as defined in s.

1 228.041(16). The criteria for qualification for the special  
2 programs, including maximum case loads for part-time programs,  
3 must ~~shall~~ be determined by the commissioner by rule ~~rules of~~  
4 ~~the state board~~. However, the district may apply to the  
5 department for an exemption to the maximums set above, and the  
6 department may grant such exemptions when district size or  
7 program dispersal would place an undue burden on the district.  
8 Cost factors for special programs for exceptional students  
9 shall be used to fund programs, approved by the department, as  
10 provided by law for exceptional students under the minimum age  
11 for enrollment in kindergarten. Beginning with the 1993-1994  
12 fiscal year, the Department of Education shall conduct a  
13 program cost analysis, pursuant to Commissioner ~~State Board of~~  
14 Education rule, as part of the program review process. Adult  
15 basic and secondary programs must also be addressed in the  
16 program cost analysis. The program cost analysis must include,  
17 but is not limited to, the cost of direct and indirect  
18 operations, instruction, faculty-to-student ratio, consumable  
19 supplies, equipment, and optimum program length. Beginning  
20 with the 1995-1996 General Appropriations Act, the Legislature  
21 shall assign each secondary career education program and  
22 certificate career education program to a program funding  
23 level based on programmatic costs derived from the program  
24 cost analysis. A minimum of five funding levels shall be  
25 established in the General Appropriations Act for the purposes  
26 of this paragraph.

- 27 1. Basic programs.--
  - 28 a. Kindergarten and grades 1, 2, and 3.
  - 29 b. Grades 4, 5, 6, 7, and 8.
  - 30 c. Grades 9, 10, 11, and 12.
- 31 2. Special programs for exceptional students.--

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- 1 a. Educable mentally handicapped.
- 2 b. Trainable mentally handicapped.
- 3 c. Physically handicapped.
- 4 d. Physical and occupational therapy part-time.
- 5 e. Speech, language, and hearing part-time.
- 6 f. Speech, language, and hearing.
- 7 g. Visually handicapped part-time.
- 8 h. Visually handicapped.
- 9 i. Emotionally handicapped part-time.
- 10 j. Emotionally handicapped.
- 11 k. Specific learning disability part-time.
- 12 l. Specific learning disability.
- 13 m. Gifted part-time.
- 14 n. Hospital and homebound part-time.
- 15 o. Profoundly handicapped.
- 16 3. Adult general education programs.--
- 17 a. Adult basic education.
- 18 b. Adult secondary education.
- 19 c. Lifelong learning.
- 20 4. Secondary career education programs.--
- 21 a. Level I.
- 22 b. Level II.
- 23 c. Level III.
- 24 d. Level IV.
- 25 e. Level V.
- 26 5. Certificate career education and supplemental
- 27 career education programs.--
- 28 a. Level I.
- 29 b. Level II.
- 30 c. Level III.
- 31 d. Level IV.

1 e. Level V.  
2 6. Students-at-risk programs.--  
3 a. Dropout prevention.  
4 b. Special programs for teenage parents.  
5 c. Kindergarten through grade 3 ESOL.  
6 d. Grades 4 through 8 ESOL.  
7 e. Grades 9 through 12 ESOL.  
8 Section 84. Paragraphs (a) and (c) of subsection (2)  
9 of section 236.0811, Florida Statutes, are amended to read:  
10 236.0811 Educational training.--  
11 (2)(a)1. Pursuant to rules of the Commissioner ~~State~~  
12 ~~Board~~ of Education, each school board shall develop and  
13 annually approve a master plan for inservice educational  
14 training. The plan shall include all inservice programs for  
15 all district employees from all fund sources and shall be  
16 updated annually by September 1 using criteria and procedures  
17 for continued approval as specified by ~~state board~~ rule of the  
18 commissioner. Verification that the plan meets all  
19 requirements of this section must ~~shall~~ be submitted annually  
20 to the commissioner by October 1. The plan must ~~shall~~ be based  
21 on an assessment of the inservice educational training needs  
22 of the district conducted by a committee that includes  
23 parents, classroom teachers, and other educational personnel.  
24 This assessment must ~~shall~~ identify districtwide inservice  
25 needs and the inservice training needs of local schools. The  
26 plan must ~~shall~~ include, at a minimum, the inservice  
27 activities that are necessary for implementation of the  
28 schools' improvement plans during the current fiscal year. The  
29 plan must ~~shall~~ include, but is not limited to, components  
30 addressing: competencies in the identification, assessment,  
31 and prescription of instruction for exceptional students;



1 competencies in the identification, assessment, and  
2 prescription of instruction for child abuse and neglect  
3 prevention and for substance and alcohol abuse prevention; and  
4 competencies in instruction for multicultural sensitivity in  
5 the classroom. In addition, the plan must include a component  
6 to provide regular training to classroom teachers on advances  
7 in the field of normal child development and the disorders of  
8 development. The plan must ~~shall~~ also include components that  
9 may be used to satisfy the certification requirements  
10 applicable to teachers of students with limited proficiency in  
11 English and components that may be used for the renewal of a  
12 certificate in each of the following areas: a study of the  
13 middle grades, understanding the student in the middle grades,  
14 organizing interdisciplinary instruction in the middle grades,  
15 developing critical thinking and creative thinking in students  
16 in the middle grades, counseling functions of the teacher in  
17 the middle grades, developing creative learning materials for  
18 the middle grades, and planning and evaluating programs in the  
19 middle grades. The plan must ~~shall~~ include inservice  
20 activities for all district employees from all fund sources.

21         2. Classroom teachers and guidance counselors shall be  
22 required to participate in the inservice training for child  
23 abuse and neglect prevention, for alcohol and substance abuse  
24 prevention education, and for multicultural sensitivity  
25 education, which may include negotiation and conflict  
26 resolution training.

27         3. The department shall withhold funding of any  
28 district's master inservice plan, as required by this section,  
29 if the plan ~~which~~ fails to provide and require training in  
30 substance abuse prevention education pursuant to s.  
31 233.067(4)(c)1. for all classroom teachers and guidance

1 counselors. The department is authorized to waive one or more  
2 inservice areas related to the middle grades if the district  
3 can document its unsuccessful attempt to secure a competent  
4 trainer or sufficient enrollment or when the department  
5 determines that specific validated competencies may be  
6 substituted in lieu of such inservice areas.

7 (c) An organization of nonpublic schools which has no  
8 fewer than 10 member schools in this state, which publishes  
9 and files with the Department of Education copies of its  
10 standards, and the member schools of which comply with the  
11 provisions of chapter 232 relating to compulsory attendance  
12 may also develop a master plan for inservice educational  
13 training. The plan must ~~shall~~ be submitted to the commissioner  
14 for approval pursuant to rules of the commissioner ~~State Board~~  
15 ~~of Education~~. Costs associated with approval of the plan,  
16 such as travel, per diem, and substitutes required for onsite  
17 reviews, must ~~shall~~ be determined in accordance with criteria  
18 established by the Department of Education and must ~~shall~~ be  
19 borne by the organization.

20 Section 85. Subsections (1), and (5) of section  
21 236.083, Florida Statutes, 1996 Supplement, are amended to  
22 read:

23 236.083 Funds for student transportation.--The annual  
24 allocation to each district for transportation to public  
25 school programs of students in membership in kindergarten  
26 through grade 12, in migrant and exceptional student programs  
27 below kindergarten, and in any other state-funded  
28 prekindergarten program shall be determined as follows:

29 (1) Subject to the rules of the commissioner ~~state~~  
30 ~~board~~, each district shall determine the membership of  
31 students who are transported:

1           (a) By reason of living 2 miles or more from school;  
2           (b) By reason of being students with disabilities or  
3 enrolled in a teenage parent program, regardless of distance  
4 to school;  
5           (c) By reason of being in a state prekindergarten  
6 program, regardless of distance from school;  
7           (d) By reason of being vocational, dual enrollment, or  
8 students with disabilities transported from one school center  
9 to another to participate in an instructional program or  
10 service; or students with disabilities, transported from one  
11 designation to another in the state, provided one designation  
12 is a school center and provided the student's individual  
13 educational plan (IEP) identifies the need for the  
14 instructional program or service and transportation to be  
15 provided by the school district. A "school center" is defined  
16 as a public school center, public community college, public  
17 university, or other facility rented, leased, or owned and  
18 operated by the school district or another public agency. A  
19 "dual enrollment student" is defined as a public school  
20 student in membership in both a public secondary school  
21 program and a public community college or a public university  
22 program under a written agreement to partially fulfill ss.  
23 229.814 and 240.115 and earning full-time equivalent  
24 membership under s. 236.081(1)(j);  
25           (e) With respect to elementary school students whose  
26 grade level does not exceed grade 6, by reason of being  
27 subjected to hazardous walking conditions en route to or from  
28 school as provided in s. 234.021. Such rules shall, when  
29 appropriate, provide for the determination of membership under  
30 this paragraph for less than 1 year to accommodate the needs  
31

1 of students who require transportation only until such  
2 hazardous conditions are corrected; and

3 (f) By reason of being a pregnant student or student  
4 parent, and the child of a student parent as provided in s.  
5 230.23166, regardless of distance from school.

6 (5) Funds allocated or apportioned for the payment of  
7 student transportation services may be used to pay for  
8 transportation of students to and from school on local general  
9 purpose transportation systems. Student transportation funds  
10 may also be used to pay for transportation of students to and  
11 from school in private passenger cars and boats when the  
12 transportation is for isolated students, or students with  
13 disabilities as defined by rule. Subject to the rules of the  
14 Commissioner ~~State Board~~ of Education, each school district  
15 shall determine and report the number of assigned students  
16 using general purpose transportation private passenger cars  
17 and boats. The allocation per student must ~~shall~~ be equal to  
18 the allocation per student riding a school bus.

19 Section 86. Section 236.0841, Florida Statutes, is  
20 amended to read:

21 236.0841 Student enrichment, remedial, and dropout  
22 prevention programs.--Each school district may provide any  
23 amount from current operation funds of the Florida Education  
24 Finance Program for salaries of personnel who are employed,  
25 pursuant to regulations of the commissioner ~~state board~~, to  
26 provide supplementary enrichment, remedial, and dropout  
27 prevention activities pursuant to s. 230.2316. The  
28 enrichment, remedial, and dropout prevention activities, when  
29 offered, must ~~shall~~ be provided to students during periods of  
30 time supplemental to or beyond the required 180 days of  
31 instruction.

1           Section 87. Subsections (2) and (3) of section  
2 236.1225, Florida Statutes, are amended to read:

3           236.1225 Gifted education exemplary program grants.--

4           (2) There is hereby created a grant program for  
5 education for the gifted which shall be administered by the  
6 Commissioner of Education in cooperation and consultation with  
7 appropriate organizations and associations concerned with  
8 education for the gifted and pursuant to rules adopted by the  
9 Commissioner ~~State Board~~ of Education. The program may be  
10 implemented in any public school.

11           (3) Pursuant to policies and rules to be adopted by  
12 the Commissioner ~~State Board~~ of Education, each district  
13 school board, two or more district school boards in  
14 cooperation, or a public school principal through the district  
15 school board may submit to the commissioner a proposed program  
16 designed to effectuate an exemplary program for education for  
17 the gifted in a school, district, or group of districts.  
18 Consideration for funding shall be given to proposed programs  
19 of district school boards that are developed with the  
20 cooperation of a community college, public or private college,  
21 or university for the purpose of providing advanced  
22 accelerated instruction for public school students pursuant to  
23 s. 229.814. In order to be approved, a program proposal must  
24 ~~shall~~ include:

25           (a) Clearly stated goals and objectives expressed, to  
26 the maximum extent possible, in measurable terms;

27           (b) Information concerning the number of students,  
28 teachers, and other personnel to be involved in the program;

29           (c) The estimated cost of the program and the number  
30 of years for which it is to be funded;

31

1 (d) Provisions for evaluation of the program and for  
2 its integration into the general curriculum and financial  
3 program of the school district or districts at the end of the  
4 funded period; and

5 (e) Such other information and provisions as ~~shall be~~  
6 ~~required by~~ the commissioner requires.

7 Section 88. Section 236.13, Florida Statutes, is  
8 amended to read:

9 236.13 Expenditure of funds by school board.--All  
10 state funds apportioned to the credit of any district ~~shall~~  
11 constitute a part of the district school fund of that district  
12 and must ~~shall~~ be budgeted and expended under authority of the  
13 school board of that district subject to the provisions of  
14 law, and regulations of the state board, and rules of the  
15 commissioner.

16 (1) A school board shall credit interest or profits on  
17 investments to the specific budgeted fund, as defined by the  
18 accounting system required by s. 237.01, that produced the  
19 earnings unless otherwise authorized by law, rule, or  
20 regulation.

21 (2) A school board may temporarily advance moneys from  
22 one fund, as defined by the accounting system required by s.  
23 237.01, to another fund when insufficient moneys are available  
24 to meet current obligations if the temporary advancement is  
25 repaid within 13 months, appropriate accounting records are  
26 maintained, and the temporary advancement does not restrict,  
27 impede, or limit implementation or fulfillment of the original  
28 purposes for which the moneys were received in the fund  
29 providing the advancement.

30 (3) Funds expended from school nonrecurring incentives  
31 or bonus type state or federal funded programs based on

1 performance outcomes, such as those provided for in s.  
2 236.1228 for the accountability program, may not be used for  
3 measuring compliance with state or federal maintenance of  
4 effort, supplanting, or comparability standards.

5 Section 89. Paragraph (b) of subsection (4) of section  
6 236.685, Florida Statutes, 1996 Supplement, is amended to  
7 read:

8 236.685 Educational funding accountability.--

9 (4)

10 (b) Any teacher-to-student ratio or class size measure  
11 required by law, or State Board of Education rule, or  
12 Commissioner of Education rule must be computed by dividing  
13 the number of students in membership at the school by the  
14 number of full-time equivalent instructional personnel  
15 pursuant to paragraph (3)(a). Class size reports for  
16 exceptional student education shall be computed by dividing  
17 the number of exceptional students in membership by the number  
18 of full-time equivalent exceptional education classroom  
19 teachers who are classified as instructional personnel  
20 pursuant to paragraph (3)(a).

21 Section 90. Subsection (5) of section 237.211, Florida  
22 Statutes, is amended to read:

23 237.211 School depositories; payments into and  
24 withdrawals from depositories.--

25 (5) FORM OF WARRANTS; DIRECT DEPOSIT OF FUNDS.--The  
26 school board is authorized to establish the form or forms of  
27 warrants, which are to be signed by the chair or, in his or  
28 her absence, the vice chair of the school board and  
29 countersigned by the superintendent, for payment or  
30 disbursement of moneys out of the school depository and to  
31 change the form thereof from time to time as the school board

1 deems appropriate. If authorized in writing by the payee,  
2 such school board warrants may provide for the direct deposit  
3 of funds to the account of the payee in any financial  
4 institution that ~~which~~ is designated in writing by the payee  
5 and that ~~which~~ has lawful authority to accept such deposits.  
6 The written authorization of the payee must ~~shall~~ be filed  
7 with the school board. Direct deposit of funds may be by any  
8 electronic or other medium approved by the school board for  
9 such purpose. The Commissioner ~~State Board~~ of Education shall  
10 adopt rules prescribing minimum security measures that must be  
11 implemented by any school board before ~~prior to~~ establishing  
12 the system authorized in this subsection.

13 Section 91. Subsection (4) of section 237.40, Florida  
14 Statutes, 1996 Supplement, is amended to read:

15 237.40 Direct-support organization; use of property;  
16 board of directors; audit.--

17 (4) ANNUAL AUDIT.--The direct-support organization  
18 shall make provisions for an annual postaudit of its financial  
19 accounts, to be conducted by the district auditor in  
20 accordance with rules to be adopted ~~promulgated~~ by the  
21 Commissioner ~~State Board~~ of Education. The annual audit  
22 report shall include a management letter and shall be filed as  
23 a public record in the district. The Commissioner ~~State Board~~  
24 of Education and the Auditor General have the authority to  
25 require and receive from the organization or the district  
26 auditor any detail or supplemental data relative to the  
27 operation of the organization. The identity of donors and all  
28 information identifying donors and prospective donors are  
29 confidential and exempt from the provisions of s. 119.07(1),  
30 and that anonymity shall be maintained in the auditor's

31



1 report. All other records and information are ~~shall be~~  
2 considered public records for the purposes of chapter 119.

3 Section 92. Subsection (3) of section 316.615, Florida  
4 Statutes, is amended to read:

5 316.615 School buses; physical requirements of  
6 drivers.--

7 (3) A ~~No~~ person may not ~~shall~~ operate or cause to be  
8 operated a motor vehicle covered by subsection (1) or  
9 subsection (2) when transporting school children unless the  
10 operator has met the physical examination requirements  
11 established by law and by rule adopted by the Commissioner  
12 ~~State Board~~ of Education. The operator of such a motor  
13 vehicle shall pass an annual physical examination and have  
14 posted in the vehicle a certificate to drive the vehicle ~~same~~.

15 Section 93. All rules of the State Board of Education  
16 adopted pursuant to the provisions of law amended by this act  
17 in effect on June 30, 1997, remain in effect until  
18 specifically altered, amended, or revoked in the manner  
19 provided by law.

20 Section 94. Sections 228.0617 and 228.085, Florida  
21 Statutes, are repealed.

22 Section 95. Subsection (3) of section 228.121, Florida  
23 Statutes, is amended to read:

24 228.121 Nonresident tuition fee; tuition fee  
25 exemptions.--

26 (3) No tuition shall be charged pupils who are  
27 homeless children as defined in s. 228.041(35) ~~s. 228.041(36)~~;  
28 pupils whose parent, parents, or guardian are in the federal  
29 military service or are civilian employees, the cost of whose  
30 education is provided in part or in whole by federal subsidy  
31 to state-supported schools; or pupils whose parent, parents,

1 or guardian are migratory agricultural workers. No tuition  
2 shall be charged pupils who reside in residential care  
3 facilities operated by the Department of Health and  
4 Rehabilitative Services and who receive their education under  
5 s. 230.23(4)(n).

6 Section 96. This act shall take effect July 1, 1997.

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HOUSE SUMMARY

10 Transfers certain functions from the State Board of  
11 Education to the Commissioner of Education. Revises  
12 powers and duties of the state board and of the  
13 commissioner. Amends administrative provisions relating  
14 to the Department of Education. Provides the commissioner  
15 with rulemaking authority for various educational  
16 programs and activities. Allows certain rules of the  
17 state board which are in effect on the effective date of  
18 this act to remain in effect until amended or revoked.  
19 (See bill for details.)

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